

# BOARD OF EDUCATION MEETINGS

A Practical Guide



“School boards are  
groups that take hours to  
produce minutes.”

*Mark Twain  
Attributed*

# Tips - Meetings/Agenda

- Start meeting on time!
- Be mindful of the Freedom of Information requirements
- Use (but don't abuse) Consent Agenda.
- Robert's Rules are a tool for an efficient meeting
- Chair limits discussion to agenda topic.
- Agenda set with time line.
- Public Comment on agenda topics and with time limit.
- Superintendent should limit staff presentations.
- Superintendent must prepare adequate board packet.

## ***The Agenda***

The agenda is the most important document at any board meeting. It is the first key to an effective meeting or the place where disaster strikes. The board chair can play an important role in determining whether the board will spend most of its time on policy making, “administrivia” or other areas by making sure the agenda contains items that are appropriate for discussion.

## **IMPORTANT DISTINCTION: FOIA and Roberts Rules**

Board meetings may be conducted using Roberts Rules of Order. Meetings of all public agencies must be conducted in compliance with the Freedom of Information Act, C.G.S. section 1-200, *et. seq.*

When conducting Board of Education meetings, Roberts Rules are flexible and discretionary: The Freedom of Information Act is mandatory.

# *Freedom of Information Act Compliance*

The FOIA (C.G.S. §1-200. *et. seq.*) has two central requirements:

1. Meetings of public agencies must be **held in the open**, and
2. Records of public agencies are **subject to disclosure and inspection by the public** at large.

# *What Is A Public Agency?*

“Public Agency” = Your Board of Education and board committees and subcommittees.

A “public agency” is not only the named agency itself, but also includes any committee or “subcommittee” of or **created by** the agency.  
*Connecticut General Statutes §1-200(1).*

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# MEETINGS

# *What Is A “Meeting”?*

“Any hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, **whether in person or by means of electronic equipment**, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power.”

*Connecticut General Statutes §1-200(2).*

# ***Types of Meetings***

***Regular Meetings***

***Special Meetings***

***Emergency Meetings***

# SPECIAL MEETINGS

- Can be called at any time, provided proper notice is sent out. The meeting announcement must include the topic of the meeting, and list possible actions (agenda). At no time can the board discuss or take action on anything not listed in the meeting agenda.
- Workshops, retreats, grievance or disciplinary hearings or other non-regular meetings are just ***special meetings*** and subject to the same rules and regulations.

# *Considerations for meetings*

- 24 hours' notice and posting of agenda
- Agenda items-sufficient specificity (do not simply say “personnel matter” or “litigation”)
- Adding items to agendas at regular (but not special) meetings via 2/3 vote
- Votes by members must be in public
- Minutes/record of votes
- Website posting: just required for notices of special meetings
- Order: keeping control v. over-reaching
- Recording by public and media

# *Electronic meetings*

## *What is required under FOIA?*

Meetings include member participation via telephone, speakerphone, facetime, and skype (and stay tuned for whatever comes next).

- The meeting must be held in a location open to and accessible by the public.
- Participants must be able to be heard (and seen if applicable) by all agency members and members of the public in attendance.

## *Inadvertent Meetings*

A series of telephone calls or “telephone polling” (or e-mails and “e-mail polling”) by and between a quorum of board members concerning board business may be deemed to be a “meeting.”

*These meetings are NOT meetings, per FOIA*

## **The Board does not need to enter executive session**

- Personnel search committee for executive level candidates;
- Chance or social meeting neither planned nor intended for the purpose of discussing board business;
- Discussions of strategy or negotiations for collective bargaining;
- Caucus of board members of a single political party;
- Administrative or staff meeting of a single-member public agency;
- Communication limited to notice of board meeting or its agenda;
- Quorum of the board who are present at any event which has been noticed and conducted as a meeting of *another* agency.

# *Executive Session*

- You need a 2/3 vote to enter executive session.
- You need a valid reason (as set forth in the FOIA).
- You need to provide *some* specificity as to the purpose of the executive session (do not simply say “personnel matter”).
- Query: Who can attend besides board members?

