



# Welcome School Leaders!

August 16, 2024

## Board Member Playbook: What Administrators Should Know About Supporting Their School Boards

Doug Newcombe, MBA, CPA  
School/University Partnership Office

989-239-9482

[dlnewcom@svsu.edu](mailto:dlnewcom@svsu.edu)



## Reasons Why It is More Important than Ever to Support Board Members

- Greater continuity of school mission and goals
- Awareness of school issues
- Understanding of their roles vs your roles and that of staff
- Understanding the Can Do's and Cannot Do's under the law
- Helps board members more effectively communicate with parents and community
- Helps in navigating the politics of today

## Things You can Do

- Regularly Communicate with ALL board members:
  - Phone
  - In-Person
  - Written Updates
- Provide board agenda information in plenty of time for members to review the information and contact you with questions or concerns. A week is good.
- Adding to the bullet point above, don't spring things on them at meetings.
- Recognize board members have an important LEGAL responsibility to the school, students, parents, staff, and taxpayers and ensure your school decision making structure reflects that.
- Know where your board members are on important decisions before its decision time.
- Work closely with your board president to set meeting agendas and also run meetings.

## Things You can Do

- Know the basics on board laws yourself, such as on the Open Meetings Act, FOIA, closed sessions, organizational meeting requirements, and financial requirements.
- Don't step over dollars to pick up dimes. Use your legal council on important matters:
  - Written reviews on important leases, contracts, loans, etc. that are shared with the board prior to important decisions.
  - Have legal counsel at meetings when there are difficult questions or issues.
- Ensure that board agenda items have the proper supporting materials and utilize page numbers that are also shown on the agenda for each item for easy access.
- Encourage and help facilitate board professional development opportunities

**Each school leader and board member will be provided a convenient tip sheet to have at hand when questions might arise.**

## Meeting Quorum, Approval of Agenda Items. Organizational Meetings

- Meeting must have a majority of members to the number of total seats and members must meet in person.
- **For a vote to be valid, it must have a majority based on number of total seats regardless of the number of members present.** For example, 3 of 5 members present are sufficient to hold a valid meeting. If only 2 members of the 3 present vote to approve items, the 2 members are less than a majority of the 5 seats and the vote would fail.
- The board should follow the agenda as printed. However, if an item needs to be shifted during the meeting such as a presenter being late, etc., this is acceptable.
- Organizational Meetings should be held in July as it creates a framework for the board and administration functions.
- The Approval of Chief Administrative Officer must be a board member, which is usually the board president or treasurer.
- **New or re-appointed board members should be sworn in BEFORE the organizational and regular July meeting so there are enough members for a quorum. The school leader or board president can hold the oath of office at any time after SVSU approves the appointment and the date of the first board meeting.**

## Meeting Quorum, Approval of Agenda Items. Organizational Meetings

- The board can create committees and appoint members at any time including the organization meeting. Committees can be standing or created just for a specific limited purpose.
- Committees consisting of less than a quorum of board members may but are not required to keep minutes, post meetings, or hold meetings in public.
- Committees that make decisions MUST comply to all requirements of an Open Meeting under the Act even if less than a quorum of members.
- **Group email chats or text messages involving a majority of board members would be considered an Open Meeting Act violation even if decisions are not being made.**
- School leaders and board members of less than a majority of board members can have discussions, share information, or answer questions without violating the Open Meetings Act.
- A majority of board members can attend school events such as graduations or other social gatherings without violating the Open Meetings Act if school business is not discussed by that majority of members.



## Public Comments

- There must be at least 1 public comment section at any board meeting.
- Courts have held that allowing a citizen to speak for less than 3 minutes might be considered insufficient.
- Most schools have a time limit of between 3 and 5 minutes.
- Courts have ruled that citizens have a right to speak about specific employees or board members.
- Board members should not engage with speakers during public comment. It is for comment, not dialog.
- The board president can direct administration to meet with commentors if needed to address any issues.
- Administration should update the board on any issues that are reviewed as to actions, progress, outcomes.
- If additional time is to be given for a public commentor beyond the time limit in board policy, the board must vote on allowing the additional time.



## **Special Meetings**

- The meeting notice must be posted with the date, time, location, and reason(s) for the special meeting.
- All meeting notices should be signed by the board secretary as well as the board meeting schedule approved for the year.
- All special or re-scheduled meetings must be posted at least 18 hours prior to the starting meeting time.

