



INDIANA STATE BOARD OF EDUCATION

To: Indiana State Board of Education
From: Timothy Schultz, General Counsel, Indiana State Board of Education
Olivia Cornelius, Legal Intern, Indiana State Board of Education
Date: August 1, 2018
RE: Approval of Governing Body Change—Argos Community School Corporation

STAFF RECOMMENDATION: After review of the materials provided by Argos Community School Corporation (“Argos”), it is evident that 1) the governing body resolution was properly approved by Argos, 2) the resolution was properly published in a local newspaper, and 3) the county clerk certified that no protest petitions or alternative plan amendments were submitted to the clerk’s office. Furthermore, the plan amendment satisfies the applicable legal requirements under Indiana Code and is recommended for Indiana State Board of Education (“Board”) approval pursuant to I.C. 20-23-8-15.

Pursuant to IC 20-23-8-10(a)(2), Argos adopted a resolution to initiate a plan to change its governing body on March 9, 2018. Subsequent to Argos adopting the resolution to amend its governing body, it submitted the attached materials for the Board’s review and consideration. The materials included the prior governing body plan, the resolution adopted by Argos, the minutes from Argos’ board meeting during which the resolution was adopted, the local publication information that includes the language of the new governing body plan, and the county clerk’s certification that no protest petitions or alternative plan amendments were submitted to the clerk’s office. The governing body resolution seeks to amend the method by which the members of the Board of School Trustees of the Argos Community School Corporation are selected to serve. The proposed amendment reads:

1. The Board of School Trustees of the Argos Community School Corporation adopts the following plan for the selection of school board trustees:
 - A. The community school corporation shall be divided into three (3) electoral districts. Those districts include Green Township, Walnut Township excluding the Town of Argos and the Town of Argos.
 - B. Three (3) trustees shall reside in and be elected from the three (3) existing districts (one (1) trustee shall reside in Green Township, one (1) trustee shall reside in Walnut Township, excluding the Town of Argos and one (1) trustee reside in the Town of Argos) and shall be voted on by all voting residents of the entire school corporation.
 - C. School board members (trustees) shall be elected to four (4) year terms. Trustees may succeed themselves as there will be no term limits.

- D. Two (2) board members shall be elected At-Large from the community school electoral district. Those board members may reside anywhere within the school corporation district, namely, the Town of Argos, Green Township, or Walnut Township, and will be voted on by all voting residents of the entire school corporation or all three (3) districts.
- E. The first election will be the General Election in 2018 when county officials are elected. The newly elected members shall assume office on January 1, 2019. Those elected board members will be the position previously appointed by the Town of Argos. The term for the current board member representing the Town of Argos ends on June 30, 2017. The Town shall appoint a School Board member for only an eighteen (18) month term/appointment from June 30, 2017 until December 31, 2018. Thereafter said position will be elected and the board member from the Town of Argos shall take office January 1, 2019 and hold a four (4) year term until December 31, 2022.
- F. The At-Large elected school board members shall also be up for election in 2018 taking office on January 1, 2019. The four (4) year term shall run through December 31, 2022. (At the present time Brett Sanders and Doug Middleton hold those positions.) The position appointed by the Walnut Township Advisory Board (held by Brett Sanders) shall be appointed for a six (6) month appointment from June 30, 2018 until December 31, 2018. It is not expected that the position appointed by the Green Township Advisory Board (held by Doug Middleton) would need to be reappointed, however that position/appointment would terminate six (6) months early on December 31, 2018 rather than on the date originally scheduled which is June 30, 2019.
- G. The current positions held by appointments from Green Township and Walnut Township excluding the Town of Argos will be up for election in 2020 taking office on January 1, 2021. Both newly elected School Board members will hold a four (4) year term until December 31, 2024. Both the Green Township appointment and the Walnut Township appointment excluding the Town of Argos positions would be reappointed June 30, 2020 for six (6) months until December 31, 2020 so as to accommodate the election in 2020.

	RESIDENT ELECTORAL DISTRICT	WHEN ELECTED	TAKES OFFICE	SECOND ELECTION
1 KN 12/31/18	TOWN – TOWN	2018	1/1/19	2022
2 BS 12/31/18	ANYWHERE – AT LARGE	2018	1/1/19	2022
3 DM 12/31/18	ANYWHERE – AT LARGE	2018	1/1/9	2022
4 MP 12/31/20	GREEN TWP – GREEN TWP	2020	1/1/21	2024
5 JH 12/31/20	WALNUT TWP LESS TOWN WALNUT TWP LESS TOWN	2020	1/1/21	2024

2. Upon approval of this plan, the Board will forward the plan to the Department of Education for its approval.
3. Upon approval by the Argos Community School Board, the petitioners who requested an elected school board but with a plan unacceptable to the School’s Board of Trustees shall withdraw their petition and it will not be submitted as the petitioners’ plan for the Department of Education.
4. Argos Community Schools governing body will adhere to the requirements of IC 20-26-4 (Organization and Operation of Governing Body), IC 3-8-1 (Qualifications for Candidates), IC 3-8-2.5 (Nomination for School Board Office), and or IC 20-23-4-29.1 (School corporation governing body; election procedures).