# *“Popular” reasons for executive session personnel issues*

- *Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, **provided that such individual may opt to have the discussion held at open session.***
- This exception usually does not provide a basis to have the evidentiary portion of an employee grievance or administrative hearing (as opposed to the deliberation phase) in executive session. ***Deliberation=discussion; evidence does not.***

## *Other reasons for executive sessions*

- Strategy and negotiations with respect to pending claims or pending litigation involving board (or board member)-until such litigation or claim has been finally adjudicated or otherwise settled.
- Discussion of any matter that would result in the disclosure of confidential records or information excluded from the FOIA's disclosure requirements under Connecticut General Statutes §1-210(b), which leads to exempt records such as ....

**RECORDS**

# *What Is A Public Record?*

A public record includes “any recorded data or information relating to the conduct of the public’s business prepared, owned, used, received or retained by a public agency, ... , whether such data or information be handwritten, typed, tape-recorded, printed, photostated, photographed or recorded by any other method.” *Connecticut General Statutes §1-200(5)*.

“Public records” may even be created when public employees use public equipment for personal purposes.

# *Records Of Employee Misconduct*

- Teacher evaluations may be exempt, *but...*
- Records of alleged misconduct by an employee are usually subject to disclosure, as “the public has a right to know not only who their public employees are, but also when their public employees are and are not performing their duties.”

# *Student Records Exemption*

- Applies to educational records which are protected from disclosure under the Family Educational Rights and Privacy Act. See *Connecticut General Statutes §1-210(b)(17)*.
- This exception applies not only to student records but also to “personally identifiable information” concerning the student.

# Attorney-Client Privilege

- Protects communications between a public official and attorney that are confidential, made in the course of the professional relationship, and relate to legal advice sought by the agency. *Connecticut General Statutes §52-146r*.
- If a **written** communication offers such confidential legal advice, and **if the agency maintains the confidentiality of the advice** and written legal opinion, then the record is exempt from disclosure. *Dostaler v. Town of East Hampton*, #FIC 2008-041 (July 9, 2008).

# *Other Notable Exemptions*

- ***Pending claims (Connecticut General Statutes §1-210(b)(4)).*** Need not disclose “records pertaining to strategy and negotiations with respect to pending claims or pending litigation to which the public agency is a party until such litigation or claim has been finally adjudicated or otherwise settled.”

# Preliminary drafts and notes

- ***Preliminary drafts and notes (Connecticut General Statutes §1-210(b)(1)).*** Need not disclose “preliminary drafts or notes provided the public agency has determined that the public interest in withholding such documents clearly outweighs the public interest in disclosure.”

# *Requests for Records*

- Public has the right to 1) inspect records during regular business hours, and 2) receive copies of records, subject to FOIA fees and payment procedures. *Connecticut General Statutes §1-210(a)*.
- The FOIA does not require agencies to 1) respond to written questions or inquiries or 2) create documents. *Howard v. Regional School District No. 14, #FIC 2011-075 (August 24, 2011)*.

**Boards** may require that requests for copies be in writing, but not requests to inspect records.

# *Time to Comply with Requests?*

- Persons have a right to inspect records “promptly”; *Connecticut General Statutes §1-210(a)*; and a right to receive “promptly” copies of such records. *Connecticut General Statutes §1-212(a)*.
- A denial of a request must be made in writing within four business days of the request; failure to comply within this time period is deemed a denial. *Connecticut General Statutes §1-206(a)*.
- This deadline does **not** actually require an agency to produce copies of all of the documents within this time period.
- As such, within four business days of the request, at least tell the requesting party the general status of compliance with the request and, more specifically, whether you are going to deny or withhold certain (or all of the) documents that have been requested.

# *Complying with Requests to Inspect Records*

- Public records must be accessible and available to a person requesting access “promptly” during regular business hours.
- A public agency has the right to take steps to protect records from “destruction or mutilation.” Such steps include having personnel present to supervise the inspection of documents.
- While FOIA does not explicitly empower an agency to require that a person make an appointment to inspect public records, the FOIC also opined that conflicts over requests for immediate access could be resolved by “reason and courtesy.”

