



**WWSU**

# **School Board Member Guidebook**

Tips and Information for Board Members

Revised September 2015

# TABLE OF CONTENTS

	Page
Agendas and Minutes	10
Board Meeting Minutes	11
Common Board Agenda Template	10
Common Public Records Exemptions	8
Denying a Public Records Request	8
Electronic Meetings	9
Executive Session	12
Negotiating with School Employees	14
Open Meeting Notice Requirements	7
Penalty and Enforcement	13
Public Comment	7
Public Participation	5
Robert's Rules of Order	3
Robert's Rules of Order: Procedure for Small Boards	4
Vermont's Open Meeting Law	7
Vermont's Public Records Act	8

## ROBERT'S RULES OF ORDER

State law requires that "A school board meeting shall be conducted in accordance with the Vermont Open Meeting Law and Robert's Rules of Order". Use the Robert's Rules chart below when the board is running a meeting or conducting a formal public hearing. The chart will help the board chair and members maintain an effective deliberation and decision making process. Boards with fewer than twelve members may choose to operate less formally using the Robert's Rules for Small Boards system outlined on the next page.

§	YOU WANT	YOU SAY	INTERRUPT	2ND	DEBATE	AMEND	VOTE
21	Close meeting	Move to adjourn	No	Yes	No	No	Majority
20	Take break	Move to recess for...	No	Yes	No	No	None
19	Register complaint	Point of Order	Yes	No	No	No	None
18	Make/Follow Agenda	Call for the orders of the day	Yes	No	No	No	None
17	Lay aside temporarily	Move to lay the question on the table	No	Yes	No	No	Majority
16	Close debate	Move the question	No	Yes	No	No	2/3
15	Limit or extend debates	Move that debate be limited to...	No	Yes	No	Yes	2/3
14	Postpone to a certain time	Move to postpone the motion to...	No	Yes	Yes	Yes	Majority
13	Refer to committee	Move to refer the motion to...	No	Yes	Yes	Yes	Majority
12	Modify wording of motion	Move to amend the motion by...	No	Yes	Yes	Yes	Majority
11	Kill main motion	Move the motion be postponed indefinitely	No	Yes	Yes	No	Majority
10	Bring business before assembly (a main motion)	Move that (or "to")...	No	Yes	Yes	Yes	Majority

## **ROBERT'S RULES OF ORDER: PROCEDURES FOR SMALL BOARDS**

In a board meeting where there are not more than a dozen board members present, some of the formality that is necessary in a large assembly could hinder board business. The rules governing such meeting are different from the rules that apply to other assemblies in the following respects:

- ❖ Members are not required to obtain the floor before making motions or speaking, which they can do while seated.
- ❖ Motions need not be seconded.
- ❖ There is no limit to the number of times a member can speak to a question and motions to close or limit debate generally need not be entertained.
- ❖ Informal discussion of a subject is permitted while no motion is pending.
- ❖ When a proposal is perfectly clear to all present, a vote can be taken without a motion being introduced. Unless agreed to by general consent, all proposed actions of a board must be approved by a vote under the same rules as in other assemblies.
- ❖ The chair can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly followed regardless of how members are present), the chair usually can make motions and usually votes on all questions.

### **\*A Note of Caution:**

**If your board elects to operate more informally, it is important that board members agree on this during the annual board reorganization or at a board goal setting work session. The board chair will need to clearly communicate to members that silence during a vote constitutes support for the decision at hand. The board chair should also direct the clerk to record the vote as unanimous in the meeting minutes unless the board members are polled individually.**

## **PUBLIC PARTICIPATION**

**Regular board meetings are convened in a public setting; however, they are not meetings of the public.**

The public can and should have a voice in board considerations, but no person or group has the right to obstruct board deliberations. Boards should adopt a policy that allows citizens an opportunity to speak within established time constraints before board action is taken. Many boards have a time on the agenda when visitors may speak on a particular item or present petitions.

Persons who wish to have a specific issue addressed by the school should first be guided through the established protocol. This generally means seeking a decision or resolution from district employees. Only after all other avenues of recourse are exhausted does the issue rise to the board level for possible action.

**Unless there is a time sensitive issue that is presented to the board by a visitor, it is good practice for the board to table new issues and ask the superintendent to gather background information, before the board decides to address the issue on a future agenda.**

Persons addressing the board should be asked to state their names. Many board policies give the chair the prerogative to limit time permitted to any individual or group speaking on an issue. This delegation of power to the chair helps to avoid excessive repetition of a certain point of view or causing board meetings to last too long.

