

FERNDALE SCHOOL DISTRICT NO. 502  
BOARD POLICY

No. 1100

BYLAWS OF THE BOARD

I. ORGANIZATION

The corporate name of this school district is FERNDALE SCHOOL DISTRICT NO. 502, Whatcom County, State of Washington. The district is classified as a first-class district and is operated in accordance with the laws and regulations pertaining to that class of district.

The board of directors is the legislative body of the district. In order to achieve its primary goal of providing each child with the necessary skills and attitudes, commensurate with his/her ability, to become effective citizens, the board shall exercise the full authority granted to it by the laws of the state. Its legal powers, duties and responsibilities are derived from state statute and regulations. Sources such as the school code (RCW 28A), Attorney General's Opinions and Regulations of the State Board of Education (WAC 180) and the Superintendent of Public Instruction (WAC 392) delineate the legal powers, duties and responsibilities of the board of directors. Publications such as the Washington State School Directors' Association's Boardmanship, Policy Development Manual and School Law Digest provide capsulized information regarding the laws and regulations pertaining to schools.

Legal References:

RCW 28A.315.040	Organization of school districts
RCW 28A.315.230	Class of Districts
RCW 28A.320.010	Corporate powers
RCW 28A.320.020	Liability for debts and judgments
RCW 28A.320.040	Directors--Bylaws
RCW 28A.330.010	Organization of the board (districts of first class)

A. Number of Members and Terms of Office

The board of directors of the district shall consist of five members, elected by ballot by the registered voters of the district. Except as otherwise provided by law, members of the board of directors shall hold office for terms of four years and until their successors are elected and qualified. Terms of school directors shall be staggered as provided by law. Newly elected directors shall take office as soon as the election results have been certified by the county auditor and the newly-elected director has taken and subscribed to an oath or affirmation that he/she will faithfully and impartially discharge the duties of the office to the best of his or her ability.

Legal References:

RCW 28A.315.450	Directors--Elections--Terms--Numbers
RCW 28A.315.470	Directors--Declaration of candidacy

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RCW 28A.315.480	Directors--Ballots--Form
RCW 29A.20.030	Local officers, beginning of terms— Organization of district boards of directors
RCW 29A.20.040	Local elected officials, commencement of term and office
RCW 28A.315.500	Directors--Oath of Office

1. District Election

A school board election shall be held on the Tuesday following the first Monday in November of odd-numbered years.

A person may become a candidate for a place on the board by filing a declaration of candidacy with the county auditor during the June filing period as prescribed by law. In the event that there are more than two candidates for any position on the board, a primary election shall be held on the third Tuesday of August in the manner prescribed by law. The two candidates receiving the greatest number of votes will appear on the school election ballot the following November.

In the event a school director position becomes vacant or a void in candidacy for a school director position occurs before the regular filing period begins, the candidates will go through the June filing period as proscribed in law. If the vacancy occurs after the filing period starts, but before the eleventh Tuesday prior to the primary election, the county auditor shall establish a special three day filing period.

In the event a school director position becomes vacant or a void in candidacy for a school director position occurs after the eleventh Tuesday before the primary election, but before the eleventh Tuesday before the general election, then the county auditor shall establish a special three day filing period. In such a case, regardless of the number of candidates, there will be no primary, and the winner of the position will be the candidate receiving a plurality of the votes cast.

In the event a school director position becomes vacant or a void in candidacy for a school director position occurs after the eleventh Tuesday before the general election, the scheduled election is lapsed, the election deemed stricken from the ballot, no write-in votes counted and no candidate certified as elected. If an incumbent school director is serving in this instance, the director's service on the board will continue until the next school board election or until the director resigns. If no director is currently serving, the position will be filled by the board consistent with the board's policy on filling vacancies.

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A person is legally qualified to become a member of the board who is a United States citizen and a qualified voter of the school district. The person's permanent residence must be in the director district which is vacant or up for election. Employees of the school district are precluded from serving on the board of directors by R.C.W. 42.23.030, which makes it unlawful for a director to receive compensation or reward for services to the district.

