

TABLE OF CONTENTS

	POLICY
A. Board Authority	
1. General Statement.....	9000
2. Limits of Authority .....	9010
B. Board Members	
1. Legal Description.....	9100
2. Number of Members, Terms of Office .....	9110
3. Officers .....	9120
a. President.....	9121
b. Vice-President.....	9122
c. Treasurer .....	9123
d. Secretary .....	9124
e. Attorney.....	9125
f. Auditor.....	9126
g. Individual Members .....	9127
h. Removal From Office .....	9140
C. Bylaws, Policies and Regulations	
1. Formulation, Adoption, Amendment of Policies.....	9200
2. Adoption and Amendment of Bylaws.....	9210
3. Approval and Amendment of Administrative Regulations .....	9220
4. Suspension of Policies, Bylaws and Regulations .....	9230
D. Meetings	
1. Regular Meetings.....	9300
2. Special Meetings.....	9301
3. Advance Delivery of Meeting Materials.....	9310
4. Order of Business.....	9320
5. Parliamentary Procedure .....	9330
6. Minutes .....	9340
7. Voting .....	9341
8. Methods of Operation/Quorum.....	9350
9. Board/School District Records .....	9360
10. Open Sessions .....	9370(a)
11. Closed Sessions.....	9370(b)
E. Committees	
Temporary and Special Board Committees .....	9400

Bylaws of the Board - Board Authority

General Statement

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

Date of Adoption: July 23, 2012

Bylaws of the Board - Board Authority

Limits of Authority

The Board of Education is the unit of authority. Apart from the normal function as part of the unit, a board member has no individual authority. Individually, the board member may not commit the district to any policy, act or expenditure.

No individual member of the board shall exercise any administrative responsibility with respect to the schools.

Date of Adoption: July 23, 2012

Bylaws of the Board - Board Members

Legal Description

The corporate name of this school district shall be:

Lancaster County School District 55-0148, and shall also be known as the  
Malcolm Public Schools.

Legal Reference: Neb. Rev. Stat. § 79-405

Date of Adoption: July 23, 2012

Bylaws of the Board - Board Members

Number of Members, Terms of Office

The Board of Education shall consist of six (6) members elected at large by the qualified voters of the school district in a manner prescribed by law under the provisions pertaining to a Class III school district in the statutes of the State of Nebraska.

The terms of office for board members shall be four (4) years and will begin on the **first Thursday** after the **first Tuesday** in January.

Legal Reference:   Neb. Rev. Stat. § 79-549  
                          Neb. Rev. Stat. § 79-550  
                          Neb. Rev. Stat. § 32-543

Date of Adoption:   July 23, 2012

Bylaws of the Board - Board MembersOfficers

1. Members of the school board will elect from among its members a president and vice president.
2. There will also be an elected or appointed secretary who does not need to be a member of the school board.
3. These officers shall be elected at the board's organizational meeting in January of each year.
4. The Board of Education may employ a treasurer for the district at the January meeting who shall be paid a salary from school district funds within the limits permitted by law, in amounts to be fixed by the Board. A treasurer so employed shall not be a member of the Board. A board member serving as treasurer shall not be compensated.

Legal Reference: Neb. Rev. Stat. § 79-520  
Neb. Rev. Stat. § 79-590

Date of Adoption: July 23, 2012

Bylaws of the Board - Board MembersPresident

1. The duties of the board president shall be to:
  - a. Preside at all meetings of the school board in accordance with Robert's Rules of Order.
  - b. Countersign all orders upon the school treasury for funds to be disbursed by the district.
  - c. Countersign all warrants of the secretary of the county treasurer.
  - d. Administer the oath to the secretary and treasurer when so required by law.
  - e. Other duties as the law may require.
2. The president has the right to vote on any issue that may come before the school board.
3. The president has the additional duty to maintain order at public meetings of the school board.
4. The president must appear for and on behalf of the district in all suits brought by or against the district.
5. The president shall appoint or provide for the election of all committees of the board, unless otherwise directed by the board. The president shall be kept apprised of the workings of all such committees.
6. The president may call special meetings of the board.
7. The president shall call special meetings of the board when requested by two (2) or more board members.

