# ARTICLE 2. EDUCATION BOARD

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# ARTICLE 2. EDUCATION BOARD

# I. AUTHORITY

The name of this body shall be the Salt River Pima-Maricopa Indian Community (SRP-MIC) Education Board. The Board derives its authority from the Salt River Ordinance 258-2000, as amended, issued by SRP-MIC Council. The Education Board shall have such authority as is vested in it by the laws of the SRP-MIC, applicable laws of the United States of America, laws of the State of Arizona relative to charter schools and its organizational documents. Other boards within the Division, i.e., individual school boards, shall have such authority as is invested in them by the Division, laws of the SRP-MIC, applicable laws of the United States of America and for boards organized relative to the charter school, charter school laws of the State of Arizona. All of these Education Board policies in this section shall apply to all other boards organized under or relative to the Education Board and shall these policies shall be so interpreted to ensure that they apply in that manner. References to Division in this section shall also be deemed to apply to and refer to schools unless expressly otherwise stated. References to the Education Board shall likewise refer to School Board Members as well as SRPMIC Education Board members unless otherwise expressly stated.

The Education Board may only act pursuant to resolutions duly enacted at official Education Board Meetings. Individual Education Board members shall not issue directives, take action or make representations on behalf or authority of the Education Board or on authority of their office unless they have been expressly authorized to do so by official, express action by the Education Board as set forth above.

The Education Board may also engage in collaborative initiatives with other P.L. 100-297 entities, charter schools and other entities and agencies to more effectively and efficiently carryout the functions and responsibilities of the Education Board, should the Education Board determine that it is in the best interest of the Division to do so.

# II. OATH OF OFFICE

Each member of the Board which has been duly selected or appointed to that office pursuant to the laws of the SRP-MIC shall, before serving, give the following oath of office:

I, (name) , do hereby solemnly swear that I will support and uphold the Constitution of the United States of America, and the Constitution and Ordinances of the Salt River Pima-Maricopa Indian Community, and that I will abide by and

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uphold the policies and the quorum decisions of the Education Board, and that I will faithfully and impartially discharge the duties of the office as a member of the Salt River Education Board according to the best of my ability, so help me God.

# III. OFFICERS OF THE EDUCATION BOARD

#### A. Officers

The Officers of the Education Board shall be one Chair, one Vice Chair and one Secretary.

#### B. Election/Appointment of Officers

The Education Board may elect or appoint such other officers as they shall deem desirable, such officers to have the authority and perform the duties prescribed, from time to time by the Education Board. Any two or more offices may be held by the same person, except the offices of Chair, Vice Chair and Secretary.

The Officers of the Education Board shall be elected annually by the Education Board at the annual meeting of the Education Board. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as conveniently may be. New offices may be created and filled at any meeting of the Education Board. Each officer shall hold office until his/her successor has been duly elected and qualified.

Any officer elected annually by the Education Board may be removed from office by the Education Board whenever in its judgment the best interests of the Education Board would be served thereby.

C. A vacancy in any office because of death, resignation, removal, disqualification or otherwise, maybe filled by the Education Board for the unexpired portion of the term. Chair The Chair shall be the principle executive officer of the Education Board. He/she shall preside at all meetings of the Education Board. He/she may sign, with the Vice Chair or any other proper officer of the Education Board authorized by the Education Board, any deeds, mortgages, bonds, contracts, or other instruments which the Education Board has authorized to be executed, except in cases where signing and execution thereof shall be expressly delegated by the Education Board or by these policies or by statute to some other officer or grant or agent of the Education Board. In general, the Chair shall perform all duties incident to the office of the Chair and such other duties as maybe prescribed by the Education Board from time to time.

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#### D. Vice Chair

In the absence of the Chair or in the event of his/her inability or refusal to act, the Vice Chair shall perform the duties of the Chair, and when so acting, shall have all the powers of and be subject to all the restrictions upon the Chair. The Vice Chair shall perform such other duties as from time to time maybe assigned to him/her by the Chair or by the Education Board.

#### E. Secretary

The Secretary or his/her designee shall ensure that the minutes of the meetings of the Education Board are kept; see that all notices are duly given in accordance with the provisions of these policies or as required by law; oversee the custodian of the corporate records and of the seal of the Board and see that the seal of the Board is affixed to all documents, the execution of which on behalf of the Board is duly authorized in accordance with the provisions of these policies; and, in general, perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to him/her by the Chair or by the Education Board.

