



Present Sample MASB Bylaw Language on Ethics and Conflict of Interest

1950 Board Member Conflicts of Interest, Ethics and Responsibilities 1950

The objectives of this bylaw are to maintain an impartial administration of the business of the school District and to maintain public confidence in the Board of Education.

No member of the Board of Education shall engage in, or be a party to, any of the following activities:

1. Representing his/her opinion as that of the Board of Education or making commitments on behalf of the school District or the Board unless that person has been specifically designated to do so by official Board action. The Board shall make the staff and citizens aware that only the Board, not individual members, has the right to take official action for the District.

Board members may be contacted for discussion of District business or for complaints. The Board member may listen but shall not make a commitment on behalf of the Board. The individual Board member does not and cannot, speak for the Board or the Superintendent.
2. Placing him/herself in situations where prejudice, bias, favoritism or personal gain is a motivating force in his/her conduct.
3. Disclosing or releasing confidential information, not otherwise available to members of the public, in advance of the time prescribed for the release; provided however, that this provision shall not prevent a Board of Education member from divulging or releasing confidential information regarding suspected violations of law.
4. Benefiting financially from confidential information obtained due to the member's position on the Board of Education.

5. Using personal resources property or funds of the school District, except in accordance with prescribed constitutional, statutory, and regulatory procedures, and in accordance with good business procedures and not for personal gain or benefit.

1950 Board Member Conflicts of Interest, Ethics and Responsibilities 1950-2

6. Soliciting or accepting a gift or loan of money, goods, services or other things of value, that tends to influence the manner in which the Board of Education member performs his/her official duties.
7. Becoming employed by the school District or receiving any compensation for services rendered, except compensation for attending meetings as permitted by law.

*(MASB Note: The language in #7, above, is **STRONGLY** suggested in light of Attorney General Opinions; OAG, 1985-1986, No 6368, p 296 (June 5, 1986); OAG, 1989-1990, No 6642, p 274 (January 2, 1990); OAG, 1991-1992, No 6728, p 172 (August 26, 1992). Yes, this does mean that Board Members cannot serve as paid substitute teachers, coaches, aids, ticket takers, etc., or in any position as an unpaid "volunteer" if the position being filled would normally be a PAID position in the District. The only compensation allowable is that allowed by law and Board policy, for meetings attended.)*

8. Endorsing any organizations, institutions, instructional books or materials, political candidates, etc., on behalf of the District or the Board without the express approval of the full Board.

Board Members shall:

1. Attend all scheduled Board meetings insofar as possible and become informed concerning the issues to be discussed at Board meetings;
2. Take no action that will compromise the Board or the District's staff and respect the confidentiality of information that is privileged under applicable law;
3. Make policy only after full discussion of the issues at publicly held Board meetings;
4. Encourage the free expression of opinion by all Board members and seek systematic communications between the Board, students, staff, and all elements of the community;

5. Work with other Board members to establish effective policy and to delegate authority for the administration of the schools to the Superintendent;
 6. Communicate to other Board members and the Superintendent public reaction to Board policy and District programs;
- 1950 Board Member Conflicts of Interest, Ethics and Responsibilities 1950-3
7. Become informed about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the state and national School Boards Associations;
 8. Support the employment of those people best qualified to serve as District staff and insist on a regular, impartial evaluation of all staff.

Board Member Responsibilities

The Board shall transact all business at legally called and noticed meetings.

If a specific complaint needs attention, the Board member shall explain to the complainant the District's chain of command for handling complaints or refer the complaint to the Superintendent. The Board member also shall inform the complainant about the process for bringing items to the Board through the Board's agenda or through the public participation portion of the Board meeting.

Employment of Former Board Members

No former Board of Education Member shall become employed by the School District until that individual has been out of office for at least one (1) full year from the date of official separation from office. (MASB optional language.)

