

FUNCTIONS, MEMBERSHIP, ORGANIZATION, AND MEETINGS

FUNCTIONS

The School Board shall adopt bylaws and policies for the organization and operation of this Board and Western Wayne Schools (“Corporation”).

The bylaws and policies may be adopted, amended, and repealed at any meeting of the Board, provided the proposed adoption, amendment, or repeal shall have been proposed at a previous Board meeting and, once proposed,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 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.

These bylaws and policies may be adopted or amended 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.

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 in final form.

Bylaws shall be adopted, amended, repealed, or suspended by a majority vote of the full Board (physically present). Policies shall be adopted, amended, or repealed by a majority vote of the full Board (physically present).

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 Any policy or part of a policy that is superseded by a term in a negotiated agreement shall no longer be in force and effect as a policy.

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.

Administrative Guidelines

The Superintendent shall prepare guidelines for the administration of the School Corporation which are not inconsistent with statutes, regulations of the State Board of Education, or the policies of this School Board.

Such administrative guidelines shall be binding on the employees and the students of this Corporation when issued.

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 President and to the full Board at the first available opportunity.

Judicial

The School 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.

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.

If a Board member:

- A. testifies concerning a material fact in dispute,
- B. has a personal interest in the matter under consideration,
- C. has participated in the gathering of evidence or the formulation of strategy, or
- D. 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.

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.

MEMBERSHIP

Number

The School Board shall consist of five (5) members.

Election/Appointment of Members and Eligibility to Serve

Members of the Board shall be qualified and elected in accordance with the Corporation's organization plan on file with the State Board of Education. In accordance with I.C. 20-26-4-11, if a teacher or a noncertified employee (as defined in I.C. 20-29-2-11) of the Board is elected or appointed to the Board, the employee must resign from employment by the Board before serving on the Board.

No person otherwise eligible to assume office as a member of the Board shall be disqualified on the basis of age if s/he is at least twenty-one (21) years of age (I.C. 20-26-4-9); and ownership of property shall not be a qualification to serve as a Board member (I.C. 20-26-4-11).

Before August 1st of each school year (July 1 to June 30), the Superintendent shall file with the State Superintendent of Public Instruction a listing of the:

- A. names and addresses of members of the Board;
- B. names and addresses of the Board's officers;
- C. expiration dates of the terms of the Board members and officers.

Should a change occur in Board membership during the term of one or more members of the Board, the School Corporation shall file the change with the State Superintendent of Public Instruction within thirty (30) days after the change occurs. (I.C. 20-3-21-11)

Term

The term of each School Board member shall be four (4) years.

Oath

Each newly elected School Board member shall take an oath of office as well as other oaths which may be required for transactions connected with or related to the educational program of the Corporation. (I.C. 33-16-4-1)

The copy of the oath shall be deposited in the circuit court clerk's office of the county containing the greatest percentage of the population of the school corporation. (I.C. 20-26-4-2; I.C. 5-4-1-4)

Vacancies

The position of a Board member shall become vacant upon the occurrence of anyone (1) of the following events:

- A. death of the member is certified by the clerk of the circuit court (I.C. 5-8-6 and I.C. 20-26-4-4.5c))
- B. failure of a sufficient number of petitions for candidates for Board membership being filed for an election (I.C. 20-26-4-4(c))
- C. a member submits a written resignation from the Board to the clerk of the circuit court pursuant to I.C. 5-8-3.5-1(a)(4)
- D. a member is convicted of a felony
- E. a member's election or appointment is declared void by a competent tribunal
- F. the winner of an election fails to take the oath of office required by I.C. 20-26-4-3-2
- G. a member ceases to possess the legal qualifications for continuing to hold office
- H. a member ceases to be a resident of the Corporation (I.C. 20-23-4-30(e)) (applicable to community school corporations only)
- I. a member is removed from office by action of the Circuit Court pursuant to I.C. 5-8-1-35
- J. a court enters an order removing a member from office based upon a conviction for Bribery or Official Misconduct under I.C. 35-50-5-1.1
- K. a member is convicted of any crime against the laws of the United States where the sentence imposed exceeds six (6) months, evading the Selective Service Act, engaging in conspiracy or an attempt to defraud the government of the United States, or seditious utterances in violation of the laws of the United States (I.C. 5-8-3-1)
- L. a member voluntarily became intoxicated within the business hours of the Board, or is in the habit of becoming intoxicated by the use of intoxicating liquors and is removed from office under I.C. 34-17 (I.C. 5-8-2-1)