# IV. BOARD POWERS, DUTIES AND PROCEDURES

{Reserved for future policy}

# V. APPOINTMENT AND TERMS OF OFFICE OF BOARD MEMBERS

{Reserved for future policy}

# VI. APPLICABLE LAWS, RULES AND REGULATIONS

Education Board members are subject to and shall act within: The Division's policies and procedures, in their entirety; the terms and conditions of the Division's funding agreements; and the laws and regulations of the SRP-MIC, federal government and Arizona law relative to the charter school. Failure to so act may result in disciplinary action.

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#### A. Regular Meetings

Regular monthly meetings of the Education Board shall be held on the first and third Monday of each month. The Education Board shall provide 24 hours advance notice or as much advance notice as possible by posting public notice as required by SRP-MIC law or these Policies and Procedures. The notice shall contain the time, place and agenda for the monthly meetings of the Education Board.

# B. Special Meetings

Special meetings of the Education Board may be called by or at the request of the Chair. The Chair may fix any place, either within or without the SRP-MIC, as the place for holding any special meeting of the Education Board. Notice of a special meeting shall be posted pursuant to SRP-MIC law and as noted above.

#### C. Work Sessions and Retreats

Work sessions and retreats may be scheduled as the Education Board may deem necessary and/or appropriate. The purposes for the work sessions and retreats may include but is not limited to the following: election of officers; departmental reports; policy review; budget development and review; organizational planning; next-year planning to include staffing, organizational chart, program needs, visioning and goals setting; long-term and strategic planning; and, other similar types and special issues as may arise.

#### D. Annual Meetings

The Annual Meeting shall be held every year on the second Monday Board meeting in the month of July. The primary purpose of the Annual Meeting is to elect Board Officers to the positions of Chair, Vice Chair and Secretary. Since the Annual Meeting may also be considered a work session and retreat, the Annual Meeting may include but is not limited to the following: departmental reports; policy review; budget development and review; organizational planning; next-year planning to include staffing, organizational chart, program needs, visioning and goals setting; long-term and strategic planning; and, other similar types and special issues as may arise.

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# VII. CONDUCT OF MEETINGS

# A. Open Meeting Law

The Division adopts the Arizona open meeting law as set forth at A.R.S. § 38-431 through § 38-431.09, as those laws may be amended, in matters relating to the charter school. (A.R.S. § 38-431 through 431.09 set forth in Appendix A to this subdivision.) In all other matters, except those relating to the charter school, the Arizona open meeting law shall not have legal effect as Arizona law and the Division rejects and expressly disavows the application of Arizona law as such in the jurisdiction of Arizona courts, including its open meeting law. Notwithstanding the foregoing, the Division, as its own policy and not as Arizona law, adopts the terms, procedures and rules set out in A.R.S. § 38-431 through § 38-431.09, as amended, as its own policy (hereinafter to be referred to as the Division's open meeting policies). All Division activities will be subject to these Division open meeting policies; however, any disputes regarding these Division open meeting policies shall be subject to and interpreted through SRP-MIC law and in SRP-MIC courts; not Arizona law or Arizona courts. Arizona law and Arizona courts are not controlling and shall not have jurisdiction over any such disputes.

# B. Board Packets and Timeline

- All board packets will be submitted to the Board Secretary at least three (3) business days in advance of the board meeting date. For example, board packets will be submitted to the Board Secretary on Wednesday morning for presentation at the following Monday evening board meeting.
- 2. Before the board packets are submitted to the Board Secretary, managers and administrators will ensure all documents are clearly communicated and include all applicable approvals including but not limited to the Superintendent's approval and legal approval by the Office of General Counsel.
- 3. Once the board packets are finalized, the Board Secretary will electronically present the packets at least two (2) business days before the board meeting date to the Education Board.
- 4. The Board Secretary will also submit the final board agenda to the Information Technology Helpdesk at least two (2) business days before the board meeting date. Information Technology will ensure the board agenda receives the highest priority and that the agenda is posted electronically on the Education Division's public website in order to comply with the Open Meeting Law requirements. The Board Secretary will also physically print and post the board agenda on the Education Administration building's front entrance or near the vicinity of the front entrance. All other agenda postings are performed as a courtesy to the SRP-MIC.

