

THE SCHOOL COMMITTEE OF THE CITY OF BOSTON



BYLAWS

March 23, 2005

Article I: Membership

Section 1. The School Committee of the City of Boston shall be composed of seven persons as appointed by the Mayor of Boston pursuant to chapter 108 of the acts of 1991.

Section 1a. In order to have consistency by and between Chapter 108 of the Acts of 1991, Chapter 613 of the Acts of 1987 and customary usage, the terms President, Chairman and Chairperson are deemed to be synonymous and will be used interchangeably. The terms Vice-President, Vice-Chairman and Vice-Chairperson are deemed to be synonymous and will be used interchangeably.

Section 2. Vacancies in the Committee shall be filled in the manner established in chapter 108 of the acts of 1991.

Section 3. The Boston School Committee accepts the Massachusetts Association of School Committee's Code of Ethics. The acceptance of a code of ethics implies the understanding of the basic organization of school committees under the laws of the Commonwealth of Massachusetts. The code of ethics delineates three areas of responsibility of school committee members: (1) community responsibility; (2) responsibility to school administration; (3) relationship to fellow committee members.

Section 4. The School Committee members recognize their status as special municipal employees under the conflict of interest law (MGL c. 268A) and, as a result, conduct in both their official and unofficial capacities may be limited by the requirements of that statute.

Section 5. New School Committee members will complete required orientation (MGL 71:36A) provided by the Massachusetts Association of School Committees, or their designee, regarding School Committee member responsibilities within one year of their appointment.

Section 6. The School Committee has adopted by-laws, which describe their organization and define their meeting procedures in compliance with the open meeting law (MGL c. 39). In addition to these by-laws, the School Committee has adopted various policies as they relate to its activities, standard operating procedures, and legal responsibilities. The policies are approved, and may be revised, by a majority vote. Furthermore, the School Committee retains the right to amend, suspend, or revoke its own procedural rules and policies provided there is a reasoned explanation.

Article II: Meetings

Section 1. The School Committee shall convene its annual meeting on the first Monday in January of each year at which time it shall adopt a schedule for regular meetings for the coming year.

Section 2. The Committee shall schedule no fewer than ten regular meetings per year, with monthly meetings to be held on the third Wednesday of each month unless otherwise ordered.

Section 3. The Committee shall convene in special meetings called by the Chairperson, or in the absence of the Chairperson, by Vice-Chairperson or at the request of any three members.

Section 4. All meetings of the Committee or any Special Committee at which business is conducted shall be public unless a majority of the Committee's membership orders that the Committee convene in executive session, provided however that the Committee first convene in public session at which time the purpose for executive session is cited by the presiding officer, a vote of each member is recorded on a roll call vote and entered into the minutes, and notice is given as to whether the Committee will reconvene in public session.

Section 5. A majority of the total membership of the Committee shall constitute a quorum to do business.

Section 6. Proceedings of all meetings shall be distributed through the offices of the Executive Secretary.

Section 7. The Chairperson, Vice-Chairperson, Superintendent and Executive Secretary shall participate in creating proposed agendas for the Committee's meetings.

Article III: Officers

Section 1. The officers of the School Committee shall be a President and a Vice-President, hereinafter to be referred to as Chairperson and Vice-Chairperson.

Section 2. The officers of the Committee shall be elected by voice vote at the annual meeting of the Committee and shall hold a term of office expiring at the conclusion of the next year's Annual Meeting.

Section 3. The Chairperson and the Vice-Chairperson shall be members of the Committee.

Section 4. In the event of vacancy in any office of the Committee due to death, resignation, incapacitation, or other cause, such office shall be filled by the Committee in the aforementioned manner at its next regular or special meeting.

Section 5. The Chairperson shall preside at all meetings of the full Committee and shall perform those duties as are prescribed by the law and as are set forth within these bylaws. In the absence of the Chairperson at any time, the Vice-Chairperson shall perform those duties in the same manner and to the same extent as the Chairperson hereunder and pursuant to applicable law. The Executive Secretary shall preside over the public comment section of all Committee Meetings.

Section 6. In the absence of the Chairperson, the Vice-Chairperson shall temporarily assume the duties of the Chairperson. In the event of a vacancy in the office of Chairperson due to death, resignation, incapacitation, or other cause, the Vice-Chairperson shall assume the office of acting Chairperson until such time as an election is held as required by the law and these bylaws.

Section 7. The Executive Secretary shall be appointed by a majority of the total membership of the Committee and shall hold such office at the pleasure of the Committee. The Executive Secretary shall be accountable to the Committee to keep a full and accurate record of its proceedings, and to be the custodian of its records and other papers. The Chairperson shall define the duties of the Executive Secretary in a job description and such duties shall be approved by a majority of the Committee.

Article IV: Special Committees and Task Forces

Section 1. Special Committees and Task Forces, along with their respective chairs and membership, duties and duration of service, will be established by the Chairperson and confirmed by vote of the Committee.

Section 2. The Chairperson of each special Committee or task force shall be responsible for full compliance with the provisions of the open meeting law and, in addition to the requirements thereof, shall give notice of each special Committee or task force meeting with the agenda of matters to be considered thereat to the superintendent and each School Committee member at least forty-eight hours in advance of said meeting.

Article V: Proceedings

Section 1. Except as provided elsewhere in these bylaws, by law, or by such special rules of order as the Committee sees fit to adopt from time to time, all resolutions, motions, and actions of the Committee shall be considered adopted upon unanimous consent or the affirmative vote of a majority of those members present and voting at any business meeting at which a quorum is present. At the discretion of the Chairperson, any matter may be voted upon by unanimous consent, unless any member voices an objection, in which case the matter shall be voted upon by roll call.