Legal References:

RCW 28A.315.450	Directors--Elections--Terms--Numbers
RCW 28A.315.470	Directors--Declarations of candidacy-- Designation of positions
RCW 28A.315.480	Directors--Ballots--Form
RCW 28A.315.490	Directors--Elected when—Qualifications
RCW 29A.04.151	Residence
RCW 29.13.070	Primaries, when held
RCW 29A.24.181	Reopening of filing--after eleventh_Tuesday before primary
RCW 29A.24.191	Scheduled election lapses
RCW 29A.52.210	Local Primaries
RCW 29.21.060	Declarations of candidacy
RCW 29.21.180	When no primary in certain offices
RCW 42.12.010	Causes of vacancy

2. Director Districts

There shall be one director from each of five director districts as established by the county school district organization committee. One director shall reside in each of the respective director districts. All directors shall be elected by voters in the entire district. A map shall be developed and made available to candidate for the board and other citizens showing the boundaries of the director districts. The demarcation of boundaries shall be the center of the road / river / line unless specifically stated otherwise in a director district boundary description. The director districts are described as follows:

- a. Director District #1. Starting at the intersection of school district and Grandview Road, east on Grandview road to Dahlberg Road, north on Dahlberg Road to Harksell Road, east on Harksell Road to school district boundary, northerly on school district boundary to the point of the beginning.
- b. Director District #2. Starting at the intersection of school district and Grandview Road, east on Grandview Road to Enterprise Road, south on Enterprise Road to Thornton Road, west on Thornton

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Road to Church Road, south on Church Road to Mountain View Road, east on Mountain View Road to city limits, southerly on city limits to Douglas Road, south on Douglas Road to Church Road, south on Church Road to Lampman Road, west on Lampman Road to Haxton Way, South on Haxton Way to Slater Road, west on Slater Road to school district boundary, northerly along school district boundary to the point of the beginning.

- c. Director District #3. Starting at the intersection of school district and Nooksack River. Northerly through Nooksack River to Ulrick Road, west on Ulrick Road to Church Road, south on Church Road to Lampman Road, west on Lampman Road to Haxton Way, south on Haxton Way to Slater Road, west on Slater Road to school district boundary, southerly along school district boundary to the point of the beginning.
  
- d. Director District #4. Starting at the intersection of school district and Nooksack River, northerly through Nooksack River to Washington Street, westerly on Washington Street to BN-SF Railroad, north on BN-SF Railroad to Thornton Road, east on Thornton Road to Portal Way, north on Portal Way to Grandview Road, east on Grandview Road to Dahlberg Road, north on Dahlberg Road to Harksell Road, east on Harksell Road to school district boundary, southerly along school district boundary to the point of the beginning.
  
- e. Director District #5. Starting at the intersection of Thornton Road and Church Road, south on Church Road to Mountain View Road, east on Mountain View Road to city limits, southerly on city limits to Douglas Road, south on Douglas Road to Church Road, south on Church Road to Ulrick Road, east on Ulrick Road to Nooksack River, north through Nooksack River to Washington Street, west on Washington Street to BN-SF Railroad, north along BN-SF Railroad to Thornton Road, west on Thornton Road to the point of the beginning.

Legal Reference:

- RCW 29A.76.010 Redistricting by counties, municipal corporations, and special purpose districts
- RCW 28A.343.030 Directors' districts in certain school districts—Election to authorize division in school districts not already divided into director districts
- RCW 28A.343.040 Division or redivision of district into director districts

3. Board Member Resignation

Upon receipt of a director's written resignation, the board shall consider it at its next regularly scheduled meeting. The board shall then accept the resignation by formal action and declare the board position vacant unless the resignation is withdrawn any time prior to the board's action.