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- 5. In the event of an emergency, or last minute item that would be detrimental to the Community and / or Education Division, an exceptions to this time line can be granted at the discretion of the Education Board Chair or Superintendent.
- 6. In order to ensure meeting these timelines, the Superintendent is authorized to establish other (earlier) deadlines as deemed appropriate.

#### C. Agenda

Items may be placed on the Education Board's agenda in the following three (3) ways:

- Superintendent/ Director may add an item(s) to the agenda, and/or
- Education Board Chair may add an item(s) to the agenda, and/or
- The Education Board may vote during a regular board meeting to add an item to a future agenda.

The Superintendent/Director shall prepare a written proposal of the agenda for all regular, special and other meetings or work sessions or other such events (hereinafter collectively referred to as "Meetings") of the Education Board in advance of such Meeting. All written documents and submissions to the Board shall be first reviewed by the Superintendent/Director as a part of the agenda preparation. Documents shall be reviewed for completeness, compliance with existing laws, regulations and policy.

The Superintendent/Director is authorized to return such submissions to the submitting party or authority in the event such submission is not complete or does not comply with existing law, regulation and policy. The Superintendent/Director shall enact such procedures for the submission of proposed items for the consideration of the Education Board as shall permit reasoned consideration of those items prior to the preparation of the proposed agenda.

No agenda shall be determinative of the conduct of the Education Board meeting until such agenda shall have been approved by majority action of the Education Board. The Education Board Chair and a majority of the Education Board members may also place items on the agenda.

The Education Board members must vote, with a majority vote, in order to add an item to a future meeting agenda. There will be no discussion on the substance, merits, or issues relating to the proposed agenda item.

- D. Robert's Rules of Order shall be used and followed in the conduct of all meetings unless otherwise directed by the Education Board.
- E. The order of business to come before the Education Board at any regular meeting will be as follows:
  - 1. Opening & Blessing
  - 2. Agenda Review & Approval

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- 3. Call to the Public
- 4. Student and Staff Recognitions
- 5. Board Member Reports
- 6. Director's Reports
- 7. Consent Agenda Meeting Minutes
- 8. Consent Agenda Personnel
- 9. Consent Agenda- Recurring/Routine Business
- 10. Action Items for Board Consideration, Discussion, Direction and Possible Approval
- 11. Executive Session
- 12. Board Actions Items after deliberation in Executive Session
  - a) These other open session action items will be described in detail.
- 13. Other Items for Future Consideration Adjournment

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Call to the Public during a duly called Education Board meeting is a privilege not a right. The Public Comment Form must be filled out and submitted to the Education Board Chair prior to the time allotted for public comments. Public comments should not be used for personal attacks on students, staff members, Education Board members, or others. Public comments and questions may deal with any topic related to the Board's management of the schools. However, discussion of personnel or disciplinary matters are not appropriate public comment subjects and should be addressed via applicable policies and administrative procedures. Public comments or questions shall be addressed to the Education Board only where the matter is relevant to the function, authority and responsibilities of the Education Board. The Chair, or presiding officer, will exercise such authority as may be necessary to limit public comments in order to protect due process and privacy rights, preserve order, require relevancy, and to prevent redundancy and/or excessive length of public comments. Public comments shall be limited to five (5) minutes per speaker. Education Board members cannot respond to public comments unless the comments address an item on the agenda or unless they constitute a personal attack on the Education Board member. An Education Board member may direct Administration staff to investigate the public comment and/or place it on a subsequent agenda, but shall not dialogue with the presenter or collectively discuss, consider or decide an item that is not listed on the agenda.

The Education Board may retire to an executive session pursuant to A.R.S. § 38-431 through § 38-431.09 from which the public and all other persons, excepting only those persons invited by the Education Board to be present, are excluded. Executive sessions may be held for consideration of matters identified in A.R.S. § 38-431.03. No decision of the Education Board shall be made in executive session. All voting shall be done in public session. Executive sessions must be kept confidential. It is illegal for any participant to disclose discussions, information or anything else that takes place in executive session. Any person or party disclosing confidential executive session information shall be disciplined up to and including termination, and as otherwise allowed by these policies.

#### G. Quorum

A majority of the Education Board members shall constitute a quorum for the transaction of business at any meeting of the Education Board.

