

ARTICLE 8: BYLAWS OF THE BOARD OF EDUCATION

ROLE OF BOARD AND MEMBERS

Introductory Statement

8000

Bylaws are rules or procedures adopted by the board of education to govern its internal operations. The use of such guidelines or bylaws helps the board of education to comply with the responsibilities and duties delegated to it by law and by the local electorate, in an efficient and effective manner.

Legal Reference:	§79-405	District, Body Corporate, Powers, Name.
	§79-523	Class III School District, Board of Education, Powers and Duties.
	§79-526	District Board, Schools, Supervision and Control

ORGANIZATION

School District Organization

8105

The corporate and legal name of this school district shall be the Garfield County School District No. 100. It shall also be known as Burwell Public Schools, of Burwell, Nebraska. The school district is designated as a Class III school district and shall provide an education program for students in grades Pre-K through twelve. Its official place of business and its address shall be at 190 I Street, Burwell, Nebraska 68823-0670.

Legal Reference:	\$79-102	School	District,
		Classification.	
	\$79-307	School Districts,	Numbering.
	\$79-405	District, Body	Corporate,
		Powers, Name.	
	\$79-411	Junior-Senior High School	
		District, Created, Procedure,	
		Vote Required.	
	\$79-523	Class III School District,	
		Board of Education, Powers and	
		Duties.	
	\$79-526	District Board, Schools,	
		Supervision and Control	

The board of education shall be composed of six members and their terms of office shall be overlapping as set forth in Nebraska statutes.

A vacancy shall occur on the board of education when a member is continuously absent from the district for more than sixty days (60) at one time or from more than two consecutive regular meetings of the board of education unless excused by a majority of the remaining members of the board of education.

Any vacancy on the board resulting from any cause other than that of the expiration of a term shall be temporarily filled by appointment by the remaining members of the board of education by a qualified registered voter. Any vacancy shall be temporarily filled by an appointment within forty-five (45) days after the vacancy occurs unless good cause can be shown that the temporary appointment will create an undue burden. A registered voter shall be nominated at the next primary election and elected at the following general election for the remainder of the unexpired term.

Refer to AR-8110, Procedures for Filling a Board Vacancy.

Legal Reference:	§32-546	Class III School District, School Board Members, Terms, Nominations.
	§32-554	School District Election, At Large or By District Wards, Procedure.
	§32-555	School District, Failure to Redistrict, County Attorney or Election Commissioner, Duties, Penalty.
	§32-556	School Election, Requirements, Applicability of Act.
	§32-567	Vacancies, How Filled.
	§32-570	School Board, Vacancy, How Filled.
	§79-543	School Board Members, Qualifications.

Board Officers

8115

Members of the school board shall be elected at the statewide general election. The term of office for members shall begin on the second Monday of January following their election and shall continue for four years or until their successors are elected and qualified. Persons may be nominated either by petition or by direct filing. The members shall meet the qualifications found in Nebraska Statute §79-543.

The board of education shall elect from its members a president, a vice-president, a secretary, and a treasurer at the first regular board meeting after the newly elected board members have been sworn in and prior to conducting any other business.

Legal Reference:	§32-546	Class III School District, School Board Members, Terms, Nomination, Qualifications.
	§79-523	Class III School District, Board of Education, Officers, Rules and Regulations, Testimony, Power to Compel.
	§79-543	School Board Member, Qualifications.
	§79-553	Class III School District, Board of Education, Members, Officers, Power and Duties, Election.
	§79-568	Class III School District, Board of Education, Officers.

MEMBERS

President

8205

The president shall preside at all meetings, shall appoint committees, perform all other duties prescribed by law or by the board, shall have the right to offer motions or resolutions, to discuss and to vote thereon.

The president, in conjunction with the treasurer, shall sign all warrants drawn on the general fund, the depreciation fund, the employee benefit fund, the bond fund, the site or building fund, and the hazardous materials fund/handicapped accessibility fund.

The president, or the person presiding at any meeting of the board of education, shall be responsible for conducting an orderly meeting and, after notice, may order any disorderly person to withdraw from a meeting or request that the person be taken into custody until the meeting has adjourned.

