



# **BOARD OF EDUCATION OPERATING PROCEDURES**

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## Election Process

**Qualifications** Any school elector in a constituent school District shall be eligible for election or appointment to membership on the Board of the Wayne RESA. Members of Boards of education of constituent school Districts shall be eligible for election or appointment to membership on the Board of the Wayne RESA.

### **Electoral Process**

- Call the election – election to be held the first Monday in June, every other year – odd years. The election will be called for in February in those years.
- After the election is called, February – every other year – Send information about how to nominate to run for a seat to local districts – and post the information on the RESA website.
- Filing deadline to run for a RESA school board seat – 30 days before the election (which is the first Monday in June), odd years.
- Send information on candidates after filing deadlines to local districts/school boards.
- District school boards must vote as a board on who they will vote for within 21 days of the June election day (no sooner).
- Board election held in June – a representative from each school board will vote for candidates based on the resolution passed by their local board.

**Special Elections** A special election may be called by the Board as provided under [Michigan Election Law](#).

## Board Vacancies

Board member vacancies shall be filled within 30 days from the effective date of a resignation, or other event, which causes a vacancy to exist. The vacancy shall be filled with a legally qualified person who is appointed by a majority vote of the remaining members of the Board at a regular or special meeting of the Board.

Persons appointed to fill a vacancy shall file acceptance of the office, including an affidavit of eligibility, with the Secretary of the Board, and shall take the oath of office prescribed by law. The appointee shall hold office until the next biennial election.

If a majority of the positions are vacant at the same time, the remaining members shall immediately call a special election to fill the vacancies. Resignations are effective without acceptance or approval by the Board.

### **Process**

When a vacancy on the Board occurs, the Board, in filling the vacancy, shall use the following procedures:

- (a) The Board President, through announcements to the constituent Districts, shall make known the vacancy has occurred and those persons interested in being considered for appointment should notify the Secretary of the Board by the deadline established by the Board,

- (b) The Board shall establish the criteria to be applied in making the appointment; (Some examples of criteria are: education required, community experience, business experience),
- (c) The full Board, or a committee appointed by the Board, shall review and screen applications to determine which candidates should be further considered for appointment. Screening by the full Board shall be done in public session,
- (d) Those candidates screened for further consideration shall be interviewed by the Board in public session, and
- (e) The Board, by roll call vote of a majority of those elected and serving, shall determine which candidate shall be appointed to fill the vacancy.

**Acceptance of Office** A person elected or appointed to fill a vacancy on the Board will file an acceptance of office and will hold office until the next regular board election.

## New Member Orientation

The following items will be provided or made available to all new Board members by the Board:

- A personal copy of the written Board policy manual and explanation of its use, development, review, etc.
- A copy and explanation of Wayne RESA's latest short and long-range goals, along with related needs assessment results.
- An explanation of Board organization (officers and *ad hoc* committees).
- An explanation of any policies governing Board member conduct and activities (i.e., Code of Ethics, travel expenses, conflict of interest, professional development, etc.).
- An explanation of how Board meetings are conducted, including: the parliamentary procedures used, [Open Meetings Act](#) requirements, placing items on the agenda, Superintendent's Board packets, etc.
- A copy of the Michigan Open Meetings Act Handbook.
- A discussion about the propriety of the Board speaking with one voice, the authority of the Board versus the authority of an individual Board member, the chain of command, etc.
- An explanation of Board processes, including: gathering community input, monitoring progress, self-evaluation, communication with the media, etc.
- A historical perspective of the Board's current work, including minutes from the past year's Board meetings.
- An explanation and list of Board and Board member development opportunities available throughout the year, including: Michigan Association of School Boards' (MASB) Certified Board Member Award course offerings and workshops, certification process, annual conferences, etc.
- An acknowledgment that all new Board members are encouraged to take classes before they take their seat in July.