RESOLUTION NO. 2018-001

**RESOLUTION OF THE ARGOS COMMUNITY SCHOOL BOARD
APPROVING AN AGREED PLAN TO CHANGE THE METHOD FOR
SELECTION OF SCHOOL BOARD**

WHEREAS, on March 22, 2017, the Marshall County Clerk certified to the Argos Community School Corporation Board thirty-seven (37) petitions containing eight hundred twenty-four (824) valid signatures petitioning for a change of plan for constituting the governing body of the school corporation; and

WHEREAS, the petition to change the method of selection of the members of the Board of School Trustees of the Argos Community School Corporation called for the election of school board members as set out in the new petition; and

WHEREAS, the Argos Community School Corporation Board of Directors adopted Resolution No. 2017-001 disapproving the plan for an elected school board which plan was set out and proposed in the petitions; and

WHEREAS, the Argos Community School Board met with and agreed with those petitioners to approve a revised plan for the election of school board members in accordance with I.C. 20-23-4-27 and I.C. 20-23-8-1 through 19 which plan is acceptable both to the Argos Community School Corporation Board of Trustees and to those petitioners and members of the community desiring to change the selection of school board members to that of an elected school board.

NOW, THEREFORE, BE IT RESOLVED BY THE SCHOOL BOARD OF TRUSTEES OF THE ARGOS COMMUNITY SCHOOLS AS FOLLOWS:

Section 1: The Board of School Trustees of the Argos Community School Corporation adopts the following plan for selection of school board trustees:

- A. The community school corporation shall be divided into three (3) electoral districts. Those districts include Green Township, Walnut Township excluding the Town of Argos and the Town of Argos.
- B. Three (3) trustees shall reside in and be elected from the three (3) existing districts (one (1) trustee shall reside in Green Township, one (1) trustee shall reside in Walnut Township, excluding the Town of Argos and one (1) trustee reside in the Town of Argos) and shall be voted on by all voting residents of the entire school corporation.

- C. School board members (trustees) shall be elected to four (4) year terms. Trustees may succeed themselves as there will be no term limits.
- D. Two (2) board members shall be elected At-Large from the community school electoral district. Those board members may reside anywhere within the school corporation district, namely, the Town of Argos, Green Township, or Walnut Township, and will be voted on by all voting residents of the entire school corporation or all three (3) districts.
- E. The first election will be the General Election in 2018 when county officials are elected. The newly elected members shall assume office on January 1, 2019. Those elected board members will be the position previously appointed by the Town of Argos. The term for the current board member representing the Town of Argos ends June 30, 2017. The Town shall appoint a School Board member for only an eighteen (18) month term/appointment from June 30, 2017 until December 31, 2018. Thereafter said position will be elected and the board member from the Town of Argos shall take office January 1, 2019 and hold a four (4) year term until December 31, 2022.
- F. The At-Large elected school board members shall also be up for election in 2018 taking office on January 1, 2019. The four (4) year term shall run through December 31, 2022. (At the present time Brett Sanders and Doug Middleton hold those positions.) The position appointed by the Walnut Township Advisory Board (held by Brett Sanders) shall be appointed for a six (6) month appointment from June 30, 2018 until December 31, 2018. It is not expected that the position appointed by the Green Township Advisory Board (held by Doug Middleton) would need to be reappointed, however that position/appointment would terminate six (6) months early on December 31, 2018 rather than on the date originally scheduled which is June 30, 2019.
- G. The current positions held by appointments from Green Township and Walnut Township excluding the Town of Argos will be up for election in 2020 taking office on January 1, 2021. Both newly elected School Board members will hold a four (4) year term until December 31, 2024. Both the Green Township appointment and the Walnut Township appointment excluding the Town of Argos positions would be reappointed June 30, 2020 for six (6) months until December 31, 2020 so as to accommodate the election in 2020.

	RESIDENT ELECTORAL DISTRICT	WHEN ELECTED	TAKES OFFICE	SECOND ELECTION
1 KN 12/31/18	TOWN – TOWN	2018	1/1/19	2022
2 BS 12/31/18	ANYWHERE – AT LARGE	2018	1/1/19	2022
3 DM 12/31/18	ANYWHERE – AT LARGE	2018	1/1/19	2022
4 MP 12/31/20	GREEN TWP – GREEN TWP	2020	1/1/21	2024
5 JH 12/31/20	WALNUT TWP LESS TOWN WALNUT TWP LESS TOWN	2020	1/1/21	2024

Section 2: Upon approval of this plan, the Board will forward the plan to the Department of Education for its approval.