Filling a Board Vacancy

A vacancy shall be filled by the remaining members of the Board within thirty (30) days after the vacancy occurs. If a tie vote occurs among the remaining members of the Board or between candidates for the Board under I.C. 3-12-9-4, or the remaining members of the remaining Board members fail to fill a vacancy on the Board within thirty (30) days after any vacancy occurs, the judge of the circuit court shall make an appointment to fill the vacancy. (I.C. 20-23-4-30(d)(1) & (2))

The Board shall seek qualified and interested candidates from the community.

All applicants are to submit a notice of their interest, in writing, to the Superintendent.

The Board may interview interested candidates to ascertain their qualifications.

Board Member Leave of Absence for Military Service

A Board member who elects to take a leave of absence because s/he has been called into active duty in the Armed Forces of the United States or the National Guard and is therefore unable to perform the duties of board membership is entitled to a leave of absence for the period of time of the active duty. A Board member's salary will be prorated to reflect the period of activity duty.

The Board member shall give written notice to the Clerk of the Circuit Court stating that s/he has been called into active duty and will be temporarily unable to perform the duties of school Board member.

During the Board member's leave of absence, the position on the Board must be filled in the same manner as filling other vacancies on the Board. The person selected or appointed serves until the date the Board member's leave of absence ends or the term of his/her office expires.

The person selected or appointed to the Board assumes the rights and duties of board membership and receives the adopted compensation established for the office for the time of the temporary appointment.

In the event the Board member's term of office expires during such a leave of absence, the office shall be filled as provided by law. Except as provided by a Federal law or regulation, a Board member who is on such a leave of absence is entitled to become a candidate for and be elected to the office from which s/he has taken a leave of absence.

Orientation

The School Board believes that the preparation of each Board member for the performance of Board duties is essential to the effective functioning of the Board. The Board shall encourage each new Board member to understand the functions of the Board, acquire knowledge of matters related to the operation of the Corporation, and learn Board procedures. Accordingly, the Board shall give to each new Board member no later than his/her first regular meeting as a Board member for his/her use and possession during the term on the Board the following items:

- A. a copy of the Board policy manual
- B. a copy of the Superintendent's administrative guidelines
- C. a copy of each current negotiated agreement
- D. the current budget statement, audit report, and related fiscal materials

Each new Board member shall be invited to meet with the Board President and the Superintendent to discuss Board functions, policies, and procedures.

The Board shall encourage the attendance of each new Board member at orientation and training meetings.

Board Member Authority

Individual members of the School Board do not possess the powers that reside in the School Board but no member of the Board shall be denied documents or information to which s/he is legally entitled and which are required in the performance of his/her duties as a Board member.

Access to Corporation personnel records shall be subject to the following guidelines:

- A. Examination of school employee personnel records by the Board shall be conducted only at executive sessions of the Board. Any Board member may request that the Superintendent bring the personnel records of a designated employee(s) to an executive meeting of the Board.
- B. Personnel records shall, in their entirety, be returned to the custody of the Superintendent at the conclusion of the executive session of the Board.
- C. Information obtained from employee personnel records by members of the Board shall be used only for the purpose of aiding the members in fulfilling their legal responsibilities in making decisions in matters such as appointments, assignments, promotions and demotions, remuneration, discipline, and dismissal or to aid the development and implementation of personnel policies, or for such other uses as are necessary to enable the Board to carry out its legal responsibilities.

Public Expressions of Board Members

The Board President functions as the official spokesperson for the School Board.

From time-to-time, however, individual Board members make public statements on school matters:

- A. to local media;
- B. to local officials and/or State officials.

Sometimes the statements imply, or the readers (listeners) infer, that the opinions expressed, or statements made are the official positions of the Board. The misunderstandings that can result from these incidents can embarrass both the member and the Board. Therefore, Board members should, when writing or speaking on school matters to the media, legislators, and other officials, make it clear that their views do not necessarily reflect the views of the Board or of their colleagues on the Board.

