

THE SCHOOL BOARD PRESIDENT'S HANDBOOK



New York State
School Boards
Association

THE SCHOOL BOARD PRESIDENT'S HANDBOOK

TIMOTHY G. KREMER, Executive Director
JAY WORONA, Deputy Executive Director and General Counsel
KIMBERLY A. FANNIFF, Senior Staff Counsel
DARCI D'ERCOLE, Director of Leadership Development
JESSICA GOLDSTEIN, Deputy Director of Policy Services
DAVID ALBERT, Director of Communications, Marketing and Research
MAURA BONVILLE, Deputy Director of Marketing
KATIE BRADLEY, Marketing Manager

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PREFACE

Congratulations on being elected president of your board of education! You are now the leader of the governing body whose primary responsibility is to ensure high levels of student achievement in your district.

School boards stand on the front lines of public education and are ultimately responsible for the academic success of the students they serve. Now more than ever, demand for higher levels of student achievement has brought increased scrutiny to the work of school boards. Student performance is the leading indicator in assessing the effectiveness of local school board governance. Ensuring students acquire critical thinking skills, achieve technological proficiency and possess global awareness have become top priorities in schools throughout New York State and across the country.

With your new position comes increased responsibility and new challenges. As board president, you are expected to be a leader, a person of great influence who possesses strength of character, one who is trustworthy, fair to others and able to navigate conflict when necessary. You're also expected to be even more accessible to the community and the media. Perhaps your most important individual responsibility as board president is to run effective meetings and work with the superintendent of schools to develop the meeting agenda.

NYSSBA's "The School Board President's Handbook" will be an essential tool throughout your term. It's a quick reference guide to specific duties and responsibilities of the position: developing a board meeting agenda, running effective meetings and understanding how to work with the media. We hope you will find it useful. Please feel free to contact NYSSBA at 800-342-3360 or info@nyssba.org if you have questions or for additional guidance.

An effective board president understands the position's responsibilities. This section outlines the primary responsibilities of the board president as defined in law and the most common duties and expectations of the position.

A school board is required by law to elect a president and may elect a vice president at its discretion.¹

Elections occur at the annual organizational meeting. Although the board president's powers are essentially no greater than those of any other board member (unless determined by board resolution), the board president will typically:

- Conduct board meetings in accordance with the law and district policy.
- Administer the oath of office to board members and district officers (provided he or she has taken the oath for the office of president). This function may also be carried out by the board clerk.²
- Participate in board actions as a regular voting member. The board president does not lose the ability to vote; but rather is expected to vote on every matter, not just to break ties.³

On a day-to-day basis, the superintendent of schools acts as the chief executive officer of a school district⁴ and enforces all laws and regulations and school board policy relating to the management of a district.⁵

However, it should be noted that under the Local Finance Law, it is the school board president rather than the superintendent who is named as the chief executive officer and chief fiscal officer of a school district.⁶ This statute would permit a school board to delegate certain fiscal responsibilities to the board president, such as the issuance and or renewal of capital notes. The education law also provides that both the board president and the school superintendent must sign contracts for the transportation of students.⁷

Board policy may stipulate additional board president duties, which may differ from district to district. These may include acting as the board's primary spokesperson, responding to public comments at board meetings, acting as the liaison

between the board and superintendent and/or the school district's legal counsel and appointing and presiding over committees. The board president should ensure:

- The board adopts a code of ethics.
- Board members understand their roles and responsibilities, providing guidance where needed.
- Board members comply with mandatory training requirements.
- Board minutes are taken.

The board president also ensures that the board has a policy and procedure for conducting an annual board self-assessment. This offers the board the opportunity to evaluate its performance and can help improve interpersonal relationships. The board president will typically initiate the evaluation and coordinate the retreat where the board will review their individual opinions. An assessment tool can be found at www.nyssba.org/member-services/board-and-superintendent-evaluation-tools/.

The board president is usually responsible for the execution of board meetings by virtue of following Robert's Rules of Order and board policy. Typically the board president:

- Calls the meeting to order on time and ends the meeting in a timely fashion.
- Develops a meeting agenda in consultation with the superintendent and receives requests from others as set forth in board policy.
- Meets with the superintendent and vice president before the meeting to discuss the agenda.
- Ensures that meetings follow the agenda and focuses discussion on the agenda item or question before the board.
- Ensures information is provided to all board members and addresses questions or uncertainties prior to meetings.
- Uses parliamentary procedure to run meetings, if required by board policy, ensuring the minority opinion of the board is heard.

¹ Educ. Law §§ 1701, 2504(1).

² Pub. Off. Law § 10.

³ Opn. of Counsel No. 70, 1 Ed Dept Rep 770 (1952).

⁴ Educ. Law § 1711(2)(a).

⁵ Educ. Law § 1711(2)(b).

⁶ Local Fin. Law § 2.00(5)(e), (5-a)(e).

⁷ Educ. Law § 3625(2).

- Manages discussion of the motions, puts motions to a vote and states the result of the vote.
- Acts as the board's primary spokesperson except when this responsibility is specifically delegated to others.
- Appoints members to committees created by the board and serves as ex-officio member.

The Superintendent Evaluation

Most often the board president is responsible for coordinating the superintendent evaluation process. The Education Commissioner's regulations require school boards to annually review the performance of their superintendents. Procedures for doing so are developed by the school board in consultation with the superintendent and an evaluation instrument is chosen. The evaluation procedures must be filed in the district office and made available for public review no later than September 10th of each year.⁸

The board president reviews the superintendent's contract prior to discussing the evaluation process and instrument with the superintendent and board. The board president should ensure that the board and superintendent agree on an evaluation instrument and process. Most superintendent contracts specify the timeline and may outline the type of process that will be used; and the evaluation must be conducted in accordance with such language.

The board president typically initiates the evaluation process each year by requesting that the superintendent complete a self-evaluation. At the same time, the president distributes the evaluation instrument to all board members with directions on completing and returning it. After compiling the results of the assessments, a preliminary evaluation meeting should be scheduled for the board to discuss the results in executive session. The board president leads the meeting by attempting to build consensus among board members as to the final rating of the superintendent while being sensitive to minority opinion about the superintendent's performance.

Once the board reaches a consensus, a final evaluation meeting is scheduled in which the board president shares with the superintendent the board's final evaluation of his or her performance in an executive session. This meeting is an open dialogue to discuss areas where the superintendent met or exceeded expectations, as well as where he or she did not. The board president, facilitating this discussion, should afford the superintendent the opportunity to express his or her opinion of the evaluation results.

The board should consider developing a timeline that defines when the evaluation process will begin as well as all milestones during the evaluation cycle. The board president monitors the timeline to be certain that the process begins when it is supposed to and stays on track. A well-constructed timeline ensures the process is fair, comprehensive and efficient. (For more information on a superintendent evaluation instrument, visit www.nyssba.org/member-services/board-and-superintendent-evaluation-tools/ or contact NYSSBA at (800) 342-3360.)

NYSSBA Sample Policy 0320

EVALUATION OF SUPERINTENDENT

The Board of Education recognizes that student achievement, district progress and community satisfaction with the schools are all in large part affected by the superintendent's performance. The Board also recognizes the superintendent cannot function effectively without periodic feedback on performance, and is committed to ensuring that the superintendent is evaluated annually as required by Commissioner's regulations.

NOTE: The Superintendent's employment contract often contains provisions dealing with evaluation of his/her performance.

Before adopting a policy dealing with the superintendent's evaluation, the Board should review the Superintendent's contract to make certain that the two documents are consistent with one another.

The purposes of the evaluation shall be to:

- Gauge the district's progress toward the goals the Board has charged the superintendent to accomplish.
- Provide a basis for assessing the strengths and weaknesses of the Board and the superintendent and to aid in the professional development of both parties.
- Strengthen the working relationship between the board and the superintendent.
- Provide a basis for commending, rewarding and reinforcing good work.

The evaluation shall focus on the goals the Board sets for the superintendent each year as well as the duties and competencies specified in the superintendent's job description.

NOTE: It is impossible to assess job performance without a complete statement of job duties. NYSSBA offers a policy (3120), Duties of the Superintendent, which provides such a description, which the Board can customize in consultation with the superintendent. If the Board doesn't adopt a policy, it should still develop a written job description in consultation with the superintendent.

The procedures the Board uses for evaluating the superintendent shall be filed in the district office and available for review by any individual no later than September 10th of each year.

Cross-ref: 3120, Duties of the Superintendent

Ref: 8 NYCRR§100.2 (o)(1)(vi) (Performance review of superintendent)

Adoption date:

⁸ 8 NYCRR § 100.2(o)(1)(vi).

In addition to the duties and responsibilities previously stated, a board president is expected to:

- Be a leader among leaders.
- Be a capable facilitator, skillful negotiator and gracious listener.
- Be comfortable with public speaking, including being recorded and quoted.
- Possess good organizational and time management skills.
- Be aware of the delicate nature of public relations.
- Understand the Open Meetings Law and ensure the board's compliance.
- Understand the function of the board as a corporate body.
- Understand the rights and responsibilities of individual board members as compared with the board's collective authority.
- Be familiar with district policies and regulations.
- Oversee new board member orientation.
- Understand district operations and collective bargaining agreements.
- Keep abreast of current events such as educational trends, district performance and pending litigation against the district.

Although other board members are held to many of these same expectations, it is even more critical that the board president understand their importance in order to be an effective leader.

The Vice President

Education Law permits a school board to elect one of its members as vice president, which is done at the board's annual organizational meeting.⁹ The vice president has the power to exercise the duties of the president in the case of his or her absence for reasons such as illness, work or family commitments, or a vacancy in the position. It is not a requirement to elect a vice president; however, most boards do. A vice president allows the board to continue conducting business without interruption in the event that the board president is unavailable.

An effective board president understands that the vice president is a key part of the leadership team. Most between-meeting presidential duties include the board vice president to keep him or her up to date and informed. While practices may vary among districts, some boards require that the board president work with the vice president to develop the agenda with the superintendent. The vice president should be included in all communication between the board president and the superintendent, the board president and the board. Keeping your vice president in the loop is critical and will pay off in the event the board president is not able to carry out his or her duties.

⁹ Educ. Law § 1701.



ROLES & RESPONSIBILITIES



Board meetings are the place where the board conducts its business in public. Effective meetings require a capable president who is familiar with the basic legal requirements for public meetings and the use of parliamentary procedures to run them. Planning and preparation, information sharing and effective communication are crucial to running effective meetings. The board president must also be able to deal with conflict on the board when it arises.

Meeting Requirements

School board meetings must meet specific legal requirements as listed below. For a more comprehensive understanding, see “School Board Meetings” Chapter 14 of *School Law*, 36th Edition, published by the New York State School Boards Association.