#### H. Action

The act of a majority of the Education Board present at a meeting at which a quorum is present shall be the act of the Education Board, unless the act of a greater number is required by law or these Policies.

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#### I. Voting

All members have equal voting rights and majority rules. In the event of a tie, the motion dies.

# J. Open Meeting Law

The Education Board shall comply in all respect with the Division open meeting law in these policies and Arizona Open Meeting Laws in reference to the Division Charter School, as may be applicable.

#### K. Vacancies

Any vacancy occurring in the Education Board and any number to be filled by reason of an increase in the number of the Board shall be filled pursuant to SRP-MIC law.

# VIII. CODE OF ETHICS

# A. EDUCATION NEEDS AND WELFARE OF STUDENTS

Education Board members are appointed to represent the community and guide the operation of the Division for the benefit of the students. All decisions of the Education Board will be primarily determined by the educational needs of the students and their welfare. Community opinion and needs will, to the maximum extent possible, be considered. However, the educational needs and welfare of the students must take precedence in any and all decisions of the Education Board.

#### B. FAITHFUL DISCHARGE OF DUTY

Each Education Board member has taken an oath of office in which he or she swore to faithfully discharge the duties and responsibilities of the office as an Education Board member. Dishonesty, inaccuracy and misrepresentation by an Education Board member are in violation of that oath. Therefore, an Education Board member is expected to be honest, fair, accurate and open in all reports and statements made to the Education Board. An Education Board member, when reporting or discussing Education Board actions and decisions in a public forum, is expected to be accurate and informed when speaking and avoid taking personal credit for Education Board action, criticizing Education Board action, or divulging confidential information.

# C. DILIGENCE IN THE DISCHARGE OF DUTY

The performance and effectiveness of an Education Board member requires diligence, study and attendance at all meetings. An Education Board member will, therefore, be expected to become familiar with all materials presented for study, attend all meetings and take an active part in all discussions and decisions where no conflict exists.

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# D. EXERCISE OF INDEPENDENT JUDGMENT

Education Boards are most effective when each member exercises his or her independent judgment while avoiding the formation of factions or voting blocks. The process of discussion and consideration of an issue must involve the independent participation of every Education Board member, respect for the opinions of others and candor in the expression of one's own opinion. Compromises are beneficial so long as the compromise is consistent with the other provisions of this code of ethics.

# E. COMMUNITY AND POLITICAL RESPONSIBILITIES

Individual members of the Education Board are free to recognize their community and political responsibilities. However, those responsibilities must be conditioned by duty owed to the Education Board and the Division. It is appropriate to discuss impending issues with other Education Board members, but no agreement should be privately made to vote in a particular manner concerning any issue privately discussed. Individual investigation of facts is improper except where specifically authorized by a resolution of the Education Board. Generally, investigation of any factual situation should be directed to the administration and not undertaken by the Education Board or any individual member. After a decision is made by majority action of the Education Board, it is the duty of each Education Board member to support the decision in all public statements.

#### F. DUTY TO VOTE

Every Education Board member has a duty to vote on every issue presented for a decision of the Education Board if no conflict exists. An Education Board member may abstain from voting only when a conflict exists. An affirmative vote on any issue means the Education Board member is in favor of the motion. A negative vote by an Education Board member means only that the Education Board member does not agree with the motion as seconded and presented for a decision.

#### G. OFFICIAL AND PUBLIC STATEMENTS

The Education Board must recognize that official statements and public statements by Education Board members carry great weight with the community at large and may affect the welfare of many other people. It is, therefore, expected and required that any public statement, whether an official statement of the Education Board or a public statement by an Education Board member, must be:

- 1. Supportive of the philosophy, policy and procedure officially adopted.
- 2. Supportive of Education Board members and Division personnel.

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- 3. Fair, accurate and objective.
- 4. Devoid of any personal opinion expressed to create or influence public opinion.

# H. CONFLICT OF INTEREST

Generally, a conflict of interest is defined as any consideration or influence experienced by an Education Board member which, when required to vote on an issue, competes with the best interests of the Division and students. However, ethical considerations apply only to defined areas of possible conflict and require special consideration and action by an Education Board member when experienced. Two categories of possible conflict are identified and the obligations of an Education Board member experiencing a conflict defined by category are provided.

