

Call to Order

A Handbook for School Board Presidents

August 2011

North Dakota School Boards Association

www.ndsba.org

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FOREWORD

The primary purpose of this publication is to help local school board presidents conduct efficient and productive meetings. However, it is useful information for all board members, administrators, and business managers. We urge that it become required reading for all these key players.

One of the most effective ways to bolster public confidence and support for the local school board is to conduct orderly, polite, productive school board meetings. How board members conduct themselves at a public meeting tells their constituents, employees, and students a great deal about their character.

There is no reasonable way to cover every situation that could occur at a board meeting. If you adopt procedural policies to which you adhere, you will be able to handle situations as they arise.

If a meeting is well planned with a pre-set agenda and is conducted according to policy and parliamentary procedure, board business can be taken care of in good order.

Congratulations on accepting the challenge of serving in one of our state's most important elective offices--president of your local school board!

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SECTION I: BACKGROUND

Whack, whack--you rap the gavel to call the school board meeting to order and later to declare the meeting adjourned. Now that doesn't sound too difficult, does it? But what about all the things that had to be in place to get the meeting set up? What about all that happened during the meeting? And what about all that must happen after it is over? These are the issues that speak to your duties and responsibilities as board president.

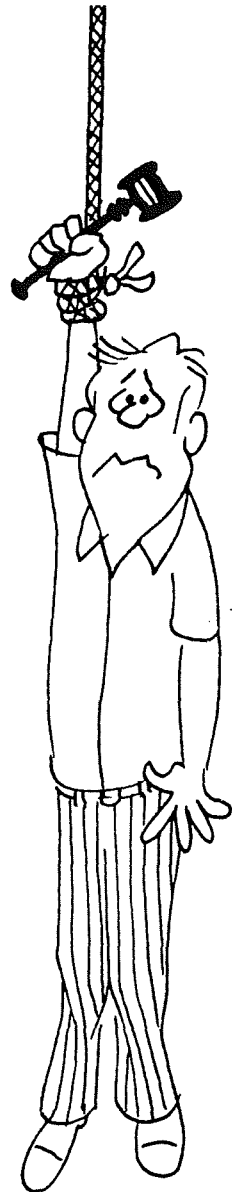
NDSBA has developed this set of guidelines and suggestions for what goes on before, during, and after the meeting. Parliamentary procedure is sprinkled throughout all phases of a school board meeting, so it is addressed in several sections. We have attached a quick reference Parliamentary Motions Guide, but you will want to have a more thorough parliamentary procedure guide handy at all meetings.

Simply defined, "parliamentary procedure" is a set of rules for the conduct of meetings designed to allow everyone who is part of a group to be heard. The rules enable the group to accomplish business in an orderly, consistent fashion.

Occasionally, a member may try to use parliamentary procedure as a device for questionable purposes, to delay progress, or disrupt business. This is another reason the board president must be knowledgeable in parliamentary procedure. The president can't call a member "out of order" unless he/she is familiar with the "order."

Blocking the road to progress with technicalities should always be discouraged. Rules should be applied and interpreted so the majority can prevail within a reasonable length of time while allowing the minority to be heard and have a fair chance to persuade through debate. There is a fine line between obstruction and minority rights. This is something the president must evaluate with acute sensitivity.

History has thoroughly tested the concept of using a set of procedural rules, and it has been found to be a valid method for conducting business at public meetings and gatherings. Following such standards helps ensure democratic rule, flexibility, and protection of the rights of all.



"When I first came to the board, the best advice someone gave me was, 'Don't get hung up on parliamentary procedures.... Procedures are important, but they shouldn't obscure substantive issues under discussion.'"

Procedural policies can be adapted to fit the needs of organizations and boards of all sizes. Often small groups who know each other well do not feel a need for a strict, formal structure at meetings. These are likely boards with meetings that last three to six hours. At some point a difficult situation will arise which will require taking control of the meeting, and without an established procedure, the president may be accused of unfair practices.

Regardless of what procedural policies your board adopts, become very familiar with them, apply them consistently, and do not deviate from them. This will deter claims of special treatment or harassment. Remember, when your rules or policies conflict with state law, state law prevails.



***“This school board meeting is nothing.
You should see us when we get organized!”***

SECTION II: KEY PLAYERS

School board meetings have several participants with significant roles, and it is worth our time to examine who they are and what they do. As president, you've been twice elected. First, the patrons elected you to the board, and then your peers elected you to lead them. Since you are the leader, we'll talk about you first.

A. PRESIDENT

At the annual meeting, the board shall elect from among its membership a president who will serve a one-year term. State law delineates specific duties for the president, including presiding at meetings, appointing committees, and authorizing issuance of negotiable instruments for payment of bills. [NDCC 15.1-09-27 and 28; 15.1-09-30; 15.1-07-12]

At no time is anyone other than an elected board member authorized to preside over a meeting of the school board or any portion thereof. The person who is presiding, whether the president or vice president, has many assignments prior to, during, and following the meeting. Some of these assignments are broad and general, while others are specific and detailed, and some are even prescribed by law. Your functions as the leader of your local school board include the following:

1. Call meetings as prescribed by law
2. Along with the superintendent, prepare the agenda (See Section IV)
3. Review pertinent materials before meeting
4. Call meetings to order
5. Recognize members wishing to speak
6. Limit or extend the time of debate
7. Oversee debate (discussion) on motions
8. Clearly state items being considered or voted upon
9. Announce the results of all votes
10. See that agenda and procedural rules are followed
11. Rule when persons or procedures are out of order
12. Coordinate authorized public discussion
13. Control general tone and direction of meeting
14. Recess the meeting if necessary
15. Appoint committees with approval of board
16. Authorize payment of bills
17. Declare the meeting adjourned when appropriate
18. Review draft of minutes with business manager



"You think this is rough? I used to be a school board president!"

