

Policy # 55

PROCEDURE FOR BOARD MEETINGS

MEETINGS AND NOTICE

§ 1. The date and time of regular Board meetings will be established annually at the reorganizational meeting. Times and dates may be changed by majority vote of the Board at a subsequent Board meeting. It is noted that a Board is required to have a regular meeting at least once each quarter.

§ 2. Any member may call an official Board meeting on 24 hours notice to the Board members.

§ 3. Public Officers Law § 104 indicates that the notice of the time and place of meeting scheduled at least one week before the meeting shall be conspicuously posted in one or more designated public locations at least 72 hours before such meeting. Notice of any other meeting shall be given to the extent practicable to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior to the meeting.

MECHANICS OF MEETINGS

In order to conduct business, a quorum of the entire membership must be present. A majority of the authorized number of seats is required to carry a motion. In certain cases, a super majority is required. As an illustration, Education Law § 3016 requires a two-thirds vote to appoint a teacher who is related by blood or marriage to a member of the Board of Education, General Municipal Law § 105 (5) requires a three-fifths vote to establish standardization for bidding purposes and Local Finance Law § 33.00 requires a two-thirds vote to issue bonds. The Superintendent shall verify with counsel whether a given situation requires a super majority.

AGENDA

The agenda is prepared by the Superintendent with the assistance of the President of the Board. The purpose of the agenda is to inform the Board members of the anticipated topics that would be discussed at the meeting. The agenda should be distributed to the Board members before the meeting. The President may add, remove, or re-arrange the agenda at the Board meeting.

OPEN MEETING

Unless authorized by statute, all discussion and votes must be taken in an open meeting.

EXECUTIVE SESSION

If the Board desires to go into executive session, it will first open the public session, and then on motion duly made, seconded, and carried, the Board would move to executive session. The motion to go to executive session shall specify the purpose of the executive session. Public Officers Law § 105 specifies the reasons why a Board can go into executive session. At executive session, the Board may invite other individuals to attend. Except in limited circumstances, even though the discussion is in executive session, the vote is required to be held in open session. Exceptions include probable cause in relation to charges against a tenured teacher and matters pertaining to students. The Superintendent will obtain from counsel a written opinion whether a particular subject can be voted upon in executive session.

MINUTES

Public Officers Law § 106 specifies the contents of the Board minutes. Minutes are records or summaries of all motions, proposals, resolutions, or any other matter formally voted upon and the vote taken on that item. If the vote is not unanimous, the minutes should indicate the vote of the various members.

Minutes of an open session are to be made available two weeks from the date of the meeting. Minutes of the executive session shall be made available within one week of the executive session. Even if no action is taken in executive session, the minutes of the executive session should indicate who was present, the topics discussed, the fact that no vote was taken, and the adjournment to open session. The release of Board minutes before Board approval should state that the minutes are drafts and subject to Board approval.

BOARD OFFICERS

§ 1. **President.** The President is the presiding officer at the Board meeting and has no greater inherent powers than other Board members. The President is expected to vote on all matters properly brought before the Board.

§ 2. **Vice President.** The Vice President may act in the place of the President, with the same powers and duties, if the Presidency is vacant or the President is absent. The Vice President has no other inherent powers.

OFFICER REMOVAL

The President or Vice President may resign or may be removed at any time during the term of office, which is for a school year. If the individual is removed, there must be good cause for removal. Adequate notice of the charge against the individual must be given with an opportunity to be heard before the Board. The vote must be at an open meeting, duly made.

MOTIONS

To present a motion, a member ordinarily should address the President, be recognized by the President, and then propose the motion. If the motion is made and seconded, the members may discuss the matter. If the motion is not seconded, the Board will move onto the next item of business.

MOTION TO CLOSE THE DEBATE

The motion to close the discussion on a particular motion will bring that motion to an immediate vote. It is an ordinary motion and the proposer may not interrupt another speaker. It takes preference over motions to limit or extend debate, postpone to a definite time, refer to committee, amend, and postpone indefinitely. Such a motion requires a second. The President may call for a vote at any time.

