

Interested appointee applicants must provide the following:

- A letter of interest addressed to the P-H-M Board of School Trustees and Superintendent Dr. Jerry Thacker
Full home address, personal phone number, and email address must be provided as part of the letter
- Recent resume
- Other supporting documents, such as reference letters, are optional
- Copy of proof of age (copy of Passport, Indiana issued ID, or Driver's License)
- Copy of proof of voter registration in St. Joseph County
- Copies of two proofs of Penn Township residency for at least two years (*proofs of residency must be tied to the home location, such as property tax statement, dated mortgage closing documents, apartment lease, utility bills*).

**Please note a preliminary background check will be conducted on all applicants followed by a more comprehensive one once the finalists are chosen.*

These Documents are due on or before:
Wednesday, November 17, 2021
at 4:30 p.m.

Please either email the required documents to the Administrative Assistant to the Board of School Trustees, Rachelle Bradbury at rbradbury@phm.k12.in.us,

Or, return in hard copy to the Educational Services Center:

Penn-Harris-Madison School Corporation
Attn: Mr. Christopher Riley, President
Board of School Trustees
55900 Bittersweet Road
Mishawaka, IN 46545

Questions and Answers about the Penn-Harris-Madison Board of School Trustees

1. **Q.** *When is the Penn-Harris-Madison Board of School Trustees elected?*
Every two years, members to the P-H-M School Corporation Board of School Trustees are elected during the November general election. The next election would take place in November, 2022.

2. **Q.** *How many school board members are elected every two years?*
In November, 2022, four seats will be up for re-election – one seat from Penn Township, one seat from Harris Township, one seat from Madison Township, and the At-Large seat. In 2024, three seats will be up for re-election – two seats from Penn Township, and one seat from Harris Township.

3. **Q.** *When does the Board of School Trustees’ official term of office begin?*
The official term starts on the first day of January following their election. The first school board meeting in the month of January following the November election is when board members are sworn in by taking the Oath of Office.

4. **Q.** *Who can run for the Penn-Harris-Madison School Board?*
Registered Indiana voters who are 21 years old or older, and if the person is a candidate for the at-large position, the person shall be a resident of the school corporation for at least two (2) years immediately preceding the date of the election. If a person is seeking a position from any of the three townships, the person shall also be a resident of said township for at least two (2) years before the election. The electoral districts are: Harris, Madison, and Penn Townships.

5. **Q.** *What are the roles and responsibilities of a Penn-Harris-Madison Board of School Trustee member?*
“Two of the most important duties of school board members are to **set goals** and **establish policy** for the school corporation, from which all board decisions should logically follow. A board member is expected to make decisions on a wide range of problems: some are routine, such as approving minutes of the last meeting; others are more complex, such as opening a new school; some are the result of many lesser decisions – such as employee health prevention benefits. Once a policy is adopted, the superintendent is responsible for its effective implementation. The board, in monitoring the impact of the policy, will need periodic reports.

A board member also needs to be a skilled decision maker, but he or she must remember that decisions are to be made only by the board acting as a whole in an advertised public meeting. Individual opinions on matters being considered can and should be defended vigorously, but once a decision is reached, it should be accepted gracefully and implemented wholeheartedly. No individual school board member may unilaterally commit the whole board to a particular course of action.” – Indiana School Boards Association (ISBA) statement.

6. Q. ***What are the expectations of a Penn-Harris-Madison Board Member?***

Board members are required to attend the following activities:

- Public Meetings on the 2nd and 4th Mondays of every month
**Exceptions are the months of April, June, July, September, and December when only meeting is scheduled.*
- Board Executive Sessions – approximately 20 per year
- Board Work Sessions – approximately 2 per year
- Board goal setting retreats – annual retreat (Winter)

Board members are expected to attend as many of the following activities as they possibly can:

- Indiana School Boards Association meetings (www.isba-ind.org)
 - Spring Academy (2 days)
 - Spring Regional Meeting
 - Summer Academy (2 days)
 - Fall Conference (2-3 days)
 - Fall Regional Meeting
 - Seminars – Budget/Finance/Law/Legal/Collective Bargaining (1 day)
- National School Boards Association Meetings (www.nsba.org)
 - Annual Conference held the first of April

Board members are also expected to participate in the following activities:

- Representing Penn-Harris-Madison School Corporation at various functions such as legislative meetings, athletic and extracurricular activities, beginning of the school year staff breakfast, etc.
- Participating on task forces or other corporation committees.
- Continue professional development through reading professional journals and attending professional meetings.