Legal Reference:     Neb. Rev. Stat. § 79-569  
                          Neb. Rev. Stat. § 79-570  
                          Neb. Rev. Stat. § 79-572

Date of Adoption:    July 23, 2012

Bylaws of the Board - Board Members

Vice-President

The vice president shall perform the duties of the president in case of absence of the president. In the case of the absence of both the president and vice-president, the remaining members shall select a president pro tem to preside at the meeting.

Date of Adoption: July 23, 2012



Bylaws of the Board - Board Members

Treasurer

The treasurer shall be custodian of all money belonging to the school district, and shall perform duties required by law or by the board.

Legal Reference:   Neb. Rev. Stat. § 79-586  
                          Neb. Rev. Stat. § 79-587  
                          Neb. Rev. Stat. § 79-588  
                          Neb. Rev. Stat. § 79-590

Date of Adoption:   July 23, 2012

Bylaws of the Board - Board Members

Secretary

The secretary shall perform duties required by law and such duties as the Board and Superintendent may request.

Legal Reference:   Neb. Rev. Stat. § 79-576  
                          Neb. Rev. Stat. § 79-577  
                          Neb. Rev. Stat. § 79-578  
                          Neb. Rev. Stat. § 79-524

Date of Adoption:   July 23, 2012

Bylaws of the Board - Board Members

Attorney

The board may, at its discretion, appoint an attorney to perform desired legal services. The attorney shall serve at the board's pleasure and be compensated at a mutually agreeable rate.

Legal Reference: Neb. Rev. Stat. § 79-513

Date of Adoption: July 23, 2012

Bylaws of the Board - Board MembersAuditor

The board will have an annual independent audit of the finances of the district. The board will contract only with state approved auditors and their analysis and report will be in keeping with state approved or accepted standards. This annual audit will be completed by November 5 of each year.

Legal Reference: Neb. Rev. Stat. § 79-1089  
NDE Rule 1.3.05

Date of Adoption: July 23, 2012

Bylaws of the Board - Board Members

Individual Members

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

Date of Adoption: July 23, 2012

Bylaws of the Board - Board Members

Removal From Office

Any member elected or appointed to an officer position on the Board of Education may be removed from the officer position by a two-thirds (2/3rds) vote of the membership of the Board.

Date of Adoption: July 23, 2012

Bylaws of the Board - Bylaws, Policies and RegulationsFormulation, Adoption, Amendment of Policies

Policy proposals and suggested amendments to or revisions of existing policies shall normally be submitted to all members of the Board of Education by the Superintendent in writing prior to a regularly scheduled Board of Education meeting in which such proposed policies, amendments, or revisions thereof shall be read and discussed.

Policies will be adopted or amended after consideration at two (2) meetings of the Board of Education. The agenda and minutes shall be marked to indicate policy matters.

The formal adoption of policies shall be by majority vote of all members of the Board of Education and the actions 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 policy.

Policies shall be reviewed at least every two (2) years or at such other periodic time periods as may be required by law.

Reference: Robert's Rules of Order

Date of Adoption: July 23, 2012

Bylaws of the Board - Bylaws, Policies and Regulations

Adoption and Amendment of Bylaws

Proposed new bylaws and suggested amendments to or revisions of existing bylaws may be adopted by a majority vote of ALL members of the Board during the second of two (2) regularly scheduled meetings of the Board not less than four (4) weeks apart in the calls for which meeting the proposed additions, amendments or revisions shall have been described in writing.

Legal Reference: Neb. Rev. Stat. § 79-526  
Reference: Robert's Rules of Order

Date of Adoption: July 23, 2012



Bylaws of the Board - Bylaws, Policies and Regulations

Approval and Amendment of Administrative Regulations

The Board does not adopt administrative regulations unless specifically required to do so by law, or unless requested to do so by the Superintendent, or as required by negotiated agreements with employee organizations, in which case, any such regulation shall become a part of any such agreement and shall be subject to amendment as provided in any such agreement. Adoption and amendment of such Board adopted regulations shall be by the same procedure as that specified for policies at 9200.

The Board reserves the right to review and demand revisions of administrative regulations should they, in the Board's judgment, be inconsistent with the policies adopted by the Board.

