

# STATE BOARD OF EDUCATION BY-LAWS

Adopted February 14, 2017

"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 shall be held monthly unless otherwise determined by the State Board of Education (SBE). A quorum of the SBE must be present. The Superintendent (Chairman) or the president shall preside. An affirmative vote by a majority of the members serving on the SBE shall be required to transact business. In accordance with the Open Meetings Act, regular meetings shall be open to the public unless the SBE takes specific action to go into closed session. A record shall be made of the proceedings, including votes on all actions of the SBE, and except where prohibited from public disclosure by the Open Meetings Act, 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 SBE. A quorum must be present to conduct a Committee of the Whole meeting. The Superintendent (Chairman) or the President shall preside; a prepared agenda shall be adopted and followed; a record may be kept; all recommendations considered in Committee of the Whole shall be presented for final decision in a Regular or Special meeting of the SBE. In accordance with the Open Meetings Act, Committee of the Whole meetings shall be open to the public.

At least six days before the date of a Regular or Committee of the Whole meeting, the State Board Executive shall give written notice of the meeting of the SBE. This notice shall include an agenda and related materials, as well as the time and place of each Regular and Committee of the Whole meeting. It shall be sent by First Class mail or other method, as requested, to each member of the SBE at the address of the member of the SBE furnished to the State Board Executive. The State Board Executive 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 SBE, a special meeting shall be called by the State Board Executive. The State Board Executive shall also call a special meeting upon the request of not less than three voting members of the SBE. In accordance with the Open Meetings Act, these meetings shall be open to the public, unless the SBE takes specific action to go into closed session.

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

If a meeting is called without due notice to SBE members, all voting members of the 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 SBE.

Special meetings of the SBE may also be held, without written notice to SBE members, if all voting members of the SBE are present (a quorum must physically be present) and agree to hold the special meeting.

The SBE shall consider only those matters included in the call for the special meeting of the SBE, except that upon written (facsimile or electronic mail) consent of all voting members obtained before the special meeting is held, the SBE may consider new business at the special meeting of the SBE.

4. Closed Sessions - The SBE shall go into closed session only in accordance with the Open Meetings Act.

It is the intent of the SBE to decide and to announce in advance the form of meeting to be held. All necessary materials to be considered by the SBE shall accompany the notice and agenda of meetings whenever possible.

B. Quorum for Meetings

A quorum of the SBE shall consist of a majority of the Board's voting members all of whom shall be physically present at the meeting location.

C. Public Participation in State Board of Education Meetings

The 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.

The persons wishing to address the SBE 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.

All persons wishing to address the SBE 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.

The public participation segment of the meeting shall have a limitation of one hour. 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.

Persons who may wish to address the SBE 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.

In those instances in which more than three persons wish to present their views to the SBE 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.

All written statements should be given to the State Board Executive in order that they may be made available to the members of the SBE. 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 SBE.

Items identified during the public participation requiring SBE 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.

During Committee of the Whole meetings, public participation shall be restricted to the items on that agenda.

D. Location of Meetings

The meetings of the SBE 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(s) as determined in advance by the SBE.

E. Parliamentary Procedures

Robert's Rules of Order Newly Revised, as modified by these By-laws shall be followed by the SBE in conducting its business.

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

The business at Regular meetings of the SBE may include:

- Adoption of Agenda and Order of Priority
- Approval or Amendment of Minutes of the Previous Meeting
- President's Report
- Discussion/Presentation Items

- Public Participation in State Board of Education Meeting
- Consent Agenda
- Report of Superintendent
- Comments from State Board of Education Members
- Suggested Agenda Items for Future Meetings
- Dates and Times of Future Meetings
- Adjournment

G. Voting Procedure

Every vote by the SBE shall be taken by calling the ayes and nays, and the names of those voting respectively for and against shall be recorded in the minutes by the Recording Secretary. When all members of the SBE are present and the vote is unanimous, the vote shall be recorded as unanimous in the minutes.

An affirmative vote by a majority of the voting members serving on the SBE shall be required to transact business.

H. Minutes

The SBE shall follow the procedures outlined in Robert's Rules of Order relative to entering statements into the minutes of the SBE.

II. ELECTION OF OFFICERS AND NASBE REPRESENTATIVE

At the January meeting of each odd numbered year, the voting members of the SBE shall elect from their membership, a President or Co-Presidents of the SBE. The President or Co-Presidents shall perform such duties as shall be assigned to him or her by the SBE, and as provided by these By-laws.

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

If for any reason any officer or the SBE NASBE Delegate retires, resigns, or vacates the position, an election by the voting members of the SBE shall be held to fill the vacated position at the meeting following the SBE meeting declaring the office vacated.

### III. COMMITTEES OF THE STATE BOARD OF EDUCATION

Committees of the SBE shall be authorized as deemed necessary by the SBE. The President shall appoint members and designate the chair with the concurrence of a majority of the members present and voting.

### IV. PERSONNEL PROCEDURES

The SBE shall appoint the Superintendent of Public Instruction and the State Board Executive for a term of office as determined by the SBE.

#### A. SUPERINTENDENT OF PUBLIC INSTRUCTION

The Superintendent of Public Instruction shall be the Chairman of the SBE without the right to vote, and shall be responsible for the execution of its policies. He or she shall preside at Committee of the Whole, Regular, and Special meetings of the SBE. In his or her absence, the President shall preside at the Committee of the Whole, Regular, and Special meetings. If both the Superintendent and President are absent, the meeting shall be chaired by the Vice President.

#### B. STATE BOARD EXECUTIVE

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

### V. STATUS REPORT

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

### VI. AMENDMENTS

These By-laws may be amended in accordance with the following procedure: The proposed amendments shall be submitted in writing and 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 shall require a minimum of six affirmative votes for approval.

### VII. SUSPENSION OF BY-LAWS

The suspension of any SBE By-law shall require two-thirds of the SBE members meeting.