7. Q. ***Do board members receive any compensation for their service?***

P-H-M Board members receive \$2,000 per year for their service, receiving \$1,000 in June and the second \$1,000 in December. Payments are made through the district's payroll system. Board members are also eligible to participate in the Corporation's Health Insurance program.

INDIANA SCHOOL BOARDS ASSOCIATION

CODE OF ETHICS

A School Board member should honor the high responsibility that membership demands:

- BY thinking always in terms of *children first*.
- BY understanding that the basic function of the school board member is *policy-making* and not *administrative*, and by accepting the responsibility of learning to distinguish between these two functions.
- BY accepting the responsibility, along with fellow board members, to assure that adequate facilities and resources are provided for the proper functioning of schools.
- BY refusing to *play politics* in either the traditional partisan, or in any petty sense.
- BY representing the entire school community at all times.
- BY accepting the responsibility of becoming well-informed concerning the duties of board members, and the proper function of public schools.
- BY recognizing responsibility as a State official to seek the improvement of education throughout the State.

A School Board member should demonstrate respectful relationships with other members of the Board.

- BY recognizing that authority rests only with the board in official meetings and that the individual member has no legal status to bind the board outside of such meetings.
- BY recognizing the integrity of previous board members and the merit of their work.
- BY refusing to make statements or promises as to how he or she will vote on any matter which should properly come before the board as a whole.
- BY making decisions only after all facts bearing on a question have been presented and discussed.
- BY respecting the opinion of others and by graciously conforming to the principle of *majority rule*.
- BY refusing to participate in irregular meetings which are not official and when all members do not have the opportunity to attend.
- BY working with fellow board members and the administration fairly determine the present and future educational needs of the community.

A School Board member should maintain desirable relations with the superintendent of schools and other employees.

- BY striving to procure the best professional leader available for the head administrative position.
- BY giving the superintendent full administrative authority for properly discharging the professional duties of the position and the responsibility to achieve acceptable results.
- BY acting only after consideration of the superintendent's recommendations on matters of school governance.
- BY having the superintendent present at all meetings of the Board except when his or her contract and salary considerations are under review.
- BY respecting proper communication channels, referring all complaints to the proper administrative office and considering them only after failure of an administrative solution.
- BY providing adequate safeguards around the superintendent and other employees so that they can perform their responsibilities.
- BY presenting criticisms of an employee directly to the superintendent.

A School Board member should maintain a commitment community:

- BY developing and adopting a mission and a vision statement for the school corporation.
- BY conducting all school business transactions openly
- BY vigorously seeking adequate financial support for the schools.
- BY refusing to use the school board position for personal gain.
- BY refusing to discuss confidential board business anywhere other than when attending a properly advertised board meeting.
- BY earning the community's confidence that all is being done in the best interests of school children.

SHOULDERING A BIG RESPONSIBILITY

A good school board can make a difference in the economic vitality, spirit and growth of a community and especially in the future of its young citizens.

Our forefathers believed that universal education was the key to the success of the nation and its citizens. They gave responsibility for public education to the states. Local communities provided for public schools through local school boards. The unique system worked well. It built the strongest nation in the world.

It is time to reaffirm the importance of strong, able school boards backed by their fellow citizens. It is crucial for those of you who care about your community, its children and the future to put your concerns into action – to serve on your school board and encourage other able leaders to join you. If you do not serve on the front line, you at least should vote good candidates into office and then support their efforts.

Like A Giant Corporation

The 1684 citizens serving on boards in 290 school corporations have the power that goes with running one of the largest businesses in the state. They govern the largest expenditures of public funds, run the largest transportation fleet, employ the largest number of people and maintain the most extensive facilities in the state. In short, school boards function as directors of large corporations, but with one extraordinary purpose: to produce educated young men and women as responsible citizens.

The board is responsible for hiring the superintendent and, with his/her help, for providing competent personnel for all phases of school operations. Salaries, budget and expenditures, personnel management and facility planning are all part of the board's assignment. The board oversees what should be taught and provides the resources while the professional staff determines how to do the teaching. Further, it makes sure schools are meeting state-prescribed requirements.