**Orientation to Board/Superintendent Roles and Relationship** The following items are generally shared areas of expertise between the Board and Superintendent and therefore should be a joint responsibility in the orientation process:

- Clarification of roles and responsibilities, including discussion about “who decides” particular types of issues.
- Explanation of how authority is delegated to the Superintendent.
- Explanation of Wayne RESA’s administrative regulations manual.
- A copy of the Superintendent’s job description and employment contract.
- A copy of any Superintendent evaluation materials and discussion of how and when they are used.
- An explanation of how communication flows between Board members and Superintendent and how to use the chain of command.

**Orientation to Wayne RESA** The following items are generally within the Superintendent’s areas of expertise and responsibility in the orientation process. The Superintendent will provide the following information to all new Board members.

#### **School Finance.**

- A copy of Wayne RESA’s budget with an explanation of how, when, and by whom it is prepared; how Wayne RESA’s mission and goals are translated into a dollars and cents plan; and where money comes from, where it goes, and how it is spent.
- An explanation of financial accountability processes, including: how funds are accounted for; how expenditures are authorized; what financial reports are provided and how to interpret them, etc.
- An explanation of the state’s school finance plan and what it means in terms of Wayne RESA’s budget.
- Data on Wayne RESA operating budget, special education budget, and enhancement mileage.
- An explanation of the assessed valuation and tax structure of Wayne RESA.
- An explanation of the funding process for Wayne RESA.

#### **Wayne RESA Facilities.**

- A list showing the number, location, and condition of buildings owned and/or operated by Wayne RESA.
- An explanation of construction projects contemplated and in-process.
- A description of Wayne RESA’s building maintenance program.
- A description of the geographic boundaries and attendance zones for Wayne RESA’s constituent districts.

### **School Curriculum and Instruction.**

- An explanation of Wayne RESA's professional learning, early childhood supports, career counseling services, multi-lingual supports, etc. (Wayne RESA Services Summary).
- An explanation of school improvement initiatives (i.e., what, why, who, how, etc.).
- An explanation of the educational organization of Wayne RESA, including: student groupings, departmentalization, team-teaching, shared pupils/teachers, etc.
- Student dropout statistics.
- Explanation of shared time agreements and other partnerships.
- Wayne RESA's center programs and Act 18 funded supports for students with disabilities.

### **Administration and Staff.**

- A copy of the job descriptions of the Superintendent, Secretary to the Board, and top administrators.
- An organization chart of Wayne RESA's management structure.
- An explanation of personnel recruitment and hiring procedures.
- A copy of Wayne RESA's collective bargaining agreement(s) and a brief history of the recent collective bargaining activities in Wayne RESA.
- An explanation of Wayne RESA's evaluation criteria and procedures for administrators, professional staff, and support staff.
- An explanation of Wayne RESA's orientation program for new employees/staff.
- An explanation of Wayne RESA's staff development program.

### **School-Community Relations.**

- An explanation of programs, activities, and interests of education-oriented groups and associations (i.e., PAC, etc.).
- An explanation of Wayne RESA's public relations program, Wayne RESA "brand," how it is coordinated, and what activities regularly take place.

**Member Orientation to Board Protocol** Within 10 days of appointment and/or election to the Board, a new Board member must file an Acceptance of Office; provide the necessary written affidavit; and be sworn into office by the Secretary to the Board of Education, as required by law. New members should also contact the administration office to make arrangements for appropriate technology access; getting a picture ID badge and portrait for the website; instructions for delivery of Board mail; obtain Board materials/handouts (i.e., Policy Manual, Administrative Regulations Manual, these Operating Procedures, directories, maps, MASB and ISD contact information, etc.).

## **Meetings**

**Annual Organizational Meeting** At the annual organizational meeting, the Board will:

- The election of Board officers;
- The establishment of a schedule of regular Board meetings for the year;
- Naming of signatories and depositories for funds (WRESA);
- Naming of signatories and depositories for funds (Inkster);
- Selection of attorneys, auditors, banks, identification of authorized signatories, and appointment of delegates and alternates for professional organizations.