Legal Reference:

RCW 29A.04.151                      Residence

4. Filling Vacancies

In case of a vacancy on the board, the remaining board members shall fill such vacancy by appointment. The board will receive applications from any qualified persons seeking to fill the position after suitable public notice. The board, sitting as a committee of the whole, will evaluate the credentials and interview such of the candidates as it deems proper. The board will thereafter appoint one of the candidates to serve until the next regular school election.

The appointment shall be approved, by roll call vote, by not less than three members of the board. If there exist fewer than three members, the Educational Service District board members shall appoint a sufficient number to constitute a legal majority of the board. Should the board fail to fill a vacancy within ninety (90) days from the creation of such vacancy, the Education Service District board members shall fill such vacancy. Appointees shall meet the requirements provided by law and shall serve until the next regular school district election, at which time a director shall be elected for the unexpired term.

Legal References:

RCW 28A.310.030	ESD Board
RCW 28A.315.530	Directors--Filling vacancies
RCW 28A.330.020	Certain board elections, manner and vote required

5. Oath of Office



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RCW 28A.330.050	Duties of superintendent as secretary (first-1 class districts)
RCW 28A.335.090	Certain board elections, manner and vote required
RCW 29A.20.030	Local officers, beginning of terms—
RCW 29A.20.040	Organization of district boards of directors Local elected officials, commencement of term and office

C. Committees

Committees of the board may be created by a majority of the board. The president shall appoint board members to serve on such committees, the purpose and terms of which shall be determined by a majority vote of the board.

Legal Reference:

RCW 28A.320.040	Director--Bylaws
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II. DUTIES OF OFFICERS, MEMBERS, AUXILIARY PERSONNEL

A. President

The president shall preside at all meetings of the board and sign all papers and documents as required by law or as authorized by the action of the board. The president shall conduct the meeting in the manner prescribed by the board's bylaws, provided that the president shall have the full right to participate in debate without relinquishing the chair and shall have the right to vote on all matters put to vote.

Legal References:

RCW 28A.330.030	Duties of president (first-class districts)
RCW 28A.330.080	Payment of claims--Signing of warrants (first-class districts)
RCW 28A.330.200	Organization of the board

B. Vice President

The vice president shall preside at board meetings in the absence of the president and shall perform all of the duties of the president in case of his/her absence or disability.

Legal Reference:

RCW 28A.330.040	Duties of vice president
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C. Legislative Representative

A legislative representative shall serve as the board's liaison with the Washington State School Directors' Association legislative assembly. The legislative representative shall attend Washington State School Directors' Association assemblies, conveying local views and concerns to that body and participating in the formulation of state legislative programs. The legislative representative shall monitor proposed school legislation and inform the board on the issues.

D. Duties of Individual Board Members

The authority of individual board members is limited to participating in actions taken by the board as a whole when legally in session. Board members shall not assume responsibilities of administrators or other staff members. The board or staff shall not be bound in any way by any action taken or statement made by any individual board member except when such statement or action is pursuant to specific instructions and official action taken by the board.

Each board member is obligated to attend board meetings regularly and to request that absences be excused by the board when the member is unable to attend because of other important obligations. Each member shall review the agenda and any study materials distributed prior to the meeting and be prepared to participate in the discussion and decision-making for each agenda item.

Legal Reference:

RCW 28A.315.520	Directors--Quorum--Failure to attend meetings may result in vacation of office
RCW 28A.320	Provisions applicable to all districts
RCW 28A.330.100	Additional powers of the Board

E. Secretary/Clerk

The superintendent, as secretary / clerk of the board, shall be responsible for maintaining an accurate and complete record of all board proceedings; take charge of the board's books and documents; draw and sign all orders for warrants authorized by the board; send out notices of meetings and other relevant communications to board members and the public; prepare agendas and supplementary documents as authorized by the board; submit required reports to the Educational Service District and to state and national agencies; and carry out other duties as directed by the board as required by law.