- School boards are required to meet at least once a quarter, though most meet at least once a month.¹ However, in city school districts monthly meetings are required.²
- Any school board meeting in which district (public) business will be discussed, whether or not a vote takes place at that meeting, must be held in public and is subject to provisions of the Open Meetings Law. This includes preliminary discussion prior to a vote, as this is considered part of the decision making process and therefore “public” business.³
- There is no requirement to hold a public comment segment at a board meeting; however, most school boards allow the public to speak. Boards that do offer a public comment period should follow any guidelines set forth in board policy.
- The public may be excluded from attending a regular meeting if it is a properly convened executive session (see “Executive Session” below), or an “exempt meeting,” whereby a board acts in a “judicial or quasi-judicial capacity,” (such as a student discipline appeal) or “any matter made confidential by federal or state law” (a meeting with the school attorney, which is protected by attorney client privilege).⁴
- To hold a meeting, there must be a quorum of the board present and public notice must be given of the time and place in accordance with the Open Meetings Law.⁵
- Public notice stating the time and place of any board meeting must be given to the news media and conspicuously posted in one or more designated public locations at least 72 hours before the meeting, if it has been scheduled at least one week in advance, according to the Open Meetings Law.⁶ Public locations may include bulletin boards at public libraries, grocery stores, post offices, community centers and more. Any school district that has the ability to do so must also post notice of the time and place of board meetings on its website.⁷
- If the meeting is scheduled less than a week in advance, public notice of the time and place must be given to the news media “to the extent practicable” and posted conspicuously a reasonable time before the meeting.⁸
- Although school boards are required to provide notice of when and where their meetings will take place, such notice does not have to include the matters to be discussed.⁹
- While the notice requirements of the Open Meetings Law do not require the subject matter of a meeting to be included in the notice, the law does require school boards to make the documents scheduled to be discussed at a board meeting available on the district’s website and upon request, to the extent practicable as determined by the school board, both prior to and at the meeting during which the records will be discussed.¹⁰

¹ Educ. Law § 1708(1).

² Educ. Law §§ 2504(2), 2563(2), 2590-b(1)(b), 2590-e(14).

³ Pub. Off. Law § 102.

⁴ Pub. Off. Law §§ 105, 108.

⁵ Gen. Constr. Law § 41, Pub. Off. Law § 104(1).

⁶ Pub. Off. Law § 104(1).

⁷ Pub. Off. Law § 104(5).

⁸ Pub. Off. Law § 104(2); *Previdi v. Hirsch*, 138 Misc. 2d 436 (Sup. Ct. Westchester Cty 1988).

⁹ *Appeal of Allen & Wong*, 40 Ed Dept Rep 372 (2000); *Matter of the CSD No. 1 of the Towns of Neversink, Fallsburgh & Liberty*, 10 Ed Dept Rep 203 (1971).

¹⁰ Pub. Off. Law § 103(e).

- Meetings need not take place at any of the district's facilities or within the district itself. However, meeting in a location intended to avoid the public and news media may be deemed a violation of the Open Meetings Law, which may result in the annulment of any action taken at the meeting.¹¹ The board must make reasonable efforts to hold meetings in an appropriate facility to adequately accommodate members of the public who wish to attend.¹²
- School board members must receive at least 24 hours notice of any board meeting.¹³ A board majority may not dispense with notice of a board meeting to other board members, but individual board members may waive this 24-hour notice requirement in case of an emergency.¹⁴ It is recommended that such waivers be given in writing.
- The Open Meetings Law requires that public bodies, including school boards, allow meetings to be photographed, broadcast, webcast or otherwise recorded and/or transmitted by audio or video means.¹⁵ School boards may adopt reasonable rules governing the use of cameras and recording devices, but such rules must be written, conspicuously posted and provided to the public upon request.¹⁶
- Boards of education should be careful to schedule meetings at a time when the public can attend. For example, the scheduling of a meeting at 7:30 in the morning was determined to be inappropriate because it does not facilitate attendance by the public.¹⁷

Meeting Minutes

Formal minutes of all actions must be taken at open meetings. Minutes are a record of what was done at the meeting, not what was said by members or guests. There is no requirement that the minutes be comprehensive in nature, although the board may impose additional requirements by adopting a

policy on minutes. Minutes consist of a record or summary of all motions, proposals, resolutions and other matters formally voted upon, including the result of any vote.¹⁸ Records of votes must include the final vote of each board member on every matter voted on.¹⁹ Secret ballots are not allowed for any purpose.²⁰

Generally, school boards are not authorized to take action in executive sessions (see page 6). Where boards have such authority,²¹ minutes of an executive session must be taken. However, they need only contain a record of any final determinations, the date and the vote. They need not contain any matter that is not available to the public under the Freedom of Information Law.²²

According to the provisions of the Open Meetings Law, minutes of school board meetings must be available to the public within two weeks from the date of the meeting. Minutes taken at a properly convened executive session are not available to the public under the Open Meetings Law unless action is taken by a formal vote in the executive session as authorized by law.²³ Minutes taken at executive sessions recording actions taken by formal vote of the board must be available to the public within one week.²⁴

Minutes must be made available to the public even if they have not been approved by the board since there is no requirement that minutes receive formal board approval.²⁵ These records may not be destroyed.²⁶

Minutes may be amended in order to clarify what actually occurred at a meeting, but not to reflect a change of mind, which occurred after the meeting. If there is a change of mind, according to accepted rules of order, there should follow a motion to rescind or amend the motion previously adopted and the rescission or amendment should be included in the minutes of the meeting where this occurred.

¹¹ Pub. Off. Law §§ 103, 107(1); NYS Department of State Committee on Open Government, OML-AO-4180 (April 19, 2006).

¹² Pub. Off. Law § 103(d); *Frigault v. Town of Richfield Planning Bd.*, 107 A.D.3d 1347 (3d Dep't 2013); NYS Department of State, Committee on Open Government, OML-AO-5118 (June 23, 2011), OML-AO-5210 (Dec. 2, 2011).

¹³ Educ. Law § 1606(3); see also *Appeal of Campbell*, 50 Ed Dept Rep, Dec. No. 16,246 (2011); *Application of Bean*, 42 Ed Dept Rep 171 (2000).

¹⁴ *Matter of Colasuonno*, 22 Ed Dept Rep 215 (1982); *Matter of Carlson*, 11 Ed Dept Rep 284 (1972).

¹⁵ Pub. Off. Law § 103(d).

¹⁶ *Id.*

¹⁷ *Matter of Goetchius v. Board of Education, Supreme Court, Westchester Co. New York Law Journal*, Aug. 8, 1996; see also NYS Department of State, Committee on Open Government, OML-AO-5280 (May 4, 2012).

¹⁸ Pub. Off. Law § 106(1).

¹⁹ Pub. Off. Law § 87(3)(a).

²⁰ *Smithson v. Illion Housing Auth.*, 130 A.D.2d 965 (4th Dep't 1988), *aff'd* 72 N.Y.2d 1034 (1988).

²¹ *School Law*, 36th Edition, 14:28.

²² Pub. Off. Law § 106(2); *Plattsburgh Pub. Co., Div. of Ottoway Newspapers, Inc. v. City of Plattsburgh*, 185 A.D.2d 518 (3d Dep't 1992).

²³ *Kline & Sons, Inc. v. Cnty. of Hamilton*, 235 A.D.2d 44 (3d Dep't 1997); see *School Law*, 36th Edition, 14:35-36.

²⁴ Pub. Off. Law § 106(3).

²⁵ NYS Department of State, Committee on Open Government, FOIL-AO-8543, (Nov. 17, 1994).

²⁶ *School Law*, 36th Edition section 14:37.

Executive Session

An executive session is a portion of a school board meeting that is not open to the public. It is permitted only for a limited number of specific purposes as set forth in the law, including the following:

- Matters which will imperil the public safety if disclosed.
- Any matter that may disclose the identity of a law enforcement agent or informer.
- Information relating to current or future investigation or prosecution of a criminal offense that would imperil effective law enforcement if disclosed.
- Discussions involving proposed, pending or current litigation.
- Collective negotiations pursuant to Article 14 of the Civil Service Law.
- The medical, financial, credit or employment history of a particular person or corporation or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.
- The preparation, grading or administration of exams.
- The proposed acquisition, sale or lease of real property or the proposed acquisition, sale or exchange of securities, but only when publicity would substantially affect the value of these things.²⁷

An executive session can take place only upon a majority vote of the total membership of the board taken at an open meeting.²⁸ Because it can be convened only upon a majority vote of the board in an open public meeting, a school board cannot schedule an executive session in advance (e.g., “Executive Session at 6:30 p.m. and Public Meeting at 7:00 p.m.”).

However, the meeting agenda can include the following: “Proposed executive session, subject to Board approval” or

“It is anticipated that the Board will act upon a resolution to convene an executive session.”²⁹

The motion to go into executive session must identify the particular subject matter of the executive session.³⁰ It is insufficient to merely regurgitate the statutory language such as “discussions regarding proposed or pending litigation,” without identifying the particular litigation.³¹

There is no legal authority to go into executive session for the purpose of discussing “personnel matters.” A board may discuss matters relating to the medical, financial, credit or employment history of a particular person, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person. While a school board does not need to identify the individual it will talk about, the board must disclose the subject matter with particularity as a complete restatement of the foregoing language will not suffice (e.g. “to discuss the discipline of a particular employee”).³²

Executive sessions do not have a specific time limit other than that imposed by good judgment and the reasonable exercise of discretion.³³ School boards should be careful that they don’t leave the public waiting for the regular meeting to resume because that fosters negative public relations. They may wish to schedule executive sessions later in the meeting, or state the estimated time when it expects to return to the open session of the meeting.³⁴

A school board member may not disclose matters discussed in a lawfully convened executive session, unless the board collectively decides to release such information, or the board member is compelled to disclose the information pursuant to law in the context of a judicial proceeding. The unauthorized disclosure of such information constitutes a violation of a school board member’s oath of office and the General Municipal Law’s confidentiality rules and would subject a school board member to removal from office.³⁵ Moreover, the recording of an executive session violates the confidentiality encompassed in the executive session.³⁶

²⁷ Pub. Off. Law § 105(1)(a-h).

²⁸ Pub. Off. Law § 105(1).

²⁹ NYS Department of State, Committee on Open Government, OML-AO-2426 (Nov. 23, 1994).

³⁰ *Gordon v. Village of Monticello*, 207 A.D.2d 55 (3rd Dep’t 1994), *rev’d on other grounds*, 87 N.Y.2d 124 (1995).

³¹ *Matter of Zehner v. Bd. of Educ. of Jordan Elbridge CSD*, 91 A.D.3d 1349 (4th Dep’t 2012); *Daily Gazette v. Cobleskill*, 111 Misc.2d 303 (Sup. Ct. Schoharie Cnty. 1981).

³² NYS Department of State, Committee on Open Government, OML-AO-5259 (Mar. 8, 2012).

³³ *Matter of Thomas*, 10 Ed Dept Rep 108 (1971).

³⁴ NYS Department of State, Committee on Open Government, OML-AO-2426 (Nov. 23, 1994).

³⁵ *Application of Nett and Raby*, 45 Ed Dept Rep 259 (2005).

³⁶ *Stephenson v. Bd of Educ. of Hamburg CSD*, 31 Misc. 3d 1227 (Erie Cnty. 2011).

