

## LEGAL SERVICES INFORMATION – JANUARY SCHOOL BOARD MEETING

### BOARD MEMBER OATH OF OFFICE REQUIREMENTS:

Any elected or appointed school board members taking office January 1, 2018, must take the oath of office found at IC 20-26-4-2 before assuming the official duties of office. (See Indiana School Laws and Rules, 2017-2018, p. 621.) Please note that this applies to both first-time and repeat board members who are beginning another four-year term.

The oath must be administered by a notary public or other qualified person. (See IC 33-42-4-1, Indiana School Laws and Rules, 2017-2018, p. 1117.) Also, the oath must be signed by the board member and the person who administers it. The signed oath must be filed with the county circuit court clerk's office after it is administered. (See IC 5-4-1-4, Indiana School Laws and Rules, 2017-2018, p. 101.)

The oath may be administered at any time after being elected or appointed and may be administered privately or at a school board meeting. The oath must be taken and filed within 30 days after the beginning of the board member's term, otherwise the office becomes vacant. (See IC 5-4-1-1.2, Indiana School Laws and Rules, 2017-2018, p. 101.)

### BOARD ORGANIZATION REQUIREMENTS:

For those school boards with terms of office that start January 1 (as opposed to July 1), the board must elect a president, a vice president, and a secretary by January 15. The board must also appoint a treasurer of the board and the school corporation. The person appointed as treasurer may not be a member of the school board and may not be the superintendent. (See IC 20-26-4-1, Indiana School Laws and Rules, 2017-2018, p. 620.)

While not required by statute, many boards review their compensation at the organization meeting. Board members may receive up to \$2000 per year for their service plus a per diem. (See IC 20-26-4-7, Indiana School Laws and Rules, 2017-2018, p. 622-623.) For those school boards that have adopted per diem rates for attendance at school board meetings, **the maximum rates continue to be \$112 for regular meetings**, which are those meetings established by board resolution, **and \$62 for other meetings**, such as special meetings, executive sessions, and committee meetings. Please note the position of the State Board of Accounts regarding board member compensation, as stated in The School Administrator, Volume 191, Page 3, September 2010. The link to this publication is: [http://www.in.gov/sboa/files/scb2010\\_191.pdf](http://www.in.gov/sboa/files/scb2010_191.pdf).

### BOARD OF FINANCE - ANNUAL MEETING REQUIREMENTS:

Indiana law requires the board of finance to meet annually after the first Monday in January and on or before the last day of January. (See IC 5-13-7-6, Indiana School Laws and Rules, 2017-2018, p. 162.) At the meeting, the board must elect a president and secretary and receive and review the investment report required by IC 5-13-7-7.

The board of finance meeting must be open to the public and therefore must be advertised pursuant to the Open Door Law (IC 5-14-1.5). While the school board constitutes the board of finance, ISBA recommends that the meeting of the board of finance be advertised separately from the regular school board meeting. Both meetings may take place on the same date, but should be advertised with different

times. For example, the board of finance meeting could be advertised for 6:45PM and the regular school board meeting could be advertised for 7PM.

Please feel free to contact the ISBA Legal Staff if you have questions.