

## **MEMBERSHIP**

### **I. NUMBER**

The School Board shall consist of seven (7) members.

### **II. ELIGIBILITY, ELECTION, & APPOINTMENT**

Eligibility and elections of Board Members shall follow the Corporation's Organization Plan duly adopted and filed with the State Board of Education.

In accordance with Indiana law, an individual who is employed by the Southwestern Consolidated School District of Shelby County may not be a member of the Board. Additionally, an individual who is at least twenty-one (21) years of age and is otherwise eligible to assume office as a member of the Board may not be disqualified on the basis of age. Property ownership shall not disqualify a person from serving as a Board member.

Before August 1st of each Corporation school year, the Superintendent shall file with the Indiana Department of Education a list of the names and addresses of the members of the Board and the Corporation's Officers, and the expiration of their respective terms.

The Corporation shall file any change to its Board membership with the Indiana Department of Education within thirty (30) days after the change occurs.

### **III. OATH**

Indiana law requires each newly elected or re-elected School Board member to take the following oath before taking office:

"I solemnly swear (or affirm) that I will support the Constitution of the United States of America, the Constitution of the State of Indiana, and the laws of the United States and the State of Indiana. I will faithfully execute the duties of my office as a member of this governing body, so help me God."

The Board may also provide for additional provisions to the oath that the Board considers appropriate for the educational program of the Corporation.

The oath must be signed by the Board member and the person who administers it and filed in the circuit court clerk's office of the county containing the greatest percentage of the population of the School Corporation.

### **IV. TERM**

A Board member may continue to serve successive terms without limitation.

## **V. ORIENTATION**

Under the guidance of experienced Board members and the Superintendent, and including any consultants retained by the Board for such purpose, new Board members will receive orientation through the provision of reference materials on Board policies and procedures, as well as discussions and visits with the Superintendent and any consultants retained by the Board for such purpose.

## **VI. VACANCIES**

The position of a Board member shall become vacant upon the occurrence of any of the following events: the winner of an election fails to take the required oath of office; a member no longer possesses the legal qualifications necessary to hold office; a member voluntarily became intoxicated within the working hours of the Board; a member is convicted of a felony or other crime consistent with I.C. 5-8-3-1; a member is no longer a resident of the Corporation; a member submits a written resignation from the Board to the clerk of the circuit; a member is removed from office by action of the Circuit Court; or death of the member is certified by the clerk of circuit court.

### **Filling a Board Vacancy**

Upon the occurrence of a Board member vacancy, the remaining members of the Board shall seek and interview qualified candidates from the community to fill the position within thirty (30) days of its occurrence. In the event of a tie among the remaining members of the Board, or failure to act within thirty (30) days after such vacancy occurs, it shall be the duty of the judge of the Circuit Court to make such appointment.

## **VII. BOARD MEMBER LEAVE OF ABSENCE FOR MILITARY SERVICE**

A Board member who elects to take a leave of absence in order to serve active duty in the Armed Forces of the United States or the National Guard is entitled to a leave of absence and shall receive a prorated salary to reflect the period of active duty.

A Board member shall provide written notice to the Clerk of the Circuit Court stating that s/he has been called for active duty and will be temporarily unable to perform the duties of Board member.

During the Board member's leave of absence, the position on the Board must be filled in the same manner as filling other vacancies on the Board. The person selected or appointed serves until the date the Board member's leave of absence ends, or the term of his/her office expires.

The person selected or appointed to the Board assumes the rights and duties of a Board member and receives the compensation established for the office for the period of the temporary appointment.

In the event the Board member's term of office expires during such a leave of absence, the office shall be filled as provided by law. Except as provided by a Federal law or regulation, a Board member who is on such a leave of absence is entitled to become a candidate for and be elected to the Board from which s/he has taken a leave of absence.

## **VIII. BOARD MEMBER AUTHORITY**

Individual members of the Board do not possess the powers of the School Board.

A Board member shall not be denied documents or information necessary to the performance of his or her duties as a member.

A Board member may request that the Superintendent bring the personnel records of a designated school employee(s) to an executive session of the Board. The Board shall limit their investigation of personnel records to executive sessions and shall return the complete personnel records to the Superintendent's custody at the conclusion of such sessions.

Members of the Board shall use information discovered in employee personnel records only for the Board's consideration of appointments, assignments, promotions and demotions, remuneration, discipline, and dismissals, or to assist the development of personnel policies, or for other uses necessary to the performance of the Board's legal responsibilities.