Executive Session Participation

All members of the school board and “any other persons authorized by” the board may attend an executive session.³⁷ The Education Law contains a similar provision.³⁸

A school board does not have to formally vote to approve the attendance of executive session invitees,³⁹ nor does a board have to identify in its motion to enter into executive session the individuals whom the board has invited to attend.⁴⁰ The board should exercise discretion in deciding who should attend the executive session because of confidentiality issues.

For example, the attendance at executive session of a former school board member who was awaiting the results of an appeal to the commissioner regarding his lost reelection was in conflict with laws providing for the confidentiality of personnel and student records.⁴¹

Taking Action in Executive Session

With certain limited exceptions, no official action can be taken on issues discussed in executive session without first returning to open session.⁴²

One exception includes voting on charges against a tenured teacher.⁴³ Section 3020-a of the Education Law requires that school boards meet in executive session to discuss disciplinary charges against a tenured teacher and to vote on whether probable cause exists to commence disciplinary proceedings against the employee.⁴⁴

No court has yet ruled whether a school board may take action in executive session on matters made confidential by other laws such as the federal Family Educational Rights and Privacy Act (FERPA).⁴⁵

In addition, no public body, including a school board, may vote to appropriate money during an executive session.⁴⁶

Special Rule for Audit Committees

In addition to the statutorily permissible reasons for entering executive session under the Open Meetings Law, a school

district’s audit committee may conduct an executive session to:

- Meet with the external auditor prior to commencement of the audit;
- Review and discuss with the auditor any risk assessment of the district’s fiscal operations developed as part of the auditor’s responsibilities under governmental auditing standards for financial statement audit and federal single audit standards if applicable; and
- Receive and review the draft annual audit report and accompanying draft management letter and, working directly with the auditor, assist the trustees or board of education in interpreting such documents.⁴⁷

A school board member who is not a member of the audit committee may be allowed to attend an executive session of the audit committee if authorized by a board resolution.⁴⁸

Chairing Meetings

Successful board meetings do not happen by accident; they require careful planning and consideration of many factors. The board president’s job is to ensure meetings are orderly, productive and conducted in a professional manner. Key ingredients of a successful meeting include:

- 1. Organization** – Successful board meetings are built around a well-reasoned and appropriate agenda that covers relevant board business.
- 2. Preparation** – Board members and administrators come to the meeting prepared to discuss and deliberate.
- 3. Communication** – Open communication must exist between the board and superintendent. Requests for more information on agenda items should be made prior to the meeting, to avoid surprises during the meeting.
- 4. Control** – The presiding officer must maintain firm, fair and respectful control of the meeting.
- 5. Facilitation** – Ensuring productive discussion takes place on key issues.

³⁷ Pub. Off. Law § 105(2).

³⁸ Educ. Law § 1708(3).

³⁹ NYS Department of State, Committee on Open Government, OML-AO-3864, Sept. 7, 2004.

⁴⁰ *Matter of Joe v. Board of Educ. of Pelham UFSD*, 22 A.D.3d 581 (2d Dep’t 2005), *lv. to appeal denied*, 6 N.Y.3d 714 (2006).

⁴¹ *Appeal of Whalen*, 34 Ed Dept Rep 282 (1994).

⁴² *Matter of Crapster*, 22 Ed Dept Rep 29 (1982).

⁴³ Educ. Law § 3020-a (2); *Sanna v. Lindenhurst Board of Educ.*, 85 A.D.2d 157 (2d Dep’t 1987), *aff’d*, 58 N.Y.2d 626 (1987); *United Teachers of Northport v. Northport UFSD*, 50 A.D.2d 897 (2d Dep’t 1975); *Matter of Cappa*, 14 Ed Dept Rep 80 (1974); Formal Opn. of Counsel No. 239, 16 Ed Dept Rep 457 (1976).

⁴⁴ Educ. Law § 3020-a (2); Formal Opn. of Counsel No. 239, 16 Ed Dept Rep 457 (1976).

⁴⁵ 20 U.S.C. § 1232g, but see *Cheevers v. Town of Union*, unreported (Sup. Ct. Broome Co., Sept. 3, 1998) (indicating that a school board must vote to uphold or modify a student’s suspension in an open session).

⁴⁶ Pub. Off. Law § 105(1).

⁴⁷ Educ. Law § 2116-c(7).

⁴⁸ *Id.*

Tip

Not every piece of board business demands in-depth discussion – some votes, such as approving the minutes from the last meeting, are routine. On major decisions, however, the board president should actively facilitate an exploration of trade-offs, consequences and perspectives to ensure that everyone is heard. The board president can help bring about consensus.

NYSSBA's Board Meeting Observation Tool on pages 26-28 will help board presidents improve overall meeting operations and efficiency. Periodically, the board president should request each board member complete the form and return it to the board president after a board meeting. The form can be submitted anonymously. It may also be provided to board meeting attendees at the board's discretion.

Meeting logistics or "housekeeping" items are often taken for granted when deciding on where the meeting will be held. Room size is often given first priority when selecting a meeting place.

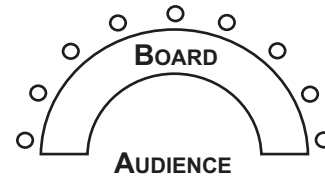
However, there are several other components to a favorable meeting location. Room configuration, lighting and audio-video need to be considered. Ideally the atmosphere should be comfortable for conducting board business and public observation. Other items to consider would be:

- Adequate supply of chairs for the public.
- Needs of the media covering board meetings.
- Accessible location.
- Room ventilation and temperature.
- Microphones, if needed.
- Background noise levels.
- Board table setup (see the seating diagram).

Pursuant to the Open Meetings Law, reasonable efforts must be made to ensure that meetings are held in an appropriate facility to adequately accommodate members of the public who wish to attend.⁴⁹ For example, if the school board anticipates that a particular item on the agenda will prompt greater public attendance at a board meeting than is typical, the board should consider whether the current meeting place can accommodate the anticipated extra attendees. If not, the board should choose another location where the attendance of extra members of the public may be accommodated and provide notice of the new location in accordance with law.⁵⁰

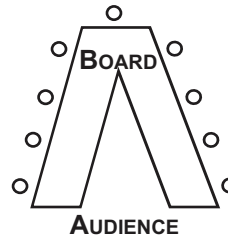
Arranging the Board Table

The physical arrangement of chairs helps set the tone in the meeting room. Which seating arrangement is most conducive to a successful meeting?



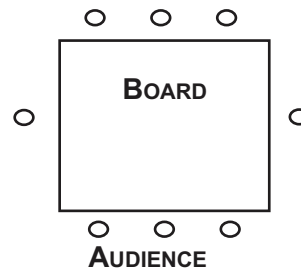
Semi Circle

This arrangement is perhaps ideal; the audience can see each member of the board, yet board members can speak directly to one another with good eye contact.



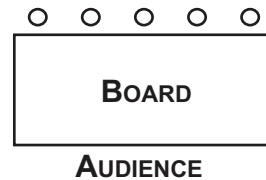
V-Shape

This variation is also close to ideal. The difference is in the V-shaped table, which retains good eye contact among board members as well as between the board and audience.



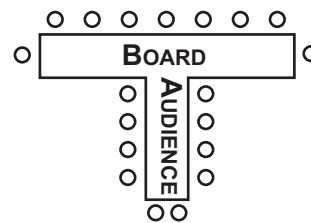
Square

Encircling a table probably establishes the best eye contact among members, but it isolates the audience. It's useful for boards that attract no visitors to meetings.



Rectangle

Putting board members along one side of the table opens the meeting up so the audience can see and hear. However, eye contact among members is made more difficult. Board members speak to the audience and not to one another.



T-Shape

Tables arranged in a T may be useable with a small audience. However, eye contact among board members is not good with this arrangement and some members of the audience may forget they are there to observe, not deliberate.

⁴⁹ Pub. Off. Law § 103(d).

⁵⁰ *Frigault v. Town of Richfield Planning Bd*, 107 A.D.3d 1347 (3d Dep't 2013); NYS Department of State, Committee on Open Government, OML-AO-5118 (June 23, 2011); OML-AO-5210 (Dec. 2, 2011).

Statements that Promote Discussion and Deliberation

1. Connect to the big picture

- “How do you see this decision aligning with our district’s vision, mission and values statements?”
 - “How does the issue align with current board goals or priorities?”
 - “Why is our work as a board team to make a good decision important to the students of this district?”
 - “Why is tackling this issue important to students? To our community? What’s at stake if we don’t address the issue?”
-

2. Paraphrase

- “I’m not sure I completely understand what you’re saying. Do you mean ...?”
 - “Before we go on, let me paraphrase what I think you are saying. Are you proposing that....?”
 - “Let me restate your last point to see if I understand.”
 - “I think you’re saying... Is that right?”
 - “Let me see if I completely understand your position. Are you saying that....?”
 - “Are you asking us to...?”
-

3. Elicit answers

- “George, what do you think about this suggestion?”
- “Before we continue, I’d like to know what Helen thinks about this.”
- “We haven’t heard what Jean thinks about this. What is your opinion, Jean?”
- “We’ve heard from everybody except Mary. How do you feel about what’s been discussed, Mary?”
- “Jerry, how would you answer that question?”
- “Of all the information presented on the issue, which pieces most influenced your decision? Why?”

4. Ask for thoughts and feelings

- “How do you feel about ...?”
 - “What do you think about...?”
 - “How did you decide that ...?”
 - “How did you feel when...?”
 - “When did you come to the conclusion that...?”
-

5. Dig deeper

- “What other feelings do you have about...?”
 - “How else could we look at...?”
 - “What else should be considered?”
 - “How else could we go about looking at...?”
 - “Joan, what could you add to what’s already been said?”
-

6. Share what you think someone else is feeling

- “Dan, I don’t think you agree with what I just said. Is that right?”
 - “Lois, I don’t think you’re satisfied with the logic of that argument. Am I right?”
 - “I have the impression that Judy feels isolated by... Is that right, Judy?”
-

7. Be supportive

- “Jim has a right to feel the way he does. Maybe you could elaborate on why you feel the way you do, Jim.”
- “I don’t think Ellen means what you think she does. I think she means... Is that right, Ellen?”
- “That’s a good question Carl. Thanks for bringing it up.”
- “Let’s give Walt a chance to tell us what he thinks.”
- “Barbara, you’ve had your turn to say what you think. Let’s give Joe a chance to speak.”

8. Clarify

- “I wonder if we have enough information to make a good decision. What do you think Mike?”
 - “I’m unclear. Can anyone explain in simpler terms?”
 - “I don’t understand exactly what you mean. What if...?”
 - “I’m not clear about... What would happen if...?”
 - “Bill is nodding his head. Could you explain it even further, Bill?”
 - “Alice is shaking her head. Alice, are you wondering if...?”
-

9. Get examples

- “John, will you give us an example of what you mean by...?”
 - “When would that most likely occur?”
 - “Kathy, can you elaborate on that?”
-

10. Summarize

- “We’ve expressed a lot of concerns. Could someone please summarize the primary concerns before we go any further?”
- “There have been a number of good suggestions made. Paul, could you please summarize them so we can see what we have?”
- “I don’t think Dick agrees. Dick, could you please summarize your objections?”
- “I’ve lost track. Could someone please summarize the pros and cons of this strategy?”
- “As we consider our decisions, I’d like to hear each member briefly review both the pros and cons of each choice.”

