

MEETINGS

0161           **Parliamentary Authority**

The parliamentary authority governing the Board of Education shall be the most recent edition of Robert's Rules of Order, Newly Revised, in all cases in which it is not inconsistent with statute, administrative code, or these bylaws or the rules of order of this Board.

0162           **Quorum**

Three (3) members present in person at a meeting shall constitute a quorum, and no business shall be conducted in the absence of a quorum. R.C. 3313.18

0163           **Presiding Officer**

The President shall preside at all meetings of the Board. In the absence, disability, or disqualification of the President, the Vice-President shall act instead; if neither person is available, any member shall be designated by a plurality of those present to preside. The act of any person so designated shall be legal and binding.

0164           **Notice of Meetings**

- A.     A schedule of the time and place of all regular meeting(s) shall be published and posted at the District office.

The notice shall also contain the following statement: "Upon request to the Superintendent/Treasurer, the District shall make reasonable accommodation for a disabled person to be able to participate in this activity."

- B.     Notice of the time, place, and purpose of each special meeting shall be given to the news media twenty-four (24) hours in advance of the meeting, except that when an emergency requires the immediate official action of the Board, the member(s) calling the meeting shall immediately notify the media requesting such notice of the time, place, and purpose of the meeting. R.C. 121.22

- C. Notice of meetings at which the specific type of public business is to be discussed shall be sent to all persons requesting such notice, provided that such persons supply the Board with stamped, addressed envelopes for the purpose.
- D. The Treasurer shall notify all Board members of each Board meeting no later than two (2) days in advance of the meeting. Such notice shall include the time, place, and purpose of the meeting.

R.C. 3313.16

0165.1

**Regular Meetings**

Regular meetings of the Board shall be public and held at least once every two (2) months. R.C. 121.22, R.C. 3313.15

- A. It shall be the responsibility of the Superintendent, in cooperation with the Board President, to prepare an agenda of the items of business to come before the Board at each regular meeting.
- B. The agenda of the regular monthly meeting or special meetings shall be accompanied by a report from the Superintendent on information relating to the District with such recommendations as s/he shall make.

Each agenda shall contain the following statement:

"This meeting is a meeting of the Board of Education in public for the purpose of conducting the School District's business and is not to be considered a public community meeting. There is a time for public participation during the meeting as indicated in the agenda."

- C. The agenda for each regular meeting shall be mailed or delivered to each Board member so as to provide proper time for the member to study the agenda. Generally, the agenda should be delivered no later than two (2) days prior to the meeting, or delivered so as to provide time for the study of the agenda by the member. The agenda for a special meeting shall be delivered at least twenty-four (24) hours before the meeting, consistent with provisions calling for special meetings.
- D. The Board shall transact business according to the agenda prepared by the Superintendent and submitted to all Board members in advance of the meeting. The order of business may be altered and items added at any meeting by a majority vote of the members present.
- E. **Consent Agenda**

The Board may use a consent agenda to keep routine matters within a reasonable time frame.

The following routine business items may be included in a single resolution for consideration by the Board:

1. minutes of prior meetings
2. bills for payment
3. hiring of personnel
4. resolutions that require annual adoption, such as bank signatories, Ohio High School Athletic Association membership, etc.
5. resignations and leaves

A member of the Board may request any item be removed from the consent resolution. No vote of the Board will be required to remove an item from the consent agenda. A single member's request shall cause it to be relocated as an action item eligible for discussion.

0165.2      **Special Meetings**

Special meetings of the Board shall be public. R.C. 121.22

- A. Special meetings shall be called by the President or the Treasurer or by two (2) members of the Board by serving a written notice of the time, and place, of such meeting upon each Board member at least two (2) days in advance of the meeting. R.C. 3313.16
  
- B. The agenda for a special meeting is limited to the purpose set forth in the public notice that is provided at least twenty-four (24) hours in advance of the meeting. As such, when the Board calls a special meeting to discuss particular issues, the statement of the meeting's purpose must specifically indicate those issues, and the Board may only discuss those issues at the special meeting. The Board may not discuss matters not disclosed in the purpose statement of a special meeting public notice, either in open session or executive session of the special meeting. Nothing, however, shall prevent the Board from specifying in the public notice that the special meeting is being held for "general purposes," if that is the actual reason for the meeting.