You must stay alert to everything that is occurring during the meeting. And just staying alert won't get the job done unless you also know the rules of procedure that are essential for the conduct of a proper meeting.

In addition to knowing the rules of order, you must know the specific North Dakota laws that apply to school board meetings AND the precedents and policies of your own school district. You should have all necessary written references close at hand, and you must know how to retrieve information quickly.

Some of the written references you need are the most recent copy of the School Century Code, along with the latest supplement; the latest edition of *Robert's Rules of Order* (or whichever rules of order your board has adopted); the NDSBA *Handbook for School Board Members*; your district's policy manual, negotiated agreement, and minutes journal; the public school directory; and other material that might help you--including this handbook.



You'll need to get your hands on the right information.

Unless your board adopts a policy to the contrary, *Robert's Rules of Order* allows for the president to make and second motions and to enter into discussion. A note of caution: If the president monopolizes discussion or attempts undue influence, he/she is abusing power.

The president **shall vote** on all motions unless a conflict of interest exists and the remaining board members have not voted unanimously to allow participation. This marks something of a departure from Robert's Rules in which the chair only votes to break a tie. Since school boards in this state are composed entirely of elected persons, it is proper that each be allowed all the privileges of membership in order to adequately represent the constituency.

It is imperative that you carefully review the agenda and all supporting documents that the superintendent has sent you. You must not only review these materials, but you must understand them. You never know when a question will arise. If there is anything you don't understand, get in touch with someone who can explain it to you--probably your superintendent. The primary way in which you establish yourself as the board's leader is by being dignified, knowledgeable and, most of all, correct. This doesn't happen automatically. You must prepare.

B. VICE PRESIDENT

The same section of law that specifies duties of the president [NDCC 15.1-09-28] also authorizes election of a vice president who shall take over those duties when the president is absent or unable to preside. This person should be elected at the organizational meeting, along with the president.

In the unlikely event that both the president and vice president are absent and a quorum is present, business can still be transacted because the board has authority to elect a temporary presiding officer.

C. INDIVIDUAL BOARD MEMBERS

Each of your fellow board members is an elected official (the same as you) representing a constituency. As such, each has a responsibility to participate in all regular and special meetings by attending, making motions, seconding motions, entering into debate, and voting on motions. These acts are understood to be required of all elected members. Members are not only entitled to do these things, they are expected to do so.

Serving on committees as appointed is also an expected role of all board members. Any other actions that will help your school board do its job better are to be expected from each board member.

The following items detail some of the things a board member is reasonably expected to do. They may be considered when preparing a code of ethics for a school board but are also appropriate when discussing expectations and duties of individual members.

- I. *A board member should attend all scheduled meetings of the board insofar as possible and should become informed concerning the issues to be considered at those meetings.*
- II. *A board member should make decisions based upon available facts and independent judgment and should refuse to surrender that judgment to individuals and special interest groups; policy decisions should be made only after full discussion takes place at publicly held board meetings.*
- III. *A board member should encourage the free expression of opinion by all board members and seek open communications between the board and students, staff, and all elements of the community.*
- IV. *A board member should work with other board members to establish effective board policies and to delegate authority for administration of the district to the superintendent.*

- V. *A board member should communicate expressions of public reaction to board policies and school programs to other board members and the superintendent.*
- VI. *A board member should keep informed about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by NDSBA and the National School Boards Association.*
- VII. *A board member should support the employment of those persons best qualified to serve as school staff and insist upon a regular and impartial evaluation of all staff.*
- VIII. *A board member should avoid being placed in a position of conflict of interest and should never use the position as board member for personal or partisan gain.*
- IX. *A board member should take no private action that will compromise the board or administration and should respect the confidentiality of information that is privileged under applicable law.*
- X. *A board member should always remember that the first and greatest concern must be the educational welfare of the students attending schools in the district.*



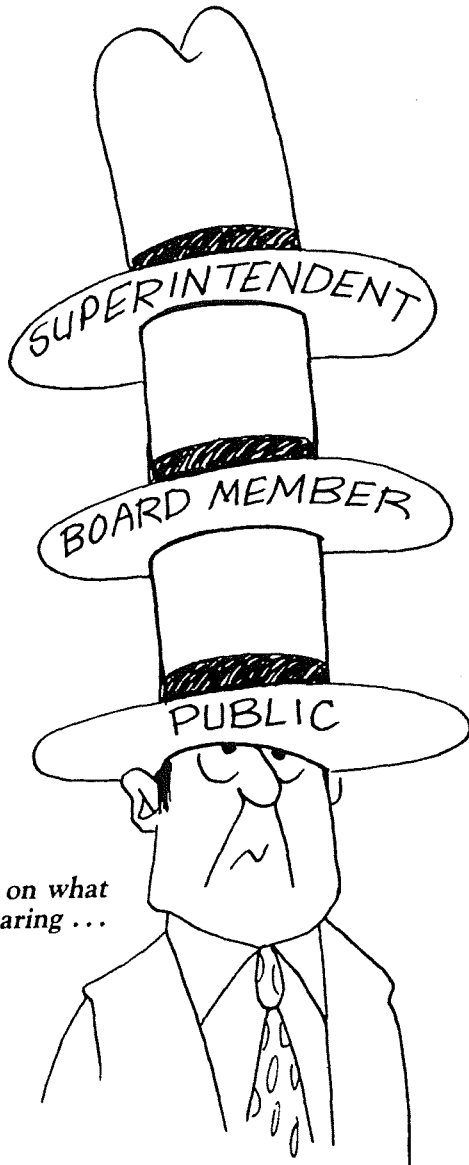
"I've only got room for 10!"

