

School Board Meetings

Because school board members, individually and collectively, have authority only during their official meetings, this chapter examines the various types of board meetings and suggests ways in which the board can most effectively conduct its business.

Terms in the chapter include:

adjourned board meeting - a continuation of either a regular or special meeting that the board had previously adjourned to a later time or day.

agenda meeting - a board session, sometimes called a *planning* meeting, during which the agenda of an upcoming regular board meeting is agreed upon.

closed hearing - a session of the board that is closed to the public and convened upon the request of a student's parent or guardian when the board is considering that student's suspension or expulsion.

executive session - a private meeting of the board that can be held only for purposes specified by law and from which the general public and press are excluded. The board cannot vote during executive session.

parliamentary procedure - the patterns and rules that guide a group in an orderly, efficient manner of conducting a meeting and transacting business.

quorum - defined in a board's bylaws as the number or proportion of members that must be present in order to conduct business. Commonly, a majority of members constitutes a quorum.

regular board meeting - regularly scheduled board meetings held at least monthly during the school year, but they may also be held when school is not in session.

special board meeting - an irregularly held meeting, sometimes referred to as a *called* meeting, convened by the proper procedures to decide a specific item of business.

The Board Meeting

The school board meeting is the means by which board members carry out their role and responsibility for public education in their district. Individual board members have the authority of their office *only* during legally held meetings, so the board can't act in any place or in any way other than in such a meeting.

For example, a board might try to take action by phoning absent members for their agreement on a particular issue. Or an absent board member might want to vote by proxy, that is, by delegating his or her vote to another board member. Such actions are not only improper, they are illegal. The only way

Chapter 6

Individual board members have the authority of their office only during legally held meetings, so the board can't act in any place or in any way other than in such a meeting.

in which an individual board member can exercise his or her authority is by his or her voice and vote *during* a board meeting.

Because the board has significance and authority only at its meetings, the great importance of those sessions warrants close examination, which follows.

Types of Meetings

The law names only two types of school board meetings, *regular* and *special*. State law requires every school board to hold regular monthly meetings during the school term.

Regular meetings, as the name implies, are held according to some prearranged schedule. Even though boards must meet every month of the school year, they can meet more often if they want or need to. Most Arkansas boards meet throughout the year, including the summer months when most schools aren't in session. Each board must decide for itself how often to convene to adequately handle its business and keep abreast of developments.

The board also can be called into session by its president, secretary, any three members of the board, or when requested by a written petition signed by 50 electors in the district. Such special meetings are often referred to as *called* meetings since they're held irregularly and when called by the proper board officials. Usually such meetings are convened to decide a specific item of business, which can be stated in the meeting notice.

Special meetings should be called rarely and only for unusual situations, not for routine or minor matters that can be handled in the regular meeting. Just as with regular sessions, FOI requires that all the county's newspapers, radio, and television stations be informed of a special meeting if those media have requested to be notified. Minimum notification time is two hours before the meeting.

Legally, any business can be transacted at a special meeting. The board should follow the agreed-upon agenda that prompted the call for the meeting, but if all members are present and agree to conduct additional business, they may do so. Even though this practice is legal, surprises aren't conducive to positive school-community relations, so business not previously announced should be considered only when absolutely necessary. ASBA recommends that all districts have a written policy about changing a board agenda.

Two other terms often used in referring to board meetings are *adjourned meetings* and *executive session*. These aren't actually additional types of meetings, but are forms of the two just discussed, as explained below.

An adjourned meeting is a continuation of either a regular or special meeting that the board was unable to complete and, therefore, voted to adjourn to a later time or day. The adjourned meeting picks up where the original left off and is subject to the same requirements and limitations as the original meeting.

Obviously, boards should strive to prepare for and conduct meetings so that business can be completed within a reasonable amount of time, making adjourned meetings infrequent. Yet sometimes an extraordinary matter requires more attention than the board can give it during a meeting's usual time span. Then adjourning to a later time may ensure that everyone involved has fresher attention and sounder judgment.