1. A conflict of interest in this category obligates the Education Board member to report the perceived conflict of interest to the Education Board and to thereafter abstain from all participation in discussion or voting on the issue and from influencing or attempting to influence any person's position on the issue involving the conflict of interest. The Education Board member should absent themselves from the Education Boardroom during all discussion and voting on the issue in order to avoid even the appearance of impropriety. The Minutes of the meeting should contain a record of the report of the conflict of interest.

Conflicts of interest in this category are:

- a. A financial conflict of interest is defined as any interest in any purchase or acquisition by the Division of supplies, equipment, personal services or any other thing of value in excess of an aggregate value of \$100.00 during any thirty (30) day period, from the Education Board member or the Education Board member's immediate family or any business, partnership, corporation or proprietorship in which the Education Board member or Education Board member's immediate family has any ownership or management interest. This provision does not prohibit an Education Board member from placing a proposed purchase or acquisition on the agenda or from introducing the materials or services for sale to the Education Board prior to any Education Board consideration of the issue.
- b. A familial conflict of interest is defined as any issue involving the hiring, promotion, or discipline of an employee of the Education Board or School when such employee is within the second degree of blood relation or affinity to the Education Board member or is within the Education Board member's immediate family.

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2. A conflict of interest in the following category obligates the Education Board member to report the perceived conflict of interest to the Education Board. Thereafter, the Education Board shall discuss the perceived conflict of interest with the full participation of the Education Board Member perceiving the conflict. After the discussion, the Education Board Member may determine that it is proper to abstain from participation in any discussion concerning the issue or any vote thereon. However, if after the discussion the Education Board member feels that he or she can vote objectively and without being influenced by what had been perceived as a conflict, then the Education Board member shall participate in all discussions concerning the issue and may vote thereon. The Minutes of the meeting should contain a record of the report of the conflict of interest and the decision made by the Education Board Member concerning participation in the determination of the issue.

Conflicts of interest in this category are:

- A conflict which involves the differing values of the SRP-MIC culture or tradition and the requirements or practices of other cultures' government or business.
- b. A conflict which involves influences or pressures exerted by the Community, the politics of the Community, or tribe or the duties of other public offices also held by the Education Board member.
- A conflict which involves the differing requirements imposed by the law governing the issue and moral, ethical or religious concepts of the SRP-MIC culture.
- d. Any other perceived conflict of interest which the Education Board member feels may influence his or her ability to be impartial in any consideration or decision of an issue before the Education Board.

Education Board members must also abide by the Division's general conflict of interest policy, the laws of the SRP-MIC, federal government (where expressly applicable), and Arizona law on matters related to the charter school.

# IX. DISCIPLINE OF MEMBERS FOR VIOLATION OF CODE OF ETHICS AND/OR SCHOOL POLICY

It is the intention of this Education Board that all violations of this Code of Ethics be met with appropriate discipline. Discipline shall, by majority decision of the Education Board and may consist of: private counseling of the member found to have violated the Code of Ethics; private reprimand; public reprimand; or, report them to the SRP-MIC Council. All discipline, with the

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exception of the content of private counseling, shall be on the record as a part of the Minutes of the meeting. Private reprimands shall not be published in the public report of the meeting. Recommendation of removal shall be communicated by letter to the SRP-MIC Council.

The perception of a possible violation of the Code of Ethics shall be verbally reported by any Education Board Member at any time during a general meeting of the Education Board at which a quorum is present. The Education Board Member who is perceived to have violated the Code of Ethics shall thereupon be afforded the opportunity to verbally respond to the report of a perceived violation and, thereafter, a general discussion shall be had as to the matter. Following said discussion, the issue of whether or not a violation of the Code of Ethics has occurred or is occurring shall be put to the vote of the Education Board Members present. The Education Board Member against whom the accusation is made shall abstain from said vote. All other Education Board Members present shall be required to vote on the issue. If the Education Board Member against whom the accusation is made is found, by majority vote of the other Education Board Members, to have violated the Code of Ethics, then the matter of discipline shall be determined by majority vote of the Education Board Members present, excepting only the Education Board Member found guilty of a violation of the Code of Ethics.

# X. AUTHORIZED PAYMENTS TO MEMBERS

#### A. COMPENSATION

Education Board members shall not be paid, nor shall they receive, anything of value by way of payment for their services on the Education Board. However, Education Board Members shall be paid such stipend, as may be approved by the SRP-MIC Council for: attendance at regular meetings, work sessions, or retreats.

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