- A. This bylaw shall apply to all statements and/or writings by individual Board members not explicitly sanctioned by a majority of its members, except as follows:
 - 1. correspondence, such as legislative proposals, when the Board member has received official guidance from the Board on the matters discussed in the letter
 - 2. routine, not for publication, correspondence of the Superintendent and other Board employees
 - 3. routine "thank you" letters of the President of the Board
 - 4. statements by Board members on non-school matters (providing the statements do not identify the author as a member of the Board)
 - 5. personal statements not intended for publication
- B. Copies of this bylaw shall be sent to local media by the Board President.

Compensation

As compensation for their services, School Board members shall receive each year a basic fee of \$2,000.00 per annum. Expenses of a Board member shall be reimbursed when incurred in the performance of his/her duties or in the performance of functions authorized by the Board and duly vouchered.

Board Member Ethics

A School Board member should honor the high responsibility which his/her membership demands by:

- A. thinking always in terms of "children first";
- B. understanding that the basic function of the School Board member is "policy-making" and not "administrative", and by accepting the responsibility of learning to discriminate intelligently between these two functions;
- C. accepting the responsibility along with his/her fellow Board members of seeing that the maximum of facilities and resources is provided for the proper functioning of schools;
- D. refusing to "play politics" in either the traditional partisan, or in any petty sense;
- E. representing at all times the entire school community;
- F. accepting the responsibility of becoming well informed concerning the duties of Board members, and the proper functions of public schools;
- G. recognizing responsibility as a State official to seek the improvement of education throughout the State.

A School Board member should respect his/her relationships with other members of the Board by:

- A. recognizing that authority rests only with the Board in official meetings, and that the individual member has no legal status to bind the Board outside of such meetings;
- B. recognizing the integrity of his/her predecessor and associates and the merit of their work;
- C. refusing to make statements or promises as to how s/he will vote on any matter which should properly come before the Board as a whole;
- D. making decisions only after all facts bearing on a question have been presented and discussed;
- E. respecting the opinion of others and by graciously conforming to the principle of "majority rule";
- F. refusing to participate in irregular meetings such as "secret" or "star chamber" meetings, which are not official and which all members do not have the opportunity to attend.
- G. attempting to fairly appraise both the present and future educational needs of the community.

A School Board member should maintain desirable relations with the Superintendent of Schools and his/her staff by:

- A. striving to procure, when the vacancy exists, the best professional leader available for the head administrative post;
- B. giving the Superintendent full administrative authority for properly discharging his/her professional duties, and also by holding him/her responsible for acceptable results;
- C. acting only upon the recommendation of the Superintendent in matters of employment or dismissal of school personnel;
- D. having the Superintendent present at all meetings of the Board except when his/her contract and salary are under consideration;
- E. referring all complaints to the proper administrative office and by discussing them only at a regular meeting after failure of administrative solution;
- F. striving to provide adequate safeguards around the Superintendent and other staff members to the end that they can live happily and comfortably in the community and discharge their educational functions on a thoroughly professional basis;
- G. presenting personal criticisms of any employee directly to the Superintendent.

A School Board member should meet his/her responsibilities to his/her community by:

- A. attempting to appraise fairly both the present and future educational needs of the community;
- B. regarding it as a major responsibility of the Board to interpret the aims and the methods of the schools of the community;
- C. insisting that all school business transactions be on an open, ethical, and above-board basis;
- D. vigorously seeking adequate financial support for the schools;
- E. refusing to use his/her position on a School Board in any way whatsoever for personal gain or personal prestige;
- F. refusing to discuss personnel matters or any other confidential business of the Board in his/her home, on the street, or in his/her office;
- G. winning the community's confidence that all is being done in the best interests of school children.

Defense and Indemnification of Board Members

This bylaw is applicable to all types of civil claims under law including tort claims, civil rights claims, and contract claims. The Board will pay all costs and fees incurred by or on behalf of any Board member in the defense of any claim under law if the Board by resolution determines that the Board member's actions upon which the claim is based arise out of the performance of the member's duties as a Board member, and were taken in good faith.