Section 3: Upon approval by the Argos Community School Board, the petitioners who requested an elected school board but with a plan unacceptable to the School's Board of Trustees shall withdraw their petition and it will not be submitted as the petitioners' plan to the Department of Education.

Section 4: Argos Community Schools governing body will adhere to the requirements of IC 20-26-4 (Organization and Operation of Governing Body), IC 3-8-1 (Qualifications for Candidates), IC3-8-2.5 (Nomination for School Board Office), and or IC20-23-4-29.1 (School corporation governing body; election procedures).

PASSED AND ADOPTED BY THE TRUSTEES OF THE ARGOS COMMUNITY SCHOOL BOARD THIS 9th day of March, 2018

Monty Peden, President

Brett Sanders

Kirk Nellans

Doug Middleton

Jennifer Hurford – Secretary/Treasurer

Minutes of the Argos Community Schools
Board of School Trustees Special Meeting
Held on March 9, 2018

The Board of School Trustees held a Special Meeting on Friday, March 9, 2018 in the library. The following individuals were present for all or a part of the meeting:

- A. Doug Middleton, Kirk Nellans, Brett Sanders, Jennifer Hurford and Monty Peden, Board Members
- B. Ned L. Speicher, Superintendent
- C. Patti Van Der Weele, Administrative Assistant
- D. Dale Blanch, Gene Cooper, Patrons
- E. James Master, Jamie Stoner, Pilot-News

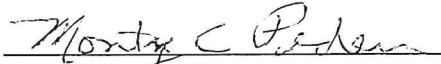
Monty Peden called the meeting to order at 7:00 a.m.

Mr. Speicher presented to the Board, Reorganization Plan 2018-001. This plan which would move the Argos Community Schools from an appointed board to an elected board, would replace Plan 2017-001, previously approved by the Board on June 19, 2017. Plan 2018-001 contains necessary edits and additions recommended by the Indiana State Board of Education. Kirk Nellans made a motion to approve Plan 2018-001 with a second by Brett Sanders. The motion passed 5-0.

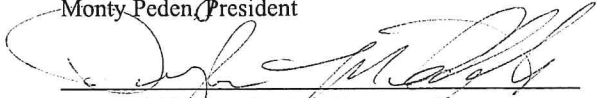
Mr Speicher presented to the Board a recently received drainage survey quote/proposal from Kramer & Associates. This survey includes three levels of service that would survey drainage issues of our property. After discussion, Brett Sanders made a motion to accept levels 1 and 2 of this agreement/proposal. Doug Middleton seconded the motion and the motion passed 5-0.

There being no other discussion to come before the Board, Brett Sanders made a motion to adjourn with a second by Doug Middleton. The meeting adjourned at 7:17 a.m.

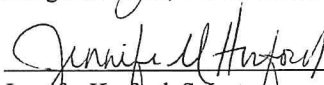
ARGOS COMMUNITY SCHOOLS
BOARD OF SCHOOL TRUSTEES



Monty Peden, President




Doug Middleton, Vice President



Jennifer Hurford, Secretary



Kirk Nellans



Brett Sanders

ARGOS COMMUNITY SCHOOLS
Marshall County, Indiana

To: **PILOT NEWS**
Plymouth, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) number of equivalent lines

Head -- number of lines _____
Body -- number of lines _____
Tail -- number of lines _____
Total number of lines in notice _____

Column Width 4 Inch Length 8 Total number of column inches 32.00

COMPUTATION OF CHARGES

_____ lines, 1 column(s) wide equals equivalent lines at a rate of \$ _____
(or) _____ cents per line _____ \$ _____
32.00 total column inches at \$ 2.31 per column inch \$ 73.98
Additional charges for notices containing rule or tabular work (50 per cent of above amount) \$ 36.99
Charge for extra proofs of publication (\$2.00 for each proof in excess of two) _____ \$ _____
TOTAL AMOUNT OF CLAIM _____ \$ 110.97

DATA FOR COMPUTING COST

Width of single column in picas 7
Size of type 8
Number of insertions 1

Plan Commission

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper 1 time(s), the dates of publication being as follows:
3/12/18

Additionally, the statement checked below is true and correct:

- _____ Newspaper does not have a Web site.
- Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.
- _____ Newspaper has a Web site, but due to technical problem or error, public notice was posted on _____
- _____ Newspaper has a Web site but refuses to post the public notice.