**Meeting Agendas** The President of the Board, in consultation with the Superintendent, will prepare and submit to each Board member a written agenda before each regular meeting and each special meeting, unless otherwise directed by the Board. The agenda will list the various matters to come before the Board and will serve as a guide for the order of procedure for the meeting. Individual Board members may include items on the agenda upon concurrence of the Board President. The agenda will be accompanied by a report from the Superintendent which will contain information relating to Wayne RESA and recommendations for Board action.

The Board will transact business according to the agenda. The order of business may be altered and items added at any meeting by a majority vote of the members present.

**Agenda Statement.** Each agenda will contain the following statement:

This is a meeting of the Board of Education in public for the purpose of conducting Wayne RESA's business and is not to be considered a public community meeting. There is a time for public participation during the meeting.

**Service of the Agenda.** The agenda for each regular meeting should be made available to each Board member no later than three days prior to the meeting so the Board has sufficient time to study the agenda. The agenda for a special meeting should be available at least 18 hours before the meeting, consistent with Board bylaws concerning special meetings.

**Consent Agenda.** When the agenda is prepared, the Superintendent will determine items, if any, that qualify to be placed on the consent agenda. A consent agenda will include items of a routine and/or recurring nature grouped together under one action item. For each item listed as part of a consent agenda, the Board will be furnished with background material. All such items shall be acted upon by one vote without separate discussion, unless a Board member requests that an item be withdrawn for individual consideration. The remaining items will then be adopted under a single motion and vote.

Item typically included on the consent agenda are: (1) all routine items; (2) all routine contracts and contract renewals, such as shared service agreements and insurance contracts; (3) association memberships; (4) routine expenditures; (5) routine personnel items; (6) routine bid considerations; and (7) items recommended by the Superintendent.

**Board Member Questions About the Agenda.** Questions or requests about an agenda will be addressed through the Superintendent no less than 72 hours prior to each Board Meeting unless extenuating circumstances occur.

**Preparation for Meetings** The administration will ensure that supporting information required for informed decision-making is supplied to each member before a Board meeting. All meeting participants must be prepared to address items on the agenda. Board members will read agenda packet materials before the meeting and may ask agenda item-related questions of the Superintendent or his/her designee before the

meeting. Board members are not precluded from asking relevant questions about agenda items during meetings; however, the right to question should not serve as an excuse for lack of preparation.

**Public Participation at Board Meetings** Audience participation at Board meetings is limited to the portion of the meeting designated as public participation. The audience should not enter into discussion or debate on matters being considered by the Board at any other time during a Board meeting, unless recognized by the presiding officer. A member of the audience may address the Board on an agenda or non-agenda item by completing a Request for Public Participation Form inside the Board Room and giving the form to the Board Secretary prior to the start of the meeting. Each speaker is limited to five (5) minutes. Delegations of more than five (5) persons should appoint one person to present their views before the Board. The portion of the meeting during which the participation of the public is invited to speak shall be limited to two thirty-minute sessions, unless extended by a vote of the Board.

**Board Response to Persons Addressing the Board.** Board members will listen to public comments. The Board President may direct administration to investigate item(s) and report back to the Board. Board members will not immediately respond or enter into discussion with the audience during a meeting.

**Public Comments About Employees and Students.** The Board will not permit comments on individual employees or students in public session that are inappropriately derogatory or in ridicule of a person, subject to applicable law.

**Board Member Participation in Discussion, Debate, and Voting** All Board members will vote on all action items. Members will recuse themselves from voting in the case of a legal conflict of interest publicly identified by the member, and consistent with Board Policy. All members may make motions, second motions, and enter into debate on all agenda items. In case of a tie, the action item fails and the President may bring the item back to the Board for further consideration. In case of a less than unanimous vote, the Board will support the majority decision and go forward in harmony. A majority of the members elected or appointed to and lawfully serving on the Board (normally three of five) is needed to pass an action item.