## State Requirements for Closed Sessions

- Closed sessions can only be held for one of the reasons stated in the Open Meeting Act.
- Closed session motions must state which legal reason for the session. (Reasons pertinent to schools shown below.)
- Closed session motion must also state if the board will come out of closed session only to adjourn or further meet/take actions.
- A roll call vote must be held on a motion to go into closed session and 2/3 members must approve. Note: 3 of 5 is not 2/3.
- Separate minutes must be kept and approved for closed session but are locked up and not publicly shared or discussed.
- Closed meeting minutes can only be shared in compliance with a court order.
- The Board agenda should include the legal reason for the closed session.
- Student names should not be included in regular or closed session minutes as to not violate FERPA. Refer to the students as Student A, or Student 1, etc.

## Required Evaluations

- Annual Evaluation of School Leader – Required by State and SVSU. Submit as required by State law.
- Annual Evaluation of Educational Service Provider – Required by SVSU. No submission requirements, certification only currently.
- Annual Board Self-Evaluation – Required by SVSU but also a best practice. No submission requirements, certification only currently.
- Evaluations for school leaders and educational service providers should be based on school, operational, and leadership goals established at the beginning of each school year.
- School leader evaluations can be held in closed session by law if agreed to by the board and school leader.
- Evaluations of employees are subject to disclosure under the Freedom of Information Act.

## Financial Requirements, Reporting, and Purchasing

- Monthly financials required by SVSU and auditors: Check/disbursement registers, Budget to Actual for each fund, Cash Flow developed for 15 months period from July to the following September and updated for actual data each month.
- Budgets for each fund must be approved by July 1 and contain no ending fund balance less than \$0.
- Purchases of construction, renovation, repair, remodeling, supplies, equipment, and materials are subject to State bid requirements.
- The State bid threshold is updated each Fall. For reference, the limit for 2023-24 was \$29,572.
- Purchases at or above the limit must be advertised for bid at least one day for each of two weeks.
- Administration must post a time, date, and place for a public bid opening, the bids are opened and read, and later analyzed for a recommendation to the board to award the bid to one of the bidders.

## Financial Requirements, Reporting, and Purchasing

- Board policies can have bid thresholds less than the State limit but not more and also have other more stringent requirements if desired.
- The board is required to APPROVE monthly financial statements and ACCEPT completed annual audit reports.
- While the State is concerned with fund balances that are 5% or less or larger balances that decline rapidly, a reasonable fund balance can range between 15% to 25% of expenditures in a fund.
- All financial information that is created including invoices, salary information, check registers, detail budgets, etc. are subject to disclosure under the Freedom of Information Act.
- Individual employee payroll information deemed personal in nature, such as deductions, social security numbers, and tax withholdings are not subject to disclosure under the Freedom of Information Act.

## **Legal Reasons for Closed Sessions for Schools under MCL 267 of 1976, Section 8 of 15.268**

- a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of a public officer, employee, staff member, or individual agent.
- b) To consider the dismissal, suspension, or disciplining of a student if the public body is part of the school district, intermediate school district, or institution of higher education that the student is attending, and if the student or the student's parent or guardian requests a closed hearing.
- c) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either of the negotiating party requests a closed hearing.
- d) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
- e) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.
- f) For a school board to consider security planning to address existing threats or prevent potential threats to the safety of the students and staff.

## **Approval Process Steps for Educational Service Providers (ESPs)**

- ESP sends proposed ESP agreement to Academy by the middle of March.
- Academy representative sends proposed ESP agreement to SVSU by April 1.
- Academy Board completes the Due Diligence Form on ESP Company/agreement and sends to SVSU. Checklist completed by legal counsel.
- SVSU sends proposed ESP agreement to Dykema Gossett for review.
- SVSU receives changes from Dykema Gossett and returns ESP agreement to Academy representative for changes. Academy sends required changes to ESP.
- Academy receives agreement back from ESP. Academy sends to Board Attorney for review and SVSU for review.
- Academy & ESP execute proposed ESP agreement and a copy is sent to SVSU by or before June 30.



# Questions?? – Thank You!



**Doug Newcombe**  
**School/University Partnership Office**  
**989-239-9482**

[dlnewcom@svsu.edu](mailto:dlnewcom@svsu.edu)