

## SCHOOL COMMITTEE BY-LAWS

### Article 1. The Name and The Agreement

- Section 1. The name of this organization shall be the Nashoba Regional School Committee ("the School Committee.")
- Section 2. The basic agreement by and among the three towns, Bolton, Lancaster, and Stow, entitled "Nashoba Regional School District Agreement" and any lawful amendments thereto, (collectively, "Agreement") are hereby incorporated herein and made a part of these by-laws.
- Section 3. Should there be any conflict between the various articles and sections of these by-laws and the various provisions of the Agreement, the provisions of said Agreement shall prevail.
- Section 4. The School Committee is organized according to the Agreement among the three towns. The Committee must exercise the powers, duties and liabilities of the regional school district as specified by the Massachusetts Education Reform Act 71:1 6A, and the Agreement.

### Article II. Duties and Powers of the School Committee

- Section 1. The School Committee shall have all the duties and powers as provided by law.
- Section 2. The School Committee shall have the power to select and terminate the superintendent, shall review and approve budgets for public education in the district and shall establish educational goals and policies for the schools in the district consistent with the requirements of law and statewide goals and standards established by the Board of Education. M.G.L. 71:37
- Section 3. The School Committee may award a contract to a business administrator. M.G.L. 71:41
- Section 4. The School Committee shall appoint one or more school physicians and registered nurses. M.G.L. 71 :53
- Section 5. Upon the recommendation of the superintendent, the School Committee may establish and appoint positions of assistant or associate superintendents and approve or disapprove the hiring of said positions. M.G.L. 71:59

Section 6. The School Committee shall appoint an administrator of special education. M.G.L. 71B:3A

### **Article III. Membership**

Section 1. The Nashoba Regional School Committee shall be composed as provided in the Agreement.

Section 2. Members must be registered voters of one of the member towns, elected at its annual town election for a term of not more than three years. To stagger the rotation of the membership, if three or more members of the School Committee are to be elected for terms of more than one year, as nearly one third as may be shall be elected annually. M.G.L. 41: 1.

Section 3. A person may not serve on the School Committee and at the same time be a paid employee of ~~the School Committee~~ [Nashoba Regional School District](#). Members of the School Committee are subject to the provisions of the Conflict of Interest Statute. M.G.L. 268A

Section 4. A School Committee member begins his or her term according to the rules of his or her town and after taking the oath of office for public officials.

Section 5. An existing School Committee member terminates his or her duties upon the seating of a newly elected member to the School Committee or by resignation. M.G.L. 41:109

Section 6. New members shall be given copies of district policies, education reform law, regional agreement and leases, budget information, bylaws, names and phone numbers of committee members and district administrators [and complete all trainings as required by statute](#).

### **Article IV. Officers**

Section 1. The officers shall be: chairperson, vice-chairperson, secretary.

Section 2. The officers shall be elected by majority, by show of hands, at the annual organizational meeting. The officers shall serve a term of one year and until their successors are elected. Their term of office shall begin immediately upon election.

Section 3. No member shall hold more than one office.

## **Article V. Duties of the Officers**

Section 1. The officers shall perform the duties described in Robert's Rules of Order, in these by-laws and in state law.

Section 2. The duties of the chairperson shall be:

- a. To call each meeting to order at the appropriate time.
- b. To preside at all meetings. "Presiding" includes: announcing the order of business; stating and putting to a vote all questions regularly moved; appointing subcommittee chairpersons; charging subcommittees with their duties; allowing for adequate discussion and debate on all matters which properly come before the committee; enforcing the observance of order and procedure; announcing the result of any vote taken; and, subject to appeal, deciding all questions of order and procedure.
- c. To represent and stand for the School Committee, declaring its will and obeying its decisions.
- d. To have final approval of items to be placed on the School Committee agenda. (in accordance with Policy on Access to the School Committee, and Article XV, Agenda Preparation and Distribution)

Section 3. The duties of the vice-chairperson shall be to exercise the powers and perform the duties of the chairperson in his or her absence. M.G.L. 71:16A

Section 4. The duties of the secretary shall be

- a. To sign any documents as required by state law.
- b. To keep or cause to be kept the minutes of the proceedings of the School Committee.
- c. In the absence of the secretary a secretary pro-tem shall be elected.

M.G.L. 71:16A

## **Article VI. Treasurer**

Section 1. The treasurer shall be a member of the School Committee, unless the school Committee should choose either to appoint the business manager as treasurer or to hire a treasurer. The treasurer shall be granted signatory powers by the Committee on an annual basis.