Executive sessions are private, closed meetings of the board that can occur in conjunction with a regular or special board meeting. The general public and press are excluded from executive sessions. The superintendent isn't automatically included in them, although the board may ask him or her to join them for all or part of the time.

Arkansas law permits executive sessions *only* for specific purposes: discussing the employment, appointment, promotion, demotion, discipline, or resignation of *specific* employees. The board may also conduct a hearing in executive session to consider a student's suspension or expulsion. Before convening in executive session, the board must announce which of these reasons have prompted it, but without revealing the names of those who are the subject of the session. A board can't meet in executive session to *generally* discuss personnel, personnel policies, or student matters.

Minutes aren't taken during executive session, nor are the details of the discussion made public. Moreover, *the board cannot vote while in executive session*. After the private session, the board must reconvene in open session to take any vote or action on the closed-session matter in full view of everyone present, including any visitors or media representatives.

The board must never misuse executive sessions by voting during them or by exploring subjects other than those allowed by law. Abusing a private session is a sure way to destroy citizens' confidence in the board.

Meeting Records

Keeping accurate records of each school board meeting is essential. Board minutes are important legal documents that contain a variety of valuable information that might someday appear in court as evidence. The minutes are the only legal record of what transpired at each meeting. As far as the board's responsibility and authority go, its minutes have the force of law.

The board must never misuse executive sessions by voting during them or by exploring subjects other than those allowed by law. Abusing a private session is a sure way to destroy citizens' confidence in the board.

Accurate minutes of each board meeting preserve the institutional memory of the school district and are a legal record that could very well wind up in a court of law one day.

Although a member of the board may take minutes, ASBA recommends that recording the minutes and preparing them in final form is a task better assumed by someone else, perhaps a member of the superintendent's staff. During meetings, the entire board needs to focus on the business at hand without one of them being distracted by taking minutes during the proceedings.

Even though the law requires one board member to serve as the group's secretary, his or her duties don't have to include taking minutes. At the minimum, the signature (or its facsimile) of the board's secretary must appear on all employment contracts. Other duties may vary according to the district's custom.

Minutes should be written clearly and accurately promptly following a meeting, based upon notes or a taped recording, and then duplicated for distribution. The minutes must be filed in a permanent district record, with copies furnished to all board members as soon as possible, certainly before time to send out the agenda for the next meeting.

If, after a meeting, the board regrets certain action that it has taken, that action can't be "undone" by simply rewriting the minutes to change the decision. Instead, at its next meeting, the board must vote to rescind the previous action. Minutes are the history of what actually happened, and the board can alter them only under specific conditions. The board's formal correction or addition to the minutes during an open meeting can correct a factual error or inadvertent omission.

In addition to the minutes, the board's permanent record must include a copy of all district budgets.

Accurate minutes of each board meeting preserve the institutional memory of the school district and, as noted previously, are a legal record that could very well wind up in a court of law one day. Thus, the minutes should be sufficiently detailed to clearly document all proceedings. Even so, minutes aren't a transcript of who said what, but a record of the action taken.

Minutes should note:

- the type of meeting (regular, special, agenda, or adjourned).
- the name of the school district and city, as well as the date, time, and place of the meeting.
- names of the board members and whether each was present or absent.
- the name of the presiding officer.
- a notation that the minutes of the preceding meeting were approved as circulated, as read, or as corrected.
- every action of the board during the meeting.

- statements summarizing discussions of significant matters that may be useful background information at future meetings.
- the time the meeting adjourned.

The minutes should reflect the meaning of every board action as precisely as possible. Motions should be worded and recorded very carefully before put to a vote.

To promote clarity, write the minutes in paragraphs, one for each subject, and record:

- the name of who made each motion, but the seconder's name is optional.
- the wording of each motion, including any amendments.
- the disposition of each motion, that is, whether it passed or failed.
- the disposition of matters that were considered but upon which no action was taken.

The completed minutes should be sent to the board so they can be carefully reviewed by all members before the next meeting. Advance distribution of the minutes alleviates the need to devote board meeting time to reading them, because they can be approved as circulated, or corrected if necessary and then approved.

