

# BOARD POLICIES

## SERIES 100

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*[This template is one section of a five-part Charter School Policy Series.  
For general instructions, refer to the [Series Introductory Notes](#)]*

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## **100. The Governing Board**

These policies shall govern the structure and operation of the School's non-profit Board of Directors.

### **100.1. Introduction**

The governing body of [SCHOOL NAME] (the "School") is a corporate body whose official title shall be the "[SCHOOL NAME] School Board" (the "Board"). The School's By-Laws, Charter, and the following policies shall govern the composition, election, offices, and duties of the Board and Board members. The Bylaws are appended to these Series 100 policies and incorporated herein by reference.

[OTHER INTRODUCTORY MATERIAL HERE]

### **100.2. Board Bylaws**

The Board shall be organized and operate according to its Bylaws. The Bylaws shall therefore apply to such things as

- a. the composition, election, and replacement of Board members and officers;
- b. the preparation for, notice, and conduct of meetings;
- c. establishment and use of committees
- d. Board duties and oversight;
- f. conflicts of interest; and
- g. financial matters.

To the extent either Board's Bylaws conflict with any provision in any school policy or practice, the Bylaws shall prevail.

### **100.3. The School Director**

A Director shall oversee the management and administration of the School. The Director reports to and is the Chief Executive Officer for the Board, and is subject to their direction for their respective school. The Director shall be the Chief Executive Officer for each Board, and supervise the Director at each school. The Director shall normally participate in the Board's meetings, advise and inform the Board, assist in developing and implementing Board policy, and serve as the School's chief instructional leader.

### **100.4. Public Statements**

The Chairperson and the Director, or any designee, are the only individuals authorized to speak publicly on the School's behalf. Such public statements shall be made in the best interests of the School and School community. The Board, by majority vote, may direct the Chairperson or Director to make, modify, or retract a public statement regarding the School.

## **100.5.Board Orientation, Development, and Mentoring**

Board member development is a Board priority to enable Directors to fulfill their governance responsibilities as stated in the Bylaws:

### **A. Orientation**

Each new Board member will be required to attend New Board Member Orientation led by the Director, other key staff, and other interested Board members. The Orientation will provide new members with an overview of the School, and the governance of the School, including its mission, history, and work. Topics to be addressed include roles and responsibilities; current strategic plan and initiatives; charter agreement; finances and fundraising activities; and Board and School structure.

### **B. Mentoring**

The Board may provide a mentoring program in which a new Board member is paired with an experienced Board member to mentor them for several months.

### **C. Ongoing Board Development**

The Board may contract with or provide a trainer to deliver board and governance training on an ongoing basis consistent with the School's governance training plan. Existing Board members and new Board members will also attend, as appropriate, school board and charter school conferences; curriculum training; school funding training; team-building sessions; School mission and vision reviews; review of Board and officer job descriptions; leadership training; networking; and committee and task force assignments. When available, all Board members will be encouraged to attend the NCDPI's Charter Leadership Institute. The timetable will be set and conducted annually to coincide with the quarterly meeting schedule defined in the Bylaws and developed by the Board.

#### **100.5.1. Legal Counsel and Other Professional Consultants**

Each Board may deem it necessary to seek expert opinions in legal, financial, or other special matters. To this end, each Board may employ or retain an individual or firm qualified and licensed (as necessary) to perform such service. Such individual or firm, including legal counsel, shall represent and serve the Board, unless such individual or firm is expressly appointed to represent a specific employee.

