



Board of Education Policies and Regulations

Chapter I By-Laws

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BOARD OF EDUCATION
Chapter I

BY-LAWS

1-1 Legal Status

The Rowan-Salisbury Board of Education is a corporate body as prescribed in the General Statute of the State of North Carolina. [NC Gen. Statute 115C-36]. The statute gives the Board responsibility for general control and supervision over all matters pertaining to the public schools in the Rowan-Salisbury Administrative Unit.

Legal Reference(s): NC Gen. Statute 115C-36

Adoption Date: 6/28/89

Amended Date:

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1-2 Powers and Duties

The Board of Education shall have general control and supervision of all matters pertaining to the public schools and shall enforce the school laws within the school administrative unit. (The power and duties of the Board are described in detail in [NC General Statute 115C-47]).

The Board is the policy-making body of the system. It assigns administrative responsibilities to the Superintendent and through him or her to the school staff.

The Board of Education has the authority to transact business at regular or special meetings provided a quorum of its members are present. The Board cannot perform its functions through its members acting individually, informally, separately, or by committees.

Legal Reference(s): NC General Statute 115C-47

Adoption Date: 6/28/89

Amended Date: 1/14/91

Amended Date: 7/19/93

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1-4 Term and Election of New Board Members

An interim Board of Education will serve from July 1, 1989, until the first Monday in December, 1990. The interim Board will be composed of nine (9) members including all five (5) members of the Rowan County School Board in office at the termination of that Board, together with four (4) members from the then existing Salisbury City School Board. It is intended that the interim Board will be governed by and limited to guidelines established by the two Boards of Education. The Salisbury City School Board will select four of its members to so serve. If any vacancy occurs on the Interim Board of Education, during the period beginning July 1, 1989, and ending on the termination of the Interim Board of Education, in one of the positions initially filled by persons from the Rowan County Board of Education, the remaining members of the Interim Board of Education holding seats initially filled by members of the Rowan County board of Education shall choose some person to fill the vacancy until the termination of the Interim Board. If any vacancy occurs during the period beginning 1, 1989, and ending on the termination of the Interim Board of Education in one of the positions initially filled by persons from the Salisbury City Board of Education, the remaining members of the Interim Board of Education holding one of the four seats subject to initial appointment by the Salisbury City Board of Education shall choose some person to fill the vacancy until the termination of the interim Board.

A. First Elected Board

A non-partisan election as provided in Chapter 163 of the North Carolina General Statutes will be held at the same time county officers are elected in accordance with NC General Statute 163-1 in 1990 to elect a seven (7) member Board of Education whose terms will commence on the First Monday in December 1990. Candidates shall file with the Rowan Board of Elections no earlier than 12:00 noon on the sixteenth Friday and no later than 12:00 noon on the twelfth Friday before the general election, a notice of candidacy which shall give the candidate's name, address, place of residence, and a statement that he or she desires to be a candidate for membership on the said Rowan-Salisbury Board of Education for the seat for the district in which he resides, or the at-

large position for which the candidate is eligible, except in the case of residents of the Salisbury High Attendance Zone, for the combined election for seats 5 and 6. The results shall be determined on a plurality basis in accordance with NC General Statute 163-292. One (1) member will be elected from each of the five (5) high school attendance zones, and two (2) members will be elected at large as follows:

Seat Number	Term	School Attendance Zone
1	4 years	North Rowan High School
2	4 years	South Rowan High School
4	4 years	West Rowan High School
6	4 years	At-Large
3	2 years	East Rowan High School
5	2 years	Salisbury High School
7	2 years	At-Large

In the initial election, only persons who are residents of the Salisbury School Attendance Zone may be candidates for seat 6. In the initial election, only persons who are residents of Rowan County but who reside outside the Salisbury High School Attendance Zone may be candidates for seat 7. In each of the other districts, only a person who is a resident of the attendance zone specified for a particular seat may be a candidate for that seat. Each seat shall appear separately on the ballot, but all the qualified voters of the entire county are eligible to vote on all the seats. In the initial election only, the election for seats 5 and 6 shall be combined. The person receiving the highest number of votes shall be elected for a four-year term to seat 6, and the person receiving the next highest number of votes shall be elected for a two-year term to seat 5. [The terms for seats 3, 5, and 7 will be four (4) years after expiration of the initial two (2) year terms.]

