

***Best Practices for
Running Effective Board Meetings***

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Overview

- **School Board Meeting Laws/Duties**
- **Arkansas Freedom of Information Act**
- **Act 1028 of 2019**
- **Student Hearings**
- **Personnel Hearings**
- **Public Comment(?)**
- **Parliamentary Procedure**
- **Key Takeaways**

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- **For legal advice, please consult your school district's attorney.**
- **If any information in this presentation conflicts with the advice of your attorney, follow the advice of your attorney.**

School Board Meeting Laws/Duties

- **Ark. Code Ann. § 6-13-619, *School Board Meetings***
 - **Monthly during school term;**
 - **On call of the president;**
 - **On call of the secretary;**
 - **On call of any three board members;**
 - **When required to meet by lawful, verified written petition.**



School Board Meeting Laws/Duties

- **Ark. Code Ann. § 6-13-619, *School Board Meetings***
 - **Requests to be placed on the agenda**
 - **Superintendent notification to president**
 - **Cannot be granted if it would prejudice a student or personnel matter, or is in conflict with school district policy or law.**



School Board Meeting Laws/Duties

- **Ark. Code Ann. § 6-13-619, School Board Meetings**
 - **Except in emergencies, regular and special meetings must take place after 5:00 p.m. if they involve personnel or personnel policies;**
 - **Other meetings can take place at any time and on any day.**
 - **Publish date, time and place of regular meetings on website 10 days in advance;**
 - **Publish date, time and place of rescheduled meetings on website 24 hours in advance.**



School Board Meeting Laws/Duties

- **Ark. Code Ann. § 6-13-619, *School Board Meetings***
 - **Secretary must:**
 - **Keep minutes (maintain a permanent record);**
 - **Take attendance;**
 - **Record outcome of vote;**
 - **Keep copy of all budgets and county treasurer reports on the financial affairs of the district.**

School Board Meeting Laws/Duties

- **Ark. Code Ann. § 6-13-619, *School Board Meetings***
 - **General rule is that board members have to be physically present to vote, or count toward a quorum (there are exceptions).**
 - **Have to have a quorum to conduct business.**
 - **Majority of a quorum voting affirmatively is required for the passage of any motion or resolution.**
 - **Any member who abstains shall be counted as having voted against the motion or resolution.**



School Board Meeting Laws/Duties

- **Ark. Code Ann. § 6-13-619, *School Board Meetings***
 - A member with a conflict may leave the meeting. They cannot be counted in the board's vote and they cannot be used to establish a quorum.
 - A quorum = a majority of the membership of the board of directors.
 - A quorum must be *physically present* for the board to enter an executive session.



School Board Meeting Laws/Duties

- **Ark. Code Ann. 6-13-619, *School Board Meetings***
 - **Can adopt a policy for remote attendance.**
 - **Have to be able to verify the member.**
 - **Have to make sure everyone can hear each other (includes members of the public).**
 - **Member attending remotely cannot attend an executive session or closed hearing.**
 - **Cannot vote on a matter that was the subject of an executive session or closed hearing.**
 - **Counted 3 times a year to establish a quorum.**



School Board Meeting Laws/Duties

- **Ark. Code Ann. § 6-13-620, *Powers and Duties of School Boards***
- **Eleven broad, primary duties**



School Board Meeting Laws/Duties

- **Ark. Code Ann. § 6-13-620, *Powers and Duties of School Boards***

1. *Attend Meetings*

Any member of the board of directors who misses three (3) regular and consecutive board of directors meetings during a school year for any reason other than military service of the member or illness of the member verified by a written sworn statement of the member's attending physician may be removed from office by a majority vote of the remaining board members, but only after an opportunity for a hearing before the board of directors upon fifteen (15) days notice received by personal delivery or by certified mail with the return receipt signed by the addressee only requested.



School Board Meeting Laws/Duties

- **Ark. Code Ann. § 6-13-620, Powers and Duties of School Boards – *Employment of Staff***
- **5. Employ Staff (*with a caveat*)**
- **Employment, termination, nonrenewal, or suspension begin with a recommendation from the superintendent**
- **Teacher Fair Dismissal Act**
- **Public School Employee Fair Hearing Act**
- **You must remain impartial.**



School Board Meeting Laws/Duties

- **Ark. Code Ann. § 6-13-620, Powers and Duties of School Boards – *Finances***
- **6(A). Review, adopt and publish the school district's budget.**
- **6(B). Oversee and monitor school district finances, including revenues, expenditures, investments, debts, obligations, inventory, and real property.**