The Board shall, subject to the provisions of Indiana law, also pay any judgment, compromise, or settlement of a claim, or suit when the Board determines by resolution that it is in the best interest of the Corporation to do so, the act or omission upon which the claim is based occurred within the scope of the Board member's duties as a Board member, and the member did not act in bad faith, or with malfeasance in office. The intent of this bylaw is to hold the Board member harmless from any liability, cost, or damages in connection such a claim, including but not limited to the payment of legal fees and court costs, except where the liability, cost, damage, or fees are predicated on, or arises out of, the bad faith of the Board member or the claim or judgment is based on the member's malfeasance in office.

If a present or former Board member is or could be subject to personal civil liability for a loss occurring because of a noncriminal act or omission within the scope of the member's duties which violates the civil rights laws of the United States, the Board shall, subject to the limitations established by Indiana law pay the judgment, compromise, or settlement of the claim or suit if the Board determines by resolution that paying the judgment, compromise or settlement is in the best interests of the Corporation. The Board shall also pay all costs and fees incurred by or on behalf of Board member in defense of any such claim or suit.

A Board member shall not be personally liable on contracts entered into within the scope of the member's duties as a Board member unless the contract clearly states otherwise in writing.

ORGANIZATION

Organizational Meeting

The School Board shall organize annually on or before January 15th at a meeting held in accordance with law. The meeting shall be called to order by the ranking officer of the preceding Board who shall serve as presiding officer until the election of a temporary chairperson, who shall in turn serve until the election of a President.

I.C. 20-26-4-1

I.C. 3-5-4-11(b) and (c)

Board of Finance of the Western Wayne School Corporation

The School Board shall establish a Board of Finance for the Corporation consisting of the members of the School Board. The Corporation's Board of Finance shall meet at least once each calendar year during the period after the first Monday and on or before the last day of January. At the first meeting in each calendar year, the Board of Finance shall elect a President and a Secretary from its membership. These officers shall hold office until their successors are elected and qualified.

In addition to its annual meeting in January of each calendar year, the President of the Board of Finance shall convene the Board whenever requested to do so by one (1) of the members of the Board, and as necessary to perform the Board's statutory duties. A majority of the Board shall constitute a quorum for the transaction of the Board's business. All meetings of the Board of Finance shall be open to the public and the Secretary shall keep a record of the proceedings of the Board which shall be approved and signed by the President and attested to by the Secretary. This record of proceedings shall be a public record covered by I.C. 5-13-1.

During the annual meeting of the Board of Finance in January of each calendar year, the Corporation's investment officer shall make a written report to the Board summarizing the Corporation's investments during the preceding calendar year and naming each institution or entity in which the Corporation's money was deposited in the preceding year. The Board of Finance shall receive and review the report and the overall investment policy of the Corporation.

The Board of Finance shall designate and commission one or more financial institution(s) meeting the statutory standards for a depository of Corporation funds to serve as a depository for

these funds. The Board is authorized to revoke the commission of a depository for Corporation funds. In its consideration of a proposal to revoke the commission of a depository to receive and hold Corporation funds, the Board of Finance shall apply the statutory standards and follow the statutory procedure for its consideration of this decision.

Officers

The School Board shall elect from its members a President, Vice-President, and a Secretary all of whom are separate members.

The Board shall also appoint a Treasurer of the Board and of the Corporation who is not the Superintendent or a Board member.

Election of officers shall be by a majority of the full Board. Where no such majority exists on the first vote, a second vote shall be cast for the two (2) candidates who received the greatest number of votes.

Officers shall serve for one (1) year and until their respective successors are elected and shall qualify. An officer may be removed for cause by a majority vote of the full Board. The Board shall fill a vacancy in either office within thirty (30) days of the occurrence of the vacancy.

Motions

The School Board shall, at the organizational meeting:

- A. designate a day, place, and time for regular meetings which shall be held at least once every month;
- B. authorize the President of the Board to appoint individual Board members to any necessary committees or as representatives to various organizations;
- C. appoint a legal counsel.

Committees

Committees appointed directly by the Board or the President shall constitute a "governing body" as defined in the Open-Door Law. When specifically charged to do so by the Board or President, a committee shall conduct studies, receive information, make recommendations to the Board, and act in an advisory capacity, but shall not take action on behalf of the Board.