Because school board records are public documents and subject to FOI (even in draft form), the minutes should be available to the public through districtwide distribution methods. Some districts routinely send the minutes to each school or to the press for publication. Circulating a one-page summary of board actions to school personnel is a time-saving and cost-efficient way to pass on current information, as is posting the summary or the complete minutes on the district's website. Under FOI, all districts must make a meeting's minutes available to interested citizens upon request.

Voting

Even though the law covers numerous aspects of school board functions, statutes refer very little to voting, although the provision "by a majority vote" is found in some of them.

But the law is very specific about certain aspects of voting: All board members must vote, including the president. However, in a conflict of interest, the law requires any involved board member to abstain from voting by leaving the meeting until the vote is over. If that member nevertheless remains at the session but abstains from voting, the abstention counts as a "no" vote.

Chapter 6

In potential conflicts of interest in any matter, the involved board member should avoid any hint of impropriety by leaving the room until both discussion and voting have concluded.

ASBA recommends that, in potential conflicts of interest in any matter, the involved board member should avoid any hint of impropriety by leaving the room until *both* discussion and voting have concluded.

With these exceptions, the law leaves decisions about voting and recording votes to local board policy. For example, the law doesn't require individual votes to be reflected in the minutes, but some boards choose to do so.

Most boards call for a voice vote or a show of hands, but if written ballots are used, each board member should sign his or her ballot. The ballots are passed to the board president or secretary, who announces the result of the poll.

Voting by secret ballot is unlawful under FOI. The law requires public business to be conducted openly so that citizens can be aware of how officials are performing. After the meeting, the ballots should be collected and kept as a permanent part of the minutes.

The following section on parliamentary procedure suggests several resources that discuss various voting methods.

Parliamentary Procedure

Conducting board meetings according to a form of parliamentary procedure is optional. But following parliamentary form helps meetings proceed efficiently, minimizes misunderstandings, and promotes orderly record keeping. As a result, many boards adopt, by policy or resolution, some accepted form of parliamentary procedure to follow during their sessions. ASBA highly recommends that all boards follow a parliamentary form.

Among the most commonly used references are *Robert's Rules of Order, Newly Revised (10th Edition)*; *Sturgis Standard Code of Parliamentary Procedure*; *Parliamentary Procedure at a Glance* by O. Garfield Jones; and *Riddick's Rules of Procedure*. They are comprehensive guides to conducting meetings and contain a wealth of information, including definitions of terms, suggestions for keeping minutes, models of agenda, and methods for voting. (See the Resources section of this handbook for the website of a professional parliamentarian.)

Whether formal parliamentary procedure or simplified rules followed by general consent, every board needs to agree on a systematic and orderly process for conducting its business.

Order of Business and Agenda

To help promote smooth, efficient meetings, board bylaws should include an order of business for the board to follow during its meetings. The bylaws

also should establish a process for the board to use in developing its meeting agenda.

The order of business determines the sequence in which the board will take up various topics. The agenda establishes the content of the meeting, that is, which matters the board will consider. Preparing an agenda before each meeting helps the board stay focused on the current subjects that require their attention.

Here's a sample order of business:

1. Call to order.
2. Roll call and recognition of a quorum.
3. Minutes. The minutes of the previous meeting are read (or reviewed as circulated), approved, and signed, preferably by the board's president or secretary. All corrections or additions to the minutes are made before the motion to approve the minutes.
4. Communications, both to and from the board.
5. Listening to delegations, if permitted by board policy.
6. Reports from the superintendent or other administrators, such as presentation of the latest financial statement, bills for approval, and various other information.
7. Unfinished business from the previous meeting.
8. New business.
9. Adjournment.

As the schedule of matters the board will address, the agenda can be a simple list of topics, or it can be expanded to include supporting data to help explain and clarify the subjects to be discussed. This more detailed form, which can include charts, graphs, statistics, and factual summaries, is preferred by most boards and recommended by most authorities. The board, not the superintendent, determines the level of detail that will best meet the need for adequate information.

The superintendent is usually responsible for preparing the agenda in consultation with the board president. The board should establish a procedure for guiding its members or other individuals or groups in placing items on the agenda. The board also can adopt a policy specifying how to deal with hearing delegations that weren't anticipated on the prepared agenda.