MOTION TO LIMIT OR EXTEND DEBATE

The motion to limit or extend the debate controls the amount of time that will be devoted to the discussion of a particular piece of business. It is an ordinary motion and the proposer may not interrupt another speaker. It takes preference over motions to postpone to a definite time, refer to committee, amend, or to postpone indefinitely. This motion requires a second, is debatable as to the type and time limitations, and is amendable as to the time and number of comments permitted.

MOTION TO POSTPONE TO A DEFINITE TIME

The motion to postpone to a definite time puts aside consideration of a main motion until a specified date. It is an ordinary motion and a proposer may not interrupt another speaker. It takes preference over motions to refer to a committee, amend, or postpone to a definite time. The motion requires a second, is debatable as to reasons for postponement and the date of reconsideration, and is amendable as to the date of reconsideration.

MOTION TO REFER TO COMMITTEE

The motion to refer to committee transfers specified business pending before the Board to a committee. It is an ordinary motion and the proposer may not interrupt another speaker. It takes preference over motions to amend and postpone to a definite time, the motion does not require a second, is debatable as to the structure of the committee and is amendable as to the structure.

MOTION TO AMEND

The motion to amend changes the wording of a main motion. It is an ordinary motion and the proposer may not interrupt another speaker. It takes preference over the motion to postpone for a definite time; requires a second.

MOTION TO POSTPONE INDEFINITELY

The motion to postpone indefinitely terminates the consideration of the main motion. It is an ordinary motion, and the proposer may not interrupt another speaker. It takes preference over the main motion only; and requires a second; is debatable and re-opens debate on the pending main motion.

MOTION TO RECONSIDER

The motion to reconsider places a previously considered main motion before the Board for a second time. It can only be made at the meeting where the motion was passed or the next following meeting. The motion can only be made and seconded by individuals who voted in the majority. The motion requires a second; is debatable and opens debate on the main motion being considered and may not be amended.

MOTION TO RESCIND

The motion to rescind cancels the main motion previously adopted. The motion must be made at the meeting where the initial motion was made or at the following meeting. It can be made and seconded only by individuals who have voted in favor of the motion. The motion is debatable and opens debate on the main motion being reconsidered and is not amendable.

GENERAL RULES OR PROCEDURE

§ 1. When the President is not in attendance at the meeting, the Vice President shall preside.

§ 2. If there is not a quorum, the presiding officer shall adjourn the meeting to the next scheduled meeting, or at another time duly called.

§ 3. A Board member may abstain from a vote for a good reason. The individual should state generally why the person is abstaining.

OTHER MATTERS

If the Board concludes that it is appropriate to add additional procedures, it may do so after the proposal for an addition, change, or modification is submitted, duly seconded and voted upon and reconsidered at the next following meeting.

APPOINTMENT OF CLERK PRO-TEM

In the absence of the Clerk of the Board of Education, the Board may appoint a Clerk Pro-tempore to serve in the absence of the regularly appointed Clerk. Such appointment shall expire, without further action of the Board, upon the Clerk's return to duty. A person appointed as Clerk Pro-tempore shall not be a member of the Board of Education.

PRIVILEGE OF THE FLOOR

The Board may extend to the general public the right to address the Board on matters of public concern at a time designated by the President. Such privilege may be limited in time by the President of the Board by announcing the limitation to the public at the meeting.

CLASSIFICATION OF MOTIONS - ORDINARY AND SPECIAL

There are two types of parliamentary motions – ordinary and special. Special motions are used to handle any procedural matters that arise during a meeting. They may be offered at any time and must be disposed of immediately. If several special motions are put forward at once, they should be considered on a first-come basis. Ordinary motions are used to dispose of main motions, and a rank of priority is assigned among them. A proposed ordinary motion would be out of order while another is pending unless it has higher priority. Proposed ordinary motions are considered in the reverse order of their proposal; thus the motion with the highest priority is considered first. Unless otherwise provided in statutes, or bylaws, the order of priority for ordinary motions is as follows, in descending order: to adjourn, to recess, to postpone temporarily, to close debate, to limit or extend debate, to postpone to a definite time, to refer to committee, to amend, to postpone indefinitely, and main motions.

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