

The Role of a School Board President

1. You and Your School Corporation's Legal Status

The Indiana Constitution requires the General Assembly to provide a system of public schools that is tuition free and equally open to all. The Indiana General Assembly delegated the management of public schools to local governing bodies and granted school boards the powers necessary to carry out school purposes and needed for the effective operation of school corporations. IC 20-26-2 and IC 2-26-5.

The vast majority of Indiana school districts have been organized into corporations and have governing body selection plans. These plans determine the number of members on the school board (for example, 3, 5, or 7) and how they are selected. IC 20-23-1 through 20-23-16.

Indiana law requires the governing body to organize by electing a president, a vice president, and a secretary, each being a different member, within fifteen days following the commencement date of the members' term of office (January 1 or July 1). IC 20-26-4-1(b). The position of president is, therefore, created by statute. Furthermore, the governing body of each school corporation must have a president.

Some school boards use a "round robin" approach in selecting the board president, that is, everyone gets a turn being president. Other school boards select the same person every year to be board president once that person has displayed exceptional leadership capabilities. Regardless of how a president is chosen, a successful presidency will depend upon preparation.

The role of board president is mentioned only twice in statutes. The board president is authorized by statute to call special meetings of the board, as discussed below. Additionally, the board president and the board secretary are authorized to sign contracts on behalf of the school corporation. All contracts must, however, be approved by a majority of the governing body.

Aside from these limited powers, the board president has no legal status other than as an ordinary citizen, unless the board, through formal action, has granted its president additional powers. The president should not, however, be required to lose the privileges granted to other board members during meetings. The board president should be allowed to make motions, make seconds, and vote; otherwise, his or her constituents are effectively disenfranchised.

The school board can act only through legally constituted meetings. The board president should have a working knowledge of what is necessary for a "legal" board meeting. There are two primary ingredients in a "legal" board meeting – the presence of a quorum and proper notice.

Indiana law requires a quorum to be present at all meetings of the governing body. IC 20-26-4-3(f). If less than a quorum is present, no meeting can occur. A quorum constitutes a majority of the members of the governing body.

The notice requirements for board meetings will depend on the type of meeting. A description follows of the seven basic types of board meetings and their notice requirements:

- 1. Regular meetings.** The time and place for regular meetings are established either by board resolution or policy. No notice of regular meetings is necessary to individual school board members. The Open Door Law provides that public notice of regular meetings need be given only once a year by delivering a notice of the date, time, and place for regular meetings to all news media that annually request such notification and by posting a copy of the notice at the administration office or the building where the school board meetings are to be held. IC 5-14-1.5-5. An additional notice must be given when the date, time, or place is changed.
- 2. Special meetings.** Special meetings are those meetings that deviate from the regular schedule of meetings. They may be called by either the president or the superintendent. The call for a special board meeting is accomplished by delivering or mailing to each board member a written notice specifying the date, time, and place of the meeting. IC 20-26-4-3(c). Board members must be given 72 hours notice of a special board meeting.

A board member waives this notice requirement by his or her presence at the meeting or execution of a written waiver. The Open Door Law provides that 48 hours (excluding Saturdays, Sundays, and legal holidays) notice of special meetings must be given to the news media that annually request such notification and a copy of the notice of the special board meeting must be posted at the administration office or the building where the meeting will be held. IC 5-14-1.5-5.