**Inquiries About Closed Sessions** Board members should refer any inquiries about closed sessions to the Superintendent or the Board President, as appropriate. Any information from a closed session is confidential and members are absolutely prohibited from discussing such information outside of the closed session.

### **Meeting Minutes**

**Open Meetings.** The Secretary will designate a person to keep minutes of each meeting. The minutes will show: the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is called. The minutes will also include all roll-call votes. The minutes will only reflect action taken by the Board and, if requested, remarks of Board members and RESA administration. Minutes of the preceding meeting must be approved by the Board and endorsed by the Secretary at the next meeting.

The official minutes will be bound together by school year and kept in the Board office and/or maintained in digital in a secure server location.

*Public Inspection of Meeting Minutes.* Proposed minutes are available for public inspection no later than eight (8) business days after the meeting for which the minutes were made. Approved minutes will be available for public inspection not later than five (5) business days after the meeting at which the minutes were approved. The minutes will be available for inspection at the Wayne RESA main campus and will be available for purchase at a fee estimated by the business office to cover the cost of printing and copying.

*Personally Identifiable Information.* The Secretary will not include in or with meeting minutes any personally identifiable information on any student of Wayne RESA which, if released, would violate the [Family Educational Rights and Privacy Act \(FERPA\)](#).

**Closed Meetings.** The Board will designate a person to keep separate minutes of each closed meeting. Closed meeting minutes will be retained by the Secretary of the Board, but will not be available to the public and will only be disclosed if required by a civil action filed under the [Open Meetings Act](#). Closed meeting minutes may be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was held.

**Closed Sessions** The Board may, by means of a roll call, vote to meet in a closed session for the reasons listed below. Either a majority or 2/3's vote of the Board is required, as follows:

**Majority Vote Required (3 of 5):**

- To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of a public officer, staff member, or individual agent, if the named person requests a closed hearing; and
- For strategy and negotiation sessions regarding collective bargaining agreements if either negotiating party requests a closed hearing.

**Two-Third Vote Required (4 of 5):**

- To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained;
- To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of Wayne RESA;
- To consider material such as written opinions of counsel which are exempt from discussion by state or federal law; and
- To review the specific contents of an application for employment or appointment, if the candidate requests the application remain confidential.

**Confidentiality Requirement.** Except to Wayne RESA's legal counsel or as directed by an order of a court with competent jurisdiction, Board members are prohibited from disclosing the content of discussions that take place during closed sessions. In addition, Board members are prohibited from communicating with a party outside of a closed meeting regarding the substance of the meeting, either during or after the course of the meeting.

## Board Member Requests for Information

While acting within their official capacity, Board members have the right to seek and request information from Wayne RESA. Requests for information should be made to the Superintendent, or his/her designee. An oral report of the information requested, with appropriate documents, may be used for delivery of such information, as determined by the Superintendent. The production of requested information will be at the discretion of the Superintendent.

Directives to the administration to prepare reports will be made via written request through the Board President. If the Board President declines to issue a written request, the request may, instead, be submitted by two or more members to the administration. Within a reasonable period of time, the administration will respond by providing copies of the requested information or reports to all Board members.

## Employment of the Superintendent

**Employment of the Superintendent** The Board of Education vests the primary responsibility for administration of Wayne RESA to the Superintendent. Whenever the position of Superintendent is vacant, the Board will appoint a Superintendent as chief executive officer and fix his/her salary and term of office, which will be no more than five years.

The Board will actively seek the best qualified and most capable candidate for the position of Superintendent. It may be aided in this task by:

- A committee of Board members and other administrators;
- Professional consultants;
- Counsel of the out-going Superintendent; and/or
- Participation of members of the community.

**Recruitment and Hiring Procedures.** Recruitment procedures may be prepared in advance of the search and may include:

- Preparation of a written job specification for the position of Superintendent;
- Preparation of written specifications of qualification in addition to proper State certification;
- Preparation of informative material describing this District and its educational goals;
- Where feasible, the opportunity for applicants to visit the Agency;
- The requirement that each selected candidate for the position be interviewed by Board members in a format that encourages the candidate to express his/her educational philosophy;
- Solicitation of applications from a wide geographical area; and/or
- Consideration of all applicants fairly without discrimination on the basis of race, color, gender, sexual orientation, age, religion, national origin or ancestry, marital status, disability, height, weight, and/or any other legally protected characteristic unrelated to the position of Superintendent.