Revised 5/20/13

0165.3      **Recess**

The Board may adjourn or recess at any time. The adjourned meeting, when reconvened, shall take up its agenda at the point where the motion to adjourn or recess was acted upon.

0166

**Executive Session**

The Board and its committees and subcommittees reserve the right to meet privately in executive session solely to discuss one (1) or more of the following issues that are exempted from public sessions:

- A. consideration of the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee, or official
- B. investigation of charges or complaints against a public employee, official, licensee, or student unless such employee, official, licensee or student requests a public meeting; except that consideration of the discipline of a Board member for conduct related to the performance of his/her duties or his/her removal from office shall not be held in executive session
- C. consideration of the purchase of property for public purposes, or sale of property at competitive bidding, if premature disclosure of information would give an unfair competitive or bargaining advantage to a person whose personal, private interest is adverse to the general public interest
- D. discussion, with the Board's legal counsel, of disputes involving the Board that are the subject of pending or imminent court action
- E. preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of employment
- F. matters required to be confidential by Federal law or regulations or State statutes
- G. specialized details of security arrangements and emergency response protocols where disclosure might reveal information that could jeopardize the District's security

- H. consideration of confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance, provided that both of the following conditions apply:
1. the information is directly related to a request for economic development assistance that is to be provided or administered under one of the statutes referenced in R.C. 121.22(G)(8)(1), or that involves public infrastructure improvements or the extension of utility services that are directly related to an economic development project, and
  2. an unanimous quorum of the Board or its subcommittee determines, by a roll call vote, that the executive session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project

No official action may be taken in executive session. R.C. 121.22

Collective bargaining meetings between employers and employee organizations are private and not subject to R.C. 121.22. R.C. 4117.21

An executive session will be held only at a regular or special meeting. After the meeting is convened, any member may make a motion for an executive session, and must state the purpose or purposes of the session by citing one (1) or more of the reasons set forth above. If the session is to discuss a personnel matter listed in paragraph A above, the particular subject for which the session has been called must be identified in the motion. The motion does not need to name the person. Upon receiving a second to the motion and a majority roll-call vote of those present and voting, the chairperson shall declare the Board in executive session.

In keeping with the confidential nature of executive sessions, no member of the Board, committee or subcommittee shall disclose the content of discussions that take place during such sessions.

All members of the Board, committee or subcommittee are entitled to attend executive sessions. The Board, committee or subcommittee may invite any other person to attend an executive session.

Revised 6/16/14

0167

**Voting**

All motions shall require for adoption a majority vote of those present and voting, except as provided by statute, these bylaws, or parliamentary authority. (See listing of exceptions below.) Upon the demand of any member of the Board, the vote shall be recorded by roll call.

Pursuant to R.C. 121.22, a motion to go into executive session requires a majority vote of a quorum and must be adopted by roll call vote.

In situations in which a specific number of affirmative votes are required and abstentions have been recorded, the motion shall fail if the specified number of affirmative votes have not been cast. In situations in which a tie vote occurs and abstentions have been recorded, the motion shall fail for lack of a majority.

All actions requiring a vote can be conducted by voice vote or show of hands, unless a roll-call vote is requested or required. A Board member must be physically present at the meeting to vote. Each vote and abstention shall be recorded. Proxy voting is prohibited. R.C. 3313.18

Statutory Exceptions:

<u>Item</u>	<u>Number Needed</u>	<u>R.C. Reference</u>
Administrator; employment when Superintendent nominates	Majority of Full Board	3313.18 3319.02
Administrator; reemployment when Superintendent refuses to appoint	3/4 of Full Board	3319.02

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Board Member; declaration that reasons for a Member's absence for ninety (90) days are insufficient to continue membership	2/3 of remaining Board members	3313.11
Board Member; filling a vacant Board seat	Majority of remaining Board Members	3313.11
Bonds; declaring necessity to issue	Majority of Full Board	133.01(U) 133.18
Competitive Bid; waive due to item being available only from a single source	2/3 of Full Board	3313.46(B)(2)
Competitive Bid; waive due to project involving an energy conservation measure	2/3 of Full Board	3313.46(B)(3)
Employee; employment of any employee	Majority of Full Board	3313.18
Expulsion of Student; affirm, reverse, vacate or modify (or reinstate student)	Majority of Full Board	3313.66(E)
Fact-Finding; Rejection of findings and recommendation of fact-finder under statutory impasse procedure	3/5 of Full Board	4117.14(c)(6)
Officer; election or Appointment of	Majority of Full Board	3313.18
Payment of debt or claim	Majority of Full Board	3313.18
Purchase of real or personal property	Majority of Full Board	3313.18