Some boards precede their regular meetings with *agenda (or planning) meetings* to establish what to include on the agenda of the upcoming session. The board may want to adopt a policy that sets time limits for presenting and considering each potential agenda item.

In determining the sequence of items for discussion at the regular board meeting, the agenda should follow the board's established order of business.

The board must take any vote during a meeting that is open to the public, never in executive or closed session.

Board members should receive the agenda and any supplemental data well before the meeting, usually three to five days. Advance information gives members time to think about the upcoming items before making decisions at the session. Many boards routinely furnish the agenda to the media, each school building, and all district departments. Copies should also be made available for visitors at the meeting.

An agenda can be confining or flexible. Some boards refuse to act on matters that aren't on the agenda, because members haven't had time to consider the subject sufficiently for a prudent decision. Other boards are more flexible and will discuss topics that don't appear on the agenda. Each board must decide which procedure to follow in light of local situations.

Public Meetings

As noted earlier, school board meetings must be open to the public, except for executive sessions. A closed hearing is also legal, upon parental request, when the board is considering a student's suspension or expulsion. The parents or legal guardian can be present at this session, which is sometimes referred to as a hearing conducted in executive session. Even then, the board must take any vote during a meeting that is open to the public, *never* in executive or closed session.

The requirement for the board to vote in public may seem rather stringent, but the thinking behind it is sound: An informed community is usually an involved and supportive community. Any suggestion of secret action on the part of the board creates suspicion and distrust, a sure way to undermine citizens' confidence. A school board that operates openly and in good faith with the community is building credibility and trust, which are always basic to productive relationships. The board should encourage the public and the media public to attend board meetings and to offer constructive suggestions.

From time to time, delegations of citizens may appear at the board meeting to make a request, register a complaint, offer a recommendation, or present a petition. Below are some suggestions offered as guidelines for dealing with delegations.

1. Require all petitions and requests for an audience before the board to be directed to the superintendent, preferably several days before the meeting so the agenda can include them. Then the superintendent will have time to gather needed information and alert the board to matters it may have to address. The necessary lapse of time also helps to avoid impulsive encounters.
2. Treat every request or petition with courtesy, even when you don't agree with it.

3. Have a defined procedure for hearing delegations, including:
 - the time when delegations may be heard during the meeting. Scheduling them early in the proceedings prevents them from having to wait for the board to conduct its other business.
 - how long any one speaker or delegation may keep the floor. Common limitations are five minutes per speaker or 20 minutes per delegation, although each board will need to consider its own local situation in deciding time limits.
 - what subjects delegations may bring before the board.
4. Never grant speakers a place on the agenda to address the board about personnel issues. The board is obligated to remain impartial in all personnel matters, for it may eventually need to consider a disciplinary action or dismissal. Board members must preserve their objectivity by insisting that all personnel matters be brought before the board through the proper channel, which is the superintendent. Citizens with concerns about employees should be invited to share their comments with the superintendent in private.
5. Insist upon having complete information before taking action. Boards should seldom act on the requests of delegations or petitioners at the meeting in which they're heard, particularly when basic policy or controversial issues are involved. The board can't allow itself to be stampeded by any single—and possibly non-representative—point of view.
6. Direct the superintendent or a staff member to study the issues and present the board with the facts needed to intelligently review them. Tell the delegation when to expect an answer from the board or superintendent.
7. Direct specific questions to representatives of the delegation if needed to clarify the topic, but avoid debating or arguing the merits of the complaint or proposal.
8. Remember that citizens have a right to bring matters to the attention of the board, but they aren't entitled to participate in the deliberations as the board makes its decision. Citizens can take part in the discussion only when invited by the board.
9. Don't allow individual guests or delegations to disrupt the board's business or to seek publicity through a demonstration. A clear set of bylaws and procedures for conducting meetings will help avoid disruptions, as will the board's commitment to support the presiding officer in firmly following the rules. Nevertheless, the board must be prepared to take such action as needed (including police aid in extreme cases) to ensure the proper conduct of business.