School Board Meeting Laws/Duties

- **Ark. Code Ann. § 6-13-620, Powers and Duties of School Boards – *Curriculum***
- **7(B). Approve the selection of curriculum and ensure that students are offered and taught the courses of study and educational content required by the State Board of Education.**
- **Standards for Accreditation - #1-A.1**



School Board Meeting Laws/Duties

- **Ark. Code Ann. § 6-13-620, Powers and Duties of School Boards – *Professional Development***
- **10. Obtain the training and professional development necessary to serve as active and informed members of the school district board of directors.**
- **Standards for Accreditation #3-A.6**
- **Reference Ark. Code Ann. § 6-13-629**



School Board Meeting Laws/Duties

- **Ark. Code Ann. § 6-13-620, *Powers and Duties of School Boards***
- **One “catch-all” duty – “do all other things necessary and lawful for the conduct of efficient free public schools in the school district.”**



Other School Board Meeting Requirements

• **Standards for Accreditation**

- **1-A.5 – Adopt a school calendar and provide planned instruction per day in accordance with the laws of the State of Arkansas and rules of the Department.**
 - **A minimum of 178 days of student-teacher interaction time**
 - **Average no less than six hours per day or 30 hours per week**
 - **Greater than three hours but less than six hours = ½ day**
 - **Fewer than three hours = no day**



Other School Board Meeting Requirements

• **Standards for Accreditation**

- **2-A.1 – All policies and actions of a school district’s board of directors shall be nondiscriminatory and in accordance with state and federal laws and the rules of the Department**
 - **File Equity Compliance Report by October 15 of each year.**
 - **The board of directors, administrators, and employees of a public school district shall not knowingly authorize the participation of students in events or activities held at a location where some students would be excluded or not given equal treatment because of the student’s race, national origin, or ethnic background.**



Other School Board Meeting Requirements

• **Standards for Accreditation**

- **2-B.1 – Each public school district board of directors shall adopt a student attendance policy and include the attendance policy in the student handbook.**
- **3-A.1 – Each public school district board of directors shall adopt and update written policies for the fiscal operation of the school district in accordance with the laws of the State of Arkansas and the rules of the Department. By August 1, the written policies shall be posted on the district website under State-Required Information.**
- **3-A.2 – Must adopt written personnel policies, including the teacher salary schedule. By August 1, the written policies shall be posted on the district website under State-Required Information.**



Other School Board Meeting Requirements

- **Standards for Accreditation**

- **3-A.6 – Each member of a public school district board of directors shall receive annual training in accordance with the laws of the State of Arkansas and the rules of the Department. A statement of the hours of training and instruction received by each board member for the preceding year shall be included in the annual school performance report required by the laws of the State of Arkansas.**



Other School Board Meeting Requirements

• **Standards for Accreditation**

- **3-B.1 – School-level improvement plans must be approved by the district and school board and posted to the district website under State-Required Information by August 1.**
- **3-B.2 – By October 15, each public school district board of directors shall systematically and, at least annually, explain its policies, programs, and goals to the community in a public meeting that provides opportunities for parents and other members of the community to ask questions and make suggestions concerning the school program in accordance with the laws of the State of Arkansas and rules of the Department. The report shall be made available to the public and the public shall be notified of the meeting.**



Election of Officers

- **Ark. Code Ann. § 6-13-618, *Organization***
- **At the first regular meeting following annual election:**
 - **Elect one member president and one vice president;**
 - **Elect a secretary who may be, but need not be, a member of the board;**
 - **By resolution designate one member as the “disbursing officer”;**
 - **No check (other than food service or activity funds checks) shall be valid in the absence of signature of:**
 - **Disbursing Officer; and**
 - **Superintendent.**



Removal of a Member

- **Ark. Code Ann. § 6-13-611, Vacancies**
- Member MAY be removed ONLY after:
 - Moves out of the district;
 - Missing three regular and consecutive meetings;
 - Fails to physical attend six regularly scheduled board meetings in a calendar year
 - Unless...
 - Related to military
 - Has a physician's note as to serious medical condition
 - Not fulfilling all trainings
- Only after a hearing before the board and majority vote to remove.



