



BASIC PRINCIPLES

of School Board Meetings

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As new individuals join school boards in January and orientation activities take place, now may be an appropriate time to review statutory provisions regarding school board meetings. While most school board members are familiar with the provisions of the Open Door Law as they pertain to meetings of the board, it is also important to remember some additional statutory requirements specified in the education chapter of the Indiana Code.

REGULAR V. SPECIAL MEETINGS

Provisions in the education code (laws that specifically apply to school corporations and school boards) refer to regular meetings and special meetings.¹ Regular meetings are those meetings that the board holds every month for the transaction of most business matters. A school board establishes by resolution the number of regular meetings it will have every month and the date, time, and place of those meetings. The resolution normally states, for example, that the board will meet the second Tuesday of every month, at the administrative offices of the school corporation, at 7:00 PM.

Special meetings are meetings that are called for a specific purpose and on an as-needed basis. Special meetings can include public meetings, executive sessions, emergency meetings, committee meetings, and work sessions. In essence, a special meeting is any meeting of the board except a regular meeting. Indiana law specifies that special meetings may be called by the board president or the superintendent of the school corporation.²

Under the Open Door Law, which applies to all public agencies, including school corporations, meetings are referred to as either meetings open to the public or meetings that are closed to the public. Meetings that are closed to the public are called executive sessions.³ The only other meeting specified in the Open Door Law is an emergency meeting, which is defined as a meeting to address actual or threatened disruption of governmental activity or actual or threatened injury to persons or property.⁴ Any regular or special meeting of the school board must be advertised in accordance with the Open Door Law.

NOTICE OF MEETINGS

In the education code, there is language about giving notice of regular and special meetings, but these notice provisions apply only to individual members of the board. The law specifically states that individual members of the school board do not need to be given notice of regular meetings since the board establishes these meetings by resolution. However, the education code specifies that individual members of the board must be given at least 72 hours' notice of a special meeting. The law further states that the notice must be in writing, identifying the date, time, and place of the meeting, and must be personally delivered or mailed to board members.⁵

Individual board members can waive the notice requirements that apply to special meetings. According to the statute, if a member attends a meeting and executes a written notice waiving the date, time, and place of the meeting, a waiver has then been given.⁶

Under the Open Door Law, school boards are required to give notice of their meetings to the public. Notice of regular meetings must only be given once, unless there is a change in the date, time, or location of the regular meeting.⁷ For any other meeting, whether the meeting is open or closed to the public, the law requires a school corporation to give at least 48 hours' notice of the meeting to the public. The 48 hours cannot include Saturdays, Sundays, or legal holidays.⁸ School boards give notice of their meetings to the public by: (1) sending notices to media organizations that have requested to receive notices of the date,

time, and place of a meeting; and (2) posting the date, time, and place of the meeting at the entrance of the administration building (or, if there is no central office, at the entrance of the building where the meeting will be held).⁹ If a school board elects to do so, the board may give notice of its meetings to individuals who request to receive such notices. Notices of meetings to individuals may be sent via electronic mail or be posted on the school corporation's website.¹⁰

LOCATION OF MEETINGS

The Open Door Law does not have any language about the location of a meeting. As long as the date, time, and place of a meeting are advertised properly, a school board has complied with that law. However, in the education code, there is language that specifies all meetings for the conduct of business must be held within the boundaries of the school corporation. There are three exceptions to this requirement. First, if the administrative offices of the school corporation are not located within the boundaries of the school corporation, but are within a county where all or part of the school corporation is located, the school board may meet in the administrative offices. Second, if a statute or rule permits the meeting to be held outside the school corporation, a school board may then meet outside the boundaries of the school corporation. The statute suggests this may occur when a school board holds a joint meeting with another school board. Lastly, a school board may meet up to two times each year outside the boundaries of the school corporation for training sessions.¹¹

QUORUM AND VOTING REQUIREMENTS AT MEETINGS

Both the education code and the Open Door Law require a majority of the board to be present to have a meeting. A majority of the school board constitutes a quorum of the school board and is all that is needed to be present to convene a meeting. The education code further states that a majority of the members present at a meeting may adopt a resolution or take any action unless a "larger" vote is required by law.¹² Thus, in a situation where three of the five board members are present, any action may be taken as long as approved by at least two of the three members who are present.

While this may be true for the transaction of most business, for school boards, there are two times when a larger vote is required. The first is when a school board enters into employment contracts or contracts for goods and services. Indiana law states that any such contracts "must be approved by a majority of all members

of the governing body.”¹³ The second instance is when the school board is filling a vacancy on the school board. In that situation, the law states that a majority of the remaining members of the school board must agree on the person who will fill that vacancy.¹⁴

COMPENSATION FOR ATTENDING MEETINGS

Indiana law allows a school board to adopt a resolution permitting each member of the board to receive up to \$2000 a year for serving on the school board. Additionally, the board may establish a per diem rate for board member attendance at school board meetings.¹⁵ The per diem rate cannot exceed the rate established by the Board of School Commissioners of the Indianapolis Public Schools. Currently, the maximum per diem rate for attendance at regular board meetings is \$112 and the maximum per diem rate for attendance at any other meeting is \$62. If a school board approves of paying a per diem for

attendance at board meetings, the board must remember the distinction between regular meetings and special meetings. ★

REFERENCES

- 1 IC 20-26-4-3
- 1 IC 20-26-4-3(c)
- 3 IC 5-14-1.5-2(f)
- 4 IC 5-14-1.5-5(d)
- 5 IC 20-26-4-3(c)
- 6 IC 20-26-4-3(e)
- 7 IC 5-14-1.5-5(c)
- 8 IC 5-14-1.5-5(a)
- 9 IC 5-14-1.5-5(b)
- 10 IC 5-14-1.5-5(b)
- 11 IC 20-26-4-3(g); IC 20-26-4-3(h)
- 12 IC 20-26-4-3(f)
- 13 IC 20-26-4-8
- 14 IC 20-23-4-30; IC 20-26-4-4
- 15 IC 20-26-4-7

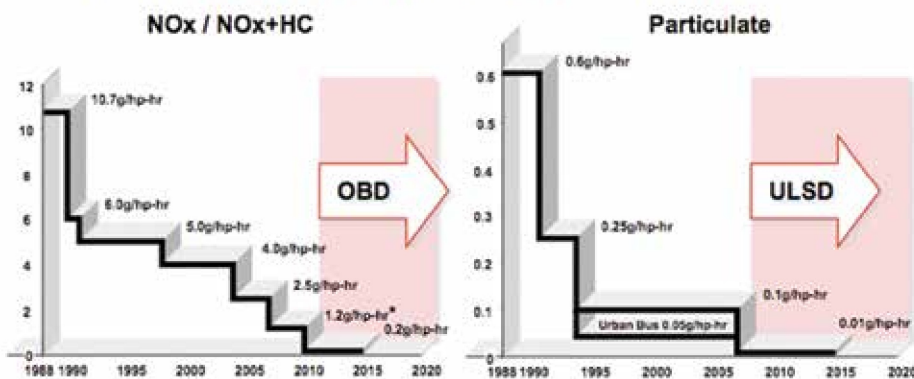
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