How Boards Make A Difference

Within these general responsibilities, school boards have the power to make a significant impact on the educational problems of today – and on the quality of education their young charges will receive. Boards, for example, can address the issue of illiteracy by mandating special attention in the primary grades for pupils with reading difficulties. They also can create programs to address dropout rates, problems of latchkey children, concerns about computer and technology literacy and a gamut of educational and social issues.

A Tough But Vital Job

Serving on a school board is a tough, time-consuming job. Education is an emotional issue and board members often find themselves at the center of controversy.

At the same time, few jobs have the power to bring so many benefits to a community. For pupils, a good education unlocks the intellect, opens doors to college, a satisfying and well-paying job and to responsible parenthood and citizenship. Schools touch almost all aspects of a

community, from property values to economic development potential. People want to live where schools are good and companies want to locate where there is a supply of educated workers.

A School Board Member

The effectiveness of a school board depends on the quality of its members. Ideal board members must be committed to serve all children. They must be open minded, visionary and informed, willing to listen and ready to learn. They must work as a team, build community support for education programs and withstand criticism. Above all, they must believe in public education and be dedicated to serving children and the community.

Indiana law further requires board members to be:

- a) registered to vote and consequently at least 18 years old. (No one who is at least 21 years old can be disqualified by local board age requirements.);
- b) registered to vote in the corporation he or she seeks to represent; and
- c) a resident of the school corporation at least one year before the election

There may also be additional local requirements. Information about additional local requirements can be obtained from the local superintendent of schools.

Becoming A Candidate

Candidates must file a petition of nomination with the clerk of the circuit court in the county with the greatest representation in the school corporation. Generally speaking, it must be signed by 10 registered voters residing in the school corporation. Pre-election and post-election financial statements also are required. Candidates should consult the clerk of their circuit court and election board for official forms, complete regulations and filing deadline information.

Information and assistance are available from your local school superintendent's office. Many candidates find it useful to attend school board meetings and confer with their superintendent to become familiar with issues before their schools.

The Indiana School Boards Association, a non-profit organization of all Indiana school corporation's boards of trustees, also provides valuable assistance to school board members. It sponsors seminars, conducts research, works with the Indiana General Assembly and generally promotes education.

To be an effective school board member and represent community views, candidates and board members need the continuing support of their fellow citizens because quality education incorporates many viewpoints – business, families, government, higher education, agriculture, social and religious institutions. All of these groups have needs for today, hopes for tomorrow and the knowledge and skills required for success.

An effective school board is essential for continued educational excellence for our boys and girls.

It is your responsibility.

The Indiana General Assembly enacted the Open Door Law with the intent "that the official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, in order that the people may be fully informed." IC 5-14-1.5-1. This intent is furthered by requirements in the Open Door Law that public bodies, including school boards, give public notice of all meetings and take action and conduct most deliberations in a meeting open to everyone.

Since its passage in 1977, the Open Door Law has been a source of confusion and litigation. This pamphlet answers some of the more frequently asked questions concerning the Open Door Law as it applies to school board meetings.

1. What Constitutes a "Meeting" of a School Board?

A "meeting" occurs whenever a majority of the school board meets for the purpose of taking "official action." "Official action" includes receiving information, deliberating, making recommendations, establishing policy, making decisions and taking final action.

A series of gatherings of less than a majority of the board held within a period of seven days and on the same subject matter may constitute violations of the law under certain circumstances.

2. Are School Board Committees Covered by the Open Door Law?

Yes. Committees created by statute to advise the school board and committees appointed directly by the school board or its president must follow the Open Door Law. This requirement does not apply to agent(s) appointed by the school board to conduct collective bargaining on its behalf.

3. Must All Meetings of a School Board be Open for the Purposes of Allowing Members of the Public to Observe and Record Them?

Yes, unless the meeting is an executive session.

4. Must a Board Member be Physically Present to Participate in a Meeting?

A board member may participate in a meeting via telephone, computer, video-conferencing, or other electronic means of communication, but may NOT vote on any subject matter. The board member may not be considered present.