Legal Reference:

RCW 28A.400.030

Superintendent's duties

III. METHODS OF OPERATION

A. Adoption and Amendment of Policies

Proposed new policies and proposed changes in existing policies shall be presented in writing for reading, discussion, and adoption. If the policy is particularly complex, or for other reasons deemed appropriate by the board, the vote for adoption may be delayed to the next succeeding regular or special board meeting. In such cases, any written statement by any person relative to a proposed policy or amendment should be directed to the secretary / clerk of the board prior to the second reading. The board may also invite oral statements from individuals as an order of business. Also, all new or amended policies shall become effective upon adoption, unless a specific effective date is provided in the motion for adoption.

Policies as adopted or amended shall be made a part of the minutes of the meeting at which action is taken and shall also be included in the district's policy manual. Policies shall continue from year to year and board to board until and unless the board changes them.

Legal References:

RCW 28A.320.010

Corporate powers

RCW 28A.320.040

Directors--Bylaws

B. Administrative Regulations and Procedures

The superintendent shall be responsible for developing and revising administrative regulations and procedures appropriate for the implementation of policies adopted by the board. The board may review any administrative regulations or procedures and may revise them by majority vote if in the board's judgment such regulations or procedures are not consistent with adopted policies.

Legal References:

RCW 28A.320

Provisions applicable to all districts

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RCW 28A.330.100                      Additional powers of the Board

C.    Suspension of the Bylaws/Policies

The bylaws of the board shall be subject to suspension by a majority vote of the duly constituted board members, provided all board members received notice of the meeting, and provided notice included a proposal to suspend the bylaws and/or policies and an explanation of the purpose. If such proposal is not made in writing in advance of the meeting, the bylaws and/or policies may be suspended only by a unanimous vote of all board members.

Legal References:

RCW 28A.320.010	Corporate powers
RCW 28A.320.040	Directors--Bylaws

D.    Control of Funds

1.    Auditing Expenditures

At each regular meeting, the board shall audit all bills and accounts by confirming that all expenditures comply with the annual budget. The payroll and any bills shall be approved by the board before payment. After each meeting at which payments have been approved, the auditing committee (three board members) and superintendent shall sign the certificate authorizing the county treasurer to pay the warrants for approved expenditures. The certificate shall specify the date, number, name, amount and fund on which each warrant is to be drawn, and the certificates shall be transmitted promptly to the county treasurer.

All accounts shall be externally audited in the manner provided by law.

Legal References:

RCW 28A.330.080	Payment of claims--Signing of warrants
RCW 28A.330.090	Auditing committee and expenditures
RCW 28A.350.030	Auditing accounts--All districts

2.    Signing of Warrants

Following the board authorization of payment, all warrants for school money shall be signed by the secretary/ clerk of the board.

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RCW 28A.320.010	Corporate powers
RCW 28A.320.020	Liability for debts and judgments
RCW 28A.400.030	Superintendent's duties
RCW 28A.330.080	Payment of claims--Signing of warrants (first-class districts)
RCW 28A.330.230	Issuing warrants (second class districts)
RCW 39.62	Uniform Facsimile Signature of Public Officials

3. Revolving Fund Bank Accounts

A THREE THOUSAND FIVE HUNDRED DOLLAR (\$3,500) General Purpose Revolving fund shall be established at a local bank in the account name of the FERNDALE SCHOOL DISTRICT NO. 502. It shall be used to pay bills which require immediate payment. A FIVE THOUSAND DOLLAR (\$5,000) Advance Travel Expense Revolving Fund shall be established at a local bank in the account name of the FERNDALE SCHOOL DISTRICT NO. 502. It shall be used to make advances for travel expenses for officers and employees of the district. Drafts drawn on the accounts shall be signed by one of the following: superintendent or business manager. An accurate record shall be kept of all expenditures from these funds and reimbursement to the funds shall be made by warrant in the same manner all other expenditures are approved. The funds shall be managed in the manner prescribed by the state auditor.

The district shall maintain no other depositories since the county treasurer is charged by law with the custodianship of all school funds.