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<u>Item</u>	<u>Number Needed</u>	<u>R.C. Reference</u>
Sale of real or personal property	Majority of Full Board	3313.18
Superintendent Pro Tempore; appointment when Superintendent is incapacitated in such a manner that s/he is unable to perform duties	Majority of Full Board	3319.011
Superintendent Pro Tempore; determination that incapacity of Superintendent is removed	Majority of Full Board	3319.011
Superintendent Pro Tempore; removal for cause	2/3 of Full Board	3319.011
Suspension of Student; affirm, reverse, vacate or modify (or reinstate a student)	Majority of Full Board	3313.66(E)
Tax; Levying tax in excess of 10-mill limitation (not an emergency)	2/3 of Full Board	5705.21
Teachers, Continuing Contract; rejection of Superintendent's recommendation for reemployment of teacher eligible for continuing Contract	3/4 of Full Board	3319.11(B)(1)
Teacher, Extended Limited Contract; Rejection of Superintendent's recommendation for Extended Limited Contact when Board rejected continuing contract	3/4 of Full Board	3319.11(C)(3)

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<u>Item</u>	<u>Number Needed</u>	<u>R.C. Reference</u>
Teacher; Employment when Superintendent appoints	Majority of Full Board	3313.18
Teacher; Reemployment when Superintendent refuses to appoint	3/4 of Full Board	3319.07
Textbook; Adoption of	Majority of Full Board	3313.18 and 3329.08
Transfer of Funds; (authorized by 5705.15); Resolution declaring necessity of	Majority of Full Board	5705.16
Transfer of Funds (as specified in 5705.14)	2/3 of Full Board	5705.14
Treasurer Pro Tempore; appointment when Treasurer is incapacitated in such a manner that s/he is unable to perform duties	Majority of Full Board	3313.23
Treasurer Pro Tempore; determination that incapacity of Treasurer is removed	Majority of Full Board	3313.23
Treasurer Pro Tempore; removal for cause	2/3 of Full Board	3313.23

2/3 = 4 MEMBERS OF A FIVE – PERSON BOARD  
2/3 = 5 MEMBERS OF A SEVEN – PERSON BOARD

3/4 = 4 MEMBERS OF A FIVE – PERSON BOARD  
3/4 = 6 MEMBERS OF A SEVEN – PERSON BOARD

3/5 = 3 MEMBERS OF A FIVE – PERSON BOARD  
3/5 = 5 MEMBERS OF A SEVEN – PERSON BOARD

Revised 7/22/10  
Revised 12/19/11

| 0167.1

**Use of Electronic Mail/Text Messages**

Since E-mail **and text messages are forms** ~~is a form~~ of communication that could conflict with the Sunshine Law, ~~it~~ **they** will be used only for the purposes of communicating:

- A. messages between Board members or between a Board member and employee(s) which do not involve deliberating or rendering a decision on matters pending before the Board;
- B. possible agenda items between the Superintendent and the Board President;
- C. times, dates, and places of regular or special Board meetings;
- D. a Board meeting agenda or public record information concerning items on the agenda;
- E. requests for public record information from a member of the administration, school staff, or community pertaining to District operations;
- F. responses to questions posed by members of the public, administrators, or school staff.

Under no circumstances shall Board members use E-mail to discuss among themselves Board business that is only to be discussed in an open meeting of the Board, is part of an executive session, or could be considered an invasion of privacy if the message were to be monitored by another party.

There should be no expectation of privacy for any messages sent by E-mail. Messages that have been deleted may still be accessible on the hard drive, if the space has not been occupied by other messages. Messages, deleted or otherwise, may be subject to disclosure under the Public Records Act, unless an exemption would apply.

0167.2      **Use of Personal Communication Devices**

When performing their duties as a Board member, regardless of whether they are using personally-owned or Board-owned personal communication devices (PCDs), Board members use of PCDs shall be in accordance with the following policies:

- A. Policy 7542 - Access to District Technology Resources from Personally-Owned Personal Communication Devices
- B. Policy 7530.01 - Board-Owned Personal Communication Devices

For purposes of this Bylaw, PCDs shall be defined as set forth in the above-identified policies.