No school board or professional staff will ever be able to please everyone in the district. There will always be some complaints and criticism. Some will be justified; some will be based on lack of information. In either case, criticism cannot be settled by being ignored. An acceptable procedure for handling complaints and criticisms should be adopted as official board policy.

Complaints and criticism on which action is requested should always be directed through the superintendent to (if necessary) the board. An individual board member has no legal authority to take action on behalf of the school district, and has an obligation to refrain from promising to do so. Rather than conduct one's own investigation of a complaint, a board member should refer the matter to the superintendent. It is important to follow policy and established protocols for processing complaints.

### **PUBLIC PARTICIPATION POLICY**

All meetings of the Board shall be open to the public. All actions of the Board shall be taken openly and the deliberations leading to board action shall likewise be conducted openly. The public is invited to attend Board Meetings and will be given limited time to voice opinions or problems.

The Board reserves the right to meet in an Executive Session as provided for in the opinion of the Town School District Attorney. No actions shall be taken by the Board while it is in Executive Session. All action shall be taken in an open meeting.

The Board recognizes its responsibility to conduct the business of the District in an orderly and efficient manner and will therefore require reasonable controls to regulate public presentations to the Board. A person wishing to be heard by the board shall first be recognized by the Chair. Speakers shall identify themselves and proceed with their comments as briefly as the subject permits. The Chair is responsible for the orderly conduct of the meeting and shall rule on such matters as the time to be allowed for public discussion, the appropriateness of the subject being presented and the suitability of the time for such a presentation.

## PUBLIC PARTICIPATION continued

Welcome to the \_\_\_\_\_ Board Meeting. Please be sure to sign in and pick up a copy of the agenda.

As elected members from the community, the directors share your interests and your goal to provide the best education possible for the students of our schools. We strive to provide an atmosphere in our schools that allows our faculty and administration to provide quality education. Open communication between the directors and community is the key to successful functioning of the school district. In order to attain our common goal, we ask that we all adhere to the policy presented.

Matters that require dealing with specific persons should be addressed during executive session. Please call the Superintendent's office to be placed on the agenda.

Thank you for your attendance.

Brigid Scheffert Nease                      496-2272                      Superintendent

\_\_\_\_\_                      \_\_\_\_\_                      Chair

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# VERMONT'S OPEN MEETING LAW

1 V.S.A. §310: "Public Body" means any board, council or commission of the state or instrumentality of the state, or any committee of any of the foregoing boards.

1 V.S.A. §310 (2): "Meeting" means a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action.

*NEW:* A meeting is NOT written correspondence or email communication between members for the purpose of scheduling a meeting, organizing an agenda or distributing materials to discuss at a meeting.

1 V.S.A. §312 (a): All meetings of a public body are declared to be open at all times...No resolution, rule, regulation, appointment or formal action shall be binding except as taken or made at such an open meeting.

## OPEN MEETING NOTICE REQUIREMENTS

### ❖ Regular Meetings

Time and place of regular meetings shall be clearly designated in bylaw or resolution and be made available to any person upon request.

### ❖ Special Meetings

Time and place of special meetings shall be publicly announced at least 24 hours before the meeting, posted in at least three (3) public places and given to each member of the board.

### ❖ Emergency Meetings

Public notice given as soon as possible before the meeting. Allowed only to respond to an "unforeseen occurrence or condition requiring immediate attention."

## PUBLIC COMMENT

❖ Reasonable opportunities to appear and express views on any matter considered by the board shall be given to any person in the school district (16 V.S.A. §554 (b))

❖ Public comment shall be subject to reasonable rules established by the chair (1 V.S.A. §312 (h)).

# VERMONT'S PUBLIC RECORDS ACT

1 V.S.A. §316 (a): Any person may inspect or copy any public record of a public agency during regular business hours.

- ❖ Public entity can charge for the cost of copying the record and for staff time exceeding thirty (30) minutes; no charge allowed for inspection only.

1 V.S.A. §317 (b): "Public record" means any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of public agency business.

