

TO: STATE BOARD OF EDUCATION
FROM: STATE BOARD OF EDUCATION AD HOC COMMITTEE
DATE: JULY 28, 2014
RE: DISCUSSION ITEM: CONCERNING BOARD OPERATING PROCEDURE RESOLUTION
ADOPTED

The Ad Hoc Committee met on July 25, 2014 at 1:00 p.m. and deliberated until approximately 2:30 p.m. Apart from the consensus reached regarding proposed changes to the regular and special meetings language, the Ad Hoc Committee has additional work on the remaining aspects of the Board resolution adopted at the July 9th meeting. The Ad Hoc Committee request additional guidance through Board discussion on the remaining items, so that language proposed by the Ad Hoc Committee will meet the needs of the Board as a whole. The Ad Hoc Committee proposes to finish its work and provide language for consideration at the regularly scheduled September Board meeting.

The remaining aspects from the resolution are as follows:

- Clarification regarding the applicability of the appeals section of the Procedures.
- Addition of a new section specifying steps required to resolve disputes regarding the correct interpretation of the Procedures.
- Removing the separate Ad Hoc Committee structure for amending the Procedures, and treating all committees the same under the heading "Board Committees".



INDIANA STATE BOARD OF EDUCATION

July 9, 2014

Resolution Regarding Amendments to Meeting Procedures

WHEREAS, at its meeting on June 23, 2014, the State Board of Education (“Board”) encountered issues of interpretation in regards to the application of its Board Meeting Procedures (“Procedures”) and desires to remove the ambiguity in such Procedures.

NOW, THEREFORE, BE IT RESOLVED that the Board calls for the creation of an Ad Hoc Committee to meet one time only, on July 9, 2014, following the close of the regular business meeting and prior to the start of the Assessment Committee.

BE IT FURTHER RESOLVED that the Chair shall select the two additional members of the Ad Hoc Committee during the July 9, 2014 regular business meeting.

BE IT FURTHER RESOLVED that the Board requests that the Ad Hoc Committee develop amended Procedures that address the following areas:

- Board staff shall determine the date, time and location of all Board meetings, including Special meetings and Committee meetings, in consultation with the Chair or Chair’s Designee, as well as other Board members.
- Clarification regarding the applicability of the appeals section of the Procedures.
- Addition of a new section specifying steps required to resolve disputes regarding the correct interpretation of the Procedures.
- Removing the separate Ad Hoc Committee structure for amending the Procedures, and treating all committees the same under the heading “Board Committees”.

BE IT FURTHER RESOLVED that the Ad Hoc Committee shall consider the proposed modifications to the Procedures included in redline format and prepared by Board staff.

BE IT FURTHER RESOLVED that, upon recommendation from the Ad Hoc Committee, any revisions to the revised Procedures shall be adopted at the next scheduled Board meeting, currently scheduled for August 6, 2014, and the revised Procedures shall be voted upon immediately following the Call to Order.

ADOPTED ON: July 9, 2014

INDIANA STATE BOARD OF EDUCATION

MEETINGS AND MEETING PROCEDURES

MEETINGS

Regular Meetings

The Board will establish an annual meeting calendar, with at least one meeting per month. Unless otherwise specified, these regular meetings will be held in the Indiana Government Center South building. However, the Chair shall work with Board members to schedule at least two meetings per year in locations across the state. ~~Board staff~~ ~~The Chair~~ shall determine the location of the meetings in consultation with the Chair or the Chair's designee ~~Board staff responsible for meeting logistics and streaming.~~

Special Meetings

The Chair or three Board members may call special meetings to address issues as needed. The Board members will notify the Chair in writing (including email or facsimile) of the request for the special meeting. Special meetings will be held at a date and time convenient to the members and at a location determined by Board staff in consultation with the Chair or the Chair's Designee. Members must provide their calendar availability within 48 hours after a request for a special meeting has been made. Following this 48-hour period, Board staff may proceed to select a date for the special meeting, provided that a quorum may be obtained.

Cancellation of Meetings

The Chair may cancel a meeting up to 72 hours (excluding Saturdays, Sundays, and legal holidays) prior to the meeting by notifying the Board members in writing (including email or facsimile). The Chair's decision shall be final unless three or more Board members object in writing (including email or facsimile) to the cancellation within 48 hours of the Chair's notification. The Board Director will post public notice of the meeting in compliance with IC 5-14-1.5-5 until such time that the meeting cancellation is confirmed. Meetings may not be cancelled with less than 72 hours' notice unless such cancellation is due to an unforeseen emergency.

Executive Sessions

The Board may meet in executive session for the reasons specified in IC 5-14-1.5-6.1 and shall comply with the notice requirements of IC 5-14-1.5-5. The Chair or three Board members shall determine when an Executive Session is needed.

Absence of the Chair

If it is necessary for the Chair to be absent, leave a meeting, or to vacate the Chair during part of the meeting, the Chair shall designate another member to serve as Acting Chair for that time. In the event the Chair is incapacitated and unable to name an acting chair, the Deputy Superintendent shall designate another Board member to serve as the Acting Chair. The Acting Chair will follow the established Board Meeting Procedures.