Legal Reference:

RCW 28A.510.270                      County Treasurer's duties

IV. MEETINGS

A. Introduction

Meetings of the board will be scheduled in compliance with the law and as deemed by the board to be in the best interests of the school district and community. Therefore, the board will function through (1) regular meetings, (2) special meetings, (3) emergency meetings, (4) exempt meetings. All meetings shall be open to the public with the exception of executive sessions and exempt meetings. Any final action, except as allowed by law, will be taken at an open meeting.

B. Public Notice

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Public notice shall be properly given for any special meeting, whenever a regular meeting is adjourned to another time, or when a regular meeting is to be held at a place other than the district board room.

C. Regular Meetings

Regular meetings will normally be held in the district board room at 7:00 p.m. on the fourth Thursday of each month unless otherwise specified by the board. If regular meetings are to be scheduled at other places or times, notice of the meeting shall be made in the same manner as provided for special meetings.

D. Special Meetings

Special meetings may be called by the president or on a petition of a majority of the board members. A written notice of a special meeting, stating the purpose of the meeting, shall be delivered to each board member not less than twenty-four (24) hours prior to the meeting, to each local newspaper of general circulation and to any radio or television station that has filed a written request for such notices. Business transacted at a special meeting will be limited to that stated in the notice of the meeting.

E. Emergency Meetings

In the event of an emergency, involving possible personal injury or property damage, the board may meet immediately and take official action without prior notification.

F. Between Meetings

During the interim between meetings, the office of the superintendent, as secretary / clerk of the board, shall be the office of the board. The district's public records shall be open for inspection in the manner provided by and subject to the limitations of the law.

Legal References:

RCW 28A.315.510	Directors--meetings
RCW 28A.330.070	Office of board--Records available for public inspection
RCW 42.17	Disclosure -- Campaign Finances-- Lobbying-- Records
RCW 42.30	Open Public Meetings Act
RCW 42.32.030	Minutes

Cross References:

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c.f. 1410	Executive or closed sessions
c.f. 1120	Annual Organization Meeting

G. Executive Sessions

The board may hold executive sessions during a regular or special meeting as provided for in the "Open Public Meetings Act," for the following purposes:

1. To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;
2. To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;
3. To review negotiations of the performance of publicly-bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;
4. To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;
5. To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4) (relating to bargaining and grievances), discussion by the Board of salaries, wages and other conditions of employment to be generally applied within the district shall occur in a meeting open to the public, and when the Board elects to take final action on hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;
6. To evaluate the qualifications of a candidate for appointment to the Board of Directors. However, any interview of such candidate and final action appointing a candidate to the Board shall be in a meeting open to the public;
7. To discuss with legal counsel representing the district litigation or potential litigation to which the district, the Board, or a board member acting in an official capacity is, or is likely to become, a party, when public

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knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the district.

Before convening in executive session, the Board President shall publicly announce the purpose(s) of the session and the time of anticipated conclusion. The executive session may be extended to a stated later time by announcement of the Board President.

Legal Reference:

RCW 42.30.110

Executive Sessions

H. Exceptions to the Open Public Meetings Act

The Open Public Meetings Act does not apply to certain board activities and public notice is not required prior to holding a closed session for any of the following purposes:

1. Consideration of a quasi-judicial matter between named parties as distinguished from a matter having general effect on the public or on a class or group; or
2. Collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement, or when the board is planning or adopting the strategy or position to be taken during the course of collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.

Legal Reference:

RCW 42.30.140

Chapter Controlling--Application

I. Agenda

In cooperation with the president, the secretary / clerk of the board shall be responsible for preparing the agenda for each meeting. Copies of the agenda minutes of the previous meeting and relevant supplementary information will generally be delivered to each board member no less than three days in advance of the meeting. The agenda and minutes of the previous meeting will be available to any interested citizen, at the superintendent's office, twenty-four hours prior to the meeting.

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Legal References:

RCW 28A.320.040  
RCW 28A.400.030

Directors--Bylaws  
Superintendent's duties

J. Quorum

Three board members shall be considered as constituting a quorum for the transaction of business.