11. Assume nothing

- “Your idea seems to assume that... Is that right?”
 - “I have assumed all along that... Is that a correct assumption?”
 - “This strategy assumes that... Is it a good idea to assume that?”
-

12. Check on Consensus

- “We all seem to agree on this point. Does anyone think that we should not...?”
 - “Henry, do you also think that...?”
 - “Before we go on, let me make sure that we’re all thinking about the same thing.”
 - “I think there is quite a bit of common ground here. Maybe we can take a moment and identify the things we agree on.”
-

13. Call for action, clarify action

- “I’m sensing we are ready to vote on the issue. Does anyone else have a final comment?”
 - “We’ve been discussing this issue for some time now so let’s restate the motion. The motion before us is _____. All in favor say aye. All opposed say nay.”
-

14. Make a suggestion

- “In order to..., why don’t we...?”
- “Would it help if we....?” (Example: “Would it help if we reviewed the data with staff?”)

15. Adopt a practice

- “I think I may have monopolized the conversation. I suggest we go around the table to see what everyone else thinks about this.”
 - “Maybe it would be better if we rated each idea and narrowed down the choices in that way.”
-

16. Pause or defer

- “I think we’ve been going around in circles. Let’s stop and take a break.”
 - “I think we’re saying the same things over and over. Let’s stop discussing it for a minute and take turns telling the group how we feel right now.”
 - “I’m noting we have a number of questions about this issue. Maybe we need more information. What issues would you like to have addressed to make a final decision work for you? Then we can bring this item back for further discussion on a future agenda.”
 - “I’d like us to take more time so the staff can present us with more alternatives and we can explore them before we vote on this issue.”
-

17. Stay on track

- “What are our goals?”
- “Are these the right questions?”
- “Are there other ways to do this?”
- “How is this related to the topic?”
- “I hear two ideas being presented here. Maybe if we took them one at a time we could better discuss them.”
- “This has been a rich discussion on many angles and that’s good. We’ve committed as a board to data-driven decisions. I would like someone to summarize only the data-driven aspects on this issue.”

18. Acknowledge dissent

- “Darryl, by the expression on your face, I don’t think you agree with this. Is that right?”
 - “Claudia, you haven’t said much. Does that mean you have some reservations about the proposed solution?”
 - “Warren, you seem hesitant about this. Do you disagree with the strategy?”
 - “I think maybe you two aren’t really saying different things. Can someone else summarize what he or she is hearing Joe and Polly saying?”
-

19. Walk in someone else’s shoes

- “How would you feel if you received that answer?”
 - “Let’s consider where Carol is coming from.”
 - “Let’s think about why this request was made.”
 - “If you were a staff member affected by this decision, what would you want us to consider?”
 - “What are the barriers or problems parents might face if we change this policy?”
-

20. Create scenarios

- “If this doesn’t work, what will happen?”
 - “Let’s think of everything that could go wrong if we did this.”
 - “If this does work, what other effects might it have?”
-

Source: Board Officers Handbook, Iowa Association of School Boards, copyright 2010, reprinted with permission.

Preparing the Agenda

An agenda is not legally required for school board meetings, but it is good business practice to use one. Think of the agenda as a work plan for the board to conduct its business. The use of an agenda will help the board stay focused. It also ensures that meetings are productive, orderly and don't drag on indefinitely.

The board president will develop the agenda with the superintendent and typically invites the vice president. The responsibilities of each party when adding items to an agenda and distributing information among members of the board should be defined in policy. Some of the shared responsibilities include:

- Soliciting input from board members for items to include on the agenda.
- Deciding on topics, order and allotted time for each.
- Discussing background information needed.
- Placing important items early.
- Placing items of public interest when public can attend.
- Placing student presentations early.
- Reviewing the final agenda before posting to public.
- Receiving reports on progress towards district goals.

It is helpful to have an annual calendar of events for the board to follow, so that:

- The agenda planning process is streamlined.
- Required actions take place at the appropriate time.
- Adequate time is allotted for policy, planning and evaluation.
- Members know when items will be addressed.
- New board members and the public receive assistance and timely responses to inquiries.
- Deferred items are not forgotten.

It is considered a best practice for the board president to meet with the superintendent before the meeting to set the agenda and to make sure there will not be any surprises from either party. The board president should be open to clarifying questions from other board members so that everyone understands the agenda items up for discussion. For more information on preparing the board meeting agenda, see NYSSBA Sample Policy 2342, page 12.

The board president may also consider using a consent agenda for routine items to keep the agenda moving and the participants engaged. A consent agenda is part of a full meeting agenda in which routine items are placed and voted on with no discussion. Generally, consent agenda items are considered self-explanatory and non-controversial. Consent agenda items can include:

- Approval of committee and previous board meeting minutes.
- Minor or routine changes in procedure (for example, email is added as an acceptable method of communication to announce a change in a meeting schedule).
- Document updates, such as an address change for the main office.

Items on a consent agenda can be discussed, but must first be removed from the consent agenda and added to the regular meeting agenda by a motion. This request must be made from a board member if he or she feels the item warrants discussion. The request to remove an item from the consent agenda is honored; it is not subject to a vote. The remainder of the items in the consent agenda can then be voted on without further discussion.

Using a consent agenda enables the board to be more productive and make better use of its meeting time. Discussing the pros and cons of constructing a new district building, for instance, would typically be of greater importance than approving the prior board meeting minutes and as such would not be on a consent agenda. For more information on using a consent agenda, please see NYSSBA Sample Policy 2341 on page 13.

Sample Policy: Agenda Preparation and Dissemination

NYSSBA Sample Policy 2342

AGENDA PREPARATION AND DISSEMINATION

NOTE: This policy reflects Open Meetings Law requirements that districts provide public access to records that will be discussed at a Board meeting. The shaded annotations help Boards review and develop this policy.

The **[title of the person responsible for preparing the agenda, typically the Superintendent and/or the Board President]** shall prepare the agenda for each board meeting according to the order of business, to facilitate orderly and efficient meetings, and to allow board members sufficient preparation time.

NOTE: The policy should identify who is responsible for preparing the agenda. Many boards require that the agenda be prepared jointly by the superintendent and the board president. This approach involves both the person who has the greatest knowledge of issues that need to be brought to the Board's attention, the superintendent, and the person responsible for running the board meeting, the board president. The president's active participation in preparing the agenda also can afford him or her the opportunity to carefully plan the meeting.

Items of business may be suggested by any Board member, district employee, parent, student, or other member of the public, and must relate directly to district business. The inclusion of items suggested by district employees, parents, students, or other members of the public shall be at the discretion of the Superintendent, subject to the approval of the Board President.

NOTE: The Board has complete discretion in identifying persons who may suggest items of business.

Persons suggesting items of business must submit the item to the Superintendent at least **[number of days]** days prior to a regular meeting and **[lesser number of days]** prior to a special meeting. Items will not be added to the agenda later than these time periods, unless the item is of an emergency nature and authorized by the Superintendent in consultation with the Board President.

NOTE: The Board has discretion in determining how to handle items that are not included on the agenda. The template policy offers one option for dealing with that situation. Other options include giving individual board members the ability to place items on the agenda during the meeting or requiring a majority vote of the Board to do so. Alternatively, the Board may adopt a policy that prohibits action from being taken on any item unless such action has been scheduled. Such a policy should be carefully tailored to avoid depriving the Board of flexibility to respond to unforeseen situations.

The agenda shall specify whether the item is an action item, a consent item, a discussion item or an information item.

The agenda and any supporting materials will be distributed to board members **[number of days, preferably five to seven days]** days in advance of the board meeting to permit careful consideration of items of business. The agenda and supporting material to be discussed at the board meeting that is permissible to be released to the public will be posted on the district's website, to the extent practicable, two days before the meeting. In addition, the agenda will be released to the news media including local newspapers, radio stations and television stations in advance of the meeting. The agenda and supporting material to be discussed at the board meeting that is permissible to be released to the public will also be available in the Superintendent's office two days before the meeting and at the Board meeting to anyone who requests a copy.

NOTE: For districts that don't have the capacity to post the material to their website, the language above should be modified to reflect how the information will be made available to the public in compliance with the new provisions of the Open Meetings Law.

The **[title of individual responsible, typically the District Clerk]** shall be responsible for ensuring that the agenda is available to the public and the media.

Cross-ref: 2350, Board Meeting Procedures

Ref: Public Officers Law 103(e)

Adoption date:

Sample Policy: Agenda Format and Consent Agenda

NYSSBA Sample Policy 2341

AGENDA FORMAT AND CONSENT AGENDA

A meeting is usually held [number of days] days before the Board meeting to finalize the agenda established by the superintendent in consultation with the President of the Board of Education in accordance with Board Policy (2342). Action items not on the approved agenda and moved and seconded under new business from the floor, will be voted upon at the next meeting unless such items are deemed to be time critical as determined by a majority vote of the Board. The Board agenda format will be as follows:

AGENDA

1. Roll
- 2 Executive Session (if necessary)
3. Pledge of Allegiance
4. Public Comment Regarding Agenda Items
5. Consent Agenda Items (Note: If a Board member believes that any item on the consent agenda requires discussion or a separate vote, the Board member may request that the item be removed from the consent agenda and placed on the regular agenda for consideration.)
 - 5.1. Minutes
 - 5.2 Adoption of the Agenda
 - 5.3 CSE/CPSE Recommendations
 - 5.4 Personnel Items
6. Old Business
7. New Business
 - 7.1 Business Items
 - 7.2 Instructional
 - 7.3 Personnel Items (removed from consent agenda)
8. Concluding Reports and Remarks
 - 8.1 Superintendent's Reports
 - 8.2 Board Member or Board Subcommittee Reports
 - 8.3 Board Member Remarks
9. General Public Comment
10. Executive Session (if necessary)
11. Adjournment

To make efficient use of meeting time, the Board authorizes the use of a consent agenda as part of its regular meeting agenda. The consent agenda will condense the routine business of the Board (e.g., approving Board minutes, adoption of the agenda, approving CSE/CPSE recommendations, personnel items) into either a single motion or several categorical motions. The consent agenda will be prepared by the Superintendent of Schools in consultation with the Board President.

Items on a consent agenda will not be discussed prior to action. However, if any Board member believes that any item on the consent agenda requires discussion, the Board member may request that the item be removed from the consent agenda and placed on the regular agenda for consideration.

Adoption date:

Maintaining Order at Meetings

The board president is responsible for fostering an environment where district business can be carried out efficiently and effectively. This requires meetings to be conducted in an orderly manner, with board members and audience members behaving in a civil manner and following all meeting guidelines and policies.