B. Permanent Board of Education

At the expiration of the terms of the at-large seats on the initially elected Board of Education, those at-large seats will lose all district designation. However, no more than two (2) members of the Board from the same high school attendance zone will serve on the Board at any one time. In 2003 the Board of Education passed a Resolution that Seat 7 be amended from an At-Large Seat to include only candidates and the board member elected who reside in the new high school attendance zone. As a result, beginning with the 2004 board of education election, persons whose residency is in the

Southeast attendance zone, except for the parts of that attendance zone, if any, in the residency district for Seat 6 may be a candidate. The At-Large seat, Seat 6, did not change and will have no district designation. In each of the other districts 1 through 5, only a person who is a resident of the attendance zone specified for a particular seat may be a candidate for that seat. Each seat shall appear separately on the ballot, but all the qualified voters of the entire county are eligible to vote on all the seats. All terms for the permanent Board will be four (4) years with elections to be held on a non-partisan basis as provided in Chapter 163 of the NC General Statutes, with the election held on the date for election of county officers as provided by NC General Statute 163-129. Candidates (1-4-C) shall file with the Rowan County Board of Elections no earlier than 12:00 noon on the sixteenth Friday and no later than 12:00 noon on the twelfth Friday before the general election, a notice of candidacy which shall give the candidate's name, address, place of residence, and a statement he or she desires to be a candidate for membership on the said Rowan-Salisbury Board of Education for the seat for the district in which he or she resides, or the at-large position for which the candidate is eligible.

Legal Reference(s):

Adoption Date: 12/1/89
Amended Date: 6/28/07

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1-5 Vacancies in Office

All vacancies in the membership of the Rowan-Salisbury Board of Education, whether due to death, resignation, or other causes, shall be filled by appointment by the remaining members of the Board. The person so appointed shall serve until the next election of members of the Board, at which time the remaining unexpired term of the office in which the vacancy occurred shall be filled by election. The person appointed to fill a vacancy where the vacancy occurs in Districts 1, 2, 3, 4, 5 and 7 must be from the same District as the person whose death, resignation, or removal created the vacancy on the Board. Where the vacancy is created from District No. 6, the At-Large position, a requisite is that the individual appointed be a resident of Rowan County.

Legal Reference(s):

*Adoption Date: 12/01/89
Amended Date: 6/28/07*

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1-6 Oath of Office

A. Interim Board

Those members serving on the interim Board shall take the oath of office effective July 1, 1989.

B. Future Elected Boards

Those persons who shall be elected members of the Board of Education must qualify by taking the oath of office on or before the first Monday in December next succeeding their election. A failure to qualify within that time shall constitute a vacancy, which shall be filled as set out in NC General Statute 115C-37. Those persons appointed to fill a vacancy must qualify within 30 days after notification. A failure to qualify within that time shall constitute a vacancy.

Legal Reference(s): NC Gen. Statute 115C-37

Adoption Date: 6/28/89

Amended Date:

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1-7 Conflicts of Interest

No member of the Rowan-Salisbury Board of Education may make any contract on behalf of the Board for his own benefit or be in any manner concerned or interested in making such a contract or in the profits thereof, either privately or openly, singly, or jointly with another person. Nor shall he have any pecuniary interest, either directly or indirectly, proximately, or remotely in supplying any goods, wares, or merchandise to be used by the schools, or receive any gift or reward for his influence in recommending the use of any merchandise. Reference Board of Education Policy 4-2B - Conflicts of Interest and Disclosure of Certain Interest.

Legal Reference(s): NC Gen. Statute 14-234

Adoption Date: 6/28/89

Amended Date:

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1-8 Compensation for Board of Education Members

The tax-levying authority for a local school administrative unit may, under the procedures of G. S. 153A-92, fix the compensation and expense allowances paid members of the board of education of that local school administrative unit.

Rowan-Salisbury School Board members and the Chairman shall receive a monthly stipend. The amount shall be set forth in the local school budget each year. Travel will be paid to the Chairman and Board members for in-county official travel at the prevailing State rate for mileage. Out-of-county expenses while officially representing the school system are to be reimbursed with the prevailing State rate for mileage and full reimbursement of other actual expenses.

Legal Reference(s): NC Gen. Stat. 115C-38

*Adoption Date: 6/28/89
Amended Date: 6/28/07*

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1-9 Liability Insurance for Board Members

The Rowan-Salisbury Board of Education shall purchase liability insurance for the protection of the Board members and to cover the costs and expenses incident to liability, including those for settlement, suit, of satisfaction of judgment arising from their conduct in discharging their duties.

