

# **BOARD BYLAWS HANDBOOK**

## **WEST FARGO SCHOOL DISTRICT**

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## HANDBOOK ADOPTION DATE

Former West Fargo Schools policies pertaining to the school board were rescinded: **04/08/2019**

West Fargo Schools Board Bylaws Handbook adopted by Board: **04/08/2019**

## DISCLAIMERS AND DEFINITIONS

### **Disclaimer**

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This handbook contains West Fargo Schools (hereafter WFS) Board operational bylaws. These policies shall serve as a complement to the WFS Board Policies.

### **Savings Clause (BDAB)**

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Should any language in this handbook be found to conflict with requirements in law or be declared illegal by a court of competent jurisdiction, said language shall be automatically rescinded to the extent that it violates the law. The remaining language shall remain in full force and effect until rescinded or amended by the WFS Board.

## BOARD MEETING PROCEDURES

### **Board Meeting Agenda & Pre-Meeting Preparation (BCAA)**

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Agenda: The Superintendent, in consultation with the Board President, shall prepare agendas. Board Members or District Personnel wishing items to be included in the agenda should submit those items to the Superintendent no later than **seven** days prior to the regular or one day prior to the special board meeting. Inclusion shall be at the discretion of the Superintendent and Board President.

Regular Meeting Agenda: The Board shall follow the order of business set up by the agenda unless altered by consent of the members present at the regular meeting. Items may be added to the agenda at regular meetings with consent of majority of the Board.

The order of business shall be as follows:

1. Convene
  - a. Call to order
  - b. Roll call
  - c. Establish a quorum
2. Adopt the Agenda
  - a. Additions to the Agenda
3. Recognitions and Presentation
4. Public Participation
5. Monitor Board Policy
6. Board Committee Reports
7. Board Action Items
8. Consent Agenda
9. Superintendent's Report

10. President's Prerogatives
11. Debrief Meeting
12. Adjourn

Pre-Meeting Preparation: The agenda and relevant supplementary information will be delivered to each board member by the Thursday prior to each regular board meeting and will be available to any interested citizen on the website at that time. Board members are expected to read the information provided them and to contact the Business Manager or Superintendent to request additional background information necessary to assist them in their decision making responsibilities. Board members may also request information or clarification on agenda items at the committee of the whole meeting proceeding each board meeting.

### **Board Meeting Procedures (BCAB)**

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The rules of parliamentary procedure comprised in Robert's "Rules of Order" shall govern the board in deliberations. Rules may be amended at any meeting by a majority vote of those present.

### **Executive Sessions (BCAD)**

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The Board shall only hold executive sessions for reasons contained in law. In addition, when conducting an executive session, the Board shall comply with the following.

Attendance at an Executive Session: Only members of the governing body, those individuals deemed necessary to the functioning of a *closed meeting* by the Board, and those individuals listed in the law(s) pertaining to the executive session will be in attendance at the executive session unless law requires otherwise.

Location of Recordings and Documents: All recordings and documents resulting from an executive session shall be securely stored. The date of the executive session, purpose of the meeting, and word "confidential" should be written on the outside of the envelope. Envelopes will be placed in a locked area in the District office.

Retention of Recordings & Documents: The District will retain all documents and recordings resulting from an executive session for at least six years. When the executive session relates to nonrenewal or discharge, applicable executive session audio and documents will be retained for six years after the employee's date of separation from the District.

Access to Recordings and Documents: In accordance with law, only the following individuals/cases shall have access to view/listen to executive session document(s) and recording(s):

1. Those individuals in attendance at the executive session;
2. At the Attorney General's request;
3. Pursuant to a court order;
4. By a majority vote of the governing body unless the executive session was required to be confidential (as opposed to a closed meeting; see definitions in NDCC 44-04-17.1).

### **Minutes (BCAC)**

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Minutes of proceedings of the Board at the previous meeting shall be prepared by the board's secretary and mailed or delivered to school board members at least 48 hours before the time of the next meeting.

The minutes shall be kept in an official minute book and, in addition to the items required by law (NDCC 44-04-21), shall include:

1. Whether it is a regular or special meeting
2. The names of all persons who speak before the Board and the topic of their remarks
3. A copy of all motions, which are carefully recorded; the names of those who make motions, those who second motions, and those who vote yes and no shall be recorded

The minutes of the preceding meetings shall be approved by the Board and signed by the president, business manager, and secretary to the board at each regular board meeting.

The official minutes shall be bound and kept in the district administrative offices.

### **News Coverage of Board Meetings (BCBB)**

In its dealings with news media, the Board will be frank and open, recognizing the privilege of the press to publish newsworthy information. In return, the news media is asked to exercise courtesy and respect when covering meetings of the Board.

In order that the Board may transact its business with dispatch, questions from the press will not be entertained while meetings are in progress. However, a representative of the board may be available before or after each meeting to answer reporters' questions and to clarify points of discussion and action, with prior request from the Public Relations Coordinator.