To effectively maintain order, respect and control during meetings:

- Start meetings on time, even if other board members are late, and end on time. A meeting that starts on time and moves through the agenda efficiently says a lot about who's running it.
- Develop and implement board operating procedures and protocols for meetings. Be sure that all board members follow them. Operating procedures and protocols establish or define parameters for board member duties, conduct and behavior at board meetings. Consider developing procedures and protocols for the following:
 - Placing items on the agenda.
 - Requesting additional information pertaining to agenda items.
 - Asking questions prior to the meeting.
 - Managing discussion including general guidelines for civil and respectful interaction among board members.
 - Complying with parliamentary procedure to maintain order.
 - Voting methods and participation.
 - Adopting and suspending rules.
 - Conducting executive sessions and public comment.
 - Responding to the public and media.

(For more information on board operating procedures, see NYSSBA's "A Blueprint for Better School Board Operating Procedures" or contact NYSSBA at (800) 342-3360.)

- Adopt a policy for public participation at board meetings as well as meeting guidelines that are posted or distributed at board meetings. Special consideration should be given to the length of presentation and public comment segments. Additionally, consider developing a board operating procedure that addresses board member participation during public comment. (See NYSSBA's Sample Policy 1230, Public Participation at Board Meetings, page 15.)

- Facilitate effective discussion by keeping focus on the agenda items. The president should realize when discussion is getting off topic, or when an individual board member or board members are using the meeting to further their special interests. If discussion is limited, seek input and participation from others. Discussion should not simply end as quickly as it began, nor should it drag on indefinitely.
- Build consensus among board members. Having all board members understand reasons for an action will help ensure unity and support for the decision, even if some members personally disagree.
- Use parliamentary procedure as needed without allowing it to become more important than the meeting itself (see pages 17 – 20).

For Reflection – Presiding Over Meeting Conduct

BOARD PRESIDENT'S MEETING CHECKLIST

1. Do your board meetings start on time?
2. During the meeting, does the board president pay attention to the clock so that adequate time can be devoted to important matters?
3. Are agendas distributed to members of the audience so they can follow board action?
4. Does the board president clarify or explain each agenda item?
5. During the meeting, is only one person permitted to speak at a time?
6. Are speaking privileges granted through recognition by the chair?
7. Is board discussion confined to the issue on the floor, and is discussion that is irrelevant ruled out of order?
8. Is the board president adept at summarizing arguments before bringing matters to a vote?
9. Does the board stick to the agenda?
10. Are all board members provided an opportunity to express their views on issues?
11. Are issues before the board resolved unless postponed, committed or tabled pending further study?
12. Are issues that are brought before the board for the first time by residents, students or staff referred to the administration for investigation and a recommendation for action?
13. If the board goes into executive session, is a reason announced that is consistent with the Open Meeting Laws?
14. Do meetings end on time?

Becoming a Better Board Member: A Guide to Effective School Board Service, National School Boards Association, copyright 2006, all rights reserved. Adapted with permission.

Sample Policy: Public Participation at Board Meetings

NYSSBA Sample Policy 1230

PUBLIC PARTICIPATION AT BOARD MEETINGS

The Board of Education encourages public participation on school related matters at Board meetings, as outlined in this policy. To allow for public participation, a period not to exceed 30 minutes [or insert other time limit] shall be set aside during the first part of each Board meeting for public comment, with priority given to comments on items on the meeting's agenda. A second 30-minute [or insert other time limit] time period will be set aside at the end of each Board meeting for public comment on matters pertaining to the district but not on the agenda. These periods may be extended by a majority vote of the Board.

Persons wishing to address the Board shall advise the [insert title of official, typically the Board President or the Superintendent of Schools] prior to the scheduled starting time of the meeting. The request shall be made in writing on a form provided by the district and shall include the name of the speaker, the address, telephone number, name of organization represented (if any), and a brief description of the topic to be addressed. Any group or organization wishing to address the Board must identify a single spokesperson.

Presentations should be as brief as possible. No speaker will be permitted to speak for longer than [insert number of minutes, typically three and rarely more than five] minutes. Speakers may comment on [identify the topics that may be addressed. Options include: (1) any matter related to district business; (2) any agenda item; or (3) matters related to agenda items specifically or district matters generally, depending on the public participation section].

The Board will not permit in public session discussion involving individual district personnel or students. Persons wishing to discuss matters involving individual district personnel or students should present their comments and/or concerns to the Superintendent during regular business hours.

All speakers are to conduct themselves in a civil manner. Obscene language, libelous statements, threats of violence, statements advocating racial, religious, or other forms of prejudice will not be tolerated.

Persons making presentations at a Board meeting will address remarks to the President and may direct questions or comments to Board members or other district officials only upon the approval of the President. Board members and the Superintendent shall have the privilege of asking questions of any person who addresses the Board.

Questions and comments from the public concerning matters which are not on the agenda will be taken under consideration and referred to the Superintendent for appropriate action. Persons wishing to have matters included on the agenda shall contact the Superintendent in accordance with Policy 2342, Agenda Preparation and Dissemination.

The President shall be responsible for the orderly conduct of the meeting and shall rule on such matters as the time to be allowed for public discussion and the appropriateness of the subject being presented, as outlined in this policy and applicable provisions of law and regulation, and subject to the Board's parliamentary procedure. The President shall have the right to discontinue any presentation which violates this policy.

Cross-ref: 2342, Agenda Preparation and Dissemination

Ref: Matter of Martin, 32 EDR 381 (1992)

Appeal of Wittneben, 31 EDR 375 (1992)

Matter of Kramer, 72 EDR 114 (1951)

NYS Department of State, Committee on Open Government, OML-AO-#2696 (Jan. 8, 1997), OML-AO-#2717 (Feb. 27, 1997), OML-AO-#4292 (Dec. 6, 2006)

Adoption date:

Managing Conflict

Conflict occurs naturally in group work; however, not all conflict is bad. The type of conflict that generates productive discussion or debate among board members actually serves to strengthen the purpose and direction of the board and can be a constructive rather than destructive force. The conflict a board president must be concerned with is the destructive conflict that can erode the governance team's ability to function. This type of conflict is often caused by issues such as:

- Differences over what issues are most important.
- Disagreement about district goals and priorities.
- Interpersonal conflict, often resulting from a failure to respect the beliefs, experience and values of others.
- Lack of clear communication and transparency with all board members.
- Not resolving issues with one or more board members or the board president.
- Role confusion (board members do not fully understand what their job is).
- Personal agendas.

Tip

When a board is divided on a critical issue in the community, it often means the community is divided. As with any form of government, the only way to build consensus is to look at sound data and information, discuss, debate and ultimately, make the most informed decision that is in the best interest of all children.

Most conflict can be managed or resolved. The board president's responsibility is to lead the board through conflict before it becomes too difficult to manage. A critical mistake would be to ignore conflict in the hopes it will go away or resolve itself. Leaving conflict unaddressed in its early stages will almost certainly result in larger problems later on.

The first step towards managing conflict is identifying it. Severe conflict may not always manifest into overt displays such as shouting matches, personal attacks or board factions. Board presidents need to be able to identify warning signs, such as:

- Initiating discussion is difficult and becomes stagnant.
- A board member becomes disengaged or stops participating.
- Dialogue turns to filibustering to prevent a decision from being made.
- A lack of trust is overwhelming the decision making process.

When conflict becomes too large to be resolved by the board president alone, many board presidents call NYSSBA for a Custom Board Retreat with a professional facilitator to help address the issues. Conflict resolution skills can be learned by all board members. Although this handbook isn't designed to provide a complete guide to managing conflict, these basic steps may assist the board in getting back on track:

1. Recognize that conflict exists. You can't fix a problem that isn't acknowledged. State the problem and have the board acknowledge it as well.
2. Diagnose the issue: the source of the conflict, what is happening, who is involved, as well as the feelings on each side of the conflict. Once you have identified the source of conflict, the conflict often can be resolved.
3. Identify the needs of each side of the conflict. This may be the point where those involved in the conflict have become caught when trying to work it out by themselves. Each side may not understand exactly what is important to the other side.
4. Come to agreement that is amenable to both parties, or the parties agree to disagree. Often, resolving conflict involves making compromises; it is unlikely that either side will get everything they want.

Conflict Management Styles

Everyone has a predisposition to act in one of these styles when handling conflict. Although each of these styles works best for a particular situation, to be most effective, the board president should encourage the compromising or collaborating style when attempting to resolve conflict. Five conflict management styles are:

Avoiding (low assertiveness, low cooperativeness)

- The position is not to take a position (lose-lose).
- Satisfies neither party's concerns.
- Can result in a stalemate where frustration and anger may build.
- Useful when the matter is trivial.

Accommodating (low assertiveness, high cooperativeness)

- Also called smoothing over (win-lose).
- Satisfies the other party's concerns only.

- Can make people feel powerless and frustrated.
- May intensify conflict.
- Useful for maintaining harmony and stability.

Competing (high assertiveness, low cooperation)

- The classic conflict situation (win-lose).
- The direct opposite of accommodating.
- Satisfies one person's needs while ignoring the other person's.
- May bring out the best or the worst in people.
- May force people into boxes they can't escape from.
- Requires all viewpoints to be encouraged and no personal attacks.
- Useful in emergencies or when enforcing rules.

Compromising (moderate assertiveness and cooperativeness)

- Known as splitting the difference or sharing (win-win).
- Giving up half of one's concerns in order to get the other half, but it may not always be a 50-50 balance.
- Useful for tight deadlines, incompatible goals and complex issues.

Collaborating (high assertiveness and cooperation)

- Attempts to satisfy everyone's needs (win-win).
- Takes longest to achieve.
- Not always a viable choice.
- Useful for long-term relationships.

When a board is divided on an issue, it's important that efforts to build consensus be made where all perspectives are considered in the best interest of the students. The board president should be sensitive to those board members who find themselves in the minority. Most conflict on boards results from one side of an issue experiencing frustration because they feel they don't have a voice. Ensuring that every board member is given equal consideration and time to express their feelings will go a long way towards healing any division that exists or that may be developing between members of the board.

One of the board president's responsibilities is to run, or chair, the board meeting. A working knowledge of parliamentary procedure will allow the president to run meetings in an orderly fashion. (This section also may be useful to whoever is appointed to chair the meeting in the board president's absence.)

Using parliamentary procedure during meetings:

- Ensures effective meeting time management.
- Allows individuals and groups to deliberate issues and take action in a forum of order, respect, equality and fairness.
- Protects the right of the majority to decide, the right of the minority to be heard and the rights of individual members.
- Protects the rights of the organization as a whole, the rights of subgroups and the rights of individual members.

There are several different rules of order available that are based on parliamentary procedure. The most popular is Robert's Rules of Order, which includes guidelines for boards of fewer than 12 members. For this handbook, all references to parliamentary procedure are taken from "Robert's Rules of Order, Newly Revised 11th Edition." Boards should use the most current edition of any parliamentary procedure manual and specify the version used in their bylaws.

Using or Modifying Robert's Rules of Order for Board Meetings

The conduct of business in an organization varies by its size. Annual meetings, such as the NYSSBA Business Meeting during the Annual Convention, are typically more formal in procedure. For example:

- Members must be recognized by the president/chair before speaking.
- A motion to take a particular action or adopt a resolution must be made before there is any decision on the issue from the floor.
- Motion requires a second.
- The president/chair does not make or second a motion.
- The president/chair does not participate in discussion.