3 of 13

- Section 2. The treasurer shall receive and take charge of all money belonging to the district and shall pay any bill of the district which shall have been approved by the Committee. M.G.L. 71:16A and B
- Section 3. The treasurer is subject to the provisions of M.G.L. 41:35, 41:52, and 41:1 O9A to the extent applicable. (See attached)
- Section 4. The treasurer shall meet with the Warrant Review subcommittee, if established.
- Section 5. The treasurer shall be the custodian of any district stabilization fund and may deposit or invest such fund. M.G.L. 71:1 6G 3/z

#### **Article VII. Clerk**

- Section 1. The superintendent, or designee, shall serve as clerk for School Committee meetings.
- Section 2. The clerk shall be responsible for:
- a. Preparing, filing and binding a correct record of the minutes of regular and special meetings of the School Committee.
  - b. At the direction of the School Committee, conducting correspondence for and in the name of the School Committee.
  - c. Safeguarding the old and current minutes of the School Committee.
  - d. Posting notices for public meetings and hearings.
  - e. Confirming appointments with persons scheduled to give reports and presentations to the School Committee or its subcommittees.
  - f. Maintaining the School Committee calendar.
  - g. Maintaining a record of pending and completed action items.
  - h. Reserving rooms for School Committee and subcommittee meetings and hearings.
  - i. Fulfilling any other functions or carrying out any other directives as voted on and directed by the School Committee. M.G.L. 71:36

### **Article VIII. Annual Organizational Meeting**

- Section 1. To protect its power to borrow, the School Committee shall hold its annual organizational meeting ~~no later than ten days prior to the start of the new fiscal year.~~ within 10 days of annual Town Elections.
- Section 2. The members shall be called together at the organizational meeting by the presiding chairperson. The presiding chairperson shall accept nominations for chairperson of the School Committee and turn the meeting over to the chairperson after the election has been held. The new chairperson shall preside over the election of other officers.
- Section 3. The School Committee shall consider the appointment of subcommittees. (in accordance with Article XX)
- Section 4. Annual reports of the ~~outgoing~~ officers and subcommittee chairpersons shall be given prior to annual Town Meeting.

### **Article IX. Regular and Special Meetings**

- Section 1. The regular meetings of the School Committee shall be ~~held on the first and third Thursday of each month~~ be determined at the first organizational meeting. The School Committee may, at its discretion, omit or change the date of any meeting if so voted at a prior meeting by a majority of the membership. Notice shall be given in accordance with M.G.L. 39:23B (" Open Meeting Law").
- Section 2. Special meetings shall be called by the clerk at the direction of the chairperson, providing that notice shall be given in accordance with M.G.L. 39:23B. If a majority of the School Committee requests the chairperson to call a special meeting, the chairperson shall call the meeting. In addition, written notice and an agenda for such meeting shall be mailed or e-mailed to the members at least five days in advance, or delivered to the members in person at least forty-eight hours in advance.
- Section 3. Except in an emergency, a notice of every meeting of the School Committee shall be ~~filed with the Town Clerks of member towns and posted on the principal official bulletin boards of the towns~~ posted on the District Website at least forty-eight hours (excluding Sundays and legal holidays) prior to such meeting. M.G.L. 39:23B
- Section 4. All meetings shall be held ~~in the Media Center of the Nashoba Regional High School, Bolton, Massachusetts.~~ in the venue as posted on the agenda.
- Section 5. No meeting shall be held unless there is a quorum. A majority of the members of the Committee shall constitute a quorum.

Section 6. ~~Efforts will be made, e~~Except in an emergency, ~~as to not schedule~~ regular and special meetings of the School Committee ~~shall be scheduled so as not to that may~~ conflict with religious holidays of any committee member. Members should apprise the chairperson of any conflict that may occur, within a reasonable period of time.

#### **Article X. Parliamentary Authority**

The conduct of meetings and the business of the School Committee shall be in accordance with *Robert's Rules of Order, ~~The Modern Edition, edited by Darwin Patnode, published by Berkley Books, 1989,~~* except where these rules are not consistent with these by-laws and Massachusetts General Law and any special rules of order the School Committee may adopt.

#### **Article XI. Amendment of By-Laws**

By-laws may be amended by a two-thirds vote of the full School Committee at a regular meeting, provided the proposed amendment has been introduced in writing at a previous regular meeting and that the proposed change is included in the notice for the meeting at which action is to be taken.

#### **Article XII. Bonding, Insurance and Audits**

Section 1. The treasurer shall be bonded for the percentage of the budget that is liquid cash at or above the limit set by the Department of Revenue.

Section 2. The School Committee shall be indemnified under a School Leaders Errors and Omissions Policy.

Section 3. An annual audit of the districts finances shall be performed as required by law.

#### **Article XIII. Executive Sessions**

Section 1. Executive session shall be called and conducted in accordance with the full text of the law M.G.L. 39:23B when the need for an executive session is determined.

Section 2. Executive session minutes and records shall be kept in accordance with the provisions of the Open Meeting Law.