# **ROBERTS RULES OF ORDER**

## Robert's Rules are designed to:

- Ensure the rights of the majority
- Protect the rights of the minority
- Defend the rights of individual members
- Safeguard members absent from the meeting

It is the responsibility of all members to:

- Treat one item at a time.
- Extend courtesy and fairness to all.
- Let the majority rule.
- Guarantee the rights of the minority.

- Robert's Rules allow for flexibility when small groups meet.
- Boards may adopt the rules as written, or modify them in any way they see fit.
- The key to a successful meeting is consistent, fair application of the rules.

## ***Robert's Rules Simplified***

- The chair is the key to an effective meeting
- Only one person may speak at a time and only after being recognized by the chair.
- To keep the meeting orderly, the chair should recognize the member before he or she speaks. Unless the agenda allows otherwise, the recognized speaker may only discuss what is on the agenda.
- While large group rules would require a motion to be made prior to *any* discussion, small groups sometimes need more flexibility.

# Motions

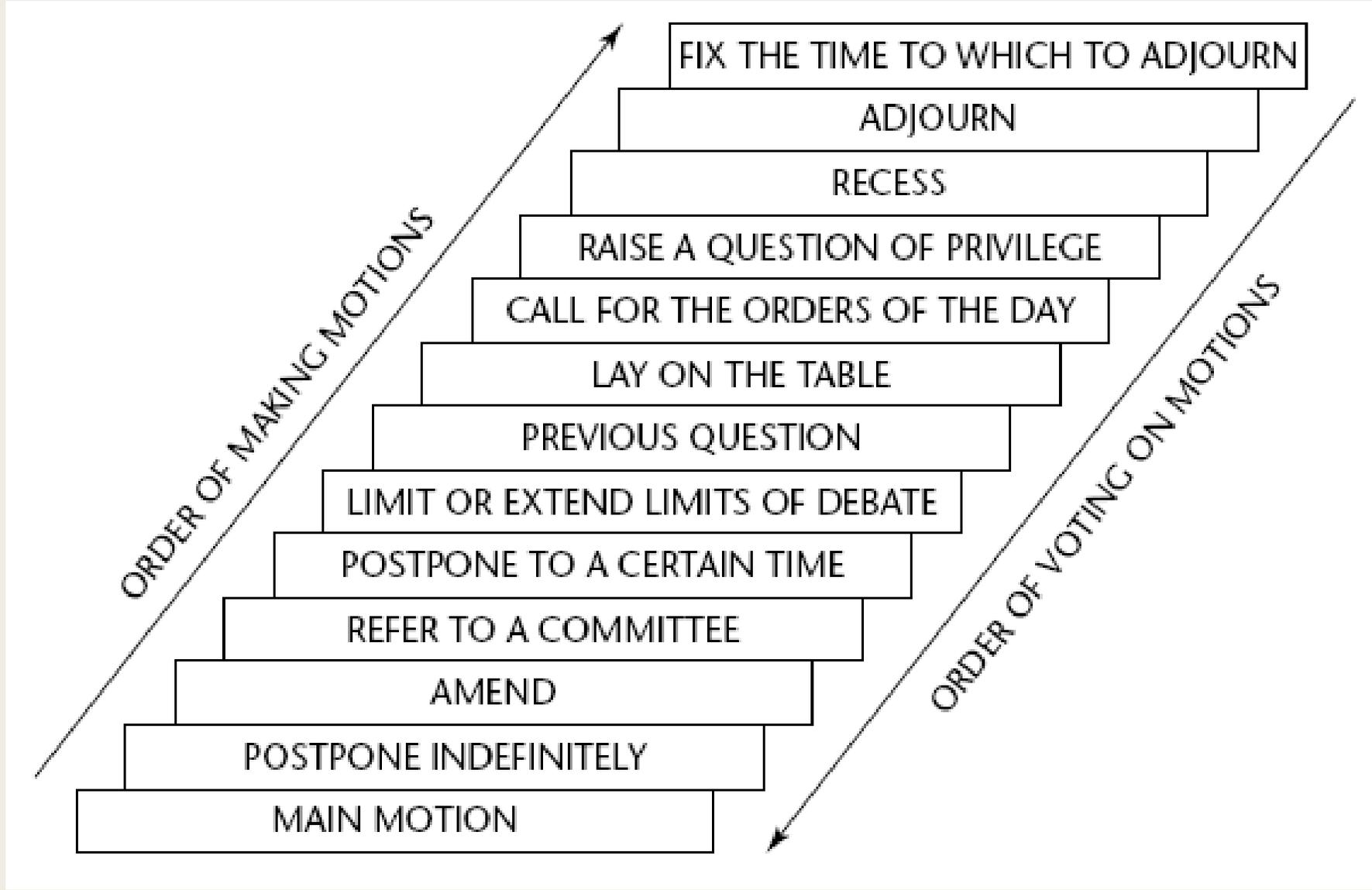
Motions follow two basic principles. Some motions affect the *order* of the meeting, while others generate the *substance* of the meeting. A number of motions are procedural in nature, while others help the board frame the decisions that required them to meet in the first place.