The press will be asked to operate with courtesy and decorum when the Board is in session so as not to disrupt the business of the Board. The Board reserves the right to prohibit the press from recording board proceedings in a manner that is disruptive.

When individual board members receive requests from news media representatives for information about board issues, members are requested to refer them to the Public Relations Coordinator.

### **Public Participation at Board Meetings (BCBA)**

Meetings of the Board are conducted for the purpose of carrying on the business of the District, and therefore are not public meetings but meetings held in public. Although there is no legal requirement that the public be given an opportunity to speak at board meetings, it will be the policy of this board to afford that opportunity in accordance with the following procedures:

#### **Public Participation**

The Board may allot a time for general public participation on the regular meeting agenda. To speak during Public Participation on a general topic, citizens are asked to call the Secretary of the Board (356-2000) or the Board President at least one week prior to the meeting. To address an item that is on the agenda citizens may appear prior to the meeting and sign up to speak. The Board will respectfully and carefully listen and acknowledge comments but might not comment or respond to questions at that time. Citizens who sign up to address the board during public participation will be called on in priority order first for items on the agenda and then for items not on the agenda.

When public participation has been permitted, the speaker should:

1. Stand during the appropriate period and be recognized by the presiding officer.
2. State name and address for the minutes.

3. Limit comments to no more than three minutes, unless the presiding officer waives the time limit.
4. No one will be allowed to speak more than once during public participation.

After 30 minutes of Public Participation, any speakers remaining will be recognized at the end of the agenda for their comments.

Groups will be urged to designate a spokesperson.

### **Complaints**

The District has adopted policies governing [patron and parental complaints](#). The public is required to seek redress through these policies. The public will be prevented from commenting at a board meeting on a topic if it is:

1. Governed by a district complaint policy and the complainant has not followed the procedure contained in policy and/or the policy prohibits the public from bringing the complaint before the Board.
2. Concerns a topic that is prohibited by law from disclosure to the public (e.g., student's educational record).

### **Conduct and Remarks Out of Order**

Undue interruption or other interference with the orderly conduct of board business cannot be allowed. Defamatory or abusive remarks are always out of order. The presiding officer may terminate the speaker's privilege of address if, after being called to order, s/he persists in improper conduct or remarks. Furthermore, any individual who is persistently disruptive of a board meeting may be removed from that meeting by order of the presiding officer.

### **Discussion of a Motion**

When a motion is before the Board, discussion will be limited to board members and the Superintendent except as the presiding officer requests information.

### **Rules of Decorum at Board Meetings (BCBA-BR)**

Public participation at board meetings is allowed in accordance with [policy BCBA](#). The privileges granted under this policy may be revoked under at least the following circumstances.

The speaker's remarks:

1. Attack an individual's ethnicity, race, religion, or other class protected by law or district policy;
2. Promote violence, terrorism, or other illegal activities;
3. Are obscene or pornographic as defined by community standards;
4. Are reasonably forecasted to materially or substantially disrupt the board meeting, district operations, or the educational environment of member districts;
5. Pose a direct threat to the physical safety of the district or member districts' school population;
6. Infringe on the rights of others, such as (but not limited to) speech that is potentially slanderous or invades an individual's privacy;
7. Are governed by a district complaint policy and the complainant has not followed the procedure contained in policy and/or the policy prohibits the public from bringing the complaint before the Board;
8. Concern a topic that is prohibited by law from disclosure to the public.

If the presiding board officer declares an individual out of order, the speaker **shall** be requested to relinquish the podium. If the person does not do so, the board meeting may be recessed, and the speaker may be subject to removal from the meeting room or building. [Policy BCBA](#) allows removal from the board meeting if an individual is persistently disruptive. Law enforcement may be contacted to assist in this process.

#### **Rules of Decorum for Audience Members**

Clapping, applauding, heckling or verbal outbursts in support or opposition to a speaker are discouraged, and the presiding officer has authority to recess the board meeting when such behavior becomes disruptive to the order of the meeting.

Persons entering and exiting the board meeting room must do so quietly.

Signs, placards, banners, or items used to display an audience member's message shall not disrupt the meeting or interfere with others' visual rights.

Audience members shall be prohibited from approaching the board table unless directed to do so by the presiding officer.

## **POLICY ADOPTION PROCEDURES (BDA)**

Board policies may be revised, added to, rescinded, or amended, at a meeting of the Board by a majority vote of the members. Proposed amendments may be voted upon at any meeting subsequent to their presentation.

The Board shall at least once every two years review and appraise existing board policies and philosophy.

The Board has also granted policy making authority to the Superintendent (See Board Policy [B/SR-4 Authority of the Superintendent](#)). The Superintendent shall develop a procedure for adopting, amending, rescinding, and disseminating administrative policy.

## **BOARD OPERATIONAL PROCEDURES**

### **Board Officers (BBBA)**

The officers of the school board shall be a president, and vice-president. At the annual meeting the board shall elect from its members a president and vice-president who shall serve for one year. Additional rules governing board officers are contained in board policies.