Date: MARCH 12, 2018

Signature Anthony P. Shykal

ARGOS COMMUNITY SCHOOLS

Marshall County, Indiana

To: **PILOT NEWS**

Plymouth, Indiana

PUBLISHER'S CLAIM

116
Legals

LINE COUNT
Displ

RESOLUTION NO. 2018-001
RESOLUTION OF THE ARGOS COMMUNITY SCHOOL BOARD APPROVING AN AGREED PLAN TO CHANGE THE METHOD FOR SELECTION OF SCHOOL BOARD

Head -- num
Body -- num
Tail -- num

WHEREAS, on March 22, 2017, the Marshall County Clerk certified to the Argos Community School Corporation Board thirty-seven (37) petitions containing eight hundred twenty-four (824) valid signatures petitioning for a change of plan for constituting the governing body of the school corporation; and
WHEREAS, the petition to change the method of selection of the members of the Board of School Trustees of the Argos Community School Corporation called for the election of school board members as set out in the new petition; and
WHEREAS, the Argos Community School Corporation Board of Directors adopted Resolution No. 2017-001 disapproving the plan for an elected school board which plan was set out and proposed in the petitions; and
WHEREAS, the Argos Community School Board met with and agreed with those petitioners to approve a revised plan for the election of school board members in accordance with I.C. 20-23-4-27 and I.C. 20-23-8-1 through 19 which plan is acceptable both to the Argos Community School Corporation Board of Trustees and to those petitioners and members of the community desiring to change the selection of school board members to that of an elected school board.
NOW, THEREFORE, BE IT RESOLVED BY THE SCHOOL BOARD OF TRUSTEES OF THE ARGOS COMMUNITY SCHOOLS AS FOLLOWS:

32.00

Column Wid

COMPUTAT

Section 1: The Board of School Trustees of the Argos Community School Corporation adopts the following plan for selection of school board trustees:

(or)

• The community school corporation shall be divided into three (3) electoral districts. Those districts include Green Township, Walnut Township excluding the Town of Argos and the Town of Argos.

• Three (3) trustees shall reside in and be elected from the three (3) existing districts (one (1) trustee shall reside in Green Township, one (1) trustee shall reside in Walnut Township, excluding the Town of Argos and one (1) trustee reside in the Town of Argos) and shall be voted on by all voting residents of the entire school corporation.

• School board members (trustees) shall be elected to four (4) year terms. Trustees may succeed themselves as there will be no term limits.

• Two (2) board members shall be elected At-Large from the community school electoral district. Those board members may reside anywhere within the school corporation district, namely, the Town of Argos, Green Township, or Walnut Township, and will be voted on by all voting residents of the entire school corporation or all three (3) districts.

• The first election will be the General Election in 2018 when county officials are elected. The newly elected members shall assume office on January 1, 2019. Those elected board members will be the position previously appointed by the Town of Argos. The term for the current board member representing the Town of Argos ends June 30, 2017. The Town shall appoint a School Board member for only an eighteen (18) month term/appointment from June 30, 2017 until December 31, 2018. Thereafter said position will be elected and the board member from the Town of Argos shall take office January 1, 2019 and hold a four (4) year term until December 31, 2022.

• The At-Large elected school board members shall also be up for election in 2018 taking office on January 1, 2019. The four (4) year term shall run through December 31, 2022. (At the present time Brett Sanders and Doug Middleton hold those positions.) The position appointed by the Walnut Township Advisory Board (held by Brett Sanders) shall be appointed for a six (6) month appointment from June 30, 2018 until December 31, 2018. It is not expected that the position appointed by the Green Township Advisory Board (held by Doug Middleton) would need to be reappointed, however that position/appointment would terminate six (6) months early on December 31, 2018 rather than on the date originally scheduled which is June 30, 2019.

• The current positions held by appointments from Green Township and Walnut Township excluding the Town of Argos will be up for election in 2020 taking office on January 1, 2021. Both newly elected School Board members will hold a four (4) year term until December 31, 2024. Both the Green Township appointment and the Walnut Township appointment excluding the Town of Argos positions would be reappointed June 30, 2020 for six (6) months until December 31, 2020 so as to accommodate the election in 2020.

1

Plan Commis
Pur
just and cor
has been p

	RESIDENT ELECTORAL DISTRICT	WHEN ELECTED	TAKES OFFICE	SECOND ELECTION
1	KN 12/31/18	TOWN - TOWN	2018	1/1/19 2022
2	BS 12/31/18	ANYWHERE -AT LARGE	2018	1/1/19 2022
3	DM 12/31/18	ANYWHERE -AT LARGE	2018	1/1/19 2022
4	MP 12/31/20	GREEN TWP -GREEN TWP	2020	1/1/21 2024
5	JH 12/31/20	WALNUT TWP LESS TOWN	2020	1/1/21 2024

Section 2: Upon approval of this plan, the Board will forward the plan to the Department of Education for its approval.
Section 3: Upon approval by the Argos Community School Board, the petitioners who requested an elected school board but with a plan unacceptable to the School's Board of Trustees shall withdraw their petition and it will not be submitted as the petitioners' plan to the Department of Education.

Section 4: Argos Community Schools governing body will adhere to the requirements of IC 20-26-4 (Organization and Operation of Governing Body), IC 3-8-1 (Qualifications for Candidates), IC3-8-2.5 (Nomination for School Board Office), and or IC20-23-4-29.1 (School corporation governing body; election procedures).