Section 3. An executive session is closed to all except members of the School Committee, and those persons requested by the School Committee to attend. The superintendent shall be one of those persons requested by the School Committee to attend unless the School Committee indicates otherwise.

- Section 4. The superintendent, when preparing the agenda for School Committee meetings, shall make the initial determination whether items for consideration are appropriate for discussion in executive session. The superintendent shall prepare a separate agenda for executive session.
- Section 5. Any School Committee member who has a good faith belief that proposed executive session agenda items do not so qualify under the "Open Meeting Law" should contact the chairperson of the School Committee and advise him/her of the concern.
- Section 6. When questions pertaining to executive session arise, the chairperson of the School Committee shall confer with the superintendent, and if necessary, legal counsel to the School Committee.
- Section 7. All votes taken in executive session shall be by roll call vote and entered into the minutes.

#### **Article XIV. Public Records**

Public records, as defined in M.G.L 4:7, shall be furnished to any member of the public upon request in accordance with M.G.L 66:10.

#### **Article XV. Agenda Preparation and Distribution**

- Section 1. School Committee members may request that items be included on the agenda. The agenda shall be prepared by the superintendent in conjunction with the chairperson of the School Committee.
- Section 2. The superintendent shall send a tentative agenda and supporting materials for all regular meetings to all school committee members at least five days in advance of the meeting.
- Section 3. The agenda shall be prepared with enough detail and supplementary material to permit members of the School Committee to make necessary decisions without delay.
- Section 4. A consent agenda will list items which need action but have consent; and no further discussion by the committee, if a member wishes to have one or more items withdrawn, the member must make the Chair aware prior to this section of the meeting.
- Section ~~4-5~~ Each agenda shall include an opportunity ~~during New Business~~ for School Committee members to request that items be placed on the agenda for a future meeting.
- Section ~~5-6~~ The "Policy on Public Access to the School Committee and Process for Resolution of Public Concerns," shall govern the placing of items on the agenda by the public.

| Section-76. The agenda for special meetings is restricted to only such business that appears in the call of the meeting unless words such as the following are included in the call: "...and such other business as may properly come before it."

| Section-87. The agenda items for School Committee meetings may include, but not be limited to:

Public participation

[Approval of minutes](#)

[Consent Agenda](#)

Reports:

School Committee Chairperson

Superintendents

Student Advisory Committee (M.G.L. 71 :38m)

Business Manager

Subcommittees

Collaboratives

Action Items

Presentations:

Curriculum

Policy

Budget

Time-scheduled Appointments

New Business

Executive Session

Adjournment

## **Article XVI. Content and Availability of Minutes**

Section 1. The minutes of the meetings of the School Committee shall include the following items:

- a. The date, time and place of each meeting.
- b. A record of those in attendance at each meeting.
- c. A description of actions taken by the committee at each meeting, including a record of the vote on each action unless such vote was unanimous. "Actions taken" shall include the subject matter of all discussions, exchanges of ideas or deliberations, even if no final resolution or vote is reached.



- d. Except for minutes of an executive session, the minutes shall become a public record and be available to the public upon approval by the School Committee. The minutes shall be [sent to the schools and the town halls of the member towns for posting made available on the Nashoba Regional School District Website](#). M.G.L. 39:23B

### **Article XVII. Voting**

- Section 1. The quorum for the transaction of business shall be a majority of the committee, but a number less than a majority may adjourn a meeting.
- Section 2. No votes taken in open session shall be by secret ballot. M.G.L. 39:23B.
- Section 3. No motion shall carry unless it receives the vote of a majority of the quorum.
- Section 4. Approval of the annual district budget requires a two-thirds vote of the entire School Committee (M.G.L 71:16B par.4), by roll call vote and entered into the minutes.
- Section 5. Amendment of these by-laws requires a two-thirds vote of the entire School Committee, by roll call vote and entered into the minutes.
- Section 6. A two-thirds vote of the full committee is required to appropriate a stabilization fund. M. G. L. 71: 1 6G

### **Article XVIII. Public Participation at School Committee Meetings**

The general rules concerning the channeling of complaints to the School Committee are covered in the "Policy on Public Access to the School Committee." In addition, the following procedural rules apply:

- Section 1. The length of the public participation session shall be no longer than fifteen minutes, unless otherwise determined by the chairperson.
- Section 2. Each speaker shall be allowed no more than three minutes to present his or her materials. Additional time may be allowed at the discretion of the chairperson.
- Section 3. No person may address the School Committee without the permission of the chairperson. A person who persists in disorderly behavior may be removed from the meeting. M.G.L. 39:23C

### **Article XIX. Adjournment**

- Section 1. The School Committee shall conduct no new business after 10 PM, except by vote of the committee.
- Section 2. Business which is unfinished at the time of adjournment may be placed on the agenda of the next regular or special meeting of the School Committee.
- Section 3. The statement of desired adjournment time in no way effects the validity of formal action taken after 10 PM should the School Committee be unaware of or choose to ignore the passage of time.