Legal References:

RCW 28A.315.520  
RCW 42.30

Directors--Quorum--Failure to attend  
meetings may result in vacation of office  
Open Public Meetings Act

K. Meeting Conduct and Order of Business

1. All meetings will be conducted in an orderly and businesslike manner, using Robert's Rules of Order as a guide except when such rules are superseded by board policies. The order of business will be that indicated in the agenda. Additions or changes in the prepared agenda may be requested by the superintendent or a board member if approved by the majority;
2. To expedite business, the board may use a consent agenda which includes those items considered to be routine in nature. Any item on the consent agenda may be removed at the request of a board member and inserted at the appropriate place in the remaining agenda. The consent agenda shall be voted on by a single motion and a listing of all items approved shall be recorded in the minutes;
3. The agenda normally will follow this order of business:
  - Call to Order
  - Approval of Minutes
  - Communications
  - Consent Agenda (When Used)
  - Curriculum and Pupil Personnel
  - Personnel
  - Business
  - Buildings and Grounds
  - General Administration
4. All votes on motions and resolutions shall be by "voice" vote unless a roll call vote is requested by the president or other member of the board;

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provided that votes on the employment of a superintendent, the filling of a vacant position on the board, and the election of board officers shall be by roll call vote.

Legal References:

RCW 28A.320.040	Directors--Bylaws
RCW 28A.330.020	Certain board elections, manner and vote required--Selection of personnel, manner

L. Minutes

The recording secretary of the board shall record the minutes of all meetings of the board of directors. Unofficial copies shall be delivered to board members in advance of the next subsequent meeting and shall be made available to other interested citizens. Minutes become official after approval by the board. Minutes need not be read publicly, provided the board members have had an opportunity to review them.

When issues are discussed that may require detailed record, the board may direct the secretary to record the discussion verbatim. Such verbatim record shall be maintained on file for a period of six (6) years. Any other verbatim records of a meeting shall be destroyed after the minutes have been approved.

Minutes shall be descriptive of the meeting and shall include a reference to each item discussed regardless of the action taken. The minutes shall show:

1. The date, time and place of the meeting
2. The presiding officer.
3. Members in attendance.
4. Items discussed during the meeting and the results of any voting that may have occurred.
5. Purpose of recessing to executive session.
6. Time of adjournment.

A file of minutes of all board meetings will be maintained in the office of the secretary / clerk of the Board, to be made available for inspection upon the request of any interested citizen.

Legal References:

RCW 28A.400.030	Superintendent's duties
RCW 42.32.030	Minutes
RCW 40.14.070	Destruction, disposition of local government records--Preservation for historical interest--

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WAC 414-24-060

local records committing duties--Record  
retention schedules  
Records Retention

M. Board Member Absences

Whenever possible, each director shall give advance notice to the President or Superintendent of his/her inability to attend a board meeting. A majority of the Board may excuse a director's absence from a meeting if requested to do so. The board shall declare a board member's position vacant after four consecutive unexcused absences from regular board meetings, if the absences were for reasons other than illness or active or training military duty.

If a board member is on active duty or training status with the military, the board shall grant an extended leave of absence to cover the period of service or training. The extended leave of absence may not have the effect of extending the board member's term. The board also has the authority to appoint a temporary successor to the absent board member's position. The temporary successor shall serve until the board member returns or the end of the board member's term.

Legal Reference:

RCW 28A.315.520

Directors--Quorum--Failure to attend meetings  
may result in vacation of office

RCW 73.16.041

Leaves of absence of elective and judicial  
officers

Revised	01-15-81
Adopted	09-17-81
Revised	10-15-81
Revised	10-21-82
Revised	03-24-83
Revised	10-27-83
Revised	11-19-85
Revised	04-22-93
Revised	11-23-93
Revised	09-22-94
Revised	03-26-98
Revised	12-19-2000
Revised	10-25-2001
Revised	11-29-2001
Revised	04-25-2002
Revised	09-29-2005
Revised	11-30-2006

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