In the smaller setting of a school board meeting, formal procedure might actually obstruct or delay the meeting. Therefore, "Robert's Rules of Order" allows modifications of parliamentary procedure to permit greater flexibility and informality. Robert's recommends that procedures be modified to allow the following in smaller meeting settings:

- A motion does not need to be seconded. A board may have a policy or practice of asking for a second, but such step is not required under Robert's Rules.
- There is no limit to the number of times a member can speak to a question. However, board policy or operating procedures may limit this.
- The president can speak in discussion without leaving the chair.
- The president usually can make motions.
- Formal votes are taken by raising one's hand, rather than by ballot. In New York, secret ballots are prohibited.¹

While the suspension of some parliamentary rules at the outset of a school board meeting allows the school board to function informally, there are times that more formal procedures are warranted. School boards are subject to the law and have only those powers expressly delegated by statute or necessarily and reasonably implied therefrom.² School boards may create their own bylaws, rules and regulations as long as they are consistent with existing laws. School boards need to take care in deciding what rules to adopt and which to suspend. For example, "Robert's Rules of Order," Newly Revised 11th Edition prohibits the president from voting. However, school board presidents should vote in all matters before the board.³

The Gavel

The gavel is an instrument of order and respect and should only be used to signify closure of a motion or resolution, or against undesired behavior. (The board president should use the gavel prudently.)

- One tap follows the announcement of adjournment, the completion of a business item, or is a message to the members to be seated following the opening ceremony.
- Two taps of the gavel calls the meeting to order.

¹ Pub. Off. Law § 106(1); *Smithson v. Illion Hous. Auth.*, 130 A.D.2d 965 (4th Dep't 1988), *aff'd*, 72 N.Y.2d 1034 (1988).

² *Matter of Flaminio v. Bd. of Educ.*, 97 Misc. 2d 722 (Sup. Ct. Erie Cnty. 1979); *Appeal of Woodarek*, 46 Ed Dept Rep 1 (2006), *petition dismissed* (Sup Ct Albany Cnty -May 22, 2007); *Appeal of McKenna*, 42 Ed Dept Rep 54 (2002); *Appeal of Rosencranz*, 37 Ed Dept Rep 330 (1998).

³ *Opn. of Counsel No. 70*, 1 Ed Dept Rep 770 (1952).

- A series of sharp taps is used to restore order at a meeting. Use discretion and learn to differentiate between a strong opinion and those times when conduct is blatantly out of order, or time on the floor has become excessive.

Bringing a Motion before the Board

A motion is a formal proposal or question brought before a school board for consideration and action. When a motion that is in order has been made and seconded (if a board typically asks for a second see “Using or Modifying Rules of Order for Board Meetings”), the chair formally places it before the assembly by stating the question; that is the exact motion that is before the board and indicates that the issue is now open for discussion. For example:

Board member 1: “Mr./Madam President, I move that we have chocolate at every board meeting.”

Board member 2: “Mr./Madam President, I second the motion.”

Chair: “It is has been moved and seconded that we have chocolate at every board meeting. Is there any discussion?” (School board members now begin discussing the motion.)

Seconds

If a board has a practice of asking for a second, as set forth above, the president/chair should ask members of the board if there is anyone who will second a main motion (see “Using or Modifying Rules of Order for Board Meetings”). If a board policy requires a second and no one seconds the motion, the motion dies for lack of a second.

Stating of the Motion by the Chair

If a motion is worded in such a way that is not easily understood by others, then the chair requests that motion is reworded for clarity. This newly reworded motion appears in the minutes, not the original one. Until the chair states the question, the maker of the motion has the right to modify his motion or to withdraw it entirely. It should be noted, though, that any board member who believes a motion to be unclear can ask the chair to require clarification from the maker. After the question has been stated, the motion becomes the property of the board and then the maker of the motion can neither modify nor withdraw the motion without the consent of the board. For example:

Board member 1: “Mr./Madam President, I move that we have chocolate at every board meeting.”

Board member 1: “Mr./Madam President, I modify my motion, I move that we have dark chocolate at every board meeting.”

Board member 2: “Mr./Madam President, I second that motion.”

Chair: “It is has been moved and seconded that we have dark chocolate at every board meeting. Is there any discussion?”

When a motion has been made and before the chair states it or rules that it is out of order, no discussion or other motion can be heard. At such time, any member of the board may raise and, without being recognized by the chair, can ask if the maker of the motion, through the chair, will accept a modification. The maker then can respond through the chair. For example:

Board member 1: “Mr./Madam President, I move that we have chocolate at every board meeting.”

Board member 2: “Mr./Madam President, I second the motion.”

Board member 3: “Mr./Madam President, Board Member 1, would you consider amending your motion to have dark chocolate at every board meeting?”

Board member 1: “Mr./Madam President, I modify my motion, I move that we have dark chocolate at every board meeting.”

Board member 2: “Mr./Madam President, I second the motion.”

Chair: “It is has been moved and seconded that we have dark chocolate at every board meeting. Is there any discussion?” (Board members now begin discussing the motion.)

If the maker of a motion modifies the motion before the question is stated, the individual who has seconded the motion has the right to withdraw his or her second. However, if the modification is accepted as suggested by the other member (board member 3 in the example below) either before or after the motion has been seconded, the individual suggesting the motion has in effect seconded the modified motion, so no other second is necessary. For example:

Board member 1: “Mr./Madam President, I move that we have chocolate at every board meeting.”

Board member 2: “Mr./Madam President, I second the motion.”

Board member 3: “Mr./Madam President, Board Member 1, would you consider modifying your motion to having dark chocolate at every board meeting?”

Board member 1: “Mr./Madam President, I modify my motion. I move that we have dark chocolate at every board meeting.”

Board member 2: “Mr./Madam President, I withdraw my second.” (It is irrelevant that Board Member 2 withdrew his second because Board Member 3, by making the suggestion to modify the motion, implies that he/she would second Board Member 1’s modified motion.)

Chair: “It has been moved and seconded that we have dark chocolate at every board meeting. Is there any discussion?”

Discussion on the Motion

Immediately after stating the question, the chair would begin discussion by asking the person who made the motion if he/she wishes to speak. Discussion must be confined to the merits of the pending motion. To maintain order and to ensure every member’s opinion is heard, speakers should address their remarks to the chair and should be recognized by the chair before being allowed to speak.

Amending a Motion

If the motion has been put to the board, it may be amended in one of the following three ways:

1. Inserting or adding words.
2. Striking words or a paragraph.
3. Striking and inserting/or substituting.

The proposed amendment must be relevant to the main motion. If the chair is in doubt, he or she may ask a question so that other board members are able to vote whether the amendment is germane. A motion to amend should be seconded. The chair may find it advisable to reread the entire motion or the portion of the paragraph that the proposed amendment would affect. The motion to amend is then subject to discussion. Once discussion has been concluded the chair should then make it clear once more that it is the amendment that is to be voted on. A vote is then taken only on the motion to amend. For example:

Board member 1: “Mr./Madam President, I move that we have chocolate at every board meeting.”

Board member 2: “Mr./Madam President, I second the motion.”

Chair: “It has been moved and seconded that we have chocolate at every board meeting. Is there any discussion?” (School board members now can begin discussing the motion.)

Board member 3: “Mr./Madam President, I move that we amend the motion to have chocolate at every board meeting by inserting the word ‘dark’ before chocolate.”

Board member 2: “Mr./Madam President, I second the motion.”

Chair: “It has been moved and seconded that we amend the motion to have chocolate at every board meeting by inserting the word ‘dark’ before chocolate.” Is there any discussion on the motion to amend?” (School board members begin discussing the motion to amend.)

Chair: “Seeing no further discussion on the motion to amend are you ready for the question? (Pause for response)(Silence) “The question is on amending the main motion to have chocolate at every board meeting by inserting the word ‘dark’ before chocolate. Those in favor of amending the main motion signify by saying ‘aye.’ Those opposed say ‘nay.’” (Votes are counted and the chair then announces the result of the vote on the motion to amend and raps gavel once.)

Voting on the Motion

When the discussion appears to have closed or time has expired for discussion, the motion is put to a vote after once more making clear the exact question the school board is called upon to decide.

Incidental Motions

Incidental motions deal with questions of parliamentary procedure that emerge out of other motions or business. These questions are decided as they arise within the meeting. Examples of these include a motion to suspend certain parliamentary rules, a motion to enforce the rules or “point of order,” a motion to divide the main motion into different questions and a motion to appeal a decision of the chair in order to secure a ruling from the group. Normally, these rules do not require discussion; however, some of these motions do require a second. Please refer to the Parliamentary Motions Quick Reference Chart, page 20, for more detail.

Privileged Motions

Privileged motions do not relate to the pending business or motion, but have to do with matters of immediate importance which, without discussion, should be allowed to interrupt the consideration of the pending business or motion. Examples include motions to:

- Fix a time to adjourn the meeting.
- Adjourn the meeting.
- Adjourn for short recess while business is pending.
- Adhere to the agenda.

Motion to Rescind vs. Motion to Reconsider

A motion to rescind is a motion used to quash or nullify a previously adopted motion. It can only be made at a subsequent meeting and is not in order if made during the same meeting as the vote. A motion to rescind requires a second. A motion to rescind is not in order when any action

has already been taken as a result of the vote, such as the beginning of new construction of a school.

A motion to reconsider is also used to quash or nullify a previously adopted motion, but can be made on the same day of the vote; however, it must be made by a member who voted on the prevailing side.

General Rules For Parliamentary Motions

Quick Reference Chart	MAY INTERRUPT	NEEDS SECOND	DEBATABLE	AMENDABLE	VOTE
ORDER OF MOTIONS					
PRIVILEGED MOTIONS					
1. Fix Time of Next Meeting	No	Yes	Not when privileged	Yes	Majority
2. To Adjourn	No	Yes	No	No	Majority
3. Question of Privilege	Yes, if necessary	No	No	No	None
4. Orders of the Day (<i>To Make Follow Agenda</i>)	Yes	No	No	No	None
INCIDENTAL MOTIONS					
5. Point of Order (<i>Request for Information</i>)	Yes	No	No	No	None, unless appealed
6. Appeal (<i>Decision of the Chair</i>)	Yes	Yes	If pending motion is debatable	No	Majority
7. Suspend the Rules	No	Yes	No	No	2/3
8. Create Special Order	No	Yes	Yes	Yes	2/3
9. Withdraw Motion	No	No	No	No	Majority
10. Voting — Division* <i>Motion to Ballot</i>		No Yes	No No	No	Majority
11. Object to Consideration	Yes	No	No	No	2/3 negative
SUBSIDIARY MOTIONS					
12. Lay on Table	No	Yes	No	No	Majority
13. Close Discussion or Extend (Previous Question, Call the Question)	No	Yes	No	No	2/3
14. Postpone (<i>To a Certain Time</i>)	No	Yes	Yes	Yes	Majority
15. Refer (<i>e.g. To a Committee</i>)	No	Yes	Yes	Yes	Majority
16. Amend	No	Yes	Yes	Secondary only	Majority
17. Postpone Indefinitely	No	Yes	Yes	No	Majority
18. Main Motion	No	Yes	Yes	Yes	Majority
MOTIONS THAT BRING A QUESTION AGAIN BEFORE THE ASSEMBLY					
— No order of precedence. Introduce only when nothing else pending.					
Take Matter from Table	No	Yes	No	No	Majority
Cancel Previous Action	No	Yes	Yes	Yes	2/3 majority w/notice
Reconsider Motion**	No	Yes	Varies	No	Majority

*Refers to a motion by an individual to formally document the vote count on a particular motion.