Meetings of committees appointed directly by the Board or its President and given authority to take official action upon public business are subject to the Open-Door Law and shall give notice

of meetings and hold public meetings as required by that statute. "Official action" includes receiving information, deliberating, and making recommendations. A committee subject to the Open-Door Law shall keep minutes of its meetings.

Meetings of committees appointed by the Superintendent that report to the Superintendent shall not be subject to the Open-Door Law, but records of committees appointed by the Superintendent shall be subject to the Access to Public Records Act.

Ad hoc committees may be created and changed at any time by the President or the Superintendent with the approval of the Board.

Members of ad hoc committees shall serve until the committee is discharged.

A member may request (or refuse) appointment to a committee. Refusal to serve on any one committee shall not be grounds for failure to appoint a member to another committee.

Each Board committee shall be convened by a chairperson who shall report for the committee and shall be chosen by the committee from among its members.

MEETINGS

Parliamentary Authority

The parliamentary authority governing the School Board shall be Robert's Rules of Order, Newly Revised in all cases in which it is not inconsistent with statute, administrative code, or these bylaws, or the rules of order of this Board.

Quorum

Three (3) members present at a meeting shall constitute a quorum, and no business shall be conducted in the absence of a quorum.

Presiding Officer

The President shall preside at all meetings of the School Board. In the absence, disability, or disqualification of the President, the Vice-President shall act in his/her stead; if neither person is available, any member shall be designated by a plurality of those present to preside. The act of any person so designated shall be legal and binding.

Regular Meetings

The School Board shall hold a meeting on a date and at a time and place determined annually by a resolution of the Board.

Special Meetings

Special meetings of the School Board may be called by the President or the Superintendent provided there is compliance with the notice provision of these Bylaws.

Emergency Meetings

In the event of a severe and imminent threat to the health, safety, or welfare of the Corporation, its employees, or students, any member of the School Board or the Superintendent may call an emergency session if it can be shown that delay would be detrimental to efforts to lessen or respond to the threat. No formal notice to School Board members of any emergency meeting shall be required, but the press and public shall be notified.

Meeting of the Board Defined

As used in these by-laws, "meeting" means a gathering of a majority of Board members for the purpose of taking "official action" as defined at I.C. 5-14-1.5-2(d) on public business. The term "meeting" does not include the following:

- A. A social or chance gathering not intended to avoid the principles of the Indiana Open Door law set forth in I.C. 5-14-1.5-1.
- B. An on-site inspection of a project, program, or facility of applicants for incentives or assistance from the Board.
- C. Traveling to and attending meetings of organizations devoted to betterment of government.
- D. A caucus as defined at I.C. 5-14-1.5-2(h).
- E. A gathering to discuss an industrial or a commercial prospect that does not include a conclusion as to recommendations, policy, decisions, or final action on the terms of a request or an offer of public financial resources.
- F. An orientation of members of the Board on their role and responsibilities as public officials, but not for any other official action.
- G. A gathering of Board members for the sole purpose of administering the oath of office specified in I. C. 20-26-4-2 to a Board member or members.

H. Collective bargaining discussions that the Board engages in directly with the exclusive representative of a bargaining unit consisting of Board employees. This exception from the definition of a "meeting" of the Board applies only when the Board has not appointed an agent or agents to conduct collective bargaining on behalf of the Board. A committee appointed by the Board or the Board President to conduct collective bargaining shall not constitute a "governing body" subject to the Open-Door Law (I.C. 5-14-1.5-2((b)(3) and (c)(8)).

Notice of Board Meetings

The Board will give notice of regular, special, and emergency Board meetings to Board members, news media, and the general public in compliance with Indiana law on the organization and operation of the governing body of a school corporation and the Open-Door Law.

As used in this bylaw, "legal holiday" means a day listed in I. C. 1-1-9-1.

Notice of any meeting of the Board shall also contain the following statement:

"The Board's meeting site is fully accessible to all persons. Any person requiring further accommodation should contact the Superintendent with the School Corporation's administrative office at 765-478-5375."