## **IX. PUBLIC EXPRESSIONS OF BOARD MEMBERS**

The Board President functions as the official spokesperson for the Board. It is acknowledged, however, that individual Board members may have occasion to speak on Board matters from time-to-time. On such occasions, Board members must be mindful of their obligations under Section VIII Board Member Authority and Policy D225 Employee Ethics.

## **X. COMPENSATION & EXPENSES**

The annual compensation for each Board members shall be \$2,000.00. Each member of the Board shall be entitled to receive a per diem as permitted by Indiana statute.

Members of the Board shall be reimbursed for expenses authorized by the Board, including, but not limited to, those incurred while traveling on school business to Board-approved conferences or to professional meetings.

Reimbursement for mileage will not exceed the current rate established for Corporation employees. No entertainment expenses or purchases of alcoholic beverages are reimbursable.

A Board member must submit a voucher specifying the amount and nature of each expense to the Board for approval after the expenses have been incurred.

## **XI. PROFITEERING FROM PUBLIC SERVICE**

A member of the Board shall not obtain a pecuniary interest in any contract or purchase which was approved by the Board during his/her Board service for one (1) year after leaving the Board unless the former member:

1. was screened from any participation in the contract or purchase;
2. has not received a part of the profits of the contract or purchase by the Board; and
3. promptly gives notice to the Board of his/her interest in the contract or purchase.

This restriction does not apply if the Board member receives less than \$250.00 of the profits from the contract or purchase. *See Policy A125 Nepotism, Conflict of Interest, Gifts, and Use of Corporation Resources* for information on gifts and gratuities.

## **XII. DEFENSE AND INDEMNIFICATION OF BOARD MEMBERS**

This bylaw is applicable to all types of civil claims under law including tort claims, civil rights claims, and contract claims. The Board will pay all costs and fees incurred by or on behalf of any Board member in the defense of any claim under law if the Board by resolution determines that the Board member's actions upon which the claim is based arise out of the performance of the member's duties as a Board member, and were taken in good faith.

The Board shall, subject to the provisions of Indiana law, also pay any judgment, compromise, or settlement of a claim, or suit when the Board determines by resolution that it is in the best interest of the Corporation to do so, the act or omission upon which the claim is based occurred within the scope of the Board member's duties as a Board member, and the member did not act in bad faith, or with malfeasance in office. The intent of this bylaw is to hold the Board member harmless from any liability, cost, or damages in connection such a claim, including but not limited to the payment of legal fees and court costs, except where the liability, cost, damage, or fees are predicated on, or

arises out of, the bad faith of the Board member or the claim or judgment is based on the member's malfeasance in office.

If a present or former Board member is or could be subject to personal civil liability for a loss occurring because of a noncriminal act or omission within the scope of the member's duties which violates the civil rights laws of the United States, the Board shall, subject to the limitations established by Indiana law pay the judgment, compromise, or settlement of the claim or suit if the Board determines by resolution that paying the judgment, compromise or settlement is in the best interests of the Corporation. The Board shall also pay all costs and fees incurred by or on behalf of Board member in defense of any such claim or suit.

A Board member shall not be personally liable on contracts entered into within the scope of the member's duties as a Board member unless it is clearly indicated otherwise in writing.

I.C. 3-12-9-4

I.C. 5-4-1-4

I.C. 5-8-1-35: removal from office

I.C. 5-8-1-38: felony conviction

I.C. 5-8-3

I.C. 5-8-3.5

I.C. 5-8-6 and I.C. 20-26-4-4.5: death of a member

I.C. 5-9-4

I.C. 20-23-4-30(e) (applicable to community school corporations only): residency

I.C. 20-23-4-30(d)(1) & (2)

I.C. 20-23-8-22

I.C. 20-26-4-2

I.C. 20-26-4-3-2: oath of office

I.C. 20-26-4-7

I.C. 20-26-4-9

I.C. 20-26-4-10

I.C. 20-26-4-11

I.C. 20-26-5-4

I.C. 20-26-5-4(17)

I.C. 34-13-2

I.C. 34-13-3-5

I.C. 34-13-3-20

I.C. 34-13-4-1

I.C. 34-17 (I.C. 5-8-2-1): voluntary intoxication

I.C. 35-44.1-1-5

I.C. 35-50-5-1.1: removal due to conviction of bribery or official misconduct

2 C.F.R 200.112, 200.113, 200.318

Adopted: [date]  
Revised: [date]