Any person who shall refuse to withdraw from board meeting on being so ordered, or who shall willfully disturb a meeting shall be guilty of a Class V misdemeanor.

Refer to Policy 3115, Signing Warrants.

Legal References:	\$79-568	Class III School District, Board of Education, Officers.
	\$79-569	President, Duties, Right to Vote.
	\$79-570	School District, President, Meetings, Maintenance of Order.
	\$79-571	District Meetings, Disorderly Conduct, Penalty.
	\$79-572	School District, President, Actions for and Against the District, Appearance Required.

Bylaw Adopted: November 9, 1998
Policy Revised: March 12, 2012

Vice-President

8210

The vice-president shall perform the duties of the president in his or her absence.

Legal References: §79-568 Class III School District,
Board of Education, Officers.

Bylaw Adopted: November 9, 1998
Policy Revised: March 12, 2012

The secretary of the school district shall draw and sign all orders upon the treasurer for all money to be disbursed by the school district and all warrants upon the county treasurer for money raised for district purposes or apportioned to the district by the county superintendent and shall present the same to the president to be countersigned. No warrant shall be countersigned by the president until the amount for which the warrant is drawn is written upon its face. Facsimile signatures of board members may be used, and a person or persons delegated by the board of education may sign and validate all warrants of the school district.

The secretary shall:

- I. Record all proceedings of the district in a book furnished by the school district to be kept for that purpose.

- II. Safely preserve and keep all books and papers belonging to the office.

The secretary shall take, or cause to be taken by some person appointed for that purpose by a majority vote of the board of education, the census of the school district and then make or cause to be made a list in writing of the names of all taxpayers in the district. A copy of the list, verified by oath of the person taking such census or by affidavit appended to or endorsed on the list, setting forth that it is a correct list of names of all children belonging in the district from birth through twenty years of age.

The secretary of the board of education shall be to see that, within ten (10) days after any regular or special meeting a list of all claims allowed, setting forth the name of the claimant, the amount, and the nature of the claim allowed, are published one time in the Burwell Tribune or any other legal newspaper of general circulation in the school district. The secretary shall also be responsible for seeing that a concise summary of all proceedings is published. The board of education assigns the responsibility for delivering this information to the newspaper to the superintendent of schools or his or her designee.

Refer to Policy 3115, Signing Warrants.

Legal Reference:	\$79-528	Secretary, Reports, filing Requirements, Contents.
	\$79-575	Secretary, Disbursements, How Made.

- §79-576 School District, Secretary,
Duties as Clerk of District.
- §79-577 Secretary, Books, Records and
Reports, Duty to Preserve.
- §79-578 Secretary, School Census, Duty
to Take, time Allowed,
Mentally Handicapped and
Physically Handicapped,
Separate Distribution or
Apportionment of School Funds.
- §79-580 School District, Board of
Education, Claims Against,
Record of Proceedings,
Secretary, Duty to Publish.

Bylaw Adopted: November 9, 1998
Policy Revised: March 12, 2012

The board of education may select a treasurer from its own group or it may employ a treasurer for the school district who may be paid a salary of not more than twelve hundred dollars per annum to perform his or her duties.

The duties of the treasurer shall be as follows:

- I. Submit in writing a monthly report of the state of the finances of the school district.
- II. Apply for and receive from the county treasurer all school money apportioned to the district and deposit the same in proper accounts.
- III. Collect all other monies received by the district and deposit the same in proper accounts.
- IV. Keep such records, make such records, and present budget information as necessary.

Except for investment purposes as provided for in Nebraska Statute §79-1043, the school treasurer is forbidden to lend or use any part of the school funds which may be in his or her possession. Any misuse of school funds may result in fine or imprisonment as provided by the statutes.

The school district shall provide the school district treasurer with a surety bond, payable to the county or counties from which the school district receives tax money. This bond shall be of such sum as may be determined by the board of education but for not less than five hundred dollars, and shall be for the tenure of his or her service. Such bond shall be delivered to the county within ten (10) days after the election or appointment of the treasurer.