**Can be made by a member who voted with a prevailing side. In a session of one day, motion can only be made on the same day the vote to be reconsidered was taken.

Although Robert's Rules of Order defines a majority of those board members present and voting, New York State law sets forth a different rule for the operation of school boards. Here, a quorum is a simple majority (more than half) of the total number of board members (Gen. Constr. Law §41). A quorum is required for the board to conduct any business. A majority of the entire board, not simply those present, is required for the board to take any official action. For example, if a board has five members and three are present at a meeting, all three would have to vote in favor of a resolution for it to pass; a two-to-one vote would not be sufficient.

Generally, a school board may not adopt a policy requiring affirmative votes by more than a majority of the whole number of the board to take official action, because neither the Education Law nor the General Construction Law authorizes a board to adopt requirements in excess of those already provided by statute.

A board may establish committees to undertake specific tasks such as researching an issue that is related to a particular board activity. This is typically done to make board operations more efficient by reducing the burden on the board to gather information on a particular issue. Although committees can be effective in assisting the board in accomplishing work, care should be taken to ensure that committees do not add to the board's workload by requiring constant supervision or becoming ineffective in accomplishing their task. Prior to establishing a committee, a board should:

- Identify if a committee is actually needed, or is required by statute.
- Define the task or charge of the committee.
- Determine the composition of the committee.
- Consider representation from various segments of the community.
- Reflect different viewpoints and personal philosophies.
- Include not only the prominent, but those less likely to be heard from.
- Consider including stakeholders who may have specialized knowledge.
- Ensure board appoints any required members if the committee composition is mandated by statute.
- Define the type of communication and reports the committee will present.
- Identify what resources will be provided to assist the committee.
- Determine whether the committee is subject to the Open Meetings Law.

Typically, committee findings will only be used by the board for reference. Therefore, when the board hears and considers the findings of the committee, a motion to "adopt the report of the committee" or to "accept the report of the committee" is not necessary. Doing so could imply board approval of the findings and recommendations of the report. The board may make a motion to receive the report so that the minutes record the completion of the committee's work.

The Board President's Role

When the board creates or appoints a committee, the board president formally specifies the committee's charge to reflect the board's intent and typically appoints committee members. The charge should clearly state the purpose, goals and time-frame for the committee's work. In preparation for the annual organizational meeting, the board president consults with the entire board and the superintendent to review the status of committees.

It is the board's responsibility to develop and implement policies on committees. The board president helps to ensure that these policies are effective, relevant and clear in their wording.

A policy on committees:

- Sets forth the board's authority to establish committees and the board president's role.
- Establishes the purpose of committees generally.
- Clearly defines the role of committees compared to the role of the board.
- Is not required for each separate committee.

Charges/charters for committees:

- Define the scope of the committee's assignment and develop a written charge for the committee.
- Develop a communications plan whereby the public is kept aware of the work of appointed committees and is informed of conclusions and recommendations.
- Clearly define timeframes for task completion and for reporting findings.

Additionally, the board president presents the committee's charge at the time of formal appointment and establishes sufficient time to hear and discuss committee reports.

The Superintendent's Responsibilities

- Identify resources needed for the committee to begin its work. Provide any data, pertinent information, history, etc. that can aid the committee. Designate a staff liaison.
- Ensure all committee members are clear on the board's charge.

- Assist the committee in getting organized as needed.
- Assist the committee in gathering additional information pertinent to the committee's assignment.
- Review committee reports prior to being forwarded to the board to ensure report is structured in the manner requested.

Committee Responsibilities

- Select a committee chair, if not previously designated.
- Review charge given by the board and organize themselves in a manner consistent with established guidelines.
- Have committee members introduce themselves and briefly describe why they are serving on the committee.
- Review all timelines/deadline and schedule "next meeting dates" accordingly.
- Provide the pros and cons on each recommendation.
- Highlight major discussion points in the committee reports.
- Be respectful of individual opinions.

Open Meetings Law and Board Committees

Meetings of a committee or subcommittee consisting solely of school board members who discuss or conduct public business are subject to the Open Meetings Law.¹ If a committee composed solely of board members meets and is joined by board members not on the committee in order to discuss district business, the meeting then becomes a full board meeting if those present constitute a quorum of the board.²

On the other hand, meetings of advisory committees that do not consist exclusively of school board members and are created solely to advise and make recommendations to the board are not subject to the Open Meetings Law because they have no authority to take final action.³ An exception would exist if the core membership of the advisory group consists of board members. In such a case, the additional non-board-member

committee members do not change the essential character of the entity, which is a public body subject to the Open Meetings Law.⁴ Additionally, when the committee consists of board members and there is an equal or lesser number of other members, all of whom are district employees, the Committee on Open Government has stated that the Open Meetings Law would apply to such a committee.⁵ District-wide shared-decision-making committees are subject to the Open Meetings Law because they perform a governmental function to the extent that school boards may not adopt a shared-decision-making plan without their collaboration and participation.⁶

School-based shared-decision-making committees are subject to the Open Meetings Law if a school district's shared-decision-making plan provides them with decision-making authority.⁷ New York State General Construction Law states that a quorum of school board members is required to conduct a meeting in which official action is taken.⁸ This applies to committees subject to the Open Meetings Law.

Committee Tips and Best Practices

In selecting the committee, try a balanced approach. For example, if the subject of the committee's work affects the entire school district, consider appointing members to the committee from different stakeholder groups. If the issue involves the construction of a new building, consider appointing people to the committee who have expertise in the area of design and school construction, but also consider appointing members of the local community whose opinions are less likely to be considered. Consider establishing a system of communication with the committee. For example, specify times when the committee will report its progress to the board or ask for additional resources or direction. Always set a deadline stating when the committee needs to complete its work and report back to the board.

Board bylaws may specify how committee members are designated. This could be by action of the board president, board vote, board vote upon the board president's recommendation or an informal self-selection.

¹ Pub. Off. Law § 102; NYS Department of State, Committee on Open Government, OML-AO-2588 (Mar. 28, 1996); OML-AO-2472 (Feb. 23, 1995); see *Syracuse United Neighbors v. City of Syracuse*, 80 A.D.2d 984 (4th Dep't 1981); compare NYS Department of State, Committee on Open Government, OML-AO-2481 (Dec. 12, 1994).

² NYS Department of State, Committee on Open Government, OML-AO-4057, (Oct. 19, 2005).

³ NYS Department of State, Committee on Open Government, OML-AO-2588, Mar. 28, 1996); see *Jae v. Board of Educ. of Pelham UFSD*, 22 A.D.3d 581 (2d Dep't 2005), *lv. to appeal denied*, 6 N.Y.3d 714 (2006); *Goodson-Todman Enters., Ltd. v. Town of Milan*, 151 A.D.2d 642 (2d Dep't 1989); *Poughkeepsie Newspapers v. Mayor's Intergovernmental Task Force*, 145 A.D.2d 65 (2d Dep't 1989).

⁴ NYS Department of State, Committee on Open Government, OML-AO-4158, (Mar. 15, 2006).

⁵ NYS Department of State, Committee on Open Government, OML-OL-5068, (Mar. 18, 2011).

⁶ NYS Department of State, Committee on Open Government, OML-AO-3329 (June 26, 2001); OML-AO-2456, (Jan. 31, 1995).

⁷ NYS Department of State, Committee on Open Government, OML-AO-3625, Jan. 17, 2001.

⁸ Gen Constr. Law § 41.

Always:

- Define the goals and purpose of the committee and determine whether your board is seeking recommendation(s) or information, or both.
- Select committee members reflecting the demographics of your community, i.e., sex, race, age and geography. Consider other factors appropriate to the task of the committee, such as expertise, special interests and previous committee or board experience.
- Provide staff support as necessary.
- Define the committee and its purpose in terms of its relationship to the district's staff. Involve the administration in structuring and assigning work for the committee and in recommending staff.
- Seriously evaluate the committee's work, findings and recommendations. Then respond clearly.
- Take time to officially thank the committee when its work is completed.
- Publicize the findings and recommendations of committees and let the community know what the board plans to do about them.
- Dissolve the committee when its work is done.

Never:

- Neglect your committees.
- Ignore advice offered by the committees. Your board runs the risk of alienating good members who likely will refuse to participate in future committee work.
- Adopt recommendations just for the sake of making the committee feel worthwhile.
- Allow the committee to overstep its relationship with the school staff.
- Dilute the purpose of the committees by going overboard and appointing large numbers of committees or committees with too many members.
- Create conflict by assigning overlapping duties or tasks to different committees.

Committee Policy

Sample policies 2250, Board Committees and 2260, Citizens Advisory Committees, are provided for reference when developing policies for committees.

Sample Policy: Board Committees

NYSSBA Sample Policy 2250

BOARD COMMITTEES

The Board of Education may, from time to time, establish committees whose membership will consist of members of the Board. The president of the Board shall serve as an ex-officio member of all committees to which he/she is not appointed. Board committees shall undertake studies and make reports as charged by the Board, but shall not act on behalf of the Board.

The Board may establish standing or ad hoc committees and reserves the right to terminate any committees at any time.

Any official policy-level action shall be in the sole discretion of the Board. The Board is in no way obligated to follow committee recommendations. The Board has the right to accept, reject, or modify all or any part of a committee recommendation.

Adoption date:

Sample Policy: Citizens Advisory Committees

NYSSBA Sample Policy 2260

CITIZENS ADVISORY COMMITTEES

The Board of Education recognizes that it can beneficially utilize the talents, resources and interests available among district residents to assist in developing the programs needed for the maintenance of a quality educational program in the schools of the district. To that end, the Board shall, at its discretion and in accordance with state law and regulation, appoint Citizens Advisory Committees of representative residents of the district to meet with the Board to provide advice and reaction about important matters before the Board which may have special significance for the community.

Each citizens committee organized by the Board shall be appointed and discharged by official Board resolutions. Resolutions appointing such committees shall state specifically the scope of the work of the committee.

Appointments to Citizens Advisory Committees shall be on the basis of interest, experience, expertise and concern. No one shall be appointed as a representative of a specific group or area, unless it is the express purpose of the Board to have all areas of the community represented, in which case the Board will, in its discretion, appoint representative members of every such group or area. The Board shall make every effort to form a committee that is representative of the entire community.

Committees shall report all suggestions and recommendations to the Board and Superintendent of Schools prior to public release. Final reports shall be delivered to the Board at a meeting scheduled by the Board to receive the report.