PASSED AND ADOPTED BY THE TRUSTEES OF THE ARGOS COMMUNITY SCHOOL BOARD THIS 9th day of March, 2018

Monty Peden, President
Brett Sanders
Kirk Nellans
Doug Middleton
Jennifer Hurford - Secretary/Treasurer

March 12, 2018 PN280373 hspaxp

Date:

e,

n



Marshall Circuit and Superior Courts

Deborah VanDeMark, Clerk

211 West Madison Street, Plymouth, IN 46563

Telephone: 574-936-8922

Fax: 574-936-8893

July 12, 2018

Indiana State Board of Education

Re: Argos School Board

I hereby certify as Circuit Court Clerk of Marshall County that I have not received a petition protesting Resolution No. 2018-001 of the Argos Community School Board approving an agreed plan to change the method for selection of school board.

Deborah VanDeMark
Deborah VanDeMark
Clerk of the Courts

bylaw

**BOARD OF SCHOOL TRUSTEES
ARGOS COMMUNITY SCHOOLS**

BYLAWS
0140/page 1 of 17

MEMBERSHIP

0141 **Number**

The School Board shall consist of five (5) members.

0142 **Election/Appointment**

Method of selection, limitations on residence, term of office and other qualifications.

- A. For the purpose of determining membership on the Board of School Trustees, the entire school corporation shall be divided into three (3) school-board-member districts. These shall consist of (1) the entire area of Green Township (2) the entire area of Walnut Township outside of the corporate limits of the town of Argos and (3) the area lying entirely within the corporate limits of the town of Argos.

The Advisory Board of Walnut township and the Advisory Board of Green Township shall in joint session by a majority vote make the following appointments to the Board of School Trustees: Two (2) members shall be selected from among the householders or freeholders who shall be residents of Walnut Township, Marshall County and said appointees shall have resided in the area of Walnut Township outside the corporate limits of Argos for a period of at least three (3) years immediately prior to his/her appointment. The first member initially appointed shall serve for a term of four (4) years from July 1, 1964 to June 30, 1968 inclusive. The second member appointed shall serve for a period of two (2) years from July, 1964 to June 30, 1966. Both members shall be eligible for reappointment for a term of four (4) years.

bylaw

**BOARD OF SCHOOL TRUSTEES
ARGOS COMMUNITY SCHOOLS**

BYLAWS
0140/page 2 of 17

Two (2) members shall be appointed from the householders or freeholders who shall be residents of Green Township, Marshall County and said appointees shall have resided in the area of Green Township for a period of at least three (3) years immediately prior to his/her appointment. The first member initially appointed shall serve for a term of four (4) years from July 1, 1964 to June 30, 1968 and the second member appointed shall serve for a term of three (3) years from July 1, 1964 to June 30, 1967. Both members shall be eligible for reappointment for a term of four (4) years.

The Board of Trustees of the Town of Argos shall appoint a member to the Argos Community School Board of School Trustees for a term of one (1) year from July 1, 1964 to June 30, 1965. The appointee shall have been a resident within the corporation of the Town of Argos, Marshall County for a period of at least three (3) years prior to appointment and shall be a householder or freeholder within the area of the Town of Argos Boundaries. The appointee shall be eligible for reappointment for a four (4) year term.

- B. Following the completion of each term for which the first members of the Board of School Trustees are appointed, all appointments thereafter shall be for four (4) year terms.
- C. Any member of the Board of School Trustees who shall cease to reside within the school corporation shall be deemed to have vacated his/her office on the Board. The remaining members on the School Board shall appoint a successor to serve for the remainder of the unexpired term.
- D. In the initial appointments the two (2) members appointed from Walnut and from Green Townships shall be from the two (2) major political parties. The one (1) appointed from the Town of Argos shall be from the political party having the highest number of votes for Secretary of State in the last general election. In filling a vacancy the appointee shall be from the same political party as the one replaced. At no time shall more than three (3) members of the Board of School Trustees be members of the same political party.

bylaw

**BOARD OF SCHOOL TRUSTEES
ARGOS COMMUNITY SCHOOLS**

BYLAWS
0140/page 3 of 17

- E. The annual compensation for members of the Board of School Trustees shall be \$100 per year, payable from the appropriation provided in the budget for the Argos Community Schools Corporation. (At present the compensation is \$2,000.00.)
- F. In accord with State regulations governing membership on a Board of School Trustees, no person is to be appointed to serve as a member of the Board while s/he holds an elective public office.
- G. Not later than forty-five (45) days prior to the date July 1, 1964, it shall be the duty of the Marshall County Superintendent of Schools to notify the president and members of the Advisory Boards of Green and Walnut Townships and of the Argos Town Board of Trustees of their respective duties in the appointment of members of the Board of School Trustees. Thereafter the Superintendent of the Argos Community Schools during the first fifteen (15) days of May prior to the end of the terms of school board members shall notify the presidents and members of the Advisory Boards or Town Trustees of their responsibility for appointing members to fill school board positions the terms of which are to expire on June 30th of that year.