The board of education may purchase surety bonds for other members of the board of education or for staff members who may customarily handle school district funds should it deem it to be in the best interest of the school district.

The treasurer shall work with the superintendent of schools in determining investment patterns which will yield the largest return from idle funds.

Refer to Policy 3115, Signing Warrants.

Legal Reference: §79-586 School District, Treasurer,
Bond, Filing, Failure to Give,
Effect.

\$79-587	School District, Treasurer, District Funds, Receipt and Disbursement.
\$79-588	School District, Treasurer, Records and Reports, Required Delivery Upon Expiration of Office.
\$79-1042	School Funds, Embezzlement by School Treasurer.
\$79-1043	School Funds, Investment, Interest, Repurchase Agreements, Securities, How Held.

Bylaw Adopted: November 9, 1998
Policy Revised: March 12, 2012

Attorney

8225

The board of education may, at its discretion, appoint an attorney to perform desired legal services. The attorney shall

serve at the pleasure of the board of education and shall be compensated at a mutually agreeable rate. The school attorney shall be responsible to the board of education.

Legal Reference: §79-513 Legal Services, Payment Authorized.

Bylaw Adopted: November 9, 1998
Policy Revised: March 12, 2012

Auditor

8230

The board of education shall have an annual independent audit of all finances records of the school district. The board of

Official Action and Individual Members

8235

Official actions may be taken only at a regular or special meeting of the board of education. In cases of an emergency, the superintendent of schools or the president of the board of education may poll members individually on actions to be taken, such actions shall be treated as an emergency meeting and any actions taken shall be made available to the public no later than the end of the next regular business day and the action shall be ratified in an official manner at the next regular meeting of the board of education.

It is understood that the members of the board of education have authority only when acting as a board of education legally in session. The board of education shall not be bound in any way by the action or statement on the part of any individual board member except when such statement or action is in pursuance of specific instructions from the board of education.

Legal Reference:	§79-554	District Board, Quorum, Meetings, Open to Public, Exceptions.
	§79-580	Board of Education, Claims Against, Record of Proceedings, Secretary, Duty to Publish.
	§84-1411	Meetings of Public Body, Notices, Content, Emergency Meetings, and Duties.

Members Dealing with Complaints: Personnel or Material

8240

When a member of the board of education is approached by a citizen, parent, student, or employee about a concern or complaint, the board member should:

- I. Listen quietly and patiently to the person and try to understand the concern or complaint.
- II. Encourage the person to discuss the concern or complaint with the school person most directly involved (teacher, sponsor, coach, or administrator).
- III. If that has already been done by the person, then encourage the person to discuss the concern or complaint at the next level of supervision (supervisor or administrator).
- IV. If the person has discussed the concern or complaint at all levels of supervision including with the superintendent of schools, the board member should ask the person if he or she desires to have the board of education give consideration to the situation. Such consideration must be supported by an audience with the board of education or a signed documentation of the concern or complaint. That condition may be waived if the concern or complaint is stated generally by the public and more than one member of the board of education concurs in the generality of the concern or complaint.
- V. Any solution or reaction to the concern or complaint by a board member shall be based upon written and stated policy of the board of education or administrative rules and regulations developed to carry out that policy.
- VI. Should the board member feel that the concern or complaint stated by a person be conveyed to school personnel, the board member should recommend that the person first begin with the office of the superintendent of schools.

METHODS OF OPERATION

Introductory Statement

8300

All actions of the board of education shall be taken only in official board meetings called, scheduled, and conducted according to these bylaws and the statutes of the State of Nebraska.

Every meeting of the board of education of Garfield County School District No. 100 shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings except as otherwise provided by the Constitution of the State of Nebraska, and federal and state statutes.

Legal Reference:	79-554	District Board, Quorum, Meetings, Open to Public, Exceptions.
	§79-580	Board of Education, Claims Against, Record of Proceedings, Secretary, Duty to Publish.
	84-1408	Declaration of Intent, Meetings Open to Public.
	84-1412	Meetings of Public Body, Right of Public, Pubic Body, Powers and Duties.