BOARD MEETING PROCEDURES

Public Notice

In accordance with IC 5-14-1.5-5, public notice of each Board meeting and Executive Session shall include the date, time, and location of the meeting, and shall be posted by the Board Director outside the State Superintendent's office (Room 229 State House) at least 48 hours prior to the meeting (excluding Saturdays, Sundays, and legal holidays). Notice of the meeting will also be posted by the Board Director at the Board's office (143 W. Market Street, Indianapolis, IN 46222) and on the Board's website at www.in.gov/sboe. The Board Director shall include an agenda as part of the public notice.

Agenda Format – Order of Business

The order of business for a regular meeting is as follows:

- I. Call to Order
 - a. Roll Call
 - b. Pledge of Allegiance
- II. Approval of the Agenda
- III. Approval of the Minutes
- IV. Statement from the Chair
- V. Board Member Comments and Reports
- VI. Public Comment
- VII. Consent Agenda
- VIII. New Business – Action
- IX. Best Practices – Innovations in Education – Student Successes
- X. Discussion and Reports (Information Items)
- XI. Board Operations
- XII. Adjournment

Agenda Preparation and Dissemination

No Board member can be deprived of the basic rules of Board membership, including the right to place items on the agenda.

Both the Chair and the Board members may add items to each Board agenda as follows:

1. Board members may add agenda items by submitting an email or verbal request to both the Board Director and the Chair or the Chair's Designee. The Board Director and the Chair or the Chair's Designee will acknowledge receipt of the request within one business day.
2. Requests for items that require final action by the Board including motions, proposals, resolutions, rules, or regulations must be submitted via email to the Board Director and the Chair or the Chair's Designee at least seven business days before a Board meeting. The following exception to the seven business day rule applies: if the Chair and three of the Board members determine that an emergency or special circumstances exist, the matter may be added to the agenda for final action.
3. Reporting or discussion items may be added to the agenda before the meeting, or may be added during a meeting as is consistent with Ind. Code sec. 5-14-1.5.
4. The Board Director and the Chair's Designee shall meet at least monthly to discuss upcoming Board meeting agenda items and to ensure good communication between the Board and Department regarding upcoming meeting topics.

The Chair shall provide a written agenda, together with supporting background and related materials, in electronic format to Board members and Board staff at least five business days before a Board meeting.

Conduct of the Meeting

The conduct of the meeting shall be at the discretion of the Chair; provided, however, that each Board member shall have the right and responsibility to participate fully in the meeting, ask questions and provide input on any issue before the Board, move the Board to a vote on agenda items, and discharge his or her duties fully as outlined in IC 20-19-2.

Rules of Order

Obtaining and Assigning the Floor

Before a member can make a motion or speak in debate, the member must be recognized by the Chair. The Chair must recognize any person who seeks the floor while entitled to it. A member is entitled to the floor if the member requests the floor at a time that no other member is talking. If two or more members seek recognition, the member addressing the chair first should be given the floor. If it is uncertain which member addressed the Chair first, the Chair will determine the order by which the members will be recognized to speak.

Motion Procedure for Action Items

To make a main motion, a member must obtain the floor, as explained above. The member then makes her/his motion, by saying “I move that . . . [announcing what he proposes in a wording intended to become the assembly’s official statement of the action taken].”

After a motion has been made, another member who wishes it to be considered says, “I second the motion,” or, “I second it,” or even “Second!” – without obtaining the floor and without rising. If there is not a second, then the motion dies.

The Chair must state the question on a motion immediately after it has been made and seconded, unless the Chair is obligated to rule that the motion is out of order or unless, in his opinion, the wording is not clear.

Maker of the Motion. **Until** the Chair states the question, the maker has the right to modify the motion as the maker pleases or to withdraw it entirely.

Modification of a Motion – by Non-Maker. **Until** the Chair states the question, a member may suggest modifications to improve the language of the motion. The maker of the motion can accept or reject the changes. This method should be limited to technical or non-substantive changes.

Amending a Motion. **After** the Chair calls the question, any member may propose an amendment. If an amendment to a motion is made and seconded, it is then debatable. In order to be adopted, the amendment must receive a majority of the votes. If the amendment is adopted, then the main motion is voted on in its amended form.

Appealing a Ruling

If the Chair makes a ruling and a member disagrees, the proper thing to do is to raise his/her hand and state that the member appeals the ruling of the chair. If another member seconds the appeal, then the Chair puts the question to the members, who decide by majority vote whether to sustain his/her ruling.

This appeals procedure applies to all actions and decisions otherwise addressed in these Board Meeting Procedures, including, but not limited to, calling a special meeting or the addition of agenda items.

Interpretation of Board Meeting Procedures

If a dispute arises at any time during a meeting as to the interpretation of any part of the Board Meeting Procedures, a Board member may move to adopt his/her interpretation of the provision(s) at issue. If another member seconds the motion, then the Chair shall put the question to the members, who shall decide by majority vote whether to adopt that interpretation. Such vote shall occur during the meeting in which the dispute arose, and may not be delayed to a future meeting.