Arkansas FOIA

- Ark. Code Ann. § 25-19-106
- **Except as otherwise specifically provided by law, all meetings, formal and informal, special or regular, of the governing bodies of all municipalities, counties, townships, and school districts and all boards, bureaus, commissions, or organizations of the State of Arkansas, supported wholly or in part by public funds or expending public funds, shall be public meetings.**



Arkansas FOIA

- **What does “meeting” mean?**
 - **Two or more board members discussing board business is a “meeting” even if there is no quorum.**
 - **Member-to-member communication can equal a “meeting.”**
 - **A quorum is necessary to transact board business.**



Arkansas FOIA

- **Media Notice - Ark. Code Ann. § 25-19-106**
- **Time and place of each regular meeting shall be furnished to anyone who requests the information.**
- **For emergency meetings:**
 - **Notify newspapers, radio stations, and television stations in the county in which the meeting is to be held and any news media located elsewhere that cover regular meetings and have requested to be notified of emergency or special meetings.**
 - **Notify at least two hours in advance.**



Arkansas FOIA

- **Executive Sessions - Ark. Code Ann. § 25-19-106**
- **ONLY FOR THE PURPOSE OF CONSIDERING:**
 - **Employment;**
 - **Appointment;**
 - **Promotion;**
 - **Demotion;**
 - **Disciplining; or**
 - **Resignation of any public officer or employee.**
- **Must announce the specific purpose of the executive session in public before going into executive session.**



Arkansas FOIA

- **Executive Sessions - Ark. Code Ann. § 25-19-106**
- **Attendees (if requested by board):**
 - Top administrative position (superintendent)
 - Immediate supervisor of employee
 - Employee
 - Person being interviewed for the position of superintendent
- **Cannot be called for the purpose of defeating the reason or spirit of FOIA.**
- **Cannot vote while in executive session. Such votes are not valid unless conducted in public.**



Arkansas FOIA

- **No secret meetings between a board and its attorney. *Laman v. McCord*, 245 Ark. 401, 432 S.W.2d 753 (1968)**
- **A group meeting of a board, even if less than a quorum, must be a public meeting if members of the board discuss or take action on any matter on which later board action may be taken. FOIA covers informal, unofficial group meetings for the discussion of governmental business. *City Council of El Dorado v. El Dorado Broad. Co.*, 260 Ark. 821, 544 S.W.2d 206 (1976).**



Arkansas FOIA

- A superintendent providing information to individual school board members is allowable, but no polling of members is permitted. *Harris v. City of Fort Smith*, 359 Ark. 355, 197 S.W.3d 461 (2004); *McCutchen v. City of Fort Smith*, 2012 Ark. 452, 425 S.W.3d 671 (2012).



Arkansas FOIA

- A few moments on public records . . .
- Unless exempt, all records must be disclosed upon request.
- Notable exemptions: FERPA records, home addresses, home e-mail addresses, personal cell phone numbers.



Arkansas FOIA

- **“Public records” are writings, recorded sounds, films, tapes, electronic or computer based information, or data compilations in any medium.**
- **Required to be kept or otherwise kept.**
- **Constitute a record of the performance or lack of performance of official functions.**
- **All records maintained in public offices or by public employees within the scope of their employment shall be presumed to be public records.**



Arkansas FOIA

- **The device where the message is located does not matter. Courts will look at the content of the record.**
- **Look at your school board policy for record retention requirements.**
- **You might not have to keep records, but if they are kept AND FOIA-ble, you must to turn them over – even if they are on your private devices.**



Act 1028 of 2019

- Amended the Arkansas Freedom of Information Act
- All scheduled, special, and called open meetings must be recorded in a manner that allows for the capture of sound.
- Includes:
 - A sound-only recording;
 - A video recording with sound and picture; or
 - A digital or analog broadcast capable of being recorded.
- The school district must keep the recording for a minimum of one year from the date of the open public meeting.
- Recording must be in a format that can be reproduced.
- Only pertains to open meetings. Not executive sessions.

Student Expulsion Hearings

- **Ark. Code Ann. § 6-18-507**
- **Any out of school placement that exceeds 10 days is an expulsion, which must be approved by the board at a board meeting.**
- **Student/Parent must be given notice of the expulsion recommendation, including reasons, date and time of board meeting, polices alleged to have been violated, right to attend and have counsel present.**



Student Expulsion Hearings

- **Student/Parent can have an open or closed hearing**
- **Superintendent presents a recommendation and the reasons; can have witnesses**
- **Student can present witnesses and evidence**
- **Board can go into executive session to deliberate but any vote must take place in a public session**



Student Expulsion Hearings

- **If neither student nor parent appear, go into executive session to discuss the recommendation with the superintendent**
- **Vote to expel must be in open session. Refer to the student by initials or ID Number.**
- **The documents reviewed are not made public.**



Staff Employment Hearings

- **Governed by the Arkansas Teacher Fair Dismissal Act and Public School Employee Fair Hearing Act**
- **Both Acts are very intensive**
- **Involve any act to terminate or non-renew a contract or to conduct a reduction in force**
- **Superintendent-driven process**
- **You sit as the jury and hear evidence and make the final decision.**



Board & Personnel Policies Committees

Board

- Can propose and then later adopt a personnel policy
- Has the power to adopt a policy
- Once the board takes final action, the policy will go into effect no later than July 1 of the next fiscal year.