All interviews of applicants by the Board or a Board committee will be done in open meetings. At the time of application, the Board President will ensure each applicant has been informed that Michigan law may not permit the Board to protect his/her application from disclosure and any interviews must be open to the public.

The Superintendent must submit to a criminal history record check from the Michigan State Police. See Policy 4002 (Criminal Background Checks).

A candidate's intentional misstatement of facts material to: (1) his/her qualification for employment; or (2) the determination of his/her salary, will be considered by the Board to constitute grounds for dismissal.

**Necessity of School Administrator's Certificate.** A person employed as Superintendent by the Board who was a school administrator in Michigan prior to January 4, 2010 is not required to have a school administrator's certificate as issued by the Michigan Department of Education. However, such persons must confirm s/he meets the continuing educational requirements for school administrators as established by the State Board of Education.

All other persons employed as Superintendent must either have a valid school administrator's certificate or be enrolled, or become enrolled, in a program leading to certification as a school administrator within six months of beginning the position. Certification must be completed within three years or the person may not continue to be employed as the Superintendent. A temporary permit issued by the MDE would also suffice.

**Employment Contract.** The Superintendent must be employed pursuant to a signed contract. The contract will include:

- The term for which employment is contracted, including beginning and ending dates;
- The salary which the Superintendent will be paid;
- The benefits to which the Superintendent will or is entitled to receive; and
- Any other matters as may be necessary for a full and complete understanding of the employment contract.

**Physical/Psychiatric Examinations and Evaluations.** The candidate selected as Superintendent may be required to undergo a physical and/or psychiatric examination or evaluation reasonably related to the duties s/he will be required to perform. Wayne RESA will bear the costs of such examinations and evaluations.

**Non-Reemployment of the Superintendent** The Board has an obligation to the citizens of Wayne RESA to employ the best trained and equipped professional leaders to meet the educational needs of Wayne RESA's children. The Board will meet this obligation by retaining only a highly-qualified person as Superintendent.

If the services of the Superintendent are found to be unsatisfactory to the Board, s/he will be notified by the Board President and given an opportunity to correct the unsatisfactory conditions. If the Superintendent's services continue to be unsatisfactory, s/he will be notified in writing by the Board President, as approved by the Board.

Consistent with [MCL 380.1229\(1\) of the Revised School Code](#), the Board may non-renew the Superintendent's contract, with or without cause and with or without prior notice, provided it votes on non-renewal and provides written notice of the non-renewal at least 90 days prior to expiration date of the contract. If written notice of non-renewal of the Superintendent's contract is not given at least 90 days before termination of the contract, the contract is renewed for an additional one-year period.

The Board may choose whether to extend the contract for an additional year before the contract expires, in accordance with the terms of the contract.

The contract of the Superintendent may be terminated during its term for cause. The Superintendent will be entitled to notice of the reasons and a reasonable opportunity to address the Board prior to any vote on termination of the contract.

#### **Incapacity of the Superintendent**

**Appointment of a Superintendent Pro Tempore.** The Board is required to appoint a Superintendent pro tempore by a majority vote of the Board upon determining the Superintendent is incapacitated in such a manner that s/he is unable to perform the duties of the office.

The Board will fix the compensation of the Superintendent pro tempore who will serve until the Superintendent's incapacity is removed or until the expiration of the Superintendent's contract or term of office, whichever is sooner. The Superintendent pro tempore will perform all of the duties and functions of

the Superintendent and may be removed at any time for cause by a majority vote of the members of the Board.

