



STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING



MICHAEL P. FLANAGAN  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION

JENNIFER M. GRANHOLM  
GOVERNOR

July 24, 2006

**MEMORANDUM**

**TO:** State Board of Education

**FROM:** Kathleen N. Straus, *KS* President

**SUBJECT:** Report by SBE Policies and Procedures Subcommittee – Recommended Changes to SBE By-laws

The revised By-Laws are being presented for consideration by the Board. The revisions are recommended by the State Board of Education Policies and Procedures Subcommittee, which has met several times since its creation in April 2006. The subcommittee members include Elizabeth Bauer, Nancy Danhof, Reginald Turner, and me.

The By-Laws require that revisions be submitted in writing and lay on the table between the meeting at which they are submitted and the next duly constituted meeting at which time such amendments must be acted upon. The revisions require a minimum of six affirmative votes for approval.

The subcommittee is now in the process of reviewing the Board's procedures. The procedures document will be provided to the Board in the next couple of months, following a review by the Superintendent's Group. In addition, a thorough review and evaluation of the Board's policies and procedures has been included in the Statement of Work of the Study of Best Practices.

**STATE BOARD OF EDUCATION**

KATHLEEN N. STRAUS – PRESIDENT • JOHN C. AUSTIN – VICE PRESIDENT  
CAROLYN L. CURTIN – SECRETARY • MARIANNE YARED MCGUIRE – TREASURER  
NANCY DANHOF – NASBE DELEGATE • ELIZABETH W. BAUER  
REGINALD M. TURNER • EILEEN LAPPIN WEISER

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**STATE BOARD OF EDUCATION  
BY-LAWS**

~~Adopted May 9, 2002~~

“Leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, is vested in a State Board of Education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.”

Michigan Constitution  
Article VIII, Section 3 (In Part)

**I. MEETING PROCEDURES**

**A. Types of Meetings**

1. Regular Meetings - Regular meetings ~~will~~ SHALL be held monthly unless otherwise determined by the State Board of Education (SBE) . A quorum of the ~~State Board~~ SBE must be present. THE SUPERINTENDENT (CHAIRMAN) OR THE PRESIDENT SHALL PRESIDE. An affirmative vote by ~~the~~ A majority of the members serving on the ~~State Board~~ SBE shall be required to transact business. In accordance with the Open Meetings Act, regular meetings ~~will~~ SHALL be open to the public and press unless the ~~State Board~~ SBE takes specific action to go into closed session. A record ~~will~~ SHALL be made of the proceedings, including votes on all actions of the ~~State Board~~ SBE and ~~will~~ SHALL be available to the public.
  
2. Committee of the Whole - Meetings of a Committee of the Whole may be convened from time to time as determined by the State Board of Education (SBE). A quorum must be present to conduct a Committee of the Whole meeting. The Superintendent (CHAIRMAN) or the President ~~will~~ SHALL preside; a prepared agenda ~~may~~ SHALL be adopted and followed; a record may be kept; all recommendations considered in Committee of the Whole ~~will~~ SHALL be presented for final decision in a Regular or Special meeting of the ~~State Board~~ SBE. In accordance with the Open Meetings Act, Committee of the Whole meetings ~~will~~ SHALL be open to the public and press.

At least six days before the date of a Regular or Committee of the Whole meeting, the State Board Executive ~~will~~ SHALL give written notice of the meeting of the ~~State Board~~ SBE. This notice ~~will~~ SHALL include an agenda and related materials, as well as the time and place of each Regular and Committee of the Whole meeting. It ~~will~~ SHALL be sent by First Class mail or other method, as requested, to each member of the ~~State Board~~ SBE at the address of the member of the ~~State Board~~ SBE furnished to the State Board Executive. The State Board Executive ~~will~~ SHALL post a public notice of the meeting in accordance with the Open Meetings Act.

3. Special Meetings - Upon request of the Chairman, and with the concurrence of three voting members of the State Board OF EDUCATION (SBE), a special meeting ~~will~~ SHALL be called by the State Board Executive. The State Board Executive ~~will~~ SHALL also call a special meeting upon the request of not less than three voting members of the ~~State Board~~ SBE. In accordance with the Open Meetings Act, these meetings ~~will~~ SHALL be open to the public and press, unless the ~~State Board~~ SBE takes specific action to go into closed session.

At least two days in advance of the special meeting, the State Board Executive ~~will~~ SHALL provide written notice of the special meeting of the ~~State Board~~ SBE to ~~State Board~~ SBE members. The written notice ~~will~~ SHALL include an agenda and related material. It ~~will~~ SHALL be sent by overnight courier, facsimile, or electronic mail to each member of the ~~State Board~~ SBE at the address or facsimile number provided by the member.