# Motions

There is a distinct hierarchy of motions, all designed to facilitate an orderly procession through the meeting. Motions can be *debatable*, to which members of the board may ask questions or speak for or against the motion. In some cases, motions are not debatable. When a non-debatable motion is moved and seconded, the chair must call for an immediate vote.

# Motions

Motions also follow an *order of precedence*. There is an order to which motions can be made, and in some instances, a motion would not be allowable because it is *out of order*. It is the chair's responsibility to know the order of precedence, and to govern at which times motions may or may not be made for certain actions. It is up to the chair to ensure that all motions are clear and make sense.

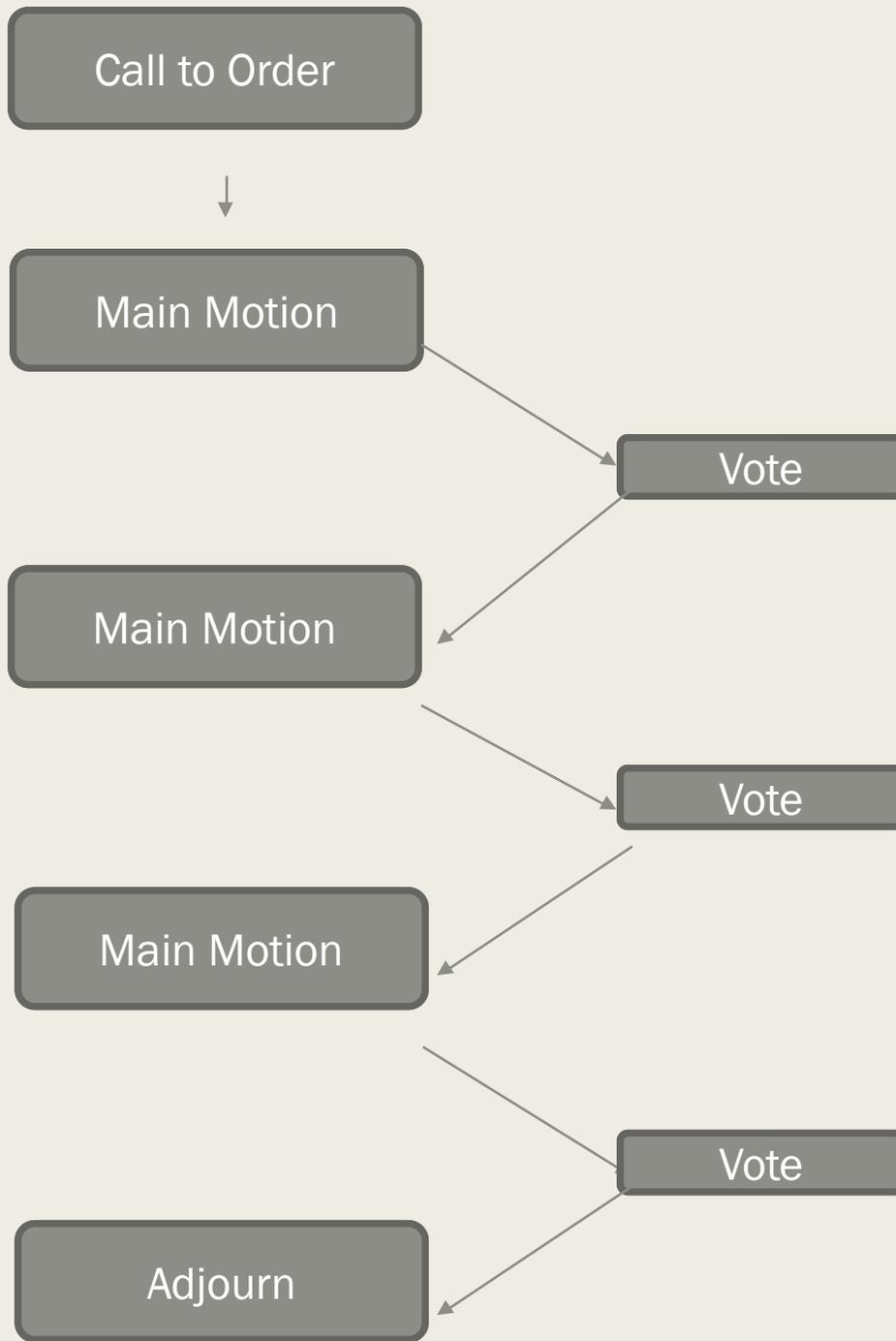


# Motions

The cornerstone to any debate is the **Main Motion**. It is *debatable*, and must be passed by a majority of the board (not counting abstentions). The maker of a motion may not speak against the motion, but may vote against it. Sometimes after debating an issue for a while, the maker of the motion may withdraw it, thereby effectively killing any further discussion.

## *Action Motions*

- Main Motion
- Subsidiary Motions
  - Amend
  - Division



## A Simple Meeting

## *Parliamentary Motions – Main Motions*

Motion	Requires Second	Debatable	Amendable	Vote Required
1. Main Motion	Yes	Yes	Yes	Majority
Reconsider	Yes	Yes	No	Majority
Rescind	Yes	Yes	Yes	Majority

## *Parliamentary Motions – Subsidiary Motions*

Motion	Requires Second	Debatable	Amendable	Vote Required
2. Postpone Indefinitely	Yes	Yes	No	Majority
3. Amend	Yes	Yes	Yes	Majority
4. Amend Amendment	Yes	Yes	Yes	Majority