## **100.6.Board Member Code of Ethics**

Board members shall conform to the following general standards of conduct, including those required by the Bylaws and the law. Members shall:

- a. Faithfully, competently, honestly, and reasonably perform their duties in a way that best serves both School and student interests.
- b. Conduct themselves publicly in a manner that does not threaten the School's operations, academic integrity, safety, or reputation.
- c. Observe all applicable laws and the School's governing and legally binding documents, including the School's Bylaws, charter, and contracts.
- d. Seek to uphold equal educational and workplace opportunities, regardless of race, religion, sex, national origin, handicap, and other legally protected categories.
- e. Comply with all public meetings and public record laws.
- f. Respect and guard the confidentiality of student records, personnel files, closed session information, or other protected, sensitive, and non-public information.
- g. Not act on the Board's or the School's behalf without Board authorization, particularly in any manner that may legally bind or publicly represent the Board's interests.
- h. Avoid conflicts of interests and the appearance thereof, and give prompt and unequivocal notice to the Board of any actual, potential, or apparent conflict of interest. In instances involving a Board decision that may, or actually, significantly affects a Board member's personal interests, the Board member shall not influence, participate in, or assist in the Board's deliberations and decision, unless the Board is reasonably informed in advance of that interest and approves the member's involvement.
- i. Regularly attend and be adequately prepared for Board meetings.
- j. Exercise due diligence when making decisions. This duty includes seeking and relying on the services and opinions of qualified lawyers, experts, and consultants when necessary and feasible.
- k. Avoid involvement in or discussions about School-based disputes, investigations, and grievances to the extent feasible, prior to such matters being correctly and timely presented to the Board through established policies and procedures.
- l. Remain objective and unbiased, and avoid conduct or communications that may jeopardize objectivity in deciding Board matters.
- m. Work collaboratively and collegially with other Board members and delegate proper authority to the Director or executives for the School's administration.
- n. Not interfere in or improperly influence the School's operations or administration except as required by necessity or law.

- o. Refer complaints and matters requiring administrative attention to the Director
- p. Approve the employment of those best qualified to serve the School and not for other non-meritorious reasons.
- q. Diligently uphold and promote these ethical standards, including notifying the Board of any violation or anticipated violation by any other Board member.

### **100.7.Conflicts of Interest**

In addition to standards of conduct set forth in the Bylaws, each Board shall operate according to the following requirements, subject to state rules.

#### **100.7.1. General Provisions and Annual Conflict of Interest Statement**

**Legal Requirements.** Directors shall avoid improper conduct arising from conflicts of interest. They shall abide by all legal requirements governing conflicts of interests, including G.S. 55A-8-31, Section 4.3 of the School’s charter, and any state rule or policy in effect. If any provision of this policy conflicts with a specific law, that law shall preempt the conflicting part of this policy.

**Duty to Disclose.** If any Director has or may have a conflict of interest in a matter pending before the Board, such member shall fully disclose the nature of the conflict or potential conflict to the Board. No transaction may be approved if it would constitute self-dealing. Each Board shall also establish and implement policies conforming to other legal requirements, including state rules and policies pertaining to charter school conflicts of interest and nepotism practices.

**Annual Conflict of Interest Statement.** Annually, each member of each Board will read and sign a form acknowledging his or her duty to identify and adequately address any conflicts of interest.

#### **100.7.2. Statutory Requirements**

Board practice regarding conflicts of interest shall be governed ultimately by G.S. 55A-8-31, as amended or replaced at any time after the adoption of these Bylaws. Specific statutory requirements include the following.

(a) A conflict of interest transaction is a transaction with the Corporation in which one of its Directors has a direct or indirect interest. A conflict of interest transaction is not voidable by the Corporation solely because of the Director's interest in the transaction if any one of the following is true:

- (1) The material facts of the transaction and the Director's interest were disclosed or known to the Board of Directors or a committee of the Board and the Board or committee authorized, approved, or ratified the transaction;
- (2) The material facts of the transaction and the Director's interest were disclosed or known

to the members entitled to vote, and they authorized, approved, or ratified the transaction;  
or

(3) The transaction was fair to the Corporation.

(b) A Director of the Corporation has an indirect interest in a transaction if:

(1) Another entity in which he has a material financial interest or in which he is a general partner is a party to the transaction; or

(2) Another entity of which he is a Director, officer, or trustee is a party to the transaction and the transaction is or should be considered by the Board of Directors of the Corporation.