Notice of Regular Meetings

As used in this bylaw, "regular meeting" means a meeting of the Board held in compliance with a schedule of meetings approved by the Board at its annual organizational meeting. Notice need not be given to a Board member for holding or taking any action at a regular meeting.

Public notice of regular Board meetings will be given only once a year by posting a copy of the notice at the administrative offices of the School Corporation and delivering notice to all news media which submit an annual written request for such notice for the next calendar year to the Board on or before December 31 of the preceding calendar year.

In addition to notice of regular meetings to the news media, the Board shall give public notice to persons who give the Board a written request for notice of meetings not later than December 31 of the preceding calendar year. The Board shall give this notice by e-mail or by publishing notice of regular meetings on the Board's Internet website at least forty-eight (48) hours in advance of the meeting excluding Saturdays, Sundays, and legal holidays.

Changes in the Date, Time, or Place of a Regular Meeting and Notice Required; Notice of Executive Sessions and Reconvened Meetings

Additional notice of a regular meeting shall be given by the Board if the date, time, or place of a regular meeting is changed. Notice to the public of a change in the date, time, or place of a regular Board meeting, executive session, or any rescheduled or reconvened meeting shall be given at least forty-eight (48) hours (excluding Saturdays, Sundays, and legal holidays) before the meeting is to convene by posting a copy of the notice at the administrative offices of the School Corporation and delivering notice to all news media which submit an annual written request for such notice for the next calendar year to the Board on or before December 31st of the preceding calendar year. With the exception of executive sessions, this requirement does not apply to reconvened meetings where announcement of the date, time, and place of the reconvened meeting is made at the original meeting and recorded in the memoranda and minutes of the meeting if there is no change in the agenda.

Notice to the news media under this section shall be given by depositing the notice in the United States mail with first class postage prepaid, transmitting the notice by e-mail, or transmitting the notice by facsimile (fax).

Notice of Special Board Meetings

A "special meeting" of the Board is a meeting other than a regular meeting on a schedule of regular meetings established at the Board's annual organizational meeting. At a special meeting, the Board may take any action permitted at a regular meeting. Executive sessions are excluded from this definition.

Authority to Call a Special Meeting

A special meeting of the Board must be held when called by the President or Superintendent. The call must be evidenced by a written notice specifying the date, time, and place of the special meeting. Special meetings must be held at the regular meeting place of the Board.

Notice to Board Members of Special Meeting

A copy of notice of a special meeting shall be served upon each member of the Board so that it is received by the Board member at least seventy-two (72) hours before the special meeting is to convene. This notice shall be given by delivering written notice to the member personally or by mail or telegram. Notice may be given by e-mail or facsimile if the member agrees to receive

notice in this form. If each member of the Board has waived notice of the special meeting, notice of the meeting to Board members is not necessary.

Waiver of notice of a special meeting by a Board member may be given by the member's presence at the special meeting or the member's execution of a written waiver of notice of the date, time, and place of the special meeting, executed either before or after the special meeting. If a waiver of notice of a special meeting is executed by a Board member after the meeting, the waiver also must state in general terms the purpose of the special meeting. If a waiver specifies that the waiver was executed before the meeting, third persons are entitled to rely on the statement.

Notice Requirements Established by Other Statutes

Any notice requirement for a Board meeting or hearing before the Board established by the Open-Door Law (I. C. 5-14-1.5) or this bylaw shall not serve to shorten or otherwise modify the content or timing of notice required by another statute or policy. For example, I. C. 5-3-1.2 establishes a ten (10) day minimum notice period for public hearings held by the Board on certain contract matters.

Series of Meetings (Gatherings)

Members of the Board may not participate in a series of meetings (gatherings) if the series consists of at least two (2) gatherings and the series of gatherings meets all of the following criteria:

- A. one (1) of the gatherings is attended by at least three (3) Board members but less than a quorum and the other gathering includes at least two (2) Board members
- B. the sum of the number of different members attending any of the gatherings at least equals a quorum of the Board
- C. all gatherings concern the same subject matter and are held within a period of not more than seven (7) consecutive days
- D. the gatherings are held to take official action on public business

A Board member attends a gathering if the member is present at the gathering in person or if the member participates in the gathering by telephone or other electronic means, excluding electronic mail.