5. Refer to Committee	Yes	Yes	Yes	Majority
6. Postpone Definitely	Yes	Yes	Yes	Majority
7. Previous Question	Yes	No	No	2/3
8. Lay on the Table	Yes	No	No	Majority

# Conduct of Meeting

## Common (and often misused) Motions

Motion	Requires Second	Debatable	Amendable	Vote Required
Point of Order	No	No	No	None
Parliamentary Inquiry	No	No	No	None
Divide a Motion	Yes	No	Yes	Majority
Withdraw or Modify a Motion	No	No	No	Majority

# Conduct of Meeting

## Less Common (and often misused) Motions

Motion	Requires Second	Debatable	Amendable	Vote Required
Point of Information	No	No	No	None
Appeal the Decision of the Chair	Yes	Yes	No	Majority
Object to Consideration	No	No	No	2/3
Suspend the Rules	Yes	No	No	2/3
Raise a Question of Privilege	No	No	No	None



**CABE**

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**Simplified Chart of Parliamentary Motions**

Motion	Debatable	Amendable	Vote Required
8. Adjourn	No	No	Majority
7. Recess	No	Yes	Majority
6. Close Debate	No	No	2/3
5. Postpone Definitely	Yes	Yes	Majority
4. Refer to Committee	Yes	Yes	Majority
3. Amend the Amendment	Yes	No	Majority
2. Amend or Substitute	Yes	Yes	Majority
1. Main Motion (Resolution)	Yes	Yes	Majority
Reconsider	Yes	No	Majority
Rescind	Yes	Yes	Majority (with notice)
<b>Motions Dealing with General Conduct of Meeting No Order of Precedence</b>			
Point of Order	No	No	None
Parliamentary Inquiry	No	No	None
Appeal from the Decision of the Chair	Yes	No	Majority
Division of the Assembly	No	No	No
Suspend the Rules	No	No	2/3
Divide a Motion	No	Yes	Majority
Withdraw or Modify a Motion	No	No	Majority

From Notes and Comments on Robert's Rules, by Jon Ericson,  
Southern Illinois University Press, 1991.

Pocket Guide

# QUESTIONS

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