Legal Reference: Neb. Rev. Stat. § 79-526

Date of Adoption: July 23, 2012

Bylaws of the Board - Bylaws, Policies and Regulations

Suspension of Policies, Bylaws and Regulations

Policies and rules may be suspended unless in conflict with state law by a unanimous vote of all Board members in attendance at any regular or special meeting.

Reference: Robert's Rules of Order

Date of Adoption: July 23, 2012

Bylaws of the Board - Meetings

Regular Meetings

The Board shall meet in regular session on the second Monday of each calendar month, unless otherwise designated by the president with the approval of the Board. Such meetings shall begin at 7:30 p.m.

All meetings shall be held in the boardroom at the Malcolm School District Office unless otherwise designated by the president with the approval of the Board.

In each odd-numbered year, the January meeting will be held on or after the first Thursday after the first Tuesday.

Legal Reference:      Neb. Rev. Stat. § 79-554  
                                 Neb. Rev. Stat. § 79-555  
                                 Neb. Rev. Stat. § 84-1401

Date of Adoption:      July 23, 2012

Bylaws of the Board - Meetings

Special Meetings

A special meeting of the Board may be called by the president when in his opinion it is necessary, or upon recommendation of the Superintendent of Schools, or any two (2) Board members.

No business shall be transacted at any special meeting which does not come within the purpose or purposes set forth in the call for the meeting unless it is of an emergency nature.

All meetings shall be held in the Malcolm School District Office unless otherwise designated by the president with the approval of the Board.

Special Board sessions may be adjourned to a definite date and time.

Legal Reference:   Neb. Rev. Stat. § 79-554  
                          Neb. Rev. Stat. § 79-520  
                          Neb. Rev. Stat. § 79-555  
                          Neb. Rev. Stat. § 84-1401

Date of Adoption:   July 23, 2012

Bylaws of the Board - MeetingsAdvance Delivery of Meeting Materials

The Board shall require the Superintendent to prepare an agenda which, with the minutes, shall be mailed or delivered to the Board members on Friday or prior to each regular monthly Board meeting.

Items not placed on the regular agenda may be shelved until the regular meeting on the following month to provide the Board adequate time to research the item in question. Citizens may have an item placed on the agenda by permission of the President of the Board or the Superintendent of Schools.

Legal Reference: Neb. Rev. Stat. § 79-520

Date of Adoption: July 23, 2012

Bylaws of the Board - MeetingsOrder of Business

The following shall be the order of business for the regular meetings. The order of business may be changed when the Board President or Superintendent establish the Agenda and also by consent of the Board.

1. Call to Order and Roll Call
2. Public Forum
3. Consent Agenda--Approve
  - a. Minutes of prior meeting(s)
  - b. Treasurer's report receipts
  - c. Expenditures and claims for payment
4. Reports
  - a. Board committees
  - b. Secondary Principal
  - c. Superintendent
  - d. Other
5. Action Items
6. Discuss Items
7. Time/Date next meeting
8. Adjournment

Date of Adoption: July 23, 2012

Bylaws of the Board - Meetings

Parliamentary Procedure

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

Date of Adoption: July 23, 2012

Bylaws of the Board - MeetingsMinutes

The Board of Education shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed. The resignation of a Board member or any other circumstance that results in a vacancy in office shall be made a part of the minutes.

The minutes shall be prepared by the secretary immediately following the meeting, shall be written, shall be available for inspection by the public and for distribution to the members of the Board within ten (10) working days, or prior to the next convened meeting, whichever occurs earlier, and shall be a part of the agenda for the next regular meeting at which time they shall be corrected, if necessary, and approved.

The minutes shall be kept in the office of the superintendent and shall be public records and open to public inspection during normal business hours.

Legal Reference: Neb. Rev. Stat. §§ 79-555; 79-570; and 79-577  
Neb. Rev. Stat. §§ 84-1408 to 1414

Date of Adoption: July 23, 2012



Bylaws of the Board - Meetings

Voting

Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the Board in open session, and the record shall state how each member voted, or if the member was absent or not voting.

Date of Adoption: July 23, 2012

Bylaws of the Board - Meetings

Methods of Operation/Quorum

The Board of Education shall transact business only when it is in session, has a quorum present, and minutes are kept. A majority of all members of the Board shall constitute a quorum.