Agenda

The Superintendent shall prepare and submit to each School Board member a written agenda prior to each regular meeting and each special meeting, unless otherwise directed by the Board. The agenda shall list the various matters to come before the Board and shall serve as a guide for the order of procedure for the meeting.

The agenda of the regular monthly meeting or special meetings shall be accompanied by a report from the Superintendent on information relating to the Corporation with such recommendations as s/he shall make.

Each agenda shall contain the following statement:

"This meeting is a meeting of the School Board in public for the purpose of conducting the School Corporation's business and is not to be considered a public community meeting. There will be time for public participation at each Board meeting."

The agenda of each regular meeting shall be mailed or delivered to each Board member so as to provide proper time for the member to study the agenda. Generally, the agenda should be mailed no later than three (3) calendar days prior to the meeting or delivered so as to provide time for the member to study the agenda. The agenda for a special meeting shall be delivered at least two (2) calendar days before the meeting, consistent with the provisions calling for the special meeting.

Prior to the meeting, a copy of the agenda shall be posted at the entrance to the meeting location.

The Board shall transact business according to the agenda prepared by the Superintendent and submitted to all Board members in advance of the meeting. The order of business may be suspended at any meeting by a majority vote of the members present.

Electronic Participation and Voting

Members of the School Board may participate in School Board meetings though they are not physically present by participating through allowable electronic means. Allowable electronic means must meet two requirements: 1) it shall allow participating members to simultaneously communicate with each other, and 2) it shall allow the public to simultaneously attend and observe the meeting (not including executive sessions).

Any School Board member who participates by allowable electronic means shall be considered present for purposes of establishing a quorum and may participate in any final action through a vote so long as that member can be both seen and heard. If a Board member wishes to participate by electronic means that does not meet the definition of allowable electronic means (typically because it does not permit observation), the Board member may do so but may not participate in

any final action through a vote and will not be considered part of the quorum. All votes taken during a meeting with electronic participants must be taken by a roll call vote, and at least fifty percent (50%) of the School Board members must be physically present at the meeting.

A member of the School Board may not attend more than fifty percent (50%) of the School Board's meetings in a calendar year by electronic means, and while a member may attend two (2) consecutive meetings (a "set" of meetings) by electronic communication, a member shall physically attend at least one (1) meeting between sets of meetings attended by electronic communication.

If a member of the School board plans to attend a meeting by electronic means of communication, he or she must notify the School Board President or Secretary within 48 hours before the meeting so that arrangements may be made of the School Board member's participation by electronic communication.

A member of the School Board may not participate by electronic communication if the School Board is attempting to take final action to do one of the following at the meeting: 1) adopt a budget; 2) make a reduction in personnel; 3) initiate a referendum; 4) establish or increase a fee; 5) establish or increase a penalty; 6) use the School Board's eminent domain authority; 7) establish, raise, or renew a tax.

Executive Session

The School Board may meet in an executive session, one closed to the public (except the Board may admit those persons determined to be necessary to carry out the purpose of the executive session) after giving proper notice, for the following purposes:

- A. where authorized by Federal or State statute
- B. discussion of strategy with respect to collective bargaining, initiation of litigation, litigation which is pending or has been threatened in writing, implementation of security systems, purchase or lease of real property, or school consolidation, providing that the strategy is necessary for bargaining or competitive reasons, and the meeting does not include the competitive bargaining adversaries.
- C. for discussion of the assessment, design, and/or implementation of school safety and security measures, plans, and systems.
- D. interviews with prospective employees
- E. with respect to any individual over whom the Board has jurisdiction, receive information concerning the individual's alleged misconduct, and to discuss, prior to determination,

that individual's status as an employee, student, or independent contractor who is a physician

- F. discussion of records classified as confidential by Federal or State statute
- G. discussion, before any placement decision, an individual student's abilities, past performance, behavior, and needs
- H. discussion of an employee's job performance evaluation
- I. when considering the appointment of a public official, develop a list of prospective appointees, consider applications and make one (1) initial exclusion of prospective appointees from further consideration
- J. training of Board members by an outside consultant on performance of their role as public officials and/or discussion with or between county officials, Board members, and an outside consultant concerning the performance of Board members

Such sessions are called by the President or Superintendent for discussion only and final action must be taken at a meeting open to the public.