**Determination of Incapacity Upon Request of the Superintendent.** The Board will exercise its authority under law to determine the incapacity of the Superintendent at the request of the Superintendent and with medical documentation, upon certification of a physician selected and compensated by the Board. If the Board determines the Superintendent is unable to perform the duties of the office, the Superintendent may, at the request of the Board, be placed on sick leave with such pay to which s/he may be entitled or which may be authorized by the Board.

The foregoing leave shall not extend beyond the contract or term of office of the Superintendent.

**Return to Active Service.** Upon request to the Board President, the Superintendent will be returned to active duty status unless the Board denies the request within 10 days of receipt of the request. The Board may require the Superintendent to establish, to its satisfaction, that the Superintendent is capable of resuming his/her duties on a full-time basis.

The Board may demand the Superintendent return to active service, and upon receipt of medical showing the Superintendent is able to resume his/her duties, the Superintendent will return to active service.

**Due Process.** The Superintendent may request a hearing before the Board on any action taken under this operating procedure.

**Public Complaints Regarding the Superintendent** Any person or group having a legitimate interest in the operations of Wayne RESA has the right to present a request, suggestion, or complaint regarding the Superintendent to the Board during public comment in any Board meeting. Should the matter be a concern which cannot be resolved through discussion with the Superintendent, the complainant may submit a written request for a conference to the Board. This request should include:

- The specific nature of the complaint and a brief statement of the facts giving rise to it;
- The way it is alleged the complainant (or child of the complainant) has been affected adversely;
- The reason the matter could not be resolved with the Superintendent; and
- The action the complainant wishes to be taken and the reasons why such action should be taken.

The Board, after reviewing the request, may grant a hearing before the Board, refer the matter to an executive session, or retain legal counsel or an investigator to look into the complaint's allegations. The Board may place the Superintendent on leave during an investigation or prior to a hearing.

The Superintendent will be advised, in writing, of the Board's decision within fifteen (15) business days or after completion of an investigation, whichever is later, after the Board receives the written request. The Board's decision will be final and is not subject to appeal.

## **Administrator Discipline**

Whenever it becomes necessary to discipline a RESA administrator, the Superintendent will abide by the following principles and procedures. If the subject of the disciplinary action is the Superintendent, the Board, or its designee, will also use the following principles and procedures.

**Investigation** The Superintendent will first conduct an investigation of any alleged act or omission by an administrator that could result in disciplinary action. The Superintendent will provide the administrator with oral or written notice of the issue(s) or incident(s) being investigated. At minimum, the investigation will

include interviews of appropriate persons and a meeting with the administrator to provide the administrator an opportunity to respond to the complaint. Prior notice of this meeting will be provided to the administrator for any discipline that may result in a suspension or loss of pay.

**Discipline** After completing the investigation, the Superintendent must decide whether to impose discipline. If discipline is to be imposed, the Superintendent will send the administrator written notice of the disciplinary measure taken. The notice should also be placed in the administrator's file. Discipline may include, but is not limited to:

- A written warning;
- A written reprimand;
- Suspension (paid or unpaid);
- Discharge; and/or
- A financial penalty in accordance with Michigan law.

Wayne RESA does not have to apply discipline in a progressive manner, but, rather, may impose discipline consistent with seriousness of the administrator's conduct, as determined by Wayne RESA. Nothing in operating procedure limits Wayne RESA's right to take other appropriate action, such as placing an administrator on administrative leave during the pendency of an investigation or issuing a counseling memorandum, which will be considered instructional and not disciplinary.

The Superintendent's decision to impose any disciplinary action that is not subject to Board review is final.

Discharge, demotion, or non-renewal of an administrator may only be imposed by the Board in adherence with the requirements of the [Revised School Code](#).

## Board-Staff Communications

The Board desires to maintain open channels of communication between itself and District staff and will apply the following principles to carry out this goal.

**Staff Communications to the Board** All communications from staff members to the Board will be submitted through the Superintendent. This procedure is not intended to deny any staff member the right to appeal to the Board on important matters through established procedures.