Adopted 1/7/13

0168      **Minutes**

The Treasurer shall keep reasonably comprehensive minutes of all its meetings showing the time and place, the members present, the subjects considered, a summary of the deliberations sufficient enough for the public to understand the basis for the Board's actions, the actions taken, the vote of each member on roll-call votes, and any other information required to be shown in the minutes by law, which shall be available to the public. (R.C. 121.22, R.C. 149.43, R.C. 3313.26) Minutes of executive sessions shall reflect the general subject matter of discussions. R.C. 121.22

The Treasurer shall provide each Board member with a copy of the minutes of the last meeting no later than two (2) days before the next regular meeting.

The minutes of Board meetings shall be considered at the next succeeding meeting where they shall be read (unless waived by law), corrected, and approved. The approved minutes shall be signed by the Treasurer and the President.

The approved minutes shall be filed in the Treasurer's office in a prescribed minute book as a permanent record of official Board proceedings.

R.C. 149.43, R.C. 3313.26

0169.1

**Public Participation at Board Meetings**

The Board of Education recognizes the value to school governance of public comment on educational issues and the importance of allowing members of the public to express themselves on school matters of community interest.

The Board is also committed to conducting its meetings in a productive and efficient manner that assures that the regular agenda of the Board is completed in a reasonable period of time, honors the voluntary nature of the Board's time and using that time efficiently, and allows for a fair and adequate opportunity for input to be considered. Consequently, public participation at Board meetings will be governed by the following principles:

A. Any person or group wishing to place an item on the agenda shall register their intent with the Superintendent no later than five (5) days prior to the meeting and include:

1. name and address of the participant;
2. group affiliation, if and when appropriate;
3. topic to be addressed.

Such requests shall be subject to the approval of the Superintendent and the Board President.

B. In order to permit the fair and orderly expression of such comment, the Board shall provide a period for public participation at every regular meeting of the Board and publish rules to govern such participation in Board meetings.

The presiding officer of each Board meeting at which public participation is permitted shall administer the rules of the Board for its conduct.

The presiding officer shall be guided by the following rules:

- A. Public participation shall be permitted as indicated on the order of business.
- B. Anyone having a legitimate interest in the actions of the Board may participate during the public portion of a meeting.
- C. Participants must be recognized by the presiding officer and may be requested to preface their comments by an announcement of their name, address, and group affiliation, if and when appropriate.
- D. Each statement made by a participant shall be limited to three (3) minutes duration, unless extended by the presiding officer.
- E. No participant may speak more than once on the same topic unless all others who wish to speak on that topic have been heard.
- F. All statements shall be directed to the presiding officer; no person may address or question Board members individually.
- G. Tape or video recordings are permitted. The person operating the recorder should contact the Superintendent prior to the Board meeting to review possible placement of the equipment, and must agree to abide by the following conditions:
  - 1. No obstructions are created between the Board and the audience.
  - 2. No interviews are conducted in the meeting room while the Board is in session.
  - 3. No commentary, adjustment of equipment, or positioning of operators is made that would distract either the Board or members of the audience while the Board is in session and not disrupt the meeting.

- H. The presiding officer may:
1. prohibit public comments that are frivolous, repetitive, and/or harassing;
  2. interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, off-topic, antagonistic, obscene, or irrelevant;
  3. request any individual to leave the meeting when that person does not observe reasonable decorum;
  4. request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;
  5. call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action;
  6. waive these rules with the approval of the Board when necessary for the protection of privacy or the administration of the Board's business.
- I. The portion of the meeting during which the participation of the public is invited shall be limited to thirty (30) minutes, unless extended by a vote of the Board.

R.C. 3313.20

Revised 7/22/10

0169.2

**Open Meetings/Sunshine Laws**

The Sunshine Law applies to the Board, and to any committee or subcommittee created by the Board or required by law or rule.

A “meeting” to which the Sunshine Law applies is any prearranged discussion of the public business of the Board, committee or subcommittee by a majority of its members, including, but not limited to, regular and special meetings, work sessions, retreats, planning meetings, and study groups. A series of prearranged meetings attended by a minority of the Board to discuss the public business, without giving proper notice, is a violation of the Sunshine Law. A majority of members may gather at social or other events, but may not discuss public business. **The Sunshine Law prohibits any private prearranged discussion of public business by a majority of Board members regardless of whether the discussion occurs face to face, telephonically, by video conference, or electronically by e-mail, text messages, tweet, or other forms of communication.**