Legal Reference(s): NC Gen. Statute 115C-42

Adoption Date: 6/28/89

Amended Date:

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1-10 Chairman and Vice Chairman Election and Term of Office

A. Interim Board

The Superintendent shall preside at the organizational meeting to be held on July 31, 1989. He shall (1) call the meeting to order, (2) ask for a motion to adopt the agenda, (3) call for nominations and seconds for the office of chairman. The member receiving a majority vote of the total membership (the membership of the interim Board shall be nine [9]) shall be declared the chairman. The chairman shall assume the chair at this time in the meeting. The term of the chairman shall extend from July 1, 1989 to December 3, 1990.

B. Future Elected Boards

The Superintendent shall preside at the first regular Board meeting following the first Monday in December. He or she shall (1) call the meeting to order, (2) ask for a motion to adopt the agenda, and (3) call for nominations and seconds for the office of chairman. The member receiving the majority vote of the total membership (the membership of future elected Boards shall be seven [7]) shall be declared chairman. The chairman shall assume the chair at this time of the meeting. The term of the chairman shall be for one year.

The first order of business following the election of the chairman shall be the election of the vice chairman. The member receiving a majority vote of the total membership shall be declared the vice chairman. The term shall be for one year.

C. Vacancies in Office (Chairman and Vice Chairman) Interim or Future Elected Boards

Should the office of the chairman become vacant, the vice chairman shall assume the office of chairman and serve the remainder of the term.

Should the office of vice chairman become vacant, a new vice chairman shall be elected at the first meeting of the Board following the vacancy. The vice chairman shall be elected by a majority of the total membership of the Board (Total membership for the interim Board is nine [9]; total membership for the future elected Board is seven [7]).

Legal Reference(s): NC Gen. Statute 115C-37 and 41

Adoption Date: 6/28/89
Amended Date: 4/19/93

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1-11 Chairman and Vice Chairman: Duties

A. Duties of the Chairman

The duties of the Chairman include the following:

1. To preside over sessions of the Board and to maintain order in accordance with the Board's By-laws.
2. To make motions and to participate in discussions. To vote on motions before the Board unless he/she disqualifies himself/herself.
3. To appoint committees.
4. To serve as ex-officio member of any committees.
5. To sign, by hand or signature facsimile, all documents requiring, by law, the signature of the chairman.
6. To call special meetings.
7. To represent the Board in deliberations with other boards, districts, or agencies unless another member is so designated.
8. To perform other duties necessary to carry out the responsibilities of the office and/or duties that are required by law or Board By-laws.

B. Duties of the Vice Chairman

In the absence of the chairman from a meeting, the vice chairman shall have the obligations and responsibilities of the chairman.

Legal Reference(s):

Adoption Date: 6/28/89
Amended Date: 4/19/93

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1-12 Secretary

The Superintendent of schools shall be ex-officio secretary to the Board. He or she shall keep all minutes of meetings of the Board, but shall have no vote. In the event of a vacancy in the superintendency, the Board may elect one of its members to serve temporarily as secretary to the Board.

Legal Reference(s): NC Gen. Statute 115C-276

Adoption Date: 6/28/89

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1-13 Board Committees

The Board shall establish standing or ad hoc committees as needed. The purpose of all committees is to conduct in-depth studies of particular matters and to report their findings to the Board.

Legal Reference(s):

Adoption Date: 6/28/89

Amended Date:

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1-14 Board Controls

A. By-laws, Policies, and Regulations

1. By-laws: By-laws identify the basic procedures by which the Board will conduct business.
2. Policies: Policies are statements which set forth the purposes and prescribe in general terms the organization and program of a school system. They create framework within which the superintendent and his or her staff can discharge their duties with positive direction.
3. Regulations: In general, regulations are the means through which the superintendent carries into effect the policies, rules, and regulations of the State Board, the law and the policies of the District Board of Education. The superintendent may develop, approve, and revise regulations provided the regulations conform to the policies of the Board.

B. Publication of By-laws, Policies, and Regulations

The superintendent shall have the by-laws, policies, and regulations in an accessible format and up-to-date. They shall be available to the public, students, staff, and Board members for examination.

Legal Reference(s): NC Gen. Statute 115C-40

Adoption Date: 6/28/89

Amended Date: 1/14/91

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1-15 Adoption, Amendment, Repeal, and Suspension

A. Adoption, Amendment, and Repeal

Proposals for by-laws or for the amendment or repeal of existing by-laws shall be distributed in writing to all Board members prior to the regular meeting at which tentative approval may be granted upon first reading. At the next regular meeting the proposed by-laws, or the amendment or repeal of an existing by-law, shall be adopted upon second reading when the call for the meeting indicates, in writing, the proposed by-laws, amendment, or repeal.