In keeping with the confidential nature of executive sessions, no member of the Board shall disclose the content of discussions that take place during such sessions.

Adjournment

The School Board may at any time recess or adjourn to an adjourned meeting at a time, date, and place announced before the adjournment takes place. The adjourned meeting shall take up its business at the point in the agenda where the motion to adjourn was acted upon. However, a meeting may not be recessed or adjourned for the purpose of conducting an executive session.

Use of School Corporation Electronic Mail by Board Members

Each Board member shall have the option to be assigned a School Corporation e-mail address for their use in communicating about School Corporation business. A School Corporation e-mail account shall not be used in a manner which suggests Board or school corporation endorsement of the content of the message and may not be used to communicate concerning a campaign for partisan or School Corporation office.

Board members may include their School Corporation e-mail address in communications with the public about matters of School Corporation business but shall not be used to support a campaign for election/re-election to the Board.

A list of students, employees, parents, voters, or persons expressing interest in favor or in opposition to any action by the Board shall not be passed on to a non-school user or used for

commercial or campaign purposes. As used in this bylaw, "campaign purposes" includes messages in support of or opposition to a school referendum.

If a Board member sends an e-mail message to a School Corporation employee, the Superintendent shall be sent a copy of the message at the time the original message is sent.

E-mail messages to and from Board members using their School Corporation e-mail account are subject to production in response to an Indiana Access to Public Records Act ("APRA") request and each e-mail message from a Board member using their School Corporation account shall include a warning that messages to and from Board members using a School Corporation e-mail address shall be subject to production in response to a request under that Act.

Information about a specific identified or identifiable student such as information concerning an appeal of an expulsion shall not be sent in or attached to a message to Board members.

Open Meeting

The School Board shall designate a person to keep minutes of each meeting showing the date, time, place, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is called. The minutes shall also state the name of each member who was physically present at the meeting. These minutes must be approved by the Board at the next meeting. Proposed minutes shall be available for public inspection within a reasonable period of time after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than five (5) business days after the meeting at which the minutes are approved. The minutes shall be available for inspection at the Superintendent's office and shall be available for purchase at a fee estimated by the business office to cover the cost of printing and copying.

The official minutes shall be bound together by years and kept in the office of the School Board.

Minutes of the preceding meetings shall be approved by the Board as its first order of business at regular meetings.

The minutes shall show only action taken.

Executive Session

The minutes of an executive session shall show the date, time, and place of the session; the members either present or absent; and the identification of the subject matter considered by specific reference to the enumerated instance(s) for which public notice was given. The School Board shall certify in the minutes that it discussed no subject matter in the executive session other than the subject matter specified in the public notice.

Western Wayne Schools, Wayne County, Indiana

I.C. 20-26-4-3 Notice of meetings to Board members

I.C. 5-14-1.5 Open Door Law notice to the public and news media of regular, emergency and special meetings

I.C. 20-26-5-4

I.C. 5-8-1-35, 5-8-3.5-1

I.C. 20-23-4-30

I.C. 5-9-4

I.C. 20-26-4-7

I.C. 20-26-5-4(17)

I.C. 34-13-2

I.C. 34-13-3-5

I.C. 34-13-3-20

I.C. 34-13-4-1

I.C. 35-44-1-3

I.C. 35-44-1-7

I.C. 5-13-7-1 et seq., I.C. 5-13-8-9

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I.C. 20-26-4-1

I.C. 5-14-1.5-2(b) Definition of "governing body"

I.C. 5-14-3-4 Minutes required for ODL covered meetings

I.C. 5-14-3 Access to Public Records Act

I.C. 20-26-4-3, 5-14-1.5

I.C. 20-26-4-3 Notice of meetings to Board members

I.C. 5-14-1.5 Open Door Law notice to the public and news media of regular, emergency and special meetings

I.C. 5-14-1.5-4

I.C. 5-14-1.5-3.1

I.C. 5-14-1.5

I.C. 20-26-4-8

I.C. 5-14-1.5-5/6, 5-14-1.5-6.1

I.C. 5-14-1.5-4

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