If a meeting is called without due notice to ~~State Board~~ SBE members, all voting members of the ~~State Board~~ SBE must waive notice IN WRITING (FACSIMILE OR ELECTRONIC MAIL) of the special meeting in advance of the meeting. If not, no formal action can be taken by the ~~State Board~~ SBE.

Special meetings of the ~~State Board~~ SBE may also be held, without written notice to ~~State Board~~ SBE members, if all voting members of the ~~State Board~~ SBE are present (A QUORUM MUST PHYSICALLY BE PRESENT) and agree to hold the special meeting.

The ~~State Board~~ SBE ~~will~~ SHALL consider only those matters included in the call for the special meeting of the ~~State Board~~ SBE, except that upon written (FACSIMILE

OR ELECTRONIC MAIL) consent of all voting members obtained before the special meeting is held, the ~~State Board~~ SBE may consider new business at the special meeting of the ~~State Board~~ SBE.

4. Closed Sessions - ~~It is the intent of~~ The State Board OF EDUCATION WILL ~~to~~ go into closed session only in accordance with the Open Meetings Act.

It is the intent of the State Board OF EDUCATION (SBE) to decide and to announce in advance the form of meeting to be held. All necessary materials to be considered by the ~~State Board~~ SBE will SHALL accompany the notice and agenda of meetings whenever possible.

B. Quorum for Meetings

A quorum of the State Board OF EDUCATION shall consist of a majority of the Board's VOTING members PRESENT IN PERSON.

C. Public Participation in State Board OF EDUCATION Meeting

~~Procedures for public participation will be adopted by the State Board in accordance with the Open Meetings Act. (The procedures are attached.)~~

- ~~1.~~ THE STATE BOARD OF EDUCATION (SBE) WELCOMES COMMENT FROM THE PUBLIC ON EDUCATION RELATED ISSUES, REGARDLESS OF WHETHER THE ISSUE IS ON THE DAY'S AGENDA. BEFORE A VOTE IS TAKEN ON AN AGENDA ITEM, THE PUBLIC IS GIVEN OPPORTUNITY TO COMMENT ON THE SPECIFIC ITEM UNDER CONSIDERATION. IN ADDITION, COMMENTS FROM THE PUBLIC ON BOTH AGENDA AND NON-AGENDA ITEMS SHALL BE HEARD AT APPROXIMATELY 1:30 P.M. (OR IMMEDIATELY FOLLOWING THE LUNCH RECESS) REGARDLESS OF THE NUMBER OF ITEMS REMAINING ON THE AGENDA FOR DISCUSSION/ACTION, OR AS OTHERWISE STATED ON THE AGENDA.
- ~~2.~~ THE PERSONS WISHING TO ADDRESS THE STATE BOARD OF EDUCATION SHALL BE ASKED TO IDENTIFY THEMSELVES AS TO NAME AND ADDRESS, AND MAY INDICATE THE ORGANIZATION TO WHICH THEY BELONG, IF ANY. IN THOSE INSTANCES IN WHICH A PERSON IS REPRESENTING AN ORGANIZATION, THE PRESENTER SHOULD INDICATE WHETHER THE PRESENTATION REPRESENTS THE OFFICIAL VIEWS OF THE ORGANIZATION.

