

B200 - FUNCTIONS

Legislative

Bylaws and Policies

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

The bylaws and policies may be adopted, amended and repealed at any meeting of the Board.

Bylaws shall be adopted, amended, repealed, or suspended by a majority vote of the full Board (physically present). Policies shall be adopted, amended, or repealed by a majority vote of the full Board (physically present).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 published 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Any policy or part of a policy that is superseded by a term in a negotiated agreement shall no longer be in force and effect as a policy.

Further, any policy or part of a policy that is inconsistent with the law or with a decision rendered by a court of competent jurisdiction shall no longer be in force and effect as a policy.

I.C. 20-26-5-4

Technical Corrections

Periodically it may be deemed necessary to make technical corrections to policies that already have been adopted through normal procedures.

Should the Board choose to make such technical corrections, it may be accomplished by resolution as part of the consent agenda without going through the normal policy adoption procedure

Executive

Selection of Superintendent

The School Board shall exercise its executive power in part by the employment 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. 2-26-5-4.3 regarding notice and hearing. 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.

Administrative Authority

- A. The Superintendent shall advise the Board with regard to the development and/or revision of policies.
 - B. The Superintendent shall prepare guidelines for the administration of the District which are not inconsistent with statutes, regulations of the State Board, and/or policies of this Board.
- I.C. 20-26-5-4

Judicial

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

- A. 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.
- B. 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 District, and any statutory or regulatory requirements.
- C. 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.
- D. If a Board member
 - 1. testifies concerning a material fact in dispute,
 - 2. has a personal interest in the matter under consideration,
 - 3. has participated in the gathering of evidence or the formulation of strategy, or
 - 4. 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 him/herself and shall not participate in any evidentiary hearing, discussion, or vote in the matter.

Adopted 3/13/19