0142.1

Term

The term of each Board member shall be four (4) years.

0142.2

Oath

Each newly elected, re-elected, appointed or re-appointed Board member shall take an oath of office administered by a notary public or other qualified person not later than thirty (30) days after the beginning of the term of office to which s/he was elected or appointed as well as other oaths which may be required for transactions connected with or related to the educational program of the Corporation. (I.C. 33-16-4-1)

bylaw

**BOARD OF SCHOOL TRUSTEES
ARGOS COMMUNITY SCHOOLS**

BYLAWS
0140/page 4 of 17

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. (I.C. 20-5-3-1.5; I.C. 5-4-1-4)

0142.3

Vacancies

The position of a Board member shall become vacant upon the occurrence of any one (1) of the following events:

- A. death of the member is certified by the clerk of the circuit court (I.C. 5-8-6 and I.C. 20-26-4-4.5c),
- B. failure of a sufficient number of petitions for candidates for Board membership being filed for an election (I.C. 20-26-4-4(c),
- C. a member submits a written resignation from the Board to the clerk of the circuit court pursuant to I.C. 5-8-3.5-1(a)(4),
- D. a member is convicted of a felony,
- E. a member's election or appointment is declared void by a competent tribunal,
- F. the winner of an election fails to take the oath of office required by I.C. 20-26-4-3-2,
- G. a member ceases to possess the legal qualifications for continuing to hold office,
- H. a member ceases to be a resident of the Corporation (I.C. 20-23-4-30(e) (applicable to community school corporations only),

bylaw

**BOARD OF SCHOOL TRUSTEES
ARGOS COMMUNITY SCHOOLS**

BYLAWS
0140/page 5 of 17

- I. a member is removed from office by action of the Circuit Court pursuant to I.C. 5-8-1-35,
- J. a court enters an order removing a member from office based upon a conviction for bribery or official misconduct under I.C. 35-50-5-1.1,
- K. a member is convicted of any crime against the laws of the United States where the sentence imposed exceeds six (6) months, (evading the Selective Service Act), engaging in conspiracy or an attempt to defraud the government of the United States, or seditious utterances in violation of the laws of the United States (I.C. 5-8-3-1), or
- L. a member voluntarily became intoxicated within the business hours of the Board, or is in the habit of becoming intoxicated by the use of intoxicating liquors and is removed from office under I.C. 34-17 (I.C. 5-8-2-1).

I.C. 5-8-1-35, 5-8-3.5-1
I.C. 20-23-4-30

Filling a Board Vacancy

A vacancy shall be filled by the remaining members of the Board within thirty (30) days after the vacancy occurs. If a tie vote occurs among the remaining members of the Board or between candidates for the Board under I.C. 3-12-9-4, or the remaining members of the remaining Board members fail to fill a vacancy on the Board within thirty (30) days after any vacancy occurs, the judge of the circuit court shall make an appointment to fill the vacancy. (I.C. 20-23-4-30(d)(1) & (2))

The Board shall seek qualified and interested candidates from the community through the news media, word of mouth, and contacts with appropriate organizations.

bylaw

**BOARD OF SCHOOL TRUSTEES
ARGOS COMMUNITY SCHOOLS**

BYLAWS
0140/page 6 of 17

All applicants are to submit a notice of their interest, in writing, to the Superintendent's office.

The Board shall interview interested candidates to ascertain their qualifications.

Revised 11/21/11
Revised 5/16/16

0142.4

Board Member Leave of Absence for Military Service

A Board member who elects to take a leave of absence because s/he has been called into active duty in the Armed Forces of the United States or the National Guard and is therefore unable to perform the duties of boardmanship is entitled to a leave of absence for the period of time of the active duty. A Board member's salary will be prorated to reflect the period of activity duty.

The Board member shall give written notice to the Clerk of the Circuit Court stating that s/he has been called into active duty and will be temporarily unable to perform the duties of school 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 boardmembership and receives the adopted compensation established for the office for the time of the temporary appointment.

bylaw

**BOARD OF SCHOOL TRUSTEES
ARGOS COMMUNITY SCHOOLS**

BYLAWS
0140/page 7 of 17

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 office from which s/he has taken a leave of absence.

I.C. 5-9-4

0142.5

Orientation

The Board believes that the preparation of each Board member for the performance of Board duties is essential to the effective functioning of the Board. The Board shall encourage each new Board member to understand the functions of the Board, acquire knowledge of matters related to the operation of the Corporation, and learn Board procedures. Accordingly, the Board shall give to each new Board member for his/her use and possession during the term on the Board the following items:

- A. a copy of the Board policy manual
- B. a copy of the Superintendent's administrative guidelines
- C. a copy of each current negotiated agreement
- D. the current budget statement, audit report, and related fiscal materials

Each new Board member shall be invited to meet with the Board President, the Superintendent, and/or the Business Manager/Treasurer to discuss Board functions, policies, and procedures.