- ~~3.~~ ALL PERSONS WISHING TO ADDRESS THE STATE BOARD OF EDUCATION MUST DECLARE THEIR INTENT TO THE STATE BOARD EXECUTIVE ON THE APPROPRIATE FORM PRIOR TO THE BEGINNING OF THE PORTION OF THE MEETING DEVOTED TO PUBLIC PARTICIPATION.
- ~~4.~~ THE PUBLIC PARTICIPATION SEGMENT OF THE MEETING SHALL HAVE A LIMITATION OF ONE HOUR. ~~5.~~ EACH PRESENTATION SHALL BE LIMITED TO FIVE MINUTES EXCEPT IN INSTANCES IN WHICH THE NUMBER OF SPEAKERS WILL EXCEED THE TIME LIMITATION. THE CHAIRMAN MAY REDUCE THE FIVE-MINUTE PERIOD TO A LESSER AMOUNT AT THE BEGINNING OF THE PUBLIC PARTICIPATION, BUT IN NO INSTANCE SHALL THE TIME PROVIDED BE REDUCED TO LESS THAN THREE MINUTES. DEPENDING ON THE NUMBER OF PERSONS WISHING TO ADDRESS THE BOARD AND WITH THE IMPOSITION OF THE MINIMUM THREE MINUTES LIMITATION, THE ONE-HOUR LIMITATION IN SUCH INSTANCES MAY BE EXTENDED TO PERMIT EVERY PERSON TO PRESENT VIEWS TO THE SBE.
- ~~6.~~ PERSONS WHO MAY WISH TO ADDRESS THE STATE BOARD OF EDUCATION ON TOPICS FOR WHICH A HEARING HAS BEEN PLANNED OR MAY BE SCHEDULED IN THE NEAR FUTURE, SHOULD BE SO INFORMED OF THE FACT BY THE CHAIRMAN, AND IT SHOULD BE INDICATED THAT SUCH A HEARING MAY BE THE APPROPRIATE FORUM FOR THE EXPRESSION OF VIEWS.
- ~~7.~~ IN THOSE INSTANCES IN WHICH MORE THAN THREE PERSONS WISH TO PRESENT THEIR VIEWS TO THE STATE BOARD OF EDUCATION AND REPRESENT A SINGLE ORGANIZATIONAL UNIT OR A CONSORTIUM-TYPE ORGANIZATIONAL UNIT, SUCH PRESENTATION SHALL BE LIMITED TO ONE SPOKESPERSON WITH TEN MINUTES OF OPPORTUNITY OR UP TO THREE PRESENTERS OF THREE MINUTES EACH.
- ~~8.~~ ALL WRITTEN STATEMENTS SHOULD BE GIVEN TO THE STATE BOARD EXECUTIVE IN ORDER THAT THEY MAY BE MADE AVAILABLE TO THE MEMBERS OF THE STATE BOARD OF EDUCATION. LENGTHY WRITTEN STATEMENTS WHICH MAY NOT HAVE BEEN COMPLETELY PRESENTED WITHIN THE TIME LIMITATION SHALL BE MADE AVAILABLE TO THE STATE BOARD EXECUTIVE WHO SHALL REPRODUCE THEM FOR THE INFORMATION OF THE STATE BOARD OF EDUCATION.
- ~~9.~~ ITEMS IDENTIFIED DURING THE PUBLIC PARTICIPATION REQUIRING STATE BOARD OF EDUCATION CONSIDERATION SHALL BE REVIEWED AT THE END OF THE MEETING WHEN THE BOARD IS DISCUSSING THE AGENDA FOR THE NEXT MEETING.

A REQUEST MAY BE MADE TO STAFF TO PREPARE A BACKGROUND DOCUMENT FOR BOARD CONSIDERATION AT A SUBSEQUENT MEETING.

~~10. BECAUSE OF THE NATURE OF CONTESTED CASES AND THE RISK OF CONDUCTING A DE NOVO HEARING, THE BOARD SHOULD REFRAIN FROM RECEIVING ADDITIONAL INPUT IN SUCH CASES.~~

~~11.~~ DURING COMMITTEE OF THE WHOLE MEETINGS, PUBLIC PARTICIPATION SHALL BE RESTRICTED TO THE ITEMS ON THE THAT AGENDA.

D. Location of Meetings

The meetings of the State Board OF EDUCATION (SBE) will SHALL be held in the Ladislaus B. Dombrowski State Board Room, located on the fourth floor of the John A. Hannah Building, Lansing, Michigan, or at such other place as determined in advance by the State Board SBE.

E. Parliamentary Procedures

Robert's Rules of Order Newly Revised (~~Tenth Edition~~), as modified by these by-laws will SHALL be followed by the State Board OF EDUCATION in conducting its business.

F Order of Business for All Regular Meetings of the State Board

The ~~order of~~ business at Regular meetings of the State Board OF EDUCATION will be MAY INCLUDE:

- Adoption of Agenda and Order of Priority
- ~~(2)~~ • Approval or Amendment of Minutes of the Previous Meeting
- ~~(3)~~ • President's Report
- ~~(4)~~ • Discussion/Presentation Items
- Public Participation in State Board OF EDUCATION Meeting
- Consent Agenda
- Report of Superintendent

- Comments from State Board OF EDUCATION Members
- ~~Preliminary Approval of Agenda for Next Meeting~~  
SUGGESTED AGENDA ITEMS FOR FUTURE MEETINGS
- Dates and Times of Future Meetings
- Adjournment

~~G. Suspension of Order of Business~~

~~The order of business may be suspended by a majority of the voting members of the State Board.~~

H. G. Voting Procedure

Every vote by the State Board OF EDUCATION (SBE) ~~will~~ SHALL be taken by calling the ayes and nays, and the names of those voting respectively for and against ~~will~~ SHALL be recorded in the minutes by the Recording Secretary. When all members of the ~~State Board~~ SBE are present and the vote is unanimous, the vote ~~will~~ SHALL be recorded as unanimous in the minutes.

An affirmative vote by the A majority of the VOTING members serving on the ~~State Board~~ SBE shall be required to transact business.