D. SUPERINTENDENT

The superintendent is responsible for preparing the agenda in conjunction with the board president. The agenda should include appropriate background materials for the items contained therein, and it is the superintendent's responsibility to see that these materials are assembled and distributed to the board in time to permit thorough review prior to the meeting.

The agenda is created in accordance with board policy and procedures discussed later in this publication. This policy should:

1. Set a time when all suggested agenda items are due.
2. Indicate to whom and at what place agenda items are to be submitted.
3. Include a procedure for accommodating interested parties who want to have input at the meeting and time frames for such.
4. Prescribe details for the distribution of the agenda, including time sent and recipients thereof.



It all depends on what hat you're wearing ...

The superintendent should be expected to attend all board meetings and will present information about each item on the agenda or will present information as instructed by the board. The superintendent is the chief executive officer of the board and, as such, serves as the primary advisor. Each board must determine the exact role it expects from its superintendent at the meetings. It should be remembered, however, that the superintendent can and should be a valuable contributor at school board meetings and in all other phases of the district's operation. Some boards elect to have the superintendent present each item on the agenda along with supporting information and then follow the presentation with a firm recommendation. Others simply call on the superintendent for additional information and have no regular system for participation.

The relationship between the board and superintendent must be developed and determined locally based upon what is most comfortable for the board and its superintendent. The relationship between the president and the superintendent often sets the tone for the superintendent's relationship with the board as a whole. Don't miss this opportunity to develop a good working relationship with the educator you hired to run your school district.

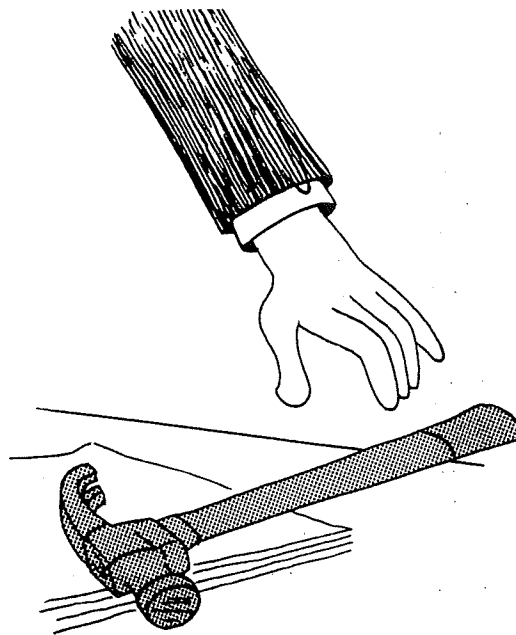
E. BUSINESS MANAGER

The business manager is employed by the board. This person, who cannot be a member of the board, is compensated at a rate set by the board. The business manager is a direct employee of the board and serves at their pleasure. Termination of the business manager is covered in NDCC 15.1-09-33(27,28,29).

The business manager has numerous duties established by law and by regulations of the state. Duties most appropriate to this publication are those relating to the school board meeting. The business manager serves as the treasurer of the district and is responsible for cosigning (with the board president) all checks directed by the board and keeping accurate minutes of all proceedings of the board. This person is generally available to assist the board throughout the meeting and between meetings.

F. PARLIAMENTARIAN

More and more boards are appointing someone to serve as district parliamentarian. This person need not be a member of the board but should be in attendance at all meetings--annual, regular, and special. It is the duty of the parliamentarian to have a broad knowledge of the rules of parliamentary procedure and your board's procedural policies, to have readily available all necessary references, and to be able to use these references should questions about parliamentary procedure arise. It must be understood that the parliamentarian has no power other than to advise the president. It is you, in your role as chairman, who will make the final decision on procedural questions. It is wise to listen carefully to the advice of someone who is trained and prepared in this area of learning, but the final call is a ruling from the chair.



SECTION III: TYPES OF SCHOOL BOARD MEETINGS

ANNUAL MEETING

- Must be held on a date in July set by the board president and convenient for members.
- Must be held after the final canvassing of the annual school board election results.
- Newly elected board members are seated at this meeting.
- The board organizes itself with election of officers.
- Requires legal notice. [NDCC 44-04-20]

REGULAR BOARD MEETINGS

- Shall be held at least once a month for the transaction of business.
- Annual schedule of meetings shall be filed in January with the county auditor or posted on the school district's Website.
- Require legal notice. [NDCC 44-04-20]

SPECIAL MEETINGS

- May be called by the president or any two board members.
- Board members should receive written notice, although attendance at such meeting without objection constitutes a waiver of the notice requirement. [NDCC 15.1-09-30(3)(4)]
- Notice must also be given to the county auditor (or posted on the school district's Website), the district's official newspaper, and any other news media requesting notice of such meetings. [NDCC 44-04-20(6)]
- Notice must be posted in the district office and, on the day of the meeting, at the location of the meeting.
- Only topics stated on the notice to the members and media may be considered at a special meeting.

EXECUTIVE SESSIONS

- The board must adjourn to executive session from a legally noticed open meeting of the board.
- The motion to adjourn to executive session must cite the law which allows executive session for the stated purpose.
- No other business may take place during the executive session.
- The executive session must be recorded or videotaped.
- The board returns to the open meeting to adjourn.
- The most common reasons for executive sessions are as follows:
 - Hearing on a teacher or superintendent nonrenewal
[NDCC 15.1-15-02, 06; 15.1-14-10]
 - Hearing associated with discharge of a teacher or superintendent
[NDCC 15.1-15-08 and 15.1-14-06]
 - Meeting with legal counsel regarding reasonably predictable litigation
[NDCC 44-04-19.1]
 - Meeting for negotiations strategy and to instruct the negotiator(s)
[NDCC 44-04-19.1]
 - To vote on suspension of a teacher pending a discharge hearing
[NDCC 15.1-15-10]
 - Meeting at which a student's educational record will be created or discussed
[Family Educational Rights and Privacy Act--FERPA]
 - Meeting at which a student's or employee's medical records are discussed
[FERPA, NDCC 44-04-18.1, NDCC 44-04-19.2(1)]

The president is responsible to ensure proper meeting notice occurs.