Legal Reference: Neb. Rev. Stat. § 79-554

Date of Adoption: July 23, 2012

Bylaws of the Board - MeetingsBoard/School District RecordsExceptions and Locations

The Board of Education and the Superintendent may withhold from the public those records in their custody enumerated by law. Records which are open to inspection shall be available in the office of the Superintendent.

Open Meetings Act Posting and Public Access to Board Records

The Board of Education accepts its responsibility to conduct its meetings in public and in compliance with law. The Superintendent shall post at least one current copy of the Open Meetings Act in the meeting room at a location accessible to members of the public. At the beginning of each meeting the public shall be informed about the location of the posted information by announcement of the Board President or Chairperson or via notice given in the Agenda. The Superintendent and the Board secretary shall make available for examination and copying by members of the public at least one copy of all reproducible written material to be discussed at an open meeting except where the law specifically states that a matter is exempted either temporarily or permanently from such disclosure.

Therefore, the Board of Education directs the Superintendent and the Board secretary, acting jointly and cooperatively, to make easily available copies of the Board of Education policy manual and the minutes of meetings of the Board of Education and its committees (except as exempt by law). Minutes shall be made available within ten (10) days of the meeting reported; policies shall be incorporated into the manual within thirty (30) days of adoption.

Legal Reference: Neb. Rev. Stat. §§ 84-1408 to 84-1414  
Neb. Rev. Stat. § 84-712

Date of Adoption: July 23, 2012

Bylaws of the Board - MeetingsOpen Sessions

Subject to the provisions of the public meeting law of the State of Nebraska and the policies of the District, the public shall have the right to attend and the right to speak at meetings of the Board except any part thereof held in closed session, and all or any part of a meeting of the Board except that held in closed session may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction or in writing.

The Board may make and enforce reasonable rules and regulations regarding the conduct of persons attending its meetings and regarding their privilege to speak. The Board is not required to allow citizens to speak at each meeting, nor may it forbid public participation at all meetings.

Any person or group may attend the regular or special meeting of the Board of Education. Undue interruption or other interference with the orderly conduct of business cannot be allowed. Defamatory or abusive remarks are always out of order. A speaker's privilege of address may be terminated if he persists in improper remarks.

At a public meeting of the Board no person shall orally initiate charges or complaints against an individual employee of the District or challenge instructional materials used in the District. All such complaints, charges or challenges shall be presented to the Superintendent or Board in writing and signed by the complainant. All such charges, if presented to the Board directly, shall be referred to the Superintendent for investigation and report.

The Board is not obligated to act on any request unless the same has been submitted in writing to the Superintendent or to the president of the Board sufficiently in advance to allow the same to have been incorporated into the agenda for the meeting.

Date of Adoption: July 23, 2012

Bylaws of the Board - MeetingsClosed Sessions

The Board of Education may hold a closed session 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, such reasons as: (a) strategy sessions with respect to collective bargaining, real estate purchases, or litigation; (b) discussion regarding deployment of security personnel or devices; (c) investigative proceedings regarding allegations or misconduct; or (d) evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting; provided, however a closed meeting shall never be held for the purpose of discussing the appointment or election of a new member to the Board of Education.

The vote to hold a closed session shall be taken in open session. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The Board shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken.

Any member of the Board shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reasons stated in the original motion to hold a closed session. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

The term "closed session" as used in the policies, regulations and Bylaws of the District shall include within its meaning any "executive session" or "executive meeting" authorized or prescribed by said policies, regulations and Bylaws, all of said terms being interchangeable.

Legal Reference: Neb. Rev. Stat. §§ 84-1407 to 84-1414

Date of Adoption: July 23, 2012

Bylaws of the Board - CommitteesTemporary and Special Board Committees

It shall be the responsibility of the President to appoint temporary and special committees whenever necessary. The President shall outline the duties and responsibilities of each committee at the time of appointment and serve as an ex officio member of the committee. Special committees shall be considered dissolved upon submission of a final report.

Legal Reference: Neb. Rev. Stat. § 79-520

Date of Adoption: July 23, 2012