Adoption and Amendment of Bylaws and Policies

8305

Proposed new bylaws and suggested amendments to, or revisions of, existing bylaws and policies may be adopted by a majority vote of the board of education (four members) after the proposal has been considered at two scheduled meetings of the board of education.

The proposed additions, amendments, or revisions must be presented in written form prior to consideration by the board of education. The formal adoption of policies and bylaws shall be recorded in the minutes of the board of education. Only those written statements so adopted and so recorded shall be regarded as official board policy.

If at least four members of the board of education vote to do so, the requirement to consider a proposal at two scheduled meetings may be waived to permit specific action to be taken after one reading of the proposal if notice of the pending action has appeared in the published agenda.

Reference: Robert' Rules of Order, Revised.

Suspension of Policies, Bylaws, and Regulations

8315

Policies, bylaws, and board-adopted regulations shall be subject to suspension for a specified purpose and a limited time by an approval vote of five members of the board of education.

Reference: Robert's Rules of Order, Revised.

Types of Board Meetings

8320

All meetings shall be open to the public except for executive sessions. All action shall be taken in open meetings. Board meetings will basically fall into three types:

Regular Meetings.

Regular board meetings may be of two kinds; business or educational. They shall be held on the second Monday of each calendar month at 7:30 p.m. unless otherwise advertised.

Special Meetings.

Any special or emergency meeting may be called by the president, or by any two members collectively in the event that the president fails to act, but all members shall be given notice of the time and place for the meeting. No business shall be transacted except that for which the meeting is called.

Executive Meetings or Sessions.

Closed sessions may be held for the protection of the public interest or by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. Closed sessions may be held for, but shall not be limited to the following reasons.

- I. Strategy sessions with respect to collective bargaining, real estate purchases, or litigation.
- II. Discussion regarding deployment of security personnel or devices.
- III. Investigative proceedings regarding allegations of criminal misconduct.

Any tentative proposals for action taken at such closed sessions shall require confirmation at subsequent open meetings.

Legal Reference: §79-554

School Board or Board of Education, Quorum, Meetings, Open to Public , Exceptions.

\$79-563	Class III School District, Board of Education, Meetings.
\$79-580	Class III School District, Board of Education, Claims Against, Record of Proceedings, Secretary, Duty, Publish.
\$84-1410 through \$84-1413	Closed Sessions, When, Purpose, Reasons Listed, Vote to Hold Closed Sessions, Recorded, Meetings of Public Body, Notice, Contents, When Available, Right to Modify, Duties Concerning Notice, Emergency Meetings Without Notice, Right to Attend, Rules and Regulations Regarding Conduct, Opportunity to be Heard, Roll Call Vote, Elect Officers, Secret Ballot, Minutes in Public Recorded, When Available.

The Construction and Delivery of an Agenda

8325

The board of education shall require the superintendent of schools to prepare an agenda which, with the minutes and other meeting materials, shall be forwarded to the members in time to permit review prior to the meeting.

The agenda shall be constructed in advance by the superintendent with the aid and advice of the president of the board of education.

The board of education in regular meetings shall consider only those matters listed on the printed agenda unless the members approve, by a majority vote of those present, to add items of an emergency nature to the agenda at that point of the meeting that the agenda is approved.

Legal Reference: Chapter 84, Article 14 Public Meetings.

Public Notice and Notification of Members

8330

All meetings of the board of education of Garfield County School District No. 100 shall be held subject to the following requirements:

- I. Unless an emergency exists advance public notice of the time and place of all meetings will be given. Refer to Policy 1130, Board Meetings and Media Coverage.
- II. Notices of all meetings of the board of education shall be transmitted to all members of the board of education, the public, and the superintendent of schools, unless he or she has otherwise been excused.
- III. Notices of all meetings shall contain an agenda of subjects known at the time of the publicized notice or contain a statement that the agenda shall be kept current and is available for public inspection at the office of the superintendent of schools during normal business hours.
- IV. The board of education shall have a right to modify the agenda to include items of an emergency nature only at the public meeting.
- V. The board of education shall maintain a list of news media requesting notification of meetings and a reasonable effort shall be made to provide those agencies with advanced notice of the time and place of all meetings.
- VI. When it becomes necessary for an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken shall pertain only to the emergency.
 - A. Emergency meetings may be held by means of electronic or telecommunications.
 1. The news media will be informed of the time and place of all emergency meetings.
 2. The minutes of all emergency meetings shall specify the nature of the emergency and any formal action taken at the meeting. This information shall be presented to the Burwell Tribune no later than the end of the next regular business day.
- VII. The board of education will allow any member of the public or any other witness other than a member of the public body to