PPC

- Can suggest a policy
- Has the right of review and comment on board proposed policies at appropriate board meeting
- Can attempt to persuade board concerning a policy at a board meeting
- Cannot veto a proposed policy or refuse to allow a policy to be adopted



Board & Personnel Policies Committee

- The ultimate power over policy rests with the school board.
- The school board has the power to adopt or not adopt.
- The role of the PPC is to give a voice to employees, and to allow them to be involved in the adoption process.
- The PPC has limited rights: the 10 day review, the right to address the board, and the right to suggest a new policy.
- Strive to have a productive, cooperative relationship with your PPCs.



Public Comment - Board Meetings

- **Not required by law**
- **Up to a school district board to decide**
- **Have a policy and follow the policy**
- **Have a separate policy on how complaints and concerns are addressed in your district**
- **Avoid discussion of personnel or student discipline issues**

Parliamentary Procedure

- **Not required by law**
- **May be required by school board policy**
- **Allows groups to conduct meetings in an orderly fashion**
- **Allows members to be heard and make decisions without confusion**
- **Supposed to make things easier, not more difficult**

Parliamentary Procedure

- Even Robert's Rules of Order allows for simplified procedures for small bodies like school boards.
- “In small boards ... most parliamentary rules apply, but certain modifications permitting greater flexibility and informality are commonly allowed.”

--RONR (11th ed.), p. 9, ll. 30-33.

- “In a board meeting where there are not more than about a dozen members present, some of the formality that is necessary in a large assembly would hinder business.”

--RONR (11th ed.), p. 487, ll. 26-29.

Parliamentary Procedure - Small Boards (RONR)

- **Members may raise a hand instead of standing to obtain the floor.**
- **Members may remain seated while making motions or speaking.**
- **Motions need not be seconded (be careful before adopting this procedure).**
- **There is no limit to the number of times a member can speak to a debatable question.**
- **Informal discussion of a topic is permitted while no motion is pending.**

Parliamentary Procedure - Small Boards (RONR)

- **When the proposal is clear to all present, a vote can be taken without a motion being introduced (be careful before adopting this procedure).**
- **All proposed actions must still be approved by a vote, which can be accomplished through a show of hands.**
- **The chair need not rise when putting questions to a vote.**
- **The chair may speak in informal discussions and debate, and vote on all questions.**

Parliamentary Procedure - Recommendations

- Procedures should be formal enough so that you follow your agenda, conduct business in a legal manner, and provide enough information for adequate minutes.
- Have an agenda and stick to it.
- Follow the simplified rules of order for small boards except:
 - Require a motion to be made on action items.
 - Require any motion to be seconded.
- Have minutes that accurately depict business.

Key Takeaways for Effective Board Meetings

- **Know the statutory requirements for school board meetings (Ark. Code Ann. § 6-13-619).**
- **Know your powers and duties as school board members (Ark. Code Ann. § 6-13-620).**
- **Know required actions under the Arkansas Standards for Accreditation.**
- **Know how and when your school boards should be organized (Ark. Code Ann. § 6-13-618).**
- **Know how to recognize and address vacancies on your school boards (Ark. Code Ann. § 6-13-611).**

Key Takeaways for Effective Board Meetings

- **Always follow the Arkansas Freedom of Information Act when it comes to your meetings (Ark. Code Ann. § 25-19-101 et seq.)**
- **Be prepared to process student expulsion hearings and employee hearings – you must remain impartial throughout both processes.**
- **If you do not hire hearing officers, make sure your board president is trained on how to conduct such hearings.**
- **Know the requirements pertaining to your PPCs and seek to have a productive, cooperative relationship with those groups.**

Key Takeaways for Effective Board Meetings

- **Have a process for considering public comment and stick to that process. Avoid discussion of student or personnel matters.**
- **Have some type of procedure for running effective meetings (e.g. Robert's Rules of Order) but use simplified procedures.**

Conclusion

- **School Board Meeting Laws/Duties**
- **Arkansas Freedom of Information Act**
- **Act 1028 of 2019**
- **Student Hearings**
- **Personnel Hearings**
- **Public Comment**
- **Parliamentary Procedure**
- **Key Takeaways**