3. **Organizational meetings.** Every year the school board must meet within the first fifteen days following the commencement of the members' term of office (January 1 or July 1) to organize. At this organizational meeting, the board elects a president, a vice president, and a secretary. At the organizational meeting, the school board must also appoint a treasurer. The treasurer may neither be a member of the governing body nor the superintendent. Finally, many school boards use the organizational meeting to administer the oath of office to new school board members and to set the dates, times, and locations for its regular meetings. Organizational meetings may be at a regular or special meeting. Notice of the organizational meeting will be the same as for any regular or special board meeting.
4. **Reconvened meetings.** The 48 hour public notice requirement under the Open Door Law does not apply to a reconvened open meeting where announcement of the date, time, and place of the reconvened meeting was made at the original meeting and recorded in the minutes and there is no change in the agenda. IC 5-14-1.5-5.
5. **Executive session meetings.** The Open Door Law requires a 48 hour (excluding Saturdays, Sundays, and legal holidays) public notice of the date, time, and place of an executive session. Executive sessions may be held before or after, never during, a regular or special meeting. IC 5-14-1.5-6.1(e). The Open Door Law authorizes executive sessions only in specific limited instances. Public notice of executive sessions must state the subject matter of the executive session by specific reference to the enumerated instance(s) for which executive sessions may be held. The governing body must certify by a statement in the minutes of the meeting that it discussed no other subject matters than the subject matters specified in the public notice. IC 5-14-1.5-6.1(d).
6. **Board development sessions.** The Open Door Law allows school boards to meet in executive session "to train school board members with an outside consultant about the performance of the role of the members as public officials." IC 5-14-1.5-6.1(b)(11). A board development session clarifies the vital role of board members and develops those attitudes and skills that will enable members to perform effectively as a corporate body.
7. **Emergency meetings.** The Open Door Law excepts emergency meetings from the 48 hour public notice requirement. The emergency, however, must involve actual or threatened injury to person or property, or actual or threatened disruption of the governmental activity of the school corporation. The news media requesting notice of meetings must be given the same notice as board members and the notice must be posted at the administration office or the building where the meeting will occur. IC 5-14-1.5-5(d).

II. Holding Effective Board Meetings

A. The President Presides

State law says little about running school board meetings. The school board president customarily presides. The president, therefore, controls the flow and the time spent during the board meetings. As presider, he or she must be familiar with each meeting's agenda and the board's rules of order. The president, or someone designated to do so, should "introduce" or provide background for each agenda item as it comes to the attention of the board. Additionally, the president may create the first impression that those in the audience may have of the school corporation and will serve as a role model for other board members on appropriate conduct at meetings.

B. Agenda Preparation

The agenda is a list of specific items to be considered at a meeting. The use of an agenda – and sticking to it helps insure order and efficiency.

While generally the duty for agenda preparation falls on the superintendent, the board president frequently shares in this responsibility. While board business is not limited to matters on the agenda, it is unwise to "surprise" administration and other board members on any subject. Likewise, a board should avoid appearing impulsive. The

president should encourage members who want special matters discussed at a meeting to request him or her to place the items on the agenda. Advance review of the agenda will allow the board president to identify the agenda items that need decisions. A customary order of business is as follows:

1. Call to order
2. Approval of minutes
3. Financial reports and claims approval
4. Communications to the board
5. Unfinished or old business
6. New business
7. Comments and suggestions from the audience
8. Announcements
9. Adjournment

The Open Door Law requires school boards that utilize an agenda to post a copy of it at the entrance to the location of the meeting before the meeting begins. IC 5-14-1.5-4. Boards frequently, as a courtesy to those in attendance, provide individual copies of the agenda.

C. Rules of Order

Indiana law is silent on rules of order. School boards may, therefore, use any procedural rules that facilitate a smooth and efficient board meeting. Some school boards have adopted formal rules of parliamentary procedure, such as Robert's Rules of Order. Other boards conduct their meetings more informally.

No matter how formal or informal the board wants to conduct its meetings, all board action should be preceded by a motion. Some boards require "seconds" because they do not want to take time to consider an item that fewer than two people deem important. Any board member, even the president, may make a motion.

After a motion is made, but before a vote is taken, the president usually opens discussion to board members. The president can facilitate discussion by focusing on the variety of options available and attempting to get them out into the open. He or she can help other board members crystallize awkwardly expressed ideas by politely asking the board member to state the point, the reason, and/or an example. Rather than focusing solely on the negative aspects of discussion, the president should bring attention to the positive points in ideas and synthesize ideas from the contributions of all board members. After discussion, the president calls for a vote. The president may, and should, vote.

One final point on motions, to avoid confusion, it is wise to allow only one motion to be considered at one time. A second motion would be considered out of order.

D. Voting

With the exception of approving contracts and filling a vacancy on the school board, a majority of the quorum may approve a motion. IC 20-26-4-3(f). Contracts must be approved by a majority of all the members of the school board. IC 20-26-4-8. If there is a vacancy on the school board, the remaining members of the board, by a majority vote, must fill the vacancy. IC 20-23-4-30.