Order of Business

8335.3

The order of business of regular board meetings shall be transacted in the order outlined below:

- I. Opening of the board of education meeting.
 - A. Call to order.
 - B. Establishment or approval of the agenda.
 - C. Approval of the minutes,
 - D. Consider the bills.
- II. Communications or open forum.
- III. Board Business (Old and New Business).
- IV. Reports.
 - A. Superintendent's report.
 - B. Principals' reports.
- V. Future agenda planning.
- VI. Adjournment.

The Order of Business may be altered or suspended at any meeting by a majority vote of those present.

Reference: Robert's Rules of Order, Revised.

Parliamentary Procedure

8335.5

The rules of parliamentary procedure as embodied in Robert's Rules of Order shall govern the school board in its deliberations when the issue in question is not covered by these policies and bylaws.

Minutes

8340

The secretary shall keep an accurate record of all board business in the school minutes. After the minutes are adopted, they shall be kept in a permanent safe place.

Within ten (10) days the minutes of any regular or special meeting shall be published one time in a legal newspaper of general circulation in the school district. Also included shall be a list of all claims allowed, setting forth the name of the claimant, the amount, and the nature of the claim allowed.

Legal Reference: §79-580 Class III School District,
 Board of Education, Claims
 Against, Record of
 Proceedings, Secretary, Duty,
 Publish.

Records Management

8345

The board of education designates the superintendent of schools as the records administrator for Garfield County School District No. 100. As the records administrator the superintendent of schools shall be responsible for:

- I. The safe-keeping of all records of the school district.
- II. In conjunction with the State Archivist, the local records administrator shall develop administrative regulations outlining a retention and disposition schedule for various types of records. He or she shall develop a procedure for the destruction of those records no longer needed.
 - A. The records administrator may recommend that some records be kept for a longer period of time than recommended by the State Archivist, but under no circumstances may a group of records be retained for a shorter period of time.
- III. The records administrator shall determine a sensitivity level for the various groups of records and determine who may have access to these records. The records administrator shall determine what records may be taken from the assigned record room and what records must remain within the assigned room.

It shall be the responsibility of the board of education to see that there is adequate safe storage for the records of the school district.

Legal Reference: Chapter 84, Article 12-Records Management Act.

Management of Bank Accounts

8350

Prior to the beginning of each fiscal year, the board of education shall designate the depositories for all school funds. All funds received by the district shall be deposited promptly in the proper account of such depository. The safeguarding of all funds shall be insured by a surety bond approved by the board of education on securities of the United States government pledged by joint custody receipt.

Legal Reference:	§77-2350	School District or Township Fund, Deposit, Conditions.
	§77-2350.01	School District or Township Funds, Prorate Deposits.
	§77-2350.02	School District or Township Treasurer, Violation, Penalty.
	§77-2351	School District or Township Funds, Security Requirements.

Gifts or Bequests

8355

The board of education will accept gifts or bequests from individuals, estates, or organizations. Such gifts should be given to Garfield County School District No. 100, for use by the school district. Presentation of such items must be without restrictions, other than by grade or subject matter area. An item must not discriminate as to sex, race, or religion. Each item should possess only limited references to advertisements or to the individual or group making the donation. Each gift will be reviewed by the board of education prior to its acceptance. Consideration will be given to an item's overall appropriateness and its ability to meet the educational goals of the youth attending this school district. Should any community organization or group choose to conduct any money-raising ventures to donate an item or a piece of equipment to the school district, the organization is encouraged to discuss the project with the board of education prior to undertaking the project, to ascertain the need for the item or equipment.