Approved:

LEGAL REF: OAG, 1985-1986, No 6368, p 296 (June 5, 1986); OAG, 1989-1990, No 6642, p 274 (January 2, 1990); OAG, 1991-1992, No 6728, p 172 (August 26, 1992)

Sample 1 – Board Governance and Board Member Standards Adopted as a Separate and Distinct Bylaw

1955 Board Governance and Board Member Standards

1955

The _____ Board of Education endorses and embraces the following Board Governance and Board Member Standards as developed and recommended by the Michigan Association of School Boards' Board Leadership Training Committee, and adopted by the Michigan Association of School Boards' Board of Directors.

Board Governance Standards

As a governing body, the Board of Education of this District:

- a. Serves as an advocate for children and public education
- b. Understands and responds to community needs
- c. Communicates a clear and common vision
- d. Places the welfare of children above personal or political motives
- e. Governs within board adopted policies and procedures
- f. Periodically evaluates its own effectiveness
- g. Stays focused on learning and achievement for all students
- h. Operates openly, with trust and integrity
- i. Achieves whole board certification through MASB

Board Members Standards

An individual Board member in this District:

- a. Keeps learning and achievement for all students the primary focus
- b. Recognizes and respects differences of perspective and style among board members, staff, administration, parents, students and the community
- c. Works as a team member by maintaining a high degree of mutual trust and respect among members
- d. Does not engage in partisan politics over district matters
- e. Stays informed on current educational issues and is an advocate for public education

- f. Exercises confidentiality for all matters to be held in confidence
- g. Conducts him/herself with dignity and understands the implications of demeanor and behavior
- h. Avoids micromanagement and supports the superintendent and administrative staff
- i. Attends at least one MASB conference annually and commits the time and energy necessary to be an informed and effective leader

Approved:

MASB NOTE: At its option, a Board might consider adopting this bylaw language as a “board resolution” rather than a bylaw, as such. Either action would have the same effect of demonstrating the board’s commitment to high standards of conduct both as a full board and as an individual board member. A sample resolution follows.

Sample 2 – Board Governance and Board Member Standards Adopted as a Resolution

WHEREAS, The _____ Board of Education seeks to endorse and embrace the Board Governance and Board Member Standards as developed and recommended by the Michigan Association of School Boards’ Board Leadership Training Committee, and adopted by the Michigan Association of School Boards’ Board of Directors, and,

WHEREAS, the _____ Board of Education is committed to functioning as both a full board and as individual Board members in a manner and style exemplifying the highest standards of group and individual conduct as members elected to or appointed to the _____ Board of Education, we hereby resolve that the following Board Governance and Board Member Standards shall govern the operations of this Board:

Board Governance Standards

As a governing body, the Board of Education of this District shall:

- a. Serve as an advocate for children and public education
- b. Continually seek to understand and respond to community needs
- c. Communicate a clear and common vision
- d. Place the welfare of children above personal or political motives
- e. Govern within board adopted policies and procedures
- f. Periodically evaluate its effectiveness as an elected body
- g. Stay focused on learning and achievement for all students
- h. Operate openly, with trust and integrity
- i. Strive to achieve and maintain “Whole Board Certification” through MASB

Board Members Standards

An individual Board member in this District shall:

- a. Keep learning and achievement for all students as his/her primary focus

- b. Recognize and respect differences of perspective and style among fellow board members, staff, administration, parents, students, and the community
- c. Work as a team member by maintaining a high degree of mutual trust and respect among members
- d. Not engage in partisan politics over District matters
- e. Stay informed on current educational issues and serve as an individual advocate for public education
- f. Exercise confidentiality for all matters to be held in confidence
- g. Conduct him/herself with dignity and understand the implications of demeanor and behavior
- h. Avoid micromanagement and support the superintendent and administrative staff
- i. Attend at least one MASB conference annually and commit the time and energy necessary to be an informed and effective leader

NOW THEREFORE BE IT RESOLVED that the _____ Schools' Board of Education shall function as a governing body, and as individual members of that governing body, according to the above precepts and understandings and further, that the adoption of this resolution shall be cast across the minutes of the Board of Education meeting held on _____, 20_____.

Ayes _____ Nays _____ Abstentions _____

Passed: _____ Yes _____ No Date: _____

Signature of the Board Secretary _____