#### **Article XX. Subcommittees**

The School Committee shall have the option of appointing subcommittees, made up solely of members of the School Committee, to accomplish specific tasks. Such subcommittees shall report to the committee after each of their meetings and submit written minutes to the clerk. All subcommittees shall be subject to the open meeting law.

The School Committee will have no standing committees. It may, however, establish special subcommittees at its annual organizational meeting or as necessary. These subcommittees may be created for a specific purpose and to make recommendations for committee action.

- Section 1. Members shall be appointed by the School Committee chairperson, subject to approval by the committee. Subcommittees will have a maximum term of one year, but may be reappointed.
- Section 2. The School Committee chairperson shall ensure that each subcommittee is charged in writing with its functions and duties. Should the subcommittee be unable to perform its duties in a timely manner or to the satisfaction of the full School Committee, the School Committee shall have the option of dissolving the subcommittee and forming a new one.
- Section 3. A subcommittee shall make recommendations to the School Committee, but shall not act for the School Committee.
- Section 4. A subcommittee for the purposes of hiring a superintendent or business manager shall include at least one committee member from each member town.
- Section 5. The School Committee shall, at its annual organizational meeting, consider the appointment of the following subcommittees:

Superintendent Evaluation, Policy, Negotiations, Budget, Regional Space, Capital Improvements, Warrant Review, Educational Goals and any other subcommittees which may be appropriate. Chapter 71:16A; Chapter 39:23B; Chapter 41:56

Approved 2/6/97

### **Article XXI. Advisory Committees**

The following general policies will govern the appointment and functioning of advisory committees to the School Committee. (The appointment and functioning of the student advisory committee is governed by the terms of M.G.L. Ch. 71: 38M.

- Section 1. Advisory committees are made up entirely or largely of non-School Committee members.
- Section 2. Advisory committees may be created by the School Committee to serve as task forces for special purposes or to provide consultation in a particular area. There will be no standing advisory committees; advisory committees will have a maximum term of one year.
- Section 3. If an advisory committee is required by state or federal law, its composition and appointment will meet all the guidelines established for that type of committee.
- Section 4. Appointments to such committees will be made by the School Committee. The superintendent may make recommendations on staff appointments to such committees.
- Section 5. Each advisory committee will be instructed in writing as to:
  - a. The length of time the advisory committee is to serve.
  - b. The charge from the School Committee and the extent and limitations of the advisory committee's responsibilities.
  - c. The resources the School Committee will provide.
  - d. The dates on which the School Committee wishes to receive major reports.
- Section 6. The recommendations of advisory committees will be based upon research and fact.
- Section 7. The recommendations of an advisory committee must be submitted to the School Committee in writing.

The School Committee will have the sole power to dissolve any of its advisory committees by majority vote.

School Building Committees Ch 71:68 and Ch. 71:16A, par. 2

Approved 2/6/97

## **Article XXII. Administrative Councils, Cabinets and Committees**

The superintendent may establish such councils, cabinets, and committees as he/she deems necessary for assuring staff participation in decision making, for advice on implementing policies and regulations. Such groups will exercise no inherent authority. Authority for establishing policy remains with the School Committee and authority for implementing policy remains with the superintendent.

The membership, composition and responsibilities of administrative councils, cabinets and committees will be defined by the superintendent and may be changed at his/her discretion. However, the superintendent shall report to the School Committee on the establishment and dissolution of these groups as well as their membership and purpose. The superintendent shall report twice yearly to the School Committee on the activities of these groups.

When approved in advance by the School Committee, expenses incurred by these councils, cabinets and committees for consultative services, materials, and any investigative travel will be paid by the school system.

## **Article XXIII. School Committee Relationship with Superintendent and Staff**

Section 1. The School Committee shall consult, whenever possible, with the superintendents, business manager and building administrators in the decision making process.

Section 2. The School Committee, or its subcommittees, may request public information or existing records from the administrative staff for the purpose of conducting the Committee's work. Requests for analysis of information shall be made by and through the chairperson of the School Committee or said subcommittee.

Section 3. The School Committee shall not be bound in any way by any statement or action on the part of an individual School Committee member, except when such statement or action is the result of specific instructions of the Committee issued during a legally convened meeting. No member of the Committee by virtue of his or her office shall exercise any administrative responsibility with respect to any school or command the services of any school employee.

Section 4. Whenever possible, School Committee members shall bring items of concern to the attention of the superintendent or chairperson before bringing the items up in New Business at a School Committee meeting.

Approved 2/6/97

**Article XXIV. Rank of Documents**

Section 1. In the event of any conflict between these provisions and the Massachusetts General Laws, the General Laws shall prevail.

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