(c) For purposes of subdivision (a)(1) of this section, a conflict of interest transaction is authorized, approved, or ratified if it receives the affirmative vote of a majority of the Directors on the Board of Directors (or on the committee) who have no direct or indirect interest in the transaction, but a transaction shall not be authorized, approved, or ratified under this section by a single Director. If a majority of the Directors who have no direct or indirect interest in the transaction vote to authorize, approve, or ratify the transaction, a quorum is present for the purpose of taking action under this section. The presence of, or a vote cast by, a Director with a direct or indirect interest in the transaction does not affect the validity of any action taken under subdivision (a)(1) of this section if the transaction is otherwise authorized, approved, or ratified as provided in that subdivision.

(d) For purposes of subdivision (a)(2) of this section, a conflict of interest transaction is authorized, approved, or ratified by the members if it receives a majority of the votes entitled to be counted under this subsection. Votes cast by or voted under the control of a Director who has a direct or indirect interest in the transaction, and votes cast by or voted under the control of an entity described in subdivision (b)(1) of this section, shall not be counted in a vote of members to determine whether to authorize, approve, or ratify a conflict of interest transaction under subdivision (a)(2) of this section. The vote of these members, however, is counted in determining whether the transaction is approved under other sections of this Chapter. A majority of the votes, whether or not present, that are entitled to be cast in a vote on the transaction under this subsection constitutes a quorum for the purpose of taking action under this section.

(e) The Articles of Incorporation, Bylaws, or a resolution of the Board may impose additional requirements on conflict of interest transactions.

### **100.7.3. Definitions**

(a) Interested Person. Any Director, principal officer, or member of a committee with Board-delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.

(b) Financial Interest. A person has a financial interest if the person has, directly or indirectly,

through business, investment, or family:

- (1) An ownership or investment interest in any entity with which the Corporation has a transaction or arrangement;
- (2) A compensation arrangement with the Corporation or with any entity or individual with which the Corporation has a transaction or arrangement; or
- (3) A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Corporation is negotiating a transaction or arrangement. Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

#### **100.7.4. Conflict of Interest Procedures**

**(a) Duty to Disclose.** In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the Directors and members of committees with Board-delegated powers considering the proposed transaction or arrangement.

**(b) Determining Whether a Conflict of Interest Exists.** After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the Board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining Board or committee members shall decide if a conflict of interest exists.

**(c) Procedures for Addressing the Conflict of Interest.**

- (1) An interested person may make a presentation to the Board of Directors or committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
- (2) The President of the Board of Directors, or the chair of the committee if a committee meeting is appropriate, shall appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- (3) After exercising due diligence, the Board or committee shall determine whether the Corporation can obtain, with reasonable efforts, a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
- (4) If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the Board or committee shall determine by a majority vote of the disinterested members whether the transaction or arrangement is in the Corporation's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination, it shall make its decision as to whether to enter into

the transaction or arrangement.

**(d) Violations of the Conflicts of Interest Policy.**

If the Board of Directors or one of its committees has reasonable cause to believe a member has failed to disclose actual or foreseeable conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

**100.8.Nepotism / Hiring of Immediate Family Members**

Before any immediate family member of a Board director or a school employee with supervisory authority shall be employed or engaged as an employee, independent contractor, or otherwise by the Board in any capacity, such proposed employment or engagement shall be disclosed to the Board. The Board shall determine whether to approve such employment in a duly called open-session meeting.

For the purposes of this section, the term "immediate family member," as defined by G.S. 115-12.2(a), means a spouse, parent, child, brother, sister, grandparent, or grandchild, and also includes the step, half, and in-law relationships.

The burden of disclosure of such relationship shall be on any applicable Board member and employee with supervisory authority, as the case may be. If these requirements are complied with, the school may employ an immediate family member of anyone serving as a Board director or an employee with supervisory authority.

**100.9.Board Member Acceptance of Gifts and Favors**

Board members shall not accept gifts or favors from any firm or individual which does or seeks to do business with, or is a competitor of, the School under circumstances that imply reasonably that such action is intended to influence the individual in the performance of their duties.