5. When Are School Boards Authorized to Meet in Executive Session?

Executive sessions are authorized in the following instances:

- a. Where authorized by federal or state statute.
- b. To discuss strategy with respect to: (1) collective bargaining; (2) the initiation of litigation or litigation that is either pending or has been specifically threatened in writing; (3) the implementation of security systems; (4) the purchase or lease of real property by the school board up to the time a contract or option to purchase or lease is executed by the parties; or (5) school consolidation.
- c. To discuss the assessment, design and implementation of school safety and security measures, plans and systems.
- d. Interviews and negotiations with industrial or commercial prospects.
- e. To receive information about and interview prospective employees.
- f. With respect to any individual over whom the board has jurisdiction:

1. to receive information concerning the individual's alleged misconduct; and

2. to discuss, prior to a determination, that individual's status as an employee, student or independent contractor who is a physician or a school bus driver.

g. For discussion of records classified as confidential by state or federal statute.

h. To discuss before any placement decision an individual student's abilities, past performance, behavior and needs.

i. To discuss a job performance evaluation of individual employees.

j. When considering the appointment of a public official (not an employee), to: develop a list of prospective appointees; consider applications, and make one initial exclusion of prospective appointees from further consideration.

k. To train school board members with an outside consultant about the performance of their roles as public officials.

6. What Must the Public Notice of an Executive Session Contain?

A public notice of an executive session must state its subject matter by specific reference to the enumerated instance(s) for which executive sessions may be held.

7. How Much Notice is Required for Meetings?

Except for an emergency meeting, public notice of the date, time and place of any meeting, executive session or any rescheduled or reconvened meeting must be given at least forty-eight (48) hours (excluding Saturdays, Sundays and legal holidays) before the meeting. This requirement does not apply to reconvened meetings (not including executive sessions) where the announcement of the date, time and place of the reconvened meeting is made at the original meeting and recorded in the memoranda

and minutes thereof and there is no change in the agenda.

8. How is Public Notice Given?

Public notice is given by posting a copy of the notice at the principal office of the school corporation or, if no office exists, at the building where the meeting is to be held and by delivering notice (via U.S. mail, electronic mail or fax) to all news media which deliver by December 31 an annual written request for such notices.

Public notice must be given to persons who deliver an annual written request by December 31 only if the school board adopts a policy. Notice may be delivered by electronic mail or by posting on the school corporation's website. Notice of regular meetings need be given only once each year, except that an additional notice shall be given where the date, time or place of the regular meeting is changed.

9. How Much Notice is Required for an Emergency Meeting?

The news media which have requested notice of meetings must be given the same notice as is given to the members of the school board and the public must be notified by posting a copy of the notice at the principal office of the school corporation.

10. What Constitutes an "Emergency" for Purposes of Having an Emergency Meeting and Avoiding the Notice Time Requirements?

The emergency must involve actual or threatened injury to person or property, or actual or threatened disruption of governmental activity in order to avoid the notice time requirement.

11. When Can a School Board Use a Secret Ballot?

Never, not even to elect officers.

12. Must the School Board Use an Agenda?

The use of an agenda is permissive, not mandatory. A school board that uses an agenda must post a copy of the agenda at the entrance of the location of the meeting before the meeting begins.

13. Must a School Board Keep Memoranda and/or Minutes?

Yes. As the meeting progresses, the following memoranda must be kept:

- a. the date, time and place of the meeting;
- b. the members of the governing body recorded as present, absent or participating by telephone, computer, or other electronic means of communication;
- c. the general substance of all matters presented, discussed or decided; and
- d. a record of all votes taken by individual members if there is a roll call.

These requirements for memoranda and minutes are modified when the board is meeting in executive session. The memoranda and minutes for an executive session must identify the subject matter considered by specific reference to the enumerated instance(s) for which public notice is given. The board must certify by a statement in its memoranda and minutes that it discussed no subject matter in the executive session other than the matter specified in the public notice.

14. Can a School Board Recess During an Open Door Meeting, Have an Executive Session and Later Reconvene?

No. A governing body may not conduct an executive session during a meeting.

15. Can a School Board Interview a Superintendent Applicant in an Executive Session?

Yes. A superintendent candidate is a prospective employee so the provision allowing a governing body in executive session "to receive information about and interview prospective employees" applies.

16. Can a School Board Interview in Executive Session a Prospective Appointee for Filling a Vacancy on the School Board?

No. School boards are specifically prohibited from interviewing prospective appointees in executive sessions. Nothing in state law, however, requires a school board to interview prospective appointees.