For all meetings, a prepared agenda shall be in place that was constructed in accordance with written board policy.

Some experts feel a gathering such as a school board meeting is too long if it runs more than two hours. After that period of time, the quality of decision making decreases. It should be a serious goal to keep the meetings from running on. It is not a social function, administrative meeting, or public hearing. This is a business meeting of the policy making school board.



The physical setting for the board meeting is important. More people are now wanting to attend school board meetings than ever before. Unfortunately, most districts are not blessed with unlimited space for the board meetings, and it is not unusual to see meetings with an audience far too large for the facilities, inadequate lighting, poor ventilation, poor temperature control, and terrible acoustics. If you know a crowd is likely to attend, prepare for them--even if it means moving the meeting to a larger room such as a gymnasium or cafeteria. Lighting, ventilation, temperature, acoustics, and space are all important ingredients in public satisfaction with the school board meetings that they attend. Have arrangements for an amplification system if needed. It's a wise practice to have a space designated for the media if they commonly attend your meetings. Be sure your meeting facility is accessible to all.

Have copies of the agenda and other materials available for visitors. If they are to participate, be certain they have a good spot to stand and from which to present--a place where they can be seen and heard by you and the audience. As the board president, it is up to you to graciously help guests follow the proceedings.



"Mr. Lopez thought he had a clear definition of school board policy, but it turned out to be an ulcer."

SECTION IV: THE AGENDA

Any organization that actively utilizes parliamentary procedure will follow a fixed order of business called an agenda. We suggest the agenda be:

- Prepared by the board president and superintendent.
- Prepared in a consistent format.
- A length which will allow conclusion of business in a reasonable amount of time (2-3 hours).
- Mailed to individual board members along with supporting materials, no later than the Friday preceding the board meeting.
- Mailed at the same time to others requiring notice.

District policy should govern this activity and prescribe how patrons and other interested parties may get time on the agenda. Public input at school board meetings is not a right but a privilege governed by board policy. Agenda procedures should be carefully addressed through a policy adopted by the board and periodically reviewed to ensure that it is current and workable.

As the agenda is being constructed, the superintendent should be preparing materials that will provide information needed for the board to make the best possible decisions. This back-up material can be as important as the agenda itself. The more a board knows about a particular problem or issue, the better the chance of a sound decision. This is indeed one of the superintendent's most important duties--keeping the board informed about the things they will have to decide. The materials should be mailed to the board along with the agenda.

The items to be included on the agenda can vary with each district. Certainly, the format to be used is strictly a local district decision, but experience has demonstrated that some basic elements are probably best included. For that reason, we have compiled the most commonly needed categories and will address each in some detail.

"What's this 'bring home milk, bread, and something for supper' doing in the school board's agenda, Miss Powers?"



A. CALL TO ORDER

The president raps the gavel to call the meeting to order at the appointed time. Punctuality is an important ingredient of a good meeting. Begin and end in a timely manner.

B. ROLL CALL

The business manager shall call the roll and record in the minutes the names of the members present. This is significant because it establishes that the quorum required to conduct business is actually present. Remember, a quorum, for the purpose of doing school business in North Dakota, is a majority of the elected board. The business manager shall then announce to the president that, according to the roll call, a quorum is present (or not present).

Should a member be absent at the time of the initial roll call but appear later in the meeting, the business manager shall record the point in the proceedings at which the person arrived. Similarly, if a member leaves the meeting before adjournment, the time of departure should be noted in the minutes.

C. APPROVAL OF THE AGENDA

This item should be handled carefully. It is not an underhanded device to alter the published agenda. There are times when emergency-type items must be added or deleted for good reason. Delegations may wish to be heard under provisions of your policy. This is the time to consider amendments to the agenda. Some boards require a 2/3 majority vote to add items to the agenda. Additions may only be made at a regular meeting.

D. ACTION ON THE MINUTES

The business manager may read the minutes of the previous meeting(s) or a motion may be made to dispense with the reading and to adopt the minutes as written and mailed out earlier. It is normal to have copies previously sent to the board members available so that they are able to review or refer to them. If corrections are to be made, the specific items should be acted on and then the amended minutes adopted.

E. ACTION ON THE SCHEDULE OF BILLS

At this point, proposed expenditures will be presented by the administrator or the business manager and the board will act upon them individually or as a group.

F. REPORTS

This category usually includes a report by the president. You will share anything that you've received that might be of general interest to your colleagues. Other members of the board may also bring things to share such as attendance at meetings, workshops, or

conventions, etc. Also, the superintendent will give a report on activities of interest and concern to the board. Other staff members or consultants may be called upon from time to time for various reports. Action should be taken on reports only if warranted.

G. COMMITTEE REPORTS

Any standing committee or special (ad hoc) committee report should be presented at this time. Bear in mind, you as president have appointed these committees with approval of the rest of the board. It should also be remembered that committee reports are merely recommendations or advice to the board. If any action is appropriate, only the board as a whole can so act. The next section of this publication addresses committees in more depth.

H. UNFINISHED BUSINESS

This category consists of the items of business that have been brought forth from previous meetings. They are the items that were introduced earlier but, for some reason, had action delayed and are still unresolved. Sometimes this is called "old business."

I. NEW BUSINESS

This is where any topics new to the board's consideration are introduced.

J. ANNOUNCEMENTS

This is an FYI (for your information) category.