The Board shall encourage the attendance of each new Board member at orientation and training meetings.

bylaw

**BOARD OF SCHOOL TRUSTEES
ARGOS COMMUNITY SCHOOLS**

BYLAWS
0140/page 8 of 17

0143 **Board Member Authority**

Individual members of the Board do not possess the powers that reside in the School Board, but no member of the Board shall be denied documents or information to which s/he is legally entitled and which are required in the performance of his/her duties as a Board member.

Access to Corporation personnel records shall be subject to the following guidelines:

- A. Examination of school employee personnel records by the School Board shall be conducted only at executive sessions of the Board. Any Board member may request that the Superintendent bring the personnel records of a designated employee(s) to an executive meeting of the Board.
- B. Personnel records shall, in their entirety, be returned to the custody of the Superintendent at the conclusion of the executive session of the Board.
- C. Information obtained from employee personnel records by members of the Board shall be used only for the purpose of aiding the members in fulfilling their legal responsibilities in making decisions in matters such as appointments, assignments, promotions and demotions, remuneration, discipline, and dismissal or to aid the development and implementation of personnel policies, or for such other uses as are necessary to enable the Board to carry out its legal responsibilities.

0143.1 **Public Expressions of Board Members**

The Board President functions as the official spokesperson for the Board.

bylaw

**BOARD OF SCHOOL TRUSTEES
ARGOS COMMUNITY SCHOOLS**

BYLAWS
0140/page 9 of 17

From time-to-time, however, individual Board members make public statements on school matters:

- A. to local media;
- B. to local officials and/or State officials.

Sometimes the statements imply, or the readers (listeners) infer, that the opinions expressed or statements made are the official positions of the Board. The misunderstandings that can result from these incidents can embarrass both the member and the Board. Therefore, Board members should, when writing or speaking on school matters to the media, legislators, and other officials, make it clear that their views do not necessarily reflect the views of the Board or of their colleagues on the Board.

- A. This bylaw shall apply to all statements and/or writings by individual Board members not explicitly sanctioned by a majority of its members, except as follows:
 - 1. correspondence, such as legislative proposals, when the Board member has received official guidance from the Board on the matters discussed in the letter
 - 2. routine, not for publication, correspondence of the Superintendent and other Board employees
 - 3. routine "thank you" letters of the President of the Board
 - 4. statements by Board members on nonschool matters (providing the statements do not identify the author as a member of the Board)
 - 5. personal statements not intended for publication
- B. Copies of this bylaw shall be sent to local media by the Board President.

bylaw

**BOARD OF SCHOOL TRUSTEES
ARGOS COMMUNITY SCHOOLS**

BYLAWS
0140/page 10 of 17

0144 **Operations**

0144.1 **Compensation**

Board members shall receive each year a basic compensation as well as a per diem in an amount stipulated by a Board resolution acted upon at the annual organizational meeting. Expenses of a Board member shall be reimbursed when incurred in the performance of his/her duties or in the performance of functions authorized by the Board and duly vouchered.

I.C. 20-5-3-6

The following guidelines have been established by the Board to ensure appropriate and proper reimbursement of expenses for Board members.

- A. Expenses will be reimbursed only for activities authorized by the Board.
- B. Reimbursement for mileage will not exceed the current rate established for Corporation employees.
- C. Attendance at Board-approved conferences should be at the location closest to the Corporation.
- D. When attending a Board-approved conference, all fees, parking, mileage, meals, and lodging will be reimbursed.
- E. No entertainment expenses or purchases of alcoholic beverages are reimbursable.

bylaw

**BOARD OF SCHOOL TRUSTEES
ARGOS COMMUNITY SCHOOLS**

BYLAWS
0140/page 11 of 17

0144.2 **Board Member Ethics**

A School Board member should honor the high responsibility which his/her membership demands by:

- A. thinking always in terms of "children first";
- B. understanding that the basic function of the School Board member is "policy-making" and not "administrative", and by accepting the responsibility of learning to discriminate intelligently between these two functions;
- C. accepting the responsibility along with his/her fellow Board members of seeing that the maximum of facilities and resources is provided for the proper functioning of schools;
- D. refusing to "play politics" in either the traditional partisan, or in any petty sense;
- E. representing at all times the entire school community;
- F. accepting the responsibility of becoming well informed concerning the duties of Board members, and the proper functions of public schools; and
- G. recognizing responsibility as a State official to seek the improvement of education throughout the State.