## COMMON PUBLIC RECORDS EXEMPTIONS

- ❖ Records with privileged or confidential information
- ❖ Personnel records
- ❖ Test questions (NECAPs, SBAC, e.g.)
- ❖ Negotiations materials related to contracts, CBA's
- ❖ Student records

## DENYING A PUBLIC RECORDS REQUEST

- ❖ Respond to the request within three (3) days
- ❖ Identify the records to be withheld and the basis for the denial (cite the statutory exemption)
- ❖ Notify the requester of right to appeal to Superintendent; if appeal denied, notify of right to Superior Court review
- ❖ **CONSIDERATIONS:**
  - ❖ Identity and motive of the requestor cannot be considered when weighing access to public documents
  - ❖ Burden of proof on public agency to justify denial
  - ❖ Courts must award attorney's fees and costs to plaintiffs who prevail



## **ELECTRONIC MEETINGS**

**One or more members of the public body may participate in a meeting electronically**

**If a quorum, then:**

- ❖ **Twenty four (24) hours notice in municipal office and two (2) designated places.**
- ❖ **Designate physical location(s) for the public to participate**
- ❖ **At least one member of public body (or designee) must be physically present at each designated location**

## **AGENDAS AND MINUTES**

- ❖ Agendas must be posted to the district's website (if one exists), the municipal office and two designated public places
  - ❖ Forty eight (48) hours prior to a regular meeting
  - ❖ Twenty four (24) hours prior to a special meeting
- ❖ Any addition to or deletion from the agenda must be made as the first act of business at the meeting.

## **COMMON BOARD AGENDA TEMPLATE**

### **1. Call to Order**

### **2. Additions and Edits to the Agenda**

### **3. Discussion Items**

- a. Audience and Written Communication/Citizen's Request to Address the Board
- b. Topics for Next Meeting Agenda

### **4. Action Items**

- a. Approval of Board Minutes
- b. Board Order

### **5. Informational Items/Reports**

- a. Principal's Report
- b. Superintendent's Report
- c. Washington West Representative Report
- d. Committee Reports

### **6. Possible Executive Session if requested by Board Chair or Administration**

### **7. Adjournment**

## BOARD MEETING MINUTES

Your board's minutes are an important channel of communication from the board to school personnel and the public. They also are the only legal record of board meetings. Minutes shall be taken of all meetings, cover all topics and motions that arise, and give a true indication of the business of the meeting (1 V.S.A. §312(b)).

Minutes should be written immediately after a board or sub-committee meeting. The board secretary or clerk should read them carefully and sign the official copy, which will be included in the school district's records after approval at the next board meeting. Copies of the minutes should be sent to all board members as soon as they are prepared, but not later than the distribution of the next meeting's agenda. Some districts send the unapproved minutes to the press and other community leaders immediately following a meeting, and all districts are required by law to post minutes to a website (if one exists), and/or make minutes available to interested citizens, upon request within 5 business days following the meeting.

**Board minutes must include the following:**

- ❖ Name of your school district, city or town.
- ❖ Place and time of the meeting.
- ❖ Board members, staff members and other **active** participants present.
- ❖ Approval of the minutes from the preceding board or subcommittee meeting(s).
- ❖ The nature of the meeting (regular, special or emergency).
- ❖ A record of all motions, proposals and resolutions made and the disposition of each, together with the names of the members making and seconding motions.
- ❖ A record of the members voting yea and nay, except for unanimous and voice votes.

The kind of minutes that will be the easiest to read and to glean information from will be those that record important matters in an easily discernible way. Use headings, underlining and bold notations to create an easy-to-read format.

Minutes are matters of public record and are kept by the board clerk.

**Minutes need to be permanently stored and may not be discarded.**

If members of the board want to correct or supplement draft minutes, they should suggest corrections at the next duly warned board meeting. When all board members have email accounts, it saves time if board members email suggested meeting minute edits to the board clerk/secretary in advance of board adoption. This process will eliminate using valuable board meeting time to wordsmith prior meeting minutes.

## EXECUTIVE SESSION

- ❖ First meet in open session; vote to close the meeting by a motion that specifies the reason.
- ❖ Boards decide who comes into executive session with them.
- ❖ No decision may be made in executive session. Ultimate action must be taken by motion and vote in open session (1 V.S.A §313 (a)).

According to 1 V.S.A. §313, a board may only go into executive session upon a motion and vote to do so. The motion must state the “nature of the business of the executive session,” be supported by a majority of the board, and be recorded in the minutes. Boards may not enter executive session without first meeting in open session and then voting to enter executive session.