In addition Board directors, officers, employees, and agents are prohibited from accepting or soliciting gifts, gratuities, favors, or anything of monetary value from contractors, suppliers, or parties to subcontracts. Items of nominal value of less than \$100 that fall into one of the following categories may be accepted: (1) promotional items, (2) honorariums for participation in meetings; or (3) meals furnished at banquets.

## **100.10.Board Meetings and Public Notice**

Each Board shall meet on a regular schedule to provide for the School's efficient and proper operation. All official Board meetings shall be subject to the North Carolina Open Meetings law (Chap. 143, Art. 33C beginning at G.S. § 143-318.9) and the Bylaws.

### **100.10.1. Official Meetings, Quorum, and Rules of Order**

An official Board meeting is a meeting or gathering together at any time or place (including one occurring by simultaneous communication by telephone conference or other electronic means) of a majority of Board members for the purpose of transacting School business. However, a social or informal meeting or gathering together of Board members is not an official meeting unless it is called or held to evade the spirit and purposes of state public meeting laws.

### **100.10.2. Minutes: Open and Closed Sessions**

The School shall keep full and accurate minutes of all official meetings, including any closed sessions. Such minutes may be in written form or may be in the form of sound or video recordings. When the Board meets in closed session, it shall keep a general account of the closed session so that a person not in attendance would have a reasonable understanding of what transpired. Such minutes and accounts shall be public records within the meaning of the state public records law; however, a closed session's minutes or account may be withheld from the public inspection so long as public inspection would frustrate the purpose of the closed session.

### **100.10.3. Quorum**

A quorum of each Board shall consist of one-half of all Board members currently holding office on that Board. A quorum is required to convene any regular Board meeting. If at any point during a regular Board meeting a quorum does not exist, the meeting shall be recessed until a quorum is present, or the meeting shall be adjourned. Members may not participate in a meeting by proxy vote.

## **100.11.Meeting Classifications, Schedule, and Required Notices**

Notices to the community shall conform to state open meeting requirements, particularly [G.S. 143-318.12](#). Notice of any changes, special, or emergency meetings shall be posted in the School office within a reasonable time and be provided to Board members, the media, and others entitled to such notice who have annually signed up to receive notices of such changes and meetings via the School's media distribution list.

### **100.11.1. Annual Meetings**

An annual Board meeting will be held at the June Board meeting each calendar year. The annual meeting's purpose is to act on business brought before the Board, to approve the calendar of

regular meetings, to set those meetings' dates, times, and places, and to revise the School's Bylaws as needed.

#### **100.11.2. Regular Meetings**

Regular Board meetings are to be held once a month to conduct usual business and are subject to the following rules and procedures: The Board Secretary shall keep on file and post the regular Board meetings schedule. The Secretary shall, when feasible, file any revisions to the meeting schedule and post the revised schedule at least seven days prior to the first meeting under the revised schedule. The Board Secretary shall make the regular meetings' date, time, place, and major topics publicly available, including on the School website.

The Board Chairperson may change or cancel a regular Board meeting when he/she deems it in the Board's best interest.

#### **100.11.3. Special Meetings**

Special Board meetings may be called to enable the Board to consider a single or special matter. A special meeting may be called by the Chairperson, the Secretary, or at least upon two Board members' request. Notice of such meeting shall be posted and distributed at least 48 hours in advance. A special meeting may only address matters for which the meeting is called.

#### **106.4 Emergency Meetings**

The Director or the Board Chairperson may call for an emergency meeting to consider matters of an urgent nature requiring immediate attention. Only the matter(s) necessitating the meeting shall be considered at such meetings. Notice of such meeting shall be promptly posted and distributed via the media list. An emergency meeting may only address matters for which the meeting is called.

#### **106.5. Recessed Meetings**

Each Board may recess a meeting to be resumed at a later time, date, and location. This decision to recess shall be announced in an open session, and further notice shall not be required.