Unless otherwise specified, a by-law or an amendment shall take effect on the date of its adoption and shall supersede all by-laws previously adopted by the Board on that subject. Unless otherwise specified, the repeal of a by-law shall take effect on the date of the action by the Board.

B. Suspension

If the Board wishes to take action contrary to the existing by-laws, it may suspend the by-law or by-laws only for one meeting at a time and only in the following manner.

Upon the affirmative vote of seven (7) members of the interim Board and five (5) members of future elected boards when no written notice has been given.

Legal Reference(s):

Adoption Date: 6/28/89
Amended Date: 6/28/07

**BOARD OF EDUCATION
CHAPTER 1****BY-LAWS****1-17 Board Meetings****A. Quorum**

A quorum shall consist of a simple majority.

B. Regular and Special Meetings

The Rowan-Salisbury Board of Education will meet in regular session on the fourth Monday of each calendar month. The Board may meet in special session upon the call of the Chairman or of the secretary as often as the school business of the administrative unit may require.

Amended Date: 6/68/07

C. Agenda and Order of Business**1. Preparation**

The Superintendent, with the advice of the Chairman of the Board, shall be responsible for preparing the agenda for all meetings of the Board. The agenda shall be the guideline by which the Chairman of the Board shall conduct the meeting.

Amended: 1/14/91

2. Agenda and Accompanying Material

The agenda and accompanying documents should be delivered to Board members via internet or US mail no later than four (4) days before regular meetings. The accompanying documents should include information requiring study by the members prior to decision-making at Board meetings.

Amended: 12/1/89

3. Order of Business

In general, the order of business for each meeting shall be organized to bring business and action items before the Board early in the meetings.

The first order of business following the roll call shall be the adoption of the agenda for the meetings. The order of business may be rearranged; however, no new items may be added without the unanimous consent of the membership.

The late portion of a meeting should be reserved for non-action items, information, and planning future meetings.

D. Meetings Open to the Public

The public is invited and encouraged to attend Board meetings. Although Board meetings are open to the public, the public may not participate in the Board's deliberations unless the chair directs a question to a member of the audience or if the Board, by a majority vote of the membership, allows audience participation.

Amended: 2/12/90

During each regular meeting, a specific time shall be set aside to allow members of the audience to address the Board.

Adopted: 2/12/90

All official meetings of the Rowan-Salisbury board of Education shall be open to the public with exceptions as cited in NC General Statutes 143-318.3. The General Statute referred to specifies that a Board of Education by the votes of a majority of its members present may, during any regular or special meeting when a quorum is present, hold an executive session and exclude the public while considering the following:

- 1. To prevent disclosure of information that is privileged or confidential pursuant to state or federal law. [NC Gen. Stat. #143-318.11(a)(1)].*
- 2. To prevent the premature disclosure of any honorary degree, scholarship, prize or similar award. [NC Gen. Stat. #143-318.11(a)(2)].*

3. *To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body. [NC Gen. Stat. #143-318.11(a)(3)].*
4. *to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body. [NC Gen. Stat. #143-318.11(a)(4)].*
5. *To establish a negotiating position on the price of other material terms of a contract or proposed contract for (1) the acquisition of real property by purchase, option, exchange or lease or (2) the amount of compensation or other material terms of an employment contract or proposed employment contract. [NC Gen. Stat. #143-318.11(a)(b)(5)].*
6. *To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge or grievance by or against by or against an individual public officer or employee. A public body may not consider the qualifications, competence, performance, character, fitness, appointment or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in open meeting. [NC Gen. Stat. #143-318.11(a)(6)].*
7. *To plan, conduct, or hear reports concerning investigation of alleged criminal misconduct. [NC Gen. Stat. #143-318.11(a)(7)].*
8. *To formulate plans by local board of education relating to emergency response to incidents of school violence. [NC Gen. Stat. #143-318.11(a)(8)].*
9. *To discuss and take action regarding plans to protect public safety as it relates to existing potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity. [NC Gen. Stat. #143-318.11(a)(9)].*

Amended Date: 6/28/07

E. Actions of the Board

The concurring vote of at least four (4) members of the Board will be required to pass any motion or action unless otherwise specified by statute.