K. ADJOURNMENT

At this point, the meeting ends by a vote or by general consent. The concept of general consent is covered under the section on motions. Following the approved agenda, when you finish all agenda items, you are ready to adjourn. You once again rap the gavel to signify that the meeting is adjourned.

A word about the use of "consent agendas." A consent agenda is a portion of your regular agenda containing routine items common to each meeting. Such items could include: Minutes of previous meeting, financial reports, personnel actions, grant applications, and so on. If the items are routine and board members get the agendas in time to get clarification prior to the meeting, it saves a great deal of time to deal with them in one motion by approving the "consent agenda." If any board member asks to have an item removed from the consent agenda and dealt with separately, the president places that item on the agenda following the consent agenda. Many boards find this procedure an expedient way to deal with routine matters.



SECTION V: COMMITTEES

It is often the practice for school boards to use committees in an effort to get everything done that needs to be done. Two types of committees are standing and special (ad hoc).

The **standing committee** is appointed by you with board approval and exists permanently or until disbanded by the board. This kind of committee usually has a specific portfolio. When topics come before the board that fit into this portfolio, they are referred to the appropriate committee. The committee will then meet, discuss the topic, and return to the full board with a recommendation for action. Examples of standing committee portfolios are curriculum, finance, personnel, transportation, and building.



Special or ad hoc committees are also appointed by you and are also approved by the board. The special committee, however, exists to accomplish a very specific mission. Once this mission is completed, the committee ceases to exist. This type of committee also presents a recommendation to the entire board for action and, like standing committees, is strictly advisory in nature. A superintendent candidate screening committee is an example of a special committee.

A committee, standing or special, does **not** have the power to make decisions on behalf of the board. **This must be emphasized and understood at all times by the board, by the committee, and by those with whom the committees are working.** A committee has only the authority to study an issue and to make advisory recommendations back to the board. **The board, and only the board in official session, has the power to make decisions.** This can become especially significant when you have a committee negotiating for the board. People will often take what the committee says as binding upon the board, and this thinking must be discouraged. It must always be emphasized that the committee is obligated to take its recommendation back to the assembled board for action.

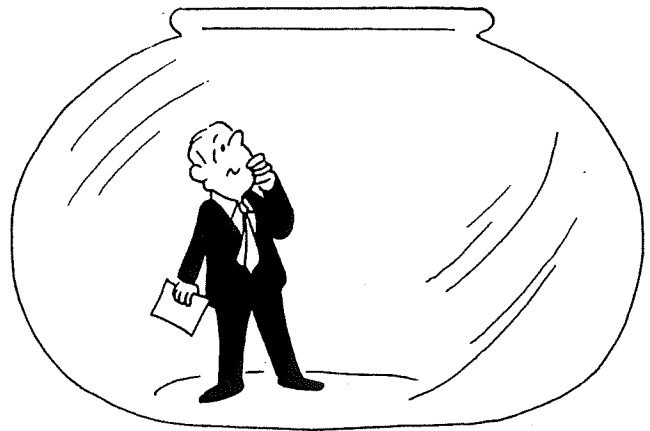
Composition of either kind of committee is not limited to school board members. Since the committee is only an advisory body, it may be desirable from time to time to include staff members, patrons, and perhaps students on committees. This is perfectly permissible since the board is not unlawfully delegating authority to make decisions.

This is important: All committees of the board, regardless of the number of members and regardless of whether there are any board members on the committee, are subject to the state's open meeting laws.

SECTION VI: CONDUCTING THE MEETING

Most of what we've talked about up to now has been preliminary. Now for the actual meeting. Let's assume we're going to a regular, second-Tuesday-of-the-month, school board meeting. You should look for the following things when you enter the room:

- The room is large enough and neatly arranged so that visitors will get a favorable impression of how you do things and how you maintain your buildings. A lot of people form initial and lasting impressions based upon what they see when they walk into a room.



The public is watching you.

- The room has adequate lighting and good ventilation with a comfortable temperature setting.
- Adequate seating has been provided for the audience as well as the board.
- The board is seated in a manner allowing them to make eye contact with each other and with presenters.
- There is a designated section for the media, and copies of the agenda and other pertinent materials have been provided to them.
- Similar materials are available for other visitors who might attend the meeting.
- The room is located near restrooms.
- Board members and administrators are circulating around the room chatting informally with the visitors making everyone feel welcome.

You are the chairman--the president of this school board. You rap the gavel and ask the meeting to come to order. You have a carefully constructed agenda to follow and procedural policies to keep you on track.

A. PARTICIPATION

You want people to know that they are welcome and that the schools are theirs. You will allow them to participate, but it has to be within established procedural policies set by the board. This is a legal meeting. It is imperative that it be conducted properly or there could be serious ramifications.

The law is clear:

- Only elected school board members are permitted to make motions, second motions, debate, and vote.
- No other person has a right to participate except when the board has solicited and scheduled such participation on the agenda or if the board calls upon someone for information on a particular item.
- The only thing a non-board member may do is speak to an issue as prescribed by board policy and when recognized by the chairman.
- The public is permitted to attend, listen to and record proceedings; but participate only when properly scheduled.

Bear in mind, the school board meeting is a business meeting held in public--it is not a town meeting or a public forum.



“Star light, star bright, the first star I see tonight, please make sure I don’t goof up my ability to communicate and be accountable!”

B. MOTIONS

Decisions are made through the process of motions. Motions are the official action of board meetings.

A motion is made when a board member obtains the floor from the president. There are a few times when the maker of a motion may interrupt, but normally at school board meetings, the cases where this is permissible don't often arise. Examples of these special cases are covered in the attached Motions Guide.