**Board Communications to Staff** All official communications, policies, and directives of the Board of staff interest and concern to the staff will be communicated through the Superintendent, who will also keep staff members fully informed of the Board's problems, concerns, and actions.

**Social Interactions** Both staff and Board members share a keen interest in the schools and in education generally. Thus, Wayne RESA expects that when staff and Board members meet at social functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of Wayne RESA. However, since individual Board members have no individual authority to speak for or on behalf of the Board, discussions between staff and Board members concerning personal grievances or other specific matters are not appropriate.

## Receipt of Legal Documents

**Service of Process on the Board of Education** For legal actions brought against the Board, only the Board President or Superintendent may accept service on behalf of the Board.

**Service of Legal Documents on Superintendent** The Superintendent may accept service of legal documents, other than noted above, if:

- The document requests not only public records (such as employees' personnel files), but also student education records and other documents and electronically stored information maintained by Wayne RESA; or
- The document directs employees to testify at a deposition or hearing concerning issues that fall within the employees' employment responsibilities.

An employee served with legal documents in his/her official capacity must immediately provide copies of the documents to the supervising administrator. The administrator must immediately provide copies to the Director of Human Resources and must follow his/her directives.

**Releasing Information/Documents in Response to a Subpoena or Court Order.** Generally, confidential personnel records, student records, or personal observations or opinions about student behavior/academic performance do not have to be disclosed. The law makes an exception for a subpoena or court order. Board policy requires the Agency to release only the documents specifically identified in the subpoena or order. In circumstances where, in responding to a subpoena or order, information is developed or summarized from the student's education records, a copy of that information and a statement of the purpose for which it was prepared will be filed in the student's cumulative folder.

**Actions Against the Board** In actions against the Board, it is not unusual for employees to be served with subpoenas and/or called as witnesses. Board legal counsel and the Superintendent will assist employees in these matters. If doing so is in the Board's best interest, an administrator or Board attorney will accompany the employee to the deposition or hearing.

**Independent Legal Counsel** This policy does not prohibit employees from consulting with their own independent legal counsel, but they are prohibited from discussing or releasing student personally identifiable information to a third party except as expressly authorized by the law.

## Board Policies and Administrative Regulations

Because adherence to Board Policy is critical, all Board members are required to familiarize themselves with the Board's Bylaws and Policy Manual, as well as the Administrative Regulations promulgated by the Superintendent. At a minimum, the Board should review its policies as part of its annual responsibilities to ensure that policies are up-to-date based on recommendations from Wayne RESA's legal counsel, MASB, and as required in response to legislative and other governmental actions, judicial rulings, and administrative review.

## Public Expression of Board Members

Generally, the Board President functions as the official spokesperson for the Board. From time-to-time, however, individual Board members may make public statements on school matters to local media or to local and/or state officials. The statements of an individual Board member may imply or be interpreted as official positions of the Board. Such misunderstandings can embarrass the Board member, the Board, and Wayne RESA as a whole. Thus, Board members should, when writing or speaking on school matters to

the media, legislators, and other officials, make clear their views do not necessarily reflect the views of the Board or of their colleagues on the Board.

**Exceptions** This procedure applies to all statements and/or writings by individual Board members not explicitly sanctioned by a majority of its members, except as follows:

- Correspondence, such as legislative proposals, when the Board member has received official guidance from the Board on the matters discussed in the letter;
- Routine, not for publication, correspondence of the Superintendent and other Board employees;
- Routine "thank you" letters of the Board;
- Statements by Board members on non-school matters, provided the statements do not identify the author as a member of the Board); and
- Personal statements not intended for publication.