The Board may accept, reject, or return committee recommendations for further study. Any action stemming from committee reports is the responsibility of the Board. Publicity, or the release of information, concerning committee findings shall be the responsibility and the prerogative of the Board. Advisory committees shall be discontinued upon completion of their assignment(s).

Ref: Educ. Law §§ 4402; 4601

8 NYCRR §135.3(2)

Adoption date:

Elected officials, including school board members, are always in the media spotlight. As school board president, you will likely be approached more often than other board members, which will require that you be prepared – all the time. Being prepared ensures that the time you spend serving your district and community is productive.

As board president, determine who the primary spokesperson for the district will be. Normally the superintendent, district communications director or school attorney handle this role. However, some districts hire an outside public relations representative. Many boards designate the board president as the spokesperson regarding board decisions and the superintendent to speak on behalf of district actions.

While it's not required, the board should have a media relations policy that designates the spokesperson. The district should also have a plan for dealing with media inquiries.

Remember, when dealing with the media you are always on the record; everything you say or put in print is quotable. Negative or unflattering stories are ideal fodder for reporters, so try to get out in front on such stories so the district's point of view is well represented. The media takes the path of least resistance, so make their job easier and give them a good story to report.

Interacting with Reporters

Here are some general guidelines for interacting with reporters.

First, define your limits prior to beginning an interview. If there are issues you can't talk about, such as the details of a competitive bid or ongoing litigation, say so up front. This will serve to decrease the likelihood you will be put on the spot or appear as though you are avoiding the issue altogether.

Second, if a potentially negative issue arises, determine first how you want to present the issue and then contact the media before they contact you. Communicating an issue before the media discovers it allows your district to exert more influence over the story and may allow for a more objective public opinion on the way the district handled the situation.

Third, be transparent. Don't be afraid to say "I don't know" when you don't have the information or can't answer a question. Explain that you will respond to the question (if permissible) when you have more information available and then get back to the reporter. Always be honest; never lie or manipulate the truth.

Finally, your board should speak with one voice and have a uniform message. If your board is not united, it will give reporters the conflict they crave and cast your board in a negative light with the community.

Maintaining Positive Relationships with Reporters

- Always call a reporter directly; never use an intermediary, such as a secretary.
- Never stonewall a reporter.
- Read stories written by the reporter – whether in print or online – to become familiar with his/her style.
- View or listen to stories by broadcast journalists to get a sense of their style.
- Never make bold, presumptuous statements without being able to back them up.
- Don't inundate a reporter with too much information.

Develop working relationships with reporters but keep those relationships on a professional level. You may think a reporter is your friend, but that person is first and foremost a reporter who has a job to do. Sometimes that job may require him or her to report on district activities or events in an unflattering way. If your board finds that the media are often representing the district in a poor way, or not telling your side of the story correctly, a likely cause is usually inaccurate or untimely information, rather than a personal vendetta.

Interview Tips

It's a good idea to ask a reporter what story he or she is reporting on and what approach the individual is taking on it before you begin an interview. A reporter has an obligation to both his or her audience and to the source (the district) to be candid and upfront when reporting information. To do otherwise would essentially violate the code of journalism. By understanding exactly where reporters are coming from, you will decrease the possibility of surprise questions and stay on topic during the interview.

Avoid jargon, especially when on television or radio. Jargon usually serves to confuse an issue. It can give the impression that you are attempting to conceal something beneath layers of words. If people can't understand you, they probably won't trust you either.

In print you might be quoted at length, but on television, radio or online, this will not be the case. Sound bites used in news segments are often very short, emphasizing the importance of being concise with what you say and how you say it. Most of what is said during an interview will be edited. This increases the likelihood of words being taken out of context when only a few seconds of a lengthy explanation find their way to the Internet or evening news. Therefore, think through what you want your message to be and practice how you say it prior to agreeing to an interview.

When on camera, always be sure to look at the reporter, not the camera. Not making eye contact with the reporter can give the impression that you are hiding something.

Social Media

More journalists are using social media to look for stories and communicate their messages. Know which members of the media are using social media. Read their posts and engage in the conversations if you choose. But be aware that if you have a personal Facebook page or Twitter feed, reporters will find you. Don't have board conversations on social media platforms and be cautious about what you post personally. If you don't want to find it on the front page of your local newspaper or hear it broadcast, then don't post it.

Handling Crises

When faced with a crisis, resist the temptation to make hasty decisions or be pressured into acting in the heat of the moment. Most situations require thought and time to determine the best response. Proper planning and a crisis management plan developed in advance ensures that crises are handled effectively. Every district should have someone designated as its crisis manager, usually the superintendent, and also have a crisis communicator, which is often a different person than the crisis manager, such as a public relations specialist.

Crisis Checklist

- Develop plans for how your district will respond to the media. Be sure that, at a minimum, these plans clearly state procedures and timeframes for handling inquiries from the media and who will be the spokesperson for the district.

- Determine if there is indeed a controversy at hand. For example, rumors about student behavior on a field trip is certainly an issue, but isn't necessarily crisis material. A \$58 million discrepancy in district finances, however, is a crisis which will need an immediate response.
- List all the difficult or tricky questions reporters could ask and prepare answers. This should be done even in times of non-crisis.
- Be prepared with facts and figures to support your statements.
- Discuss responses with legal counsel and determine appropriate legal response.
- Rehearse your responses.
- Keep up-to-date contact information for the media.
- Designate a location for meetings, especially if you have to give weekly or daily press conferences.
- Do not repeat misstatements or wrong information.
- Do not use words like blame, fault or guilty.
- Listen to questions and ask for the reporter's deadline. By doing so, you will allow yourself time to craft an appropriate response that is less likely to be taken out of context or misquoted.
- Refrain from using the phrase "no comment."
- Never repeat a pejorative term or negative phrase.
- Admit if you don't know and offer to find out the answer(s).
- Accentuate the positive.
- Track media coverage. Not only will this help you understand the current perception of your district in the media, but it will better enable you to plan ahead by identifying potential areas of interest by the media.

MEDIA RELATIONS

Evaluation

Highly effective school boards take the time to conduct an annual self-evaluation, both to assess their progress and to identify areas for improvement.

There are a number of instruments that school boards may use to evaluate their performance. It is important to select one that is both easily completed and meaningful to the board's work. One resource, NYSSBA's School Board Evaluation tool, can help the board evaluate its performance across five standards and specific board goals. Board members can complete the instrument and then discuss the results as a team. The board should set aside time for a formal review of the results, or contact NYSSBA for a trained facilitator to review results with your governance team. This self-evaluation instrument

can be found online at www.nyssba.org/member-services/board-and-superintendent-evaluation-tools/. It is recommended that boards conduct an annual self-evaluation.

A second resource, Board Meeting Observation Sheet, assesses the effectiveness and efficiency of formal board meetings. We suggest that board members complete this observation sheet upon conclusion of a meeting and then return the forms to the board president or a designee. The observation sheet provides the board president with feedback from colleagues on how scheduled meetings are running and identifies areas in need of improvement. We recommend that boards use this at least twice a year, or more frequently if needed. Board presidents should share and discuss the results with their board colleagues and the superintendent.

Board Meeting Observation Sheet

The Board Meeting Observation Sheet assesses the effectiveness and efficiency of formal board meetings. We suggest that board members complete this instrument upon conclusion of a meeting and then return the forms to the board president or a designee. This instrument provides the board president with feedback from colleagues on how scheduled meetings are running and identifies areas in need of improvement. We recommend that boards use this instrument at least twice a year or as needed at pre-determined meeting dates and encourage board presidents to share and discuss the results with their board colleagues and the superintendent.

This observation sheet can be used individually or by a full board to periodically assess how effectively and efficiently meetings are being prepared and run. It is helpful to attach a copy of the board meeting agenda

Board: _____

Meeting Date: _____ Meeting started at _____ and the public session ended at _____

Observer: _____

Scoring: Use a 5-point scale for each item with 5 the highest mark and 1 the lowest. Use a 0 for unable to tell. Also, 5 indicates the board seems to do this routinely. 1 indicates the board rarely or never does this.

Self-evaluation and Observation

CRITERIA These criteria are easily observed.	SCORE	COMMENTS
1. Board members speak loudly and clearly enough so everyone present can hear them.		
2. The meeting is conducted in a business like manner and follows accepted parliamentary procedures and rules.		
3. The chairman takes charge of the meeting and keeps the meeting under control.		
4. Board members treat school personnel and each other politely and with respect during the meeting.		
5. The appropriate school personnel are present at the meeting to supply information for agenda items.		
6. The location and setting of the meeting is comfortable and conducive to getting business done with adequate room for the public and media.		
7. A conscious effort is made to make the public feel welcome at board meetings, providing them with copies of the agenda, etc.		
8. The policy for public participation is explained at each meeting by the board chairman and is followed to maintain order.		
9. The meeting starts on time and ends within a reasonable time.		
10. Board members appear familiar with the materials provided to them prior to the board meeting.		

CRITERIA These criteria may not be as easily observed. See notes after each criteria.	SCORE	COMMENTS
11. The agenda is received by board members within sufficient time for them to study and review it prior to the meeting. <i>NOTE: You may have to listen to comments from the board members or ask board chair when materials were received.</i>		
12. The agenda is accompanied by an appropriate amount of rationale and/or data. <i>NOTE: Are board members requesting additional information on most items?</i>		
13. Appropriate procedures are in place to permit any member to add items to the agenda.		
14. If new issues surface at the meeting, the superintendent is given sufficient time to research those issues so the board is not forced to make a decision on the spot. <i>NOTE: Consider the meeting as a whole.</i>		

<p align="center">CRITERIA</p> <p align="center">These criteria may not be as easily observed.</p> <p align="center">See notes after each criteria.</p>	<p align="center">SCORE</p>	<p align="center">COMMENTS</p>
<p>15. Board members display good listening skills, a spirit of compromise when problems arise and work to achieve unity. <i>NOTE: Consider the meeting as a whole.</i></p>		
<p>16. Board members vote their conscience, but support the majority decisions. <i>NOTE: This may not occur at the meeting you attend.</i></p>		
<p>17. The board follows its role as a policy body and does not become involved in making administrative decisions at the meeting. <i>NOTE: Jot down any examples of veering into administrative areas, then weigh the big picture of the meeting.</i></p>		
<p>18. Items are rarely added to the agenda at the last minute in order to avoid “surprises” for either board members, the superintendent or administrative staff. <i>NOTE: Base your response of what happens at the meeting you attend.</i></p>		
<p><i>Use your best judgment on Statements 19 & 20 based on the agenda and the flow of the meeting.</i></p>		
<p>19. The agenda is divided into action items and information items with consideration given to appropriate timing and placement for board discussion and public discussion.</p>		
<p>20. There is a rational relationship between how long the board spends on an agenda item and the importance of the item.</p>		
<p>GENERAL COMMENTS: Please share any general observations about the meeting and any specific examples of actions – positive or negative – that you feel need to be mentioned.</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>		

TOTAL SCORE

PERFORMANCE



New York State
School Boards
Association

24 Century Hill Drive, Suite 200
Latham, NY 12110-2125
(518) 783-0200 (800) 342-3360

www.nyssba.org