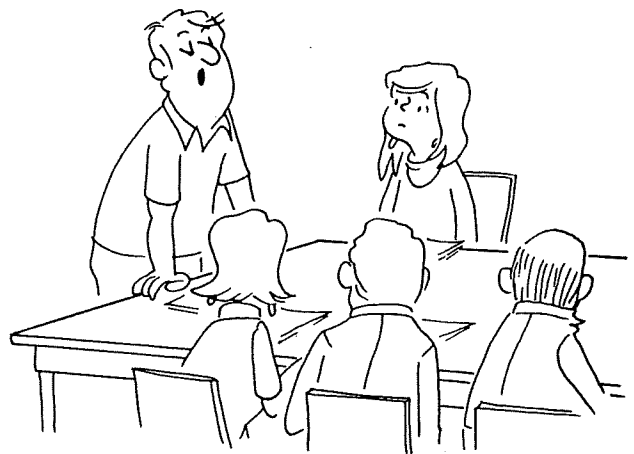
The member obtains the floor by addressing you. You will verbally recognize the speaker or do so with a nod of your head. No member should speak without being recognized by the chairman. This keeps the discussion in order and prevents “table talk” between members.

The mover states, “I move that” **Please note: All motions are stated positively. It is neither necessary nor proper for someone to move that the board NOT do something--it will “not be done” if the board simply doesn't act.**

At this point, another member may volunteer a second without receiving recognition. If, however, there is no immediate second, you ask, "Is there a second to the motion?" If eventually the motion does receive a second, you announce, "We have a motion and a second that we" This announcing of the motion is a very important part of your job as president. It keeps everyone informed about the matter that is before them. **Only after you have announced the motion is it actually before the board for consideration.**

If, for whatever reason, the motion did not get a second, even after you asked if anyone wished to second it, then the motion is lost, or "dies for lack of a second." Without an identifiable second, there is no motion before your board upon which to proceed with action. Without a second, you simply go on to the next item on the agenda or continue with the one you're working on.

On occasion, debate begins on a proposed motion that hasn't received a second and a subsequent vote passes the motion. This will stand as a valid action of the board because the only reason for requiring a second is to ensure that more than one person is interested in addressing a particular item. Obviously, if the majority votes to approve, more than one person feels it should be brought before the board. This has happened in the past, and when someone challenges it, the action of the board will usually prevail. To avoid the appearance of impropriety, however, it is advisable to record a second for all motions.



"Will whoever's saying 'Jeepers' care to put that into a motion?"

A motion has life once you announce it and it must be debated. There are motions that are not debatable, but most of those handled by your board will be subject to discussion.

The person making the motion has the prerogative to speak first on the issue. The rest of the members may speak after being recognized by the chairman. The person who made the second has no special privileged position in order of debate.

After every board member has had an opportunity to speak (and that includes only the elected school board members--not the administration, not the business manager, and not the audience unless specifically invited to do so), then you as board president ask if there is any more discussion. You cannot unilaterally close the debate. Debate can only be closed by a two-thirds majority vote of the board OR by general consent.

General consent is frequently used. It is based upon the concept that silence implies agreement. You, as president say, "If there is no further discussion, without objection, I will declare debate closed." Then you wait a few seconds to give anyone so wishing an opportunity to object to closure. If no one speaks, you can assume everyone is in agreement to end debate. You then say, "Hearing no objection, debate is closed, and we

will vote on the motion." If, however, a board member voices objection to closing debate, a motion on the question of closing debate is in order.

Often at board meetings and other similar gatherings, someone will yell, "Question," indicating a vote is wanted. Some presidents think they are obligated to stop all discussion and take a vote. **This is incorrect.** One individual cannot replace a two-thirds majority vote or implied consent, either of which is required to close discussion.

Throughout the entire process of dealing with a motion, you are in charge. If it becomes apparent that discussion is off the subject, you should declare this discussion **out of order** and bring it back on track. If an individual or group of individuals is trying to impede progress by whatever methods, you should declare them as being **out of order**. Chairing a school board meeting involves a lot of responsibility and the necessary amount of authority to go with the responsibility. This is just one more reason why it's so important to know procedural rules and state laws pertaining to school board meetings.

Almost all of the motions at a board meeting will be main motions. There are, however, four broad types of motions. These are **main, subsidiary, incidental, and privileged**.

It is important to know that all motions have an order of precedence just in case you are surprised with an unexpected move at the board meeting. This precedence is simply an order of priority as to which motion must be treated first. Refer to the table at the end of this publication or consult a book on parliamentary procedure.

An amendable motion may be amended once; the amendment itself may be amended; then the amending stops. An amendment **cannot change** the basic intent of the original motion.

VERY IMPORTANT: Only one main motion can be on the floor at a time.

Occasionally, a school board will want to bring a previously treated motion back onto the floor. The two ways to do this are to **reconsider at the same meeting** or to move to **rescind at a subsequent meeting**. These are maneuvers that require you to be thoroughly familiar with procedure, and it may be wise to consult with NDSBA or your parliamentarian for additional help should either procedure be requested.

It is also a common, but improper, practice to allow a motion to be withdrawn unilaterally by the maker after it has been properly announced. Once a motion is announced, it is no longer property of the maker. It is the board's motion, and if the maker wishes to withdraw it, the board must give permission for such withdrawal by a vote. This is another point where consent can enter into the proceedings. You may simply say, "If there is no objection, the motion will be withdrawn." Allow time for objection, and if none arises, declare the motion withdrawn.

C. VOTING

After a motion has been made, seconded, announced, and debated, it is time to vote. You will clearly state the motion as it finally arrives for voting or have the business manager read the motion so the board knows exactly what they are voting on and so the audience can easily follow what's happening.

All members, including you or whoever is presiding, will vote on each issue brought before the board. There is no provision for an abstention in North Dakota law. Elected officials have a duty to vote as part of their office. If a board member absolutely refuses to vote, that vote will be recorded with the prevailing side of the issue. However, when a board member has a conflict of interest on the matter, the member must declare that conflict and may not participate in discussion or vote unless approved by the rest of the board.