**Use of Social Media** A Board member's personal or private use of social media may have unintended, negative consequences to the Board member and/or Wayne RESA, including possible violations of the [Open Meetings Act](#) and issues relating to creation of a public record. Postings to social media should be done in a manner sensitive to the Board member's responsibilities, applicable District policies, and legal obligations, including, but not limited to, the following rules:

- Community electronic communications with the Board, including but not limited to Twitter, Facebook, and text messages, need to comply with applicable Board policies be consistent with the [Open Meetings Act](#).
- If a Board member develops a website or a blog that will mention District employees, students, etc., the Board member must identify who they are and that the views expressed on the blog or website belong to that individual Board member and do not necessarily reflect the opinion of the entire Board.
- Board members may not share confidential information.
- Board members must be careful not to repeat information learned in closed session, or in private conversations with fellow Board members, District staff, or administration.
- Board members are prohibited from using District logos and trademarks on their blogs or websites.

## Physical and Psychological Examinations / Evaluations

**Right to Request Examination/Evaluation** The Board or Superintendent reserves the right to require any employee or employment candidate, after a conditional offer of employment, submit to an examination or evaluation to ensure the person's physical and/or mental capacity to perform the assigned duties. Such examinations or evaluations will be completed in accordance with applicable law and/or the terms of any applicable collective bargaining agreement.

**Notice Requirement.** All requests for examination will include the following notice to the examiner:

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this

law, do not provide any genetic information when responding to this request for medical information. 'Genetic information' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

**Uninsured Fees.** The Board shall assume any uninsured fees for required examinations.

**Reports of Examinations/Evaluations** Reports of all examinations or evaluations will be delivered to the Superintendent, who will protect their confidentiality. Reports will be discussed with the employee or candidate. Any and all reports will be maintained in a separate, confidential personnel file in accordance with the [Americans with Disabilities Act](#) and the [Genetic Information Nondiscrimination Act](#).

In the event of a report of a condition that could influence job performance, the Superintendent will base a nonemployment recommendation to the Board upon: (1) a conference with the employee or prospective employee and/or the physician; and (2) substantiation the condition is directly correlated to defined job responsibilities and reasonable accommodation will not allow the employee or prospective employee to adequately fulfill those responsibilities.

## Use of Electronic Mail

**Permissive Uses of Email** Email is a form of communication that may conflict with the [Open Meetings Act](#). Thus, email will be used to conduct business of the Board only for the purposes of communicating:

- Messages between Board members or between a Board member and employees which do not involve deliberating or rendering a decision on matters pending before the Board;
- Possible agenda items between the Superintendent and the Board President;
- Times, dates, and places of regular or special Board meetings;
- A Board meeting agenda or public record information concerning items on the agenda;
- Requests for public record information from a member of the administration, school staff, or community pertaining to RESA operations; and
- Responses to questions posed by members of the public, administrators, or school staff.

**Prohibited Uses of Email** Under no circumstances will Board members use email to discuss, among themselves, Board business that: (1) should only be discussed in an open meeting of the Board; (2) is part of an executive session; or (3) could be considered an invasion of privacy if the message were to be monitored by another party.

**Expectation of Privacy** There is no expectation of privacy for any messages sent by email. Deleted emails may still be accessible on a computer or other electronic device's hard drive or may be retained by the sender, recipient, or other persons included in the email. Emails may be subject to disclosure under the [Michigan Freedom of Information Act \(FOIA\)](#) and should, therefore, always be retained.

## **Board Members as School Visitors**

If, during a visit to a constituent district, a Board member observes a situation or condition which causes concern, s/he should discuss the situation first with the Superintendent as soon as convenient or appropriate. Such a discussion will not be considered an official discussion with the Board.

## **Board Member Concerns**

If a Board member has a concern about another Board member's performance, he/she should first discuss it with the offending member privately. If still unsatisfied with the results of the first meeting, then he/she should discuss it with the Board President or other Board officer privately.

## **Inconsistency with Law, Board Policy, or Administrative Regulation**

These Operating Procedures are intended to be consistent with Michigan law, Board Policies, and Wayne RESA's Administrative Regulations promulgated by the Superintendent. If there are any inconsistencies, they should be resolved with the understanding Michigan law supersedes both the Policies of the Board of Education and Administrative Regulations, and Board Policy supersedes Administrative Regulations and these Operating Procedures.