### **Board Elections and Terms of Office (BBA)**

The election of school board members shall be held in conjunction with the June general election conducted by Cass County. Hours shall conform to the schedule established by the Cass County Commission as prescribed by the North Dakota Century Code.

### **Terms of Office**

Terms of office for school board members are 4 years and are staggered.

### **Compensation and Expenses for Board Members (BDD)**

Board members will be paid \$9,380 per year. The board President will be paid an additional \$670 per year.

In addition, board members may be reimbursed for all necessary meals, lodging, and travel expenses actually incurred by the member while engaged in official business of the Board. The rate shall be paid in accordance with law.

### **Meetings of the Board (BC)**

The administrative office of the board shall be maintained at the Leidal Education Center.

Board meetings will normally be conducted on the second and fourth Mondays of each month at a time designated by the Board with the exception of the second meeting in December that will be held only if the board feels there is a special need to have a meeting.

All meetings will be held at 6:00 PM unless specified.

### **Method of Filling a Board Vacancy (BBC)**

#### **Notice**

Upon declaration by the West Fargo School Board that a board vacancy exists, the Superintendent shall publish notice of the vacancy and information on the application process as directed by the Board. The Board will establish an application period, which shall be not less than two weeks nor more than eight weeks and shall have clearly stated beginning and closing dates. The Board shall select a committee to review applications and make recommendations to the Board at the next regular or special meeting called for that purpose.

#### **Selection Process**

At a regular meeting of the Board or at a special meeting called for that purpose, the Business Manager will report all candidates by name. The Board shall vote on the final pool of candidates. The candidate receiving the simple majority of votes shall fill the board vacancy.

#### **Commencement of Duties**

The newly appointed/elected board member shall be seated at the next meeting of the Board following his/her appointment/election. The appointed/elected board member shall execute the Oath of Office in accordance with the deadline in law. A board member thus appointed/elected shall serve until the next regular election of the Board and until a successor is elected and qualified.

The same orientation procedures shall apply for any appointed member as for a regularly elected member.

## **BOARD RESPONSIBILITIES AND AUTHORITY**

### **Board Communication with the Public (BGA)**

As members of the WFS District Board, individual board members may be contacted by the public with questions, comments, or concerns related to District matters.

When approached by the public for these reasons, Board members shall comply with the applicable portions of the following procedure:

1. Explain that individual board members have no authority to act on behalf of the Board.
2. Explain that because board members serve as the “jury” when a licensed staff member (e.g., teacher) is being considered for nonrenewal or discharge, board members must maintain their impartiality in the event of such a hearing. Consequently, board members must not hear complaints about licensed staff.
3. Explain that the District has developed complaint procedures to handle public concerns and complaints and refer the complainant to the appropriate source under policy for further investigation.

If the communication concerns a comment or concern about the Board or for which the Board has not established a policy, the matter shall be referred to the Board President.

To ensure compliance under the open meetings law, board members shall not forward or discuss correspondence from the public with other board members outside the context of an open meeting except as otherwise stipulated above. In addition, the Board shall comply with the protocol contained in all policies related to complaints, some of which may prohibit an appeal to the Board.

### **Board Member Internet and Social Media Use (BAC)**

While the District is not responsible for the online activity of individual board members, the West Fargo School Board adopts the following rules and procedures related to a board member commenting on school district business online, including on social media sites.

Individual board members have no authority to take action on behalf of the District unless delegated such authority by a majority vote of the Board taken at a properly noticed board meeting. However, the public may still perceive board members as official district spokespersons. Because of this potential perception, **whenever commenting on school district business online**, board members shall:

1. Avoid posting content indicating that they have formed an opinion on a matter pending before the Board.
2. Avoid posting a dissenting opinion on a matter that has been decided by a majority vote of the Board.
3. Clarify that they are commenting as individuals—not as district spokespersons—unless delegated authority to speak for the District by a majority vote of the Board.
4. Report to the Superintendent, as soon as possible, any public comments that potentially violate district policy, including, policies on discrimination and harassment, bullying, and employee speech.

### **Use of District Technology**

Board members shall comply with the district’s acceptable use policy when using district-owned technology.

## **Board Evaluation (BEC)**

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The West Fargo School Board recognizes the importance of regular periodic assessments of priorities, goals and objectives. Therefore, it shall be the policy of this board to conduct an annual self-evaluation based on the stated priority objectives for the year as well as on the goals of the Board.

Consistent with the understanding that the Board acts only as a whole and that individual board members have no authority or power, the evaluation will focus on how the Board functions, not how each individual functions. Individual board members are encouraged, however, to conduct a personal self-examination in conjunction with the board evaluation to gain insight and understanding into the quality of their own board service.

Annually, the President will distribute a self-evaluation instrument to all board members and to the Superintendent.

The evaluation instrument shall include the following areas:

1. Governance Culture
2. Board/Superintendent Relations
3. Operational Expectations
4. Desired Results

Following the evaluation, the Board will meet to establish the priority objectives for the coming year.