#### **106.6 Electronic Meetings**

The Board, consistent with [G.S. § 143-318.13](#), may hold an official meeting through a telephone conference, online discussion, or other electronic means. It shall provide a location and means whereby members of the public may listen to, observe, or otherwise simultaneously understand the meeting's proceedings. The notice of the meeting shall specify the location and forum. A fee of up to \$25.00 may be charged to each public listener to help defray the cost of providing the necessary location and equipment for such participation.

## **100.12. Structure and Proceedings of Board Meetings**

In addition to Bylaw requirements, Board meetings shall include the following.

### **100.12.1. Agenda**

The Director, in consultation with the Chairperson, shall prepare regular Board meeting agendas. Any member of the School community may request that an item be placed on the agenda. However, they must do so in writing, include supporting documentation for any action requested, and ensure that the Director receives it at least fourteen days prior to the meeting. The Director may decide whether to place the item on the agenda. A Board member may request additional information or clarification when the agenda item is discussed.

The Board Secretary shall see that each Board member receives a copy of the agenda and related materials and shall make it available to the public before a regular meeting.

At the meeting, the Board may, by majority vote, add an item that is not on the agenda. The first item of business shall be the approval of the agenda. Once approved, no new item may be added to the agenda for consideration except by a two-thirds vote of Board members present.

### **100.12.2. Minutes**

Each Board Secretary shall ensure that minutes are kept of all Board meetings, including closed sessions. The minutes shall be recorded and filed in the school office. Minutes shall be available for public inspection during regular office hours.

- The minutes shall include:
- The date, time, and place of the meeting;
- The officer presiding over the meeting;
- Board members in attendance;
- A record of all matters coming before the Board for discussion or action;
- A record of all votes and actions taken by the Board;
- Resolutions and motions in full (policies, reports, and other documents relating to a motion may be omitted if they are referred to and identified by title and date);
- Any action to recess for a closed session with a general statement of the purpose (the minutes of closed sessions may be withheld from public inspection if it is deemed that open inspection would hinder the purpose of the session); and
- The time of adjournment.

Unofficial minutes shall be distributed to Board members in advance of the next regular Board meeting and shall be available to the public. Minutes need not be read publicly provided members have had an opportunity to review them before approval. The minutes shall be official when approved by the Board and signed by the Chairperson and the Secretary.

### **100.12.3. Voting**

Each Board may vote by voice unless otherwise deemed necessary by the Chairperson or a majority of the Board, or required by law. If the Board votes by written ballot, each voting member shall sign his or her ballot. The minutes shall record each member's vote. All ballots shall be available for public inspection in the School office following the meeting until the meeting's minutes are approved, at which time the ballots may be discarded.

### **100.12.4. Attendance and Participation at Board Meetings**

**Board Members.** When feasible, a Board member shall give advanced notice to the Chairperson or Director of his or her inability to attend a Board meeting. Each Board may declare a Board member's position vacant after three consecutive unexcused absences from regular Board meetings unless such absence is due to ongoing illness or is authorized by a Board resolution.

If a Board member is on active duty or required training status with the military, the Board shall grant an extended leave of absence to cover the service or training period. The extended leave of absence may not extend the Board member's term. Each Board also has the authority to appoint an interim successor to the absent Board member's position. The interim successor shall serve until the Board member returns or until the end of the Board member's term.

**Public Participation.** Each Board represents and serves the entire School community. For this reason, the Board recognizes the value of public awareness and, when necessary, public input on educational issues. The Board, at its discretion, may provide opportunities for the public to express interest in and concern about School matters. Any citizen may attend all open Board meetings.

Board meetings shall be controlled so the Board can proceed with its business within a reasonable time and orderly manner. The Board may, if it chooses, provide a period in any meeting when visitors may address the Board on subjects related to the agenda or otherwise made open for public comment. To permit fair and orderly comment, visitors wishing to address the Board must sign up before the meeting in a manner designated by the Board.