~~I. H. Minutes~~

The State Board OF EDUCATION (SBE) ~~will~~ SHALL follow the procedures outlined in Robert's Rules of Order relative to entering statements into the minutes of the ~~State Board~~ SBE. ~~The reasons for a vote will be recorded in the minutes if requested by a member prior to or promptly following the vote.~~

~~Minutes of the State Board once prepared in rough draft by the Office of the State Board Executive, will be forwarded to the Secretary of the State Board for review and comment. Once reviewed by the Secretary, the State Board Executive will forward the minutes to all State Board members for corrections, changes, additions, and final approval by the State Board at the next Regular or Special meeting of the State Board.~~

## II. ELECTION OF OFFICERS AND NASBE REPRESENTATIVE

At a THE JANUARY meeting of each odd numbered year, THE VOTING members of the State Board OF EDUCATION (SBE) ~~may~~ SHALL elect from their membership, a President or Co-Presidents of the ~~State Board~~ SBE. The President or Co-Presidents ~~will~~ SHALL perform such duties as ~~will~~ SHALL be assigned to him or her by the ~~State Board~~ SBE, and as provided by these by-laws.

At a THE JANUARY meeting of each odd numbered year, THE VOTING members of the ~~State Board~~ SBE ~~may~~ SHALL elect from their membership, a Vice President or Co-Vice Presidents of the ~~State Board~~ SBE. At a THE JANUARY meeting of each odd numbered year the members of the ~~State Board~~ SBE ~~may~~ SHALL elect a secretary ~~and a treasurer~~, as well as the ~~Board's~~ SBE voting delegate at meetings of the National Association of State Boards of Education (NASBE) from their membership. They ~~will~~ SHALL perform duties as provided herein or assigned by the ~~State Board~~ SBE.

If for any reason any officer or the ~~State Board's~~ SBE NASBE Delegate retires, resigns, or vacates the position, an election BY THE VOTING MEMBERS OF THE SBE ~~will~~ SHALL be held to fill the vacated position at the meeting following the ~~State Board's~~ SBE meeting declaring the office vacated.

## III. ~~ADDITIONAL~~ SUBCOMMITTEES OF THE STATE BOARD OF EDUCATION (SBE)

SUBcommittees of the ~~State Board~~ SBE ~~will~~ SHALL be constituted AUTHORIZED as deemed necessary BY THE SBE ~~and may be reconstituted at any time by the State Board~~. The President ~~will~~ SHALL appoint members and designate the chair with the concurrence of a majority of the members present and voting.

~~The duties and length of time of each committee will be determined by the State Board at the time it is created. All committees will automatically terminate at the end of each even numbered year.~~

~~All new matters must be first submitted to the State Board and the Board may submit them to the appropriate committee for consideration and report back to the Board.~~

## IV. PERSONNEL PROCEDURES

The State Board OF EDUCATION (SBE) ~~will~~ SHALL appoint the Superintendent of Public Instruction and the State Board Executive for a term of office as determined by the ~~State Board~~ SBE.

~~V.~~ A. SUPERINTENDENT OF PUBLIC INSTRUCTION

The Superintendent of Public Instruction ~~will~~ SHALL be the Chairman of the State Board OF EDUCATION (SBE) without the right to vote, and ~~will~~ SHALL be responsible for the execution of its policies. He or she ~~will~~ SHALL preside at COMMITTEE OF THE WHOLE, Regular, and Special meetings of the ~~State Board~~ SBE. In his or her absence, the President ~~will~~ SHALL preside at the COMMITTEE OF THE WHOLE, Regular, ~~or~~ AND Special meetings. If both the Superintendent and President are absent, the meeting ~~will~~ SHALL be chaired by the Vice President.

~~VI.~~ B. STATE BOARD EXECUTIVE

The members of the ~~State Board~~ SBE ~~will~~ SHALL appoint a State Board Executive. The State Board Executive ~~will~~ SHALL be the official custodian of the minutes and all supporting documents thereto of the ~~State Board~~ SBE. In addition, the State Board Executive ~~will~~ SHALL be the custodian of the seal of the ~~State Board~~ SBE and cause its imprint to be placed wherever appropriate. The State Board Executive ~~will~~ SHALL perform the duties assigned to him or her by the ~~State Board~~ SBE in coordination with the Superintendent, and ~~will~~ SHALL hold office at the pleasure of the ~~State Board~~ SBE.

~~VII.~~ V. STATUS REPORT

A complete, written up-to-date list of the status of all pending matters ~~will~~ SHALL be provided to all members of the ~~State Board~~ SBE at each regular meeting as part of the Report of the Superintendent.

~~VIII.~~ VI. AMENDMENTS

These By-laws may be amended in accordance with the following procedure: The proposed amendments ~~will~~ SHALL be submitted in writing and ~~will~~ SHALL lay on the table between the meeting at which they are submitted and the next duly constituted meeting at which time such amendments must be acted upon. The proposed amendments ~~will~~ SHALL require A MINIMUM OF six affirmative votes for approval.