Usually, the board president will ask for voice vote by asking "All those in favor of the motion please signify by stating 'Aye'," and will then ask for "All those opposed to the motion, please signify in a like manner." Whenever a roll call vote is used, the board minutes must reflect the vote by individual member. IC 5-14-1.5-4. Secret ballots are prohibited. IC 5-14-1.5-3.

There are times when for personal reasons a board member will abstain from voting. While Indiana law is not finally settled, it appears that the Indiana Court of Appeals, based on common law, will interpret abstentions as counting with the majority of votes cast. For example, if the vote is one in favor, two opposed and two abstentions, the abstentions would be treated with the majority of the votes cast and the motion would fail. If a vote were two in favor and one opposed with two abstaining, the motion would pass because the two abstentions would be treated with the majority of votes cast and the majority of votes cast were in favor of the motion. Finally, if there were two votes in favor and two opposed and one abstaining, the motion would fail because there is no majority of the votes cast.

E. Public Participation at Meetings

"While school board meetings must be in public, they are not public meetings." This is a maxim that board presidents should never forget. While the board president should remain kind, considerate, and understanding, he or she must also be firm and consistent when dealing with patrons. The school board president should recognize members of the audience only during that part of the agenda wherein it is appropriate. Members of the audience should be required to wait until recognized by the president before speaking. Additionally, they should be required to identify themselves and to address their comments only to the board president. A policy on public participation might include requiring would-be speakers to sign in before the meeting begins and granting the board president the power to excuse a person who is simply repeating what has already been said or is abusive or rude.

F. Minutes

The minutes of the school board are its only official public written record -- they are legal documents with legal significance. Since the board "only speaks through its minutes," the board president should make sure that the minute-keeper is recording what the board does, rather than getting bogged down by what individuals say. The board president should help the minute-keeper record the approximate wording of all motions and the identity of the board members who make a motion, second a motion, vote in favor, and vote in opposition. Completed minutes should be approved at the next open board meeting.

The Open Door Law requires the minutes to include: the date, time, and place of the meeting; the members present or absent; the general substance of all matters proposed, discussed, or decided; and a record of all votes. IC 5-14-1.5-4(b). These requirements for minutes are modified by IC 5-14-1.5-6.1 as to executive sessions. The only information that must be kept in executive session minutes is: the date, time, and place of the meeting; the members of the governing body recorded as either present or absent; and reference to the subject matter(s) considered during the executive session by a specific reference to the enumerated instance(s) for which public notice was given. Generally, it is unwise for a school board to keep executive session minutes in any form other than that which is required by law. In each instance for which an executive session is authorized, a deliberative process is occurring on a subject matter that is sensitive, private, or speculative and on which premature publicity could hurt the school corporation, its employees, or students.

The Open Door Law requires the school board to certify by a statement in its minutes that it discussed no subject matter in the executive session other than the subject matter specified in the public notice. This can be accomplished many ways; for example, a school board could pass the following motion:

I move that the minutes from the executive session on (date) be approved and that the board certify by a statement in the minutes that it discussed no subject matter in the executive session other than the subject matter specified in the public notice.

The board president and secretary could then sign the minutes.

G. Time Wasters

The board president can assist the board in having efficient and productive meetings by:

1. Beginning the meeting on time.
2. Closing the discussion on an item once the point of productivity has passed.
3. Keeping the board on task and preventing anyone from going off on a tangent.
4. Reminding a board member that he or she is rehashing an opinion or issue.

III. School Board Hearings

The school board president usually acts as the presiding officer at an appeal of a student due process matter, a employee contract cancellation hearing, and a nonpermanent teacher's conference preceding a board vote on nonrenewal.

The board president, as presiding officer, usually begins a hearing, appeal, or conference with opening remarks. During the opening remarks, the president describes the procedure the board will use and acknowledges who is present. Opening remarks can be prepared in advance of the hearing, appeal, or conference by the superintendent and/or school attorney.

Whenever the board hears evidence, the board president, as presiding officer, may issue oaths to witnesses and make rulings on objections. Responding to objections on evidence should be made with the assistance of the school attorney.

IV. You and Your State Association

The ISBA is available to assist you upon request. Occasionally, the ISBA will request board presidents to share with other board members information that it provides to them.