You'll face a variety of decisions at every board meeting.

As stated earlier, all votes taken must be done in a manner whereby each board member's vote can be determined for the public record. Roll call votes are used so the minutes can clearly reflect the vote of each member. Some maintain that only nonprocedural issues require a roll call vote, but it may prevent possible problems if you simply conduct all votes on a roll call basis. When in doubt, play it safe. You can't go wrong with a roll call vote in a public school board meeting.

The business manager will call the roll and record the vote. It is recommended that the order for calling the names be rotated so that no person is always called upon to vote first. This is simple to do and takes pressure off a single person.

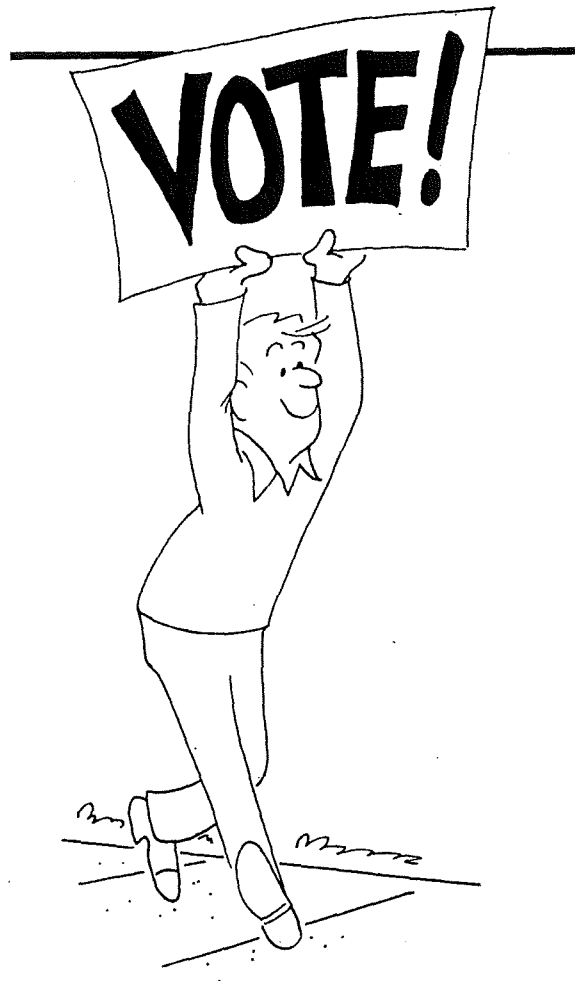
Some presidents take a voice vote prefaced with the statement, "Assuming a roll call vote, all in favor" This is done primarily because the majority of school board motions will pass by a unanimous vote. When the "NOs" are called for, if even a single voice is heard, a regular roll call vote can be taken. This does save time but can leave the board open to some possible criticisms.

On any issue voted upon by something other than a roll call vote, you must call for the "NO" vote even if it appears that the majority has voted "YES." The person making a motion does not have to vote in favor of the motion.

Most board motions will call for simple majority approval of the quorum present. Some motions require an extraordinary majority. Consult your parliamentary motions guide for these instances.

Under North Dakota law, certain votes also require more than a simple majority. Examples include: To permit a member with a conflict of interest in a contract to vote and/or participate in discussion on that contract requires a unanimous vote of the remaining board members [NDCC 15.1-07-17]; To dedicate a tax levy for certain remodeling projects requires a two-thirds vote [NDCC 57-15-17.1].

When the vote is taken and tabulated, the business manager will tell you the results. You then announce that the motion has passed or failed and it becomes part of the minutes.



SECTION VII: MINUTES

The minutes of any organization comprise the history of the group. Minutes tell what actions have been taken and who did what as the items came before the body. North Dakota law prescribes that the district's business manager is the person responsible for keeping the minutes of all school board meetings.

If the minutes are published in the local newspaper, as is the case in most districts through mandates from elections called for in the Century Code, it is incumbent upon the district--especially the business manager--that such information be supplied to the media completely and in a timely fashion.

Some newspapers want the minutes immediately following the board meeting. The board does not have to comply with this request, but if you do and since the minutes are not official until the board has had the opportunity to review them and act upon them at a subsequent meeting, we suggest that prior to releasing draft minutes, a disclaimer be part of them indicating that the set of minutes so published is unofficial because they haven't yet been approved by the board.

Minutes should be neatly produced, filed in chronological order in a binder or in some kind of permanent file, and should be available at all board meetings for quick reference. The minutes are as much a part of the district's reference library as the Century Code and other publications specified earlier.

Draft copies of the minutes should be signed by the business manager. When approved, they should be signed by both the business manager and the board president.

Minutes should not include editorializing by the business manager or anyone else. Basically, they should contain action of the board--there is no value in trying to report word-by-word accounts of the discussions and debates. It is, of course, important to record any split votes in order to conform to the requirement that how each member votes is to be public knowledge.

North Dakota law dictates what must be included in the minutes (NDCC 44-04-21). Minutes must contain the date, time, and place of the meeting and specify whether it is the annual meeting, a regular meeting, or a special meeting. They should indicate who was presiding and what persons were present. The only statutorily required item for inclusion in the published minutes is an itemized list of obligations approved for payment.



"It took me HOURS to type up these MINUTES!"

Each motion must be recorded to show who made it, who seconded it, and how each member voted. Minutes should list all topics of discussion. The last paragraph should state time of adjournment.

When approved by the board, a typed, signed copy of the minutes is filed in the journal, which is a complete set of all the minutes ever generated by the board.