A School Board member should respect his/her relationships with other members of the Board by:

- A. recognizing that authority rests only with the Board in official meetings, and that the individual member has no legal status to bind the Board outside of such meetings;
- B. recognizing the integrity of his/her predecessor and associates and the merit of their work;

bylaw

**BOARD OF SCHOOL TRUSTEES
ARGOS COMMUNITY SCHOOLS**

BYLAWS
0140/page 12 of 17

- C. refusing to make statements or promises as to how s/he will vote on any matter which should properly come before the Board as a whole;
- D. making decisions only after all facts bearing on a question have been presented and discussed;
- E. respecting the opinion of others and by graciously conforming to the principle of "majority rule";
- F. refusing to participate in irregular meetings such as "secret" or "star chamber" meetings, which are not official and which all members do not have the opportunity to attend; and
- G. attempting to fairly appraise both the present and future educational needs of the community.

A School Board member should maintain desirable relations with the Superintendent of Schools and his/her staff by:

- A. striving to procure, when the vacancy exists, the best professional leader available for the head administrative post;
- B. giving the Superintendent full administrative authority for properly discharging his/her professional duties, and also by holding him/her responsible for acceptable results;
- C. acting only upon the recommendation of the Superintendent in matters of employment or dismissal of school personnel;
- D. having the Superintendent present at all meetings of the Board except when his/her contract and salary are under consideration;
- E. referring all complaints to the proper administrative office and by discussing them only at a regular meeting after failure of administrative solution;

bylaw

**BOARD OF SCHOOL TRUSTEES
ARGOS COMMUNITY SCHOOLS**

BYLAWS
0140/page 13 of 17

- F. striving to provide adequate safeguards around the Superintendent and other staff members to the end that they can live happily and comfortably in the community and discharge their educational functions on a thoroughly professional basis; and
- G. presenting personal criticisms of any employee directly to the Superintendent.

A School Board member should meet his/her responsibilities to his/her community by:

- A. attempting to appraise fairly both the present and future educational needs of the community;
- B. regarding it as a major responsibility of the Board to interpret the aims and the methods of the schools of the community;
- C. insisting that all school business transactions be on an open, ethical, and above-board basis;
- D. vigorously seeking adequate financial support for the schools;
- E. refusing to use his/her position on a School Board in any way whatsoever for personal gain or personal prestige;
- F. refusing to discuss personnel matters or any other confidential business of the Board in his/her home, on the street, or in his/her office;
- G. winning the community's confidence that all is being done in the best interests of school children.

Indiana School Boards Association

Revised 3/21/11
Revised 11/21/11

bylaw

**BOARD OF SCHOOL TRUSTEES
ARGOS COMMUNITY SCHOOLS**

BYLAWS
0140/page 14 of 17

0144.3 **Conflict of Interest**

Board members shall perform their official duties in a manner free from any possible criticism or prejudice or self interest. To this end:

- A. Every effort shall be made to avoid the possibility of a claim being made that an individual participated in reaching a decision on a matter in which s/he had either a direct or an indirect financial interest of a substantial nature;
- B. Each member of the Board shall resist every temptation and outside pressure to use his/her position as a Board member to benefit either himself/herself or any other individual or agency apart from the total interest of the School Corporation;
- C. when a member of the Board determines that the possibility of a personal interest conflict exists, s/he should, prior to the matter being considered, disclose his/her interest in accordance with statute (such disclosure shall become a matter of record in the minutes of the Board), and thereafter shall abstain from participation in both the discussion of the matter and the vote thereon; (I.C. 35-44-1-3)
- D. no member of the Board may obtain, for at least one (1) year after termination of service on the Board, a pecuniary interest in any Corporation contract or purchase which was approved during his/her tenure. I.C. 35-44.1-1-4, I.C. 35-44.1-1-5

Revised 5/16/16

bylaw

**BOARD OF SCHOOL TRUSTEES
ARGOS COMMUNITY SCHOOLS**

BYLAWS
0140/page 15 of 17

0144.4

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.

bylaw

**BOARD OF SCHOOL TRUSTEES
ARGOS COMMUNITY SCHOOLS**

BYLAWS
0140/page 16 of 17

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 the contract clearly states otherwise in writing.

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. 35-44-1-3
I.C. 35-44-1-7

Revised 2/20/13

0144.5

Gifts and Gratuities

A Board member or a Corporation employee making a recommendation to the Board on a matter to be considered by the Board shall not accept a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision on the matter in accordance with the restrictions and provisions of I.C. 35-44-1-3.

A Board member who has accepted a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision may return the gift or gratuity or its value to the source and thereafter participate in the process of consideration of the matter, and the Board vote on the matter.



bylaw

**BOARD OF SCHOOL TRUSTEES
ARGOS COMMUNITY SCHOOLS**

BYLAWS
0140/page 17 of 17

If a Board member taking part in evaluating a proposal to be considered by the Board, or a dependent of that Board member, has accepted a gift or gratuity from a person or entity having a substantial personal or pecuniary interest in the Board's decision, the Board member shall abstain from all involvement in the formulation of a recommendation to the Board, Board discussion on the matter, and the Board vote on the matter.

I.C. 35-44-1-1

Adopted 2/17/09
Revised 10/21/13



© NEOLA 2014