At a designated time, the Chairperson shall recognize visitors pursuant to prescribed time limits and other requirements the Chairperson or the Board establishes. The Chairperson has the discretion to interrupt or terminate a statement when the Chairperson deems such a statement

detrimental to the orderly and effective conduct of the Board meeting. The Board may modify or overrule the Chairperson by a two-thirds majority vote.

Individuals with disabilities who need an accommodation to observe and participate in a Board meeting shall, when feasible, contact the Director at least seven days prior to a regular meeting and as soon as possible in advance of a special meeting.

Any person who willfully interrupts or disturbs a Board meeting may be directed to leave by the Chairperson. Any person who refuses to leave may be subject to removal by law enforcement officers and to civil or criminal penalties.

**Media Coverage and Recording.** Except as otherwise provided, any media outlet (e.g., radio or television station), consistent with G.S. § 143-318.14, is entitled to broadcast all or part of an open Board meeting. In addition, any person may photograph, film, tape, record, or otherwise, reproduce any part of an open meeting in a non-disruptive manner.

The School may regulate media equipment's placement and use to prevent undue interference with a meeting as long as this does not prevent the equipment's intended use. If the Chairperson, in good faith, determines that the meeting cannot accommodate such equipment and an adequate alternative meeting room is not readily available, the Chairperson may require the pooling of such equipment and the personnel operating it.

**Public Hearings.** Each Board may, at its discretion, hold public hearings to hear the views of members of the School community on particular matters. Such hearings are primarily to receive information and input and not to deliberate or decide a particular matter. Such hearings will be conducted in an orderly, fair, and effective manner so as to offer reasonable opportunities for participants to express their views. The Board shall not be obligated to adhere to any particular view but shall consider the information received in making any necessary decisions.

### **100.13.Policy Development**

The Board's policies are developed and are intended to be consistent with existing applicable federal and state laws and the North Carolina State Board of Education regulations. To the extent any applicable law is inconsistent with these policies, or changes to be inconsistent with these policies, the applicable law shall be the policy of the Board, and the Board shall act to bring all policies into accord with the applicable law formally.

#### **100.13.1. Process**

Proposals for new policies, or changes in existing policies, may be submitted by any Board member, Director, or Director.

Policies will be adopted and amended only by the affirmative vote of a majority of the Board members when such action has been scheduled on the agenda of a regular or special meeting.

Policies will be effective upon the date set by the Board if other than the date of adoption. The date will ensure the affected persons have an opportunity to become familiar with the requirements of the new policy before its implementation.

#### **100.13.2. Policy Dissemination**

The Director shall establish and maintain an orderly plan for preserving and making accessible the policies adopted by the Board. The Director may delegate this responsibility to other administrative personnel within the School's main offices.

Accessibility is to extend to all School employees, to members of the Board, and, insofar as conveniently possible, to all persons involved in the School.

A policy concerning a particular group or groups in the schools will be distributed to those groups prior to the policy's effective date.

#### **100.13.3. Administration in the Absence of Policy**

The Director has the responsibility for carrying out, through supplemental regulations and directives, the policies and regulations established by the Board. The policies developed by the Board, and the regulations and directives developed to implement policy, are designed to achieve an effective and efficient school system. These detailed arrangements constitute the regulations governing the Schools. All Board employees, school employees, and students are expected to abide by them.

Each Board will approve regulations when such approval is required by law or otherwise advisable. The Director shall issue additional guidance provided they are in harmony with Board policies.

In the absence of Board policy relating to a specific situation, the Director will use his/her best judgment in arriving at a decision. The decision will be made based on the spirit and tenor of other existing policies and historical procedures.

It is the responsibility of the Director to recommend to the Board whether or not a policy should be written to cover similar incidents.

#### **100.13.4. Policy Review and Maintenance**

To keep its written policies up-to-date so that they may be used consistently as a basis for Board action and administrative decisions, the Board will review its policies continually. The Director is directed to keep all policies up to date and call the Board's attention to all out-of-date policies that appear to need revision for other reasons.