**Because a vote is required to enter executive session, we do not recommend that executive session be a standing item on every agenda.** If the board knows it plans to discuss a topic that falls under one of the allowable reasons to enter closed session, then on the agenda for that meeting the board should indicate the nature of that specific topic and an intent to vote to enter executive session.

Boards may only enter executive session to discuss a limited number of topics. One category requires the public body to make a specific finding that “premature general public knowledge would clearly place the...public body or person involved at a substantial disadvantage.” The topics that require this specific finding to be made are:

- ❖ Contracts;
- ❖ Labor relations agreements with employees;
- ❖ Arbitration or mediation;
- ❖ Grievances, other than tax grievances;
- ❖ Pending or probable civil litigation or a prosecution, to which the public body is or may be a party;
- ❖ Confidential attorney-client communications made for the purpose of providing professional legal services to the body

For example, just because a board intends to discuss a contract with a bus company does not mean they can automatically vote to enter executive session. Rather, first they need to determine that discussing the contract in open meeting would place the board or company involved at a substantial disadvantage.

**Other permissible reasons to enter executive session are:**

- ❖ The negotiating or securing of real estate purchase or lease options
- ❖ The employment or evaluation of a public officer or an employee – provided, however, that the public body shall make a final decision to hire or appoint a public officer or employee in an open meeting and shall explain the reasons for its final decision during the open meeting
- ❖ A disciplinary action against a public officer or employee, except if such an individual seeks a public hearing after formal charges are brought
- ❖ A clear and imminent peril to the public safety
- ❖ Discussion or consideration of records or documents that are not public documents

## **PENALTY AND ENFORCEMENT**

- ❖ Aggrieved party must allege a specific violation and make a request for specific actions to cure the violation
- ❖ Public body has seven (7) business days to respond
  - ❖ If acknowledge a violation, have fourteen (14) calendar days to cure it and take measures to prevent its reoccurrence

## NEGOTIATING WITH SCHOOL EMPLOYEES

	<b>Teachers</b> (Title 16, Chapter 57)	<b>Municipal Employees</b> (Title 21, Chapter 22)
<b>Employees Covered</b>	Any person licensed as teacher who is not an "administrator." (Sec. 1981)	Any employee of "municipal employer" except: (1) elected officials, (2) supervisors, (3) probationary status employees, (4) confidential employees, (5) certified school employees.
<b>Recognition of Employee Bargaining Unit</b>	Employees select unit, recognition by board mandatory. American Arbitration Assn. supervises disputed election. (Sec. 1991, 1992)	Employees select unit, recognition by board mandatory. State labor relations board supervises certification of unit. (Sec. 1723, 1724)
<b>Delegation</b>	Negotiation may be delegated by board; not final ratification. (Sec. 2009)	Negotiation may be by "designated representative" or legislative body. (Sec. 1725)
<b>Mandatory Subjects of Bargaining</b>	<ul style="list-style-type: none"> <li>• Salary</li> <li>• Related economic conditions of employment</li> <li>• Grievance procedures</li> <li>• Any mutually agreed upon matters not in conflict with statutes. (Sec. 2004)</li> </ul>	Wages, hours and conditions of employment ("directly affecting economic circumstances, health, safety or convenience"...not "bargain-able matters of inherent managerial policy.")
<b>Agency Service Fee</b>	Newly authorized subject of bargaining.	Authorized subject of bargaining. (Sec. 1734)
<b>Mediation</b>	By joint agreement at impasse. (Sec. 2006)	On request of either party, or on initiative of commissioner of labor and industry. Mediator appointed by commissioner of labor and industry. (Sec. 1731)
<b>Fact Finding</b>	On request of either party. No required factors for consideration. Nonbinding recommendations public after 10 days. (Sec. 2007)	On certification by mediator. Required factors for consideration. Nonbinding recommendations public after 10 days.
<b>Arbitration</b>	Binding Interest Arbitration available by mutual agreement. Jurisdiction of arbitrator defined by statute. (Subchapter 4)	By agreement or vote of municipality. Required factors for consideration. Decision binding unless vacated by court on specific grounds. (Sec. 1733)
<b>Finality</b>	Board may declare after full compliance with statutory process. On matters in dispute only. (Sec. 2008)	No finality provision.
<b>Strikes and Injunctions</b>	Limited right to strike. Enjoyed only for "clear and present danger to sound program of school education." (Sec. 2010)	Limited right to strike. Enjoyed if "danger to health, safety, welfare or public," or after entering binding arbitration. (Sec. 1730)