Notes taken and tape recordings made in executive sessions are somewhat different. These notes should be properly secured in a safe place and not released unless a judge of competent jurisdiction so orders or the attorney general requests them when investigating a complaint.

In some situations, the vote on a topic discussed in executive session must be taken in an open meeting after adjournment of the executive session. In cases where the vote is allowed to be taken in the executive session, the board president should announce the action taken (including the roll call vote) at the open session following the executive session. In these ways, the action becomes a part of the public record. If there is any question as to how to proceed in these situations, consult your school district attorney or call NDSBA.

Business managers are urged to become familiar with those sections of the Century Code and *Robert's Rules of Order* which deal with the taking and keeping of minutes.



SECTION VIII: MISCELLANEOUS

Certainly, there are many questions that haven't been addressed in the previous pages.

For instance, how do you deal with the maverick board member who always wants to vote contrary to the rest of the board? Or worse, what if a board member actually gets unruly and out of hand? What are you to do about patrons who start raising thunder at a board meeting and aren't on the agenda?

What can you do about pressure groups from the community that want additions to the curriculum or deletions from the curriculum? Or what about those groups who want a particular teacher or coach fired? How do you handle petitions that are dropped on the board by special interest groups?

How do you get the board to pull together as a team instead of everybody going off in different directions? How do you get the board to start communicating within the membership? How do you stop a board member from taking everything down to the cafe for discussion before the board is finished doing its job?

There is no end to the questions, problems, and challenges that being a board president involves; and no one has all the answers. Even if this booklet were ten times its present size, chances are the solutions offered wouldn't apply to all districts equally.

Much of what you will be doing as you lead your board consists of common sense, courtesy, and good judgment. There are no books that can tell you about that. It's something that you develop over a period of time.

NDSBA and NSBA can supply you with a number of publications, videotapes, and workshops. But even that approach has its limitations. There's just no substitute for a strong, capable person chairing the board at the local level.



NDSBA will provide assistance through materials, phone conversations, and visits to your district. Workshops on boardsmanship can be provided locally and are often topics at NDSBA's conferences. Please feel free to call upon us at any time.

Best of luck in your leadership role. You are to be commended for accepting this responsibility.

PARLIAMENTARY MOTIONS GUIDE

Based on *Robert's Rules of Order Newly Revised (10th Edition)*

The motions below are listed in order of precedence. Any motion can be introduced if it is higher on the chart than the pending motion.

YOU WANT TO:	YOU SAY:	INTERRUPT SPEAKER?	NEED SECOND?	DEBATE?	CAN BE AMENDED?	VOTE REQUIRED?
Close meeting immediately	I move to adjourn	no	yes	no	no	majority
Request a short intermission	I move we recess	no	yes	no, if made while question is pending; otherwise, yes	yes	majority
Lay aside pending issue temporarily in order to deal with something of an emergency nature; must be brought back at same meeting	I move to lay the question on the table	no	yes	no	no	majority
Close debate	I move the previous question	no	yes	no	no	2/3
Limit or extend debate	I move that debate be limited to ...	no	yes	no	yes	2/3
Postpone to a certain time	I move to postpone the motion to ...	no	yes	yes	yes	majority
Refer to committee	I move to refer the motion to ...	no	yes	yes	yes	majority
Modify wording of motion	I move to amend the motion by ...	no	yes	yes	yes	majority
Kill main motion	I move that the motion be postponed indefinitely	no	yes	yes	no	majority
Bring business before the board (a main motion)	I move that [or "to"]	no	yes	yes	yes	majority

Incidental motions - no order of precedence. Arise incidentally and decided immediately.

Divide motion	I move to divide the question	no	yes	no	yes	majority
Call attention of the chair to the fact that a parliamentary rule may have been broken	Point of order	yes	no	no	no	none; chair rules
Request for information	Point of information	yes	no	no	no	none

Motions that bring a question again before the board - no order of precedence. Introduce only when nothing else pending.

YOU WANT TO:	YOU SAY:	INTERRUPT SPEAKER?	NEED SECOND?	DEBATE?	CAN BE AMENDED?	VOTE REQUIRED?
Takes previous matter from table for consideration	I move to take from the table ...	no	yes	no	no	majority
Cancel previous action; may only occur if nothing has been done as a result of the action that cannot be undone	I move to rescind ...	no	yes	yes	yes	majority if notice has been given; 2/3 majority if not
Reconsider previous motion; may only be used at same or recessed meeting	I move to reconsider the vote ...	no	yes	varies	no	majority

For detailed information see NDSBA's publication *Call to Order, Garfield's Parliamentary Procedure at a Glance*, or a recent edition of *Robert's Rules of Order*.

2005

REQUIREMENTS OF OPEN MEETING LAW

All meetings of public school boards are open meetings unless state or federal law specifically allows or requires executive session. The law permitting executive session must be cited when moving from the properly called open meeting to executive session. (See *NDSBA Handbook for School Board Members* for information regarding executive session.)

Exceptions to the open meeting law include:

- ✓ Nonrenewal or discharge hearings for teachers and administrators (NDCC 15.1-14-06, 08 and 15.1-15-02, 06, 08)
- ✓ Discussing negotiations strategy and instructing negotiators regarding contracts currently being negotiated, or for which negotiation is reasonably likely to occur in the immediate future, if holding an open meeting would have an adverse fiscal effect on the bargaining position of the school board (NDCC 44-04-19.1)
- ✓ Consulting attorney on pending or reasonably predictable litigation or an adversarial administrative proceeding (NDCC 44-04-19.1)
- ✓ Suspension of a teacher pending discharge hearing (NDCC 15.1-15-10)
- ✓ Discussing or creating student educational records (Family Educational Rights and Privacy Act-FERPA)
- ✓ Discussing medical records of student or employee (Health Insurance Portability and Accountability Act-HIPAA)

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