Amended Date: 1/8/90

F. Notification of Board Meetings

The Superintendent of the Rowan-Salisbury Schools, who serves as secretary to the Board of Education, shall give public notice concerning the time and place of the Board of Education meetings, no later than two (2) days prior to the meeting.

Amended Date: 1/8/90

Legal Reference(s):

Adoption Date: 12/1/89

Amended Date: 6/28/07

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1-18 Board Meetings: Minutes

A. Generally

The minutes of the meetings of the Board shall constitute the official written record of the Board's deliberations and actions. The minutes of a board meeting shall become the official minutes after they have been approved by the Board at a subsequent meeting and immediately thereafter have been signed by the secretary and the presiding officer. However, prior to approval, the Board may amend or correct the minutes in order to make them conform to the facts, but not to reflect a change in position on the matter involved in the question voted upon.

The official minutes shall be filed in a record book and placed in the safekeeping of the secretary.

The minutes shall be open to the public for examination and copying during regular office hours.

B. Contents of Board Minutes

The secretary shall be present at all meetings to record the following proceedings.

1. The nature of the meeting and its time and place.
2. The names of members of the Board attending the meeting.
3. Approval of the minutes of the previous meeting(s).
4. A summary of all reports and communications shall be included in the minutes of the meeting. Where appropriate, reference shall be made in the minutes to the permanent Board meeting file maintained in the Superintendent's office which contains all documents, notes, and tapes (when available) prepared for each meeting.
5. The names of persons making and seconding motions.
6. The exact wording of all motions and amendments thereto.
7. A record of all votes, and declarations by the chairman that motions were carried or were defeated.

8. Time and purpose of adjournments to executive sessions.
9. Time of return to open meeting.
10. Time of adjournment.

The secretary shall note in the minutes of each meeting the late entry, departure and, when it occurs, the return of any member of the Board. These notations shall be placed in their proper time sequence in the minutes.

Legal Reference(s):

Adoption Date: 6/28/89

Amended Date:

BOARD OF EDUCATION Chapter I

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1-19 Provisions for Requests for Public Records

The Board of Education acknowledges its obligation to provide the public with access to non-confidential public records maintained by the school district.

Defined: A record is any information kept in any physical form maintained by the school district. The public's right of access applies to existing records in any form and includes the right to obtain a copy of the record. The school system is not required to put into electronic medium a record that is not kept in electronic medium.

Certain records not available: Confidential records are not open to the public. These include personnel and student records, records pertaining to such matters as may be discussed in closed session, and any other records required to be kept confidential by law or as may be exempt from the North Carolina Public Records Law [NC Gen. Statute 132].

Location of submission of request for inspection of copies of records: Request for inspection of copies of records should be made to the office of Public Information at the Administrative Offices of the Rowan-Salisbury School System, 314 N. Ellis Street, Salisbury, NC 28144. No person will remove original copies of public records from the offices of the district. Records will be provided within a reasonable time period.

Times when records are available: Requests to inspect or secure copies of public records may be made to the Public Information Office on any business day between the hours of 7:30 a.m. and 4:30 p.m.

Request for copies of public records comprised of pages up to legal size will be provided at a rate of .10 cent per page to cover costs. Charges made for duplication of public records in any other form will be set at the actual cost to the school system. A special service charge may be assessed if the request is such as to require extensive use of information technology resources, or if extensive clerical or supervisory assistance by personnel in the school system is involved, or if producing the record in the medium requested results in a greater use of information technology resources than that established by the school system for reproduction of the volume of information requested.

Procedures: The following procedures shall be followed in connection with requests to inspect or secure copies of records:

- 1. Requests to inspect or secure copies of records shall be submitted to the Public Information Office.*
- 2. The Public Information Officer will grant or deny the request as promptly as possible.*
- 3. If the request is denied, the Public Information Officer will note the reason for the denial on the request form and return one copy of the form to the requester.*
- 4. If the request is granted, the Public Information Officer will direct the requester to the place where the requested records may be inspected and/or arrange for the preparation of copies upon payment of the required fees.*

Place of inspection: Location where the requested records may be inspected will be noted on the request form.

Requests by mail: Requests by mail or fax for copies of available records may be addressed to the Public Information Officer provided the requester and the record of which copy is requested are sufficiently identified to make compliance practicable.

Legal Reference(s): *NC Gen. Stat. 132.1*

Adoption Date: 6/28/89
Amended Date: 4/19/93
Amended Date: 1/10/00
Amended Date: 6/28/07