17. Can a School Board in Executive Session Exclude Prospective Appointees to the Board from Further Consideration?

Yes. A school board in executive session is allowed to make one initial exclusion of prospective appointees from further consideration. No such initial exclusion can reduce the number of prospective appointees to fewer than three, unless there are fewer than three prospective appointees.

18. Can a Hearing be Held in an Executive Session to Determine Whether an Employee's Contract Should be Cancelled?

Yes, provided the hearing involves alleged misconduct or evaluation of an employee.

19. Does the Open Door Law Regulate the Release of Information Concerning Collective Bargaining?

For the purposes of bargaining or discussion the following apply:

- a. Any party may inform the public of the status of collective bargaining or discussion as it progresses by release of factual information and expression of opinion based upon factual information.
- b. If a mediator is appointed, any report the mediator may file at the conclusion of a mediation is a public record open to public inspection.
- c. If a factfinder is appointed, any hearings the factfinder holds must be open at all times for the purpose of permitting members of the

public to observe and record them. Any findings and recommendations the factfinder makes are public records open to public inspection.

20. Who Can Bring a Lawsuit Alleging a Violation of the Open Door Law?

Any person. Any person may also, prior to filing a lawsuit, seek an opinion from the public access counselor on whether a meeting of a school board complied with the Open Door Law.

21. What Can a Court Do if It Finds that a School Board Violated the Open Door Law?

A court can:

- a. issue a declaratory judgment;
- b. enjoin continuing, threatened or future violations; or
- c. declare void any policy, decision or final action taken at an illegal meeting.

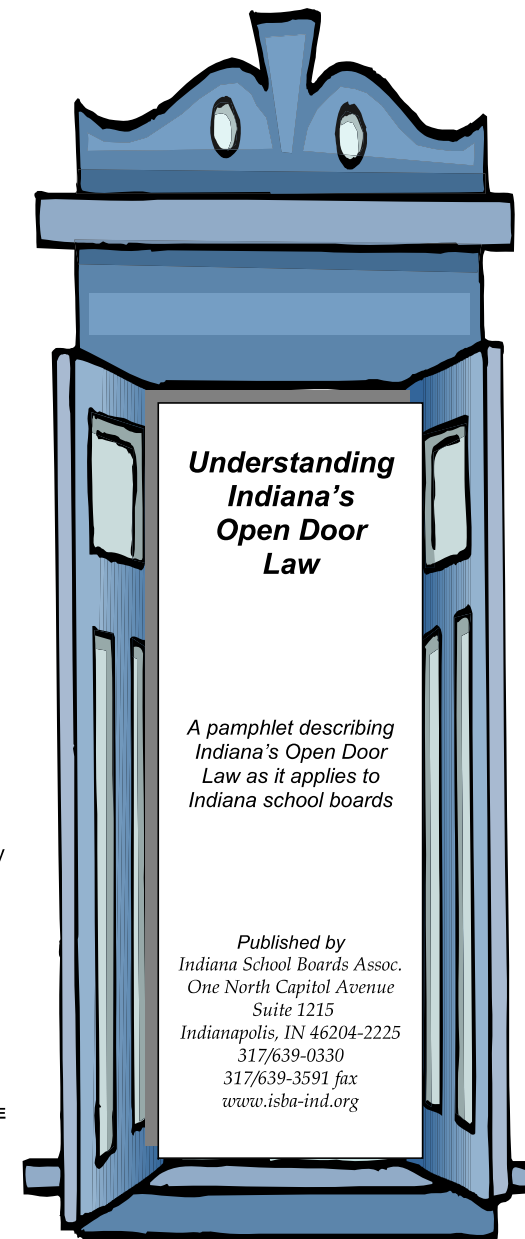
If a court voids a policy decision or final action, it can enjoin the board from later acting on the same subject matter until the board has substantially considered the matter at meetings that comply with the Open Door Law.

If a plaintiff seeks and receives an opinion from the public access counselor prior to filing a lawsuit, and then prevails in the lawsuit, the court shall award to the plaintiff reasonable attorney's fees, court costs and other reasonable expenses of litigation.

Additionally, a court may assess civil penalty against individual members of the school board or the superintendent if they act with specific intent to violate the law. The penalty can be up to \$100 for the first violation and increases to a maximum of \$500 for each additional violation.

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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.