Board Members' Access to Counsel

A Board member, who has been recognized by the Chair, may request to address board counsel during an agenda item discussion, and board counsel will be permitted to respond.

Adjournment – Order of Business

The Chair will call for a motion to adjourn. If a motion to adjourn is made, and seconded, it must have a majority vote to prevail. A motion to adjourn is not amendable or debatable.

Quorum

Per IC 20-19-2-2(c), a quorum consists of six members of the Board, and a quorum must be present to take official action as described in IC 5-14-1.5-2(d).

Voting Method

Votes by the Board are taken by alphabetical roll call of the Board members, with the Chair voting last. Each member's vote shall be recorded in the minutes. At the Chair's discretion, the vote may be taken by voice unless objected to by any member of the Board. Roll call shall be taken and recorded by the Board Director.

Election of Secretary

The Board shall annually elect a member to serve as Secretary. Any member may nominate without being recognized by the Chair. A nomination does not have to be seconded. When no other nominations are offered, the Chair will close the nominations. If there is only one nominee, the Chair shall declare the nominee elected. If there are two or more nominees, the Board shall vote by a show of hands. A nominee must receive at least six votes to be elected.

Minutes

The Secretary may designate the Board Director or a designee to take notes and prepare draft minutes of the meeting for the Secretary's review. The Secretary shall review, edit, and return the minutes to the Board Director or designee for final drafting and distribution to the Chair for review and inclusion in the following meeting's agenda. The minutes and all other Board records shall be maintained in the office of the Superintendent as required by IC 20-19-2-6. Approved minutes shall be posted on the Board's website within ten business days of the Board meeting at which the minutes were approved.

Board Committees

The Board may from time to time appoint special committees by vote of a majority of the Board, including any committee tasked with revising the Board Meeting Procedures. Members to these committees may be appointed in two ways: either by the designation of the Chair; or by motion adopted by the Board.

- If the Chair appoints the committee, the Chair may appoint the committee chair.
- If the Committee is created by a motion, the motion shall include a designation of the person to serve as the Chair.

Public Participation at Board Meetings

1. The State Board of Education shall, at its regular monthly business meeting, accept comment from any interested person on items that appear on the Board's agenda for that meeting, as well as general public comments.
2. The Board shall not accept comments on specific adjudications that are governed by the Administrative Orders and Procedures Act (Ind. Code 4-21.5) or by other statutory procedures that limit public participation. Persons who wish to participate in these proceedings may obtain procedural information from the Board office.
3. A person who desires to speak to the Board must register at the Board meeting room on the day of the meeting. Registration sheets shall customarily be available at least thirty (30) minutes prior to the start of the Board meeting, and registration shall close five (5) minutes before the start of the meeting. Required registration information shall include the name and address of the person providing the comments, the name of the organization (if any) that the person represents, and the topic to be discussed.
4. Public comments are subject to the following rules:
 - a. Statements on agenda items are **limited to five (5) minutes** in length, general public comments are **limited to three (3) minutes** in length. Statements shall be timed by the Board Director or designee and time limits will be strictly enforced. The Board may also designate a meeting as a public hearing on a particular issue, giving more citizens the opportunity to present their opinions to the Board.
 - b. Written comments may be submitted to the Chair or Board Director by a speaker and copies shall be distributed to the full Board.
 - c. No person may speak more than once on the same topic.
 - d. Comments shall be directed to the Board, not to an individual Board member, and questions will not be entertained.
 - e. Statements shall not be abusive or argumentative, and persons making statements shall not debate statements made by other persons.
5. The Board chair shall enforce these rules and may, subject to appeal to the Board, take actions necessary to maintain order at the Board meeting. Such actions may include, but are not limited to:
 - a. interrupting a person making a statement if the statement is too lengthy, unduly repetitive or otherwise violates these rules; and
 - b. limiting the total amount of time devoted to public statements based on the number of persons wishing to make statements and the length of the Board's agenda.

Public Comment Registration

- When an individual registers to provide public comment, s/he will indicate on the sign-in sheet the specific agenda item on which s/he wishes to comment or that s/he will be making only general comments.

- Public comment on a specific agenda item will be taken at the time the agenda item is before the Board. General comments will be taken during the Public General Comment segment of the agenda.

Revisions to Meeting Procedures

~~When a majority of the board moves that specific matter(s) in the Board operating procedures should be reviewed for possible amendment, an Ad Hoc committee will be created. The Ad Hoc committee will be chaired by the Superintendent of Public Instruction and include two members appointed by the Superintendent. The Ad Hoc committee is limited to addressing just the specific matter(s) requiring possible revisions to the Board operating procedures (as requested by a majority of Board members). The Ad Hoc committee will be supported by the State Board of Education staff and the Department of Education staff. Proposed revisions recommended by the Ad Hoc committee will be presented as an action item to the entire Board for their consideration.~~