

Meeting Preparation

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Most of what is required to be a good board member revolves around his or her preparation for meetings. Surprisingly to some, it is not about available to speak with constituents or hear complaints, it is not about transparency, and it is not about understanding every statute encompassing public education. All of these things, and more, are important in their own right and should not be ignored; however, the board member who comes to each meeting prepared, both intellectually and mentally is well on the way to becoming a good board member.

The prepared member is that person who responsibly reviews the agenda packet as soon as

it is distributed, paying particular attention to the decisions the superintendent and/or members of the administrative team are promoting. If there are points of clarification or other questions about the agenda, the responsible member will contact the superintendent at the earliest convenient time to ask questions and receive answers. On agenda items reflecting items not particularly brought forward by the superintendent, board members will consider them only if there is an administrative recommendation that accompanies them.

Likewise, if a member does not agree with the administrative recommendation for a particular item, he or she should notify the superintendent as soon as possible after receiving the agenda

packet and before the meeting. This allows the member and superintendent an opportunity for discussion and if the board member's position eventually mirrors the administrative recommendation, fine; however, it is still okay even if it does not. Minimally, if the board member cannot support the recommendation, the superintendent is aware that there is not unanimous support for the recommendation. In a system where no surprises are encouraged, this is a critical practice.

Board members are elected or appointed to attend to the business of the district in alignment with their responsibilities as board members and according to statute. Being prepared for board meetings is crucial for board members to make informed decisions, to evoke community and staff confidence, and to effectively perform their duties as public officials.

Recent Interpretations of the Open Door Law

by Lisa F. Tanselle, ISBA General Counsel (ltanselle@isba-ind.org)

The Public Access Counselor has issued two advisory opinions that involved school boards and allegations that the boards violated the Open Door Law. In one opinion, the Public Access Counselor believed that the school board violated the law by voting on an issue of "substance" without deliberation. In the second opinion, the Public Access Counselor concluded the school board did not violate the law when it amended its agenda the day of the meeting by adding a discussion item.

Doyle v. Duneland School Corporation, Formal Complaint No. 19-FC-20

On July 16, 2018, under an agenda item posted as *Policy Updates Vol. 29 No. 1*, the school board approved the first reading of proposed amendments to existing policies. Included in the updates was Policy 5111, which proposed to change the school corporation's current policy on accepting nonresident students. The proposed change would disallow nonresident students from enrolling in the school corporation. The following month, again under an agenda item entitled, *Policy Updates Vol. 29 No. 1*, the board voted to approve the proposed changes to the policies. There was no discussion of any specific policy, including the policy on disallowing nonresident students to enroll in the school corporation. When a patron learned that the changes to the transfer policy had been approved by the school board, the patron filed a complaint with the Public Access Counselor. He alleged that the school board violated the Open

Door Law by giving improper notice of the meeting and taking final action outside of a public meeting on Policy 5111. The Public Access Counselor noted a previous opinion of his, wherein he concluded that board members must deliberate on substantive items so that the Open Door Law is not rendered useless. In this case, since the transfer policy was one of substance and had generated significant public interest, the Counselor opined the board's passage of the policy change, without any discussion, was contrary to the purposes of the public meetings law. Thus, the Counselor concluded that the board's failure to deliberate on this item of substance violated the section of the law that prohibits taking final action by referencing an agenda number or item alone.

Charity Scott v. Indianapolis Public Schools, Formal Complaint No. 19-FC-19

A patron alleged that the school board violated the Open Door Law by adding an item of business to the agenda that had been posted 48 hours before the meeting. The board acknowledged that the board president added the item to the agenda at 1 p.m. the day of the meeting. The Public Access Counselor noted that the Open Door Law does not require a governing body to use an agenda, but if it does, the board must post the agenda at the entrance of the meeting location before the meeting. The Counselor further noted that there is nothing in the law that prohibits a governing body from amending an agenda. In the opinion of the Public

Access Counselor, while meeting agendas are worthwhile endeavors, their purpose is not to strictly bind a board to the items listed. Thus, the Counselor concluded the board did not violate the Open Door Law by amending its agenda.

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