

**REVISED BYLAW - 0132.1 - VOL. 26, NO. 2**

FUNCTIONS

0131           **Legislative**

0131.1       **Bylaws and Policies**

The Board shall adopt bylaws and policies for the organization and operation of this Board and the Corporation.

The bylaws and policies may be adopted, amended, and repealed at any meeting of the Board,

[x ]   provided the proposed adoption, amendment, or repeal shall have been proposed at a previous Board meeting and, once proposed, shall have remained on the agenda of each succeeding Board meeting until approved or rejected.

(x)   except that the Board may, upon a vote and where compelling reasons exist, cause to suspend at any time the operation of a bylaw or policy herein contained, provided the suspension does not conflict with law, and such suspension shall terminate at the next meeting of the Board or at such earlier time as is specified in the motion to suspend.

[x ]   These bylaws and policies may be adopted or amended by resolution at a single meeting of the Board in an emergency. An emergency shall be defined for purposes of this rule as any situation or set of circumstances which the Board has reason to believe will close the schools or jeopardize the safety or welfare of the students or employees of the Corporation.

[x ]   Any resolution adopted under emergency conditions shall expire automatically at the first public meeting of the Board following the abatement of the emergency unless the Board moves to adopt said resolution as a bylaw or a policy.

Bylaws shall be adopted, amended, repealed, or suspended by a majority **(2/3's recommended)** vote of the full Board (physically present). Policies shall be adopted, amended, or repealed by a majority **(majority vote)** vote of the full Board (physically present). (Two-thirds (2/3's) of a five (5) member Board is four (4) members.)

The adoption, modification, repeal, or suspension of a Board bylaw or policy shall be recorded in the minutes of the Board. All bylaws and policies shall be printed in the Board policy manual. Any policy or part of a policy that is superseded by a term in a negotiated agreement shall no longer be in force and effect as a policy.

[x] The Board may adopt, amend, or repeal administrative rules of order for its own operation by simple resolution of the Board passed by a majority of those present and voting.

I.C. 20-26-5-4

0132 **Executive**

0132.1 **Selection of Superintendent**

The School Board shall exercise its executive power in part by the appointment of a Superintendent who shall enforce the statutes of the State of Indiana, administrative guidelines of the State School Board, and the policies of this Board.

Before entering into a contract of employment with a Superintendent, the Board shall comply with the requirements of I.C. 20-26-5-4.3 regarding notice and hearing. See also Board Policy 1220 regarding Employment of the Superintendent. After entering into a contract of employment with the Superintendent, the Board shall comply with the requirements of I.C. 20-26-5-4.3 regarding posting the Superintendent's contract. See also Board Policy 8311 regarding Public Access to Employee Contracts.

0132.2      **Administrative Authority**

- [x]    The Superintendent shall consult with the Board with regard to the development and/or revision of policies.
- [x]    The Superintendent shall prepare guidelines for the administration of the Corporation which are not inconsistent with statutes, regulations of the State Board, and/or the policies of this Board. (See Policy 1230.01)
- [x]    The Superintendent shall be delegated the authority to take necessary action in circumstances not provided for in Board policy, provided that such action shall be reported to the Board at the next meeting following such action.

I.C. 20-26-5-4

0133      **Judicial**

The Board may assume jurisdiction over any dispute or controversy arising within this Corporation and concerning any matter in which authority has been vested in the Board by statute, rule, a contract, or policy of this Board.

- [x]    In furtherance of its adjudicatory function, the Board may hold hearings which shall offer the parties to a dispute, on notice duly given, a fair and impartial forum for the resolution of the matter.
- [x]    Beyond the basic requirements of due process, a hearing may vary in form and content in line with the severity of the consequences which may flow from it, the degree of difficulty of establishing findings of fact from conflicting evidence, the impact of the Board's decision on the Corporation, and any statutory or regulatory requirements.

- [x] In order to provide a fair hearing for the parties to a matter to be adjudicated by the Board, Board members shall be impartial in such matters and capable of making a decision based solely upon the evidence presented by the parties. Therefore, Board members shall not conduct or participate in any investigation of the facts in such matters; collect, evaluate, or review the facts of the matter prior to presentation of the facts to the Board; or form or express an opinion not subject to change on any aspect of the pending matter.
  
- [x] If a Board member testifies concerning a material fact in dispute, has a personal interest in the matter under consideration, has participated in the gathering of evidence or the formulation of strategy, or has expressed an opinion on one or more material facts in dispute, that Board member shall not participate in the Board's consideration of the matter or vote in the matter, unless the Board member certifies and declares to the parties in the matter and to the Board that s/he is capable of resolving the matter based solely on the evidence presented to the Board.
  
- [x] If a Board member is unable to make this certification, the Board member shall voluntarily recuse himself/herself and shall not participate in any evidentiary hearing, discussion, or vote in the matter.