Section 2. The Chairperson shall have the sole authority to rule on all questions of order subject to appeal by any member of the Committee. Such appeal, if seconded, shall immediately be put to vote, without debate, save that the Chairperson shall be permitted two minutes in which to explain the ruling in question. An affirmative vote of four of the Committee shall be required to reverse a ruling by the Chair.

Section 3. Notwithstanding any provisions to the contrary, an action of the Committee may not be reconsidered at the same meeting and five votes in the affirmative shall be required for the reconsideration of any issue. No action may be reconsidered twice.

Section 4. All documents and motions for the consideration of the Committee should be delivered to each member of the Committee at least three days prior to the meeting appointed for its consideration, provided however, that the Chairperson shall reserve the right to waive this requirement.

Section 5. No bylaw, rule, regulation, or procedural order of the Committee may be suspended except by a vote in the affirmative of five members of the Committee.

Section 6. Except as provided elsewhere in these bylaws, by law, or by such special rules of order as the Committee sees fit to adopt from time to time, the business of the School Committee shall be conducted in a manner consistent with the most recently revised edition of *Robert's Rules of Order*, provided, however, that the Chairperson may suspend the regular order of business by majority vote.

Article VI: Responsibilities

Section 1. The School Committee is responsible for the oversight of the superintendent and carries out this oversight in the following manner.

A. In employing a new superintendent, the School Committee may seek the advice and counsel of individuals, an advisory committee, or it may employ a consultant to assist with recruitment. Final selection, however, will rest with the School Committee after a thorough consideration of qualified applicants.

B. The superintendent will meet such qualifications as are established by the School Committee at the time of a new superintendent's appointment. As required by law, the Superintendent, upon taking employment, will become a resident of the city of Boston, as the term "resident" is defined by ordinance, and will remain a resident during the term of employment.

C. Upon the selection of a superintendent, the School Committee will secure the appointment through a written contract that will state the terms

of appointment, compensation, benefits, and other conditions of employment. In keeping with the law, the term of any contract will not exceed six years; however, the Committee is not precluded from engaging in successive contracts with a superintendent. The School Committee, under law, is exclusively responsible for establishing the compensation, benefits, and other terms of employment of the superintendent.

D. The School Committee will annually evaluate the superintendent's performance. Periodically, it will develop with the superintendent a set of performance goals and objectives based upon the needs of the school system. The superintendent's performance will be reviewed in accordance with these specified goals.

E. In the case of a planned temporary or routine absence of the superintendent (e.g., illness, conference, vacation), the superintendent will designate a chief school officer for the duration of his/her absence. In the event that the superintendent resigns or is otherwise unable to serve, the School Committee will name an acting superintendent until such time as it appoints a new superintendent or the superintendent is able to return to work.

Section 2. The School Committee is responsible for reaching collective bargaining agreements with employee organizations under terms and conditions set forth in the Massachusetts General Laws, chapter 150E.

A. Through the superintendent, the School Committee has assigned to the office of labor relations responsibility for negotiating with unions, monitoring the school system's adherence to negotiated agreements, and the resolution of grievances that arise under them. The School Committee may hear and discuss progress of negotiations with the director of labor relations in executive session, but the Committee itself will not take part in actual negotiations.

B. Only the School Committee, with the Mayor or his/her designee included as a voting member, has the power to ratify a collective bargaining agreement on behalf of the school department.

Section 3. The School Committee exercises its fiscal responsibility in the following manner.

A. The annual school budget is the financial plan of the school system's education priorities for the fiscal year, which, for the Commonwealth of Massachusetts and all its subdivisions is July 1 to June 30.

B. The School Committee, or its designee, and the superintendent will hold one or more public hearings to elicit public comment and reaction to the superintendent's preliminary budget, before the budget is adopted by the School Committee and sent to the Mayor and City Council for appropriations.

C. The School Committee may adopt, reject, reduce, or increase any item; however, if it fails to act by the fourth Wednesday in March, the annual budget as recommended by the superintendent will be deemed approved by the School Committee and will be submitted by the superintendent to the Mayor. The Mayor may approve or reduce the total recommended budget. Thereafter, not later than the second Wednesday in May, the Mayor will submit the annual budget to the City Council for an appropriation of funds.

D. The appropriation made by the City Council will establish the total appropriation for the support of the public schools, but will not limit the authority of the School Committee to determine expenditures within the total appropriation.

E. After adoption of the annual budget, no city-funded position will be established which results in an overall increase in school department expenditures above authorized limits. This restriction will apply to both regular and mandated programs where compliance issues may require the deployment of additional staff. A recommendation of the superintendent and a vote of the School Committee may override this particular limitation on overall expenditures. This provision applies to both staffing and any non-personnel expenditures.

F. Under law, the School Committee may accept and expend grants or gifts of funds from the federal government, the state, foundations, corporations, and other sources, or may delegate authority (in whole or in part) to the superintendent to do so.

Section 4. The School Committee acts as the governing board of the city's public school system.

Section A. The School Committee establishes educational goals and policies for the schools in the district consistent with the requirements of law and statewide goals and standards established by the Massachusetts Board of Education.

Section B. The School Committee sets operational policies and procedures to ensure a safe, efficient and effective learning environment for all students.

Article VII: Amendments

Section 1. Upon adoption of these bylaws by five members of the Committee, all previous bylaws are repealed.

Section 2. These bylaws may be amended by a vote of five members of the Committee.

NOTED: These Bylaws contain the most recent amendments dated March 23, 2005.