The Law and Rules Governing the Organization and Management of the Local Board

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Board Organization and Management – Sources

- General Statutes
- Local Act
- Board Policies
  - Special Board Policies Regarding Board Organization and Management
  - Policies Setting Forth Rules of Procedure to be Used (e.g. Roberts Rules of Order)
Organizing the Board -- Electing Officers

- N. C. Gen. Stat. 115C-41
  Organization of Board
  “Unless otherwise provided by local law, all local boards of education shall have an organizational meeting no later than 60 days after the swearing in of members following election or appointment and as often thereafter as the board shall deem appropriate.”
Organizing the Board --
Electing Officers

- N. C. Gen. Stat. 115C-41(a)
  Organization of Board
  “At the organizational meeting the members of all boards shall elect one of their members as chairman for a period of one year, or until his successor is elected and qualified.”
Organizing the Board – Electing Officers

“The board will elect a chairperson… to serve for a term of one year or until his or her successor is elected and qualified by taking the oath of office.”

NCSBA Sample Board Policy 2200.
Organizing the Board – Electing Officers

“An organizational meeting for the election and qualification of officers will be held at the regularly scheduled December meeting of the board and as often thereafter as the board determines appropriate.”

NCSBA Sample Policy 2200
Electing a Board Chair

Query #1: What happens if the board is split on who to elect as board chairman and no one nominee receives a majority of the votes?
Electing a Board Chair

Query #2: What happens if the remaining board members are dissatisfied with their chairman and want to elect a different chair six months after the current chairman is elected?
Electing a Board Chair

- Query #3: Who presides over the organizational meeting at which a chair is to be elected?
  
  (See NCSBA Sample Policy 2200 – “If necessary at any meeting held to elect officers, the _____ will serve as chairperson of the board for the purpose of conducting the election of the chairperson.”)
Presiding Over Board Meetings

- N. C. Gen. Stat. 115C-41(a) -- Organization of Board
  - “The chairman of the local board of education shall preside at the meetings of the board, and in the event of his absence or sickness, the board may appoint one of its members temporary chairman.”
Presiding over Board Meetings

“The chairperson has the following duties:

- Preside at all meetings of the board;
- Preserve order at all times;
- Appoint committee members and chairpersons;
- Serve as ex-officio member of all committees; call special meetings; and
- Sign official system documents.”

NCSBA Sample Policy 2210.
Presiding Over Board Meetings

- Query #4: If the chairman is absent, what is the process your board uses to identify a presiding officer?
- Query #5: Do you have a vice chair who automatically is designated by policy to preside?
- Query #6: Even if you do have a vice chair, what if both the chair and vice chair are absent? What is your process for identifying a presiding officer?
Calling the Meeting

N. C. Gen. Stat. 115C-41(b) -- Organization of Board

“All local boards of education shall meet on the first Monday in January, April, July, and October of each year, or as soon thereafter as practicable. A board may elect to hold regular monthly meetings and to meet in special session upon the call of the chairman or of the secretary as often as the school business of the local school administrative unit may require.”
Calling a Meeting

Query #7: What happens if a majority of the board members wish to call a special meeting but the superintendent (board secretary) and the board chairman refuse to call a special meeting?
Permissible Types of Meetings

- N.C. Gen. Stat. Sec. 143-318.12 (Open Meetings Law)
  - (a) Regularly scheduled meetings – revisions to regular scheduled meeting must be at least seven days in advance.
Permissible Types of Meetings

(b) Specially called meetings – 48 hours notice required and notice must state the “purpose” of the meeting.
Permissible Types of Meetings

(c) Emergency meetings – May be called because of “generally unexpected circumstances that require immediate consideration. Only business connected with the emergency may be considered.
Permissible Types of Meetings

Query #8: For purposes of the Open Meetings Law, what type of meeting is a “retreat”?
Permissible Types of Meetings

- Query #9: For purposes of the Open Meetings Law, what type of meeting is a “work session”? 
Permissible Types of Meetings

- Query #10: May electronic meetings be held? If so, under what circumstances?
Permissible Meetings

Query #11: May members of the board participate electronically in regular/in-person meetings?
Permissible Types of Meetings

- See NCSBA Policy 2302: Remote Participation in Meetings.
- This policy sets out the conditions for remote participation by a board member. The chair has some responsibilities for controlling this process. (Review policy.)
Setting the Agenda

- **Query #12:** What can be discussed at a specially called meeting? Remember that the notice of the meeting must include the "purpose" for the meeting. Can you add agenda items not included in the notice?
Setting the Agenda

- Query #13: Who sets the agenda at regular meetings?
  -- There is no specific law addressing this.
  -- What does your board policy provide?
Setting the Agenda

- NCSBA Sample Policy 2330: Board Meeting Agenda
  - “The chairperson and the superintendent will prepare a proposed agenda for each board meeting.”
Setting the Agenda

Query #14

What process does your board use to allow other board members to have input into the agenda?
Setting the Agenda

- NCSBA Sample Policy 2330
  - “A board member may, by a timely request, have an item placed on the agenda.”
Setting the Agenda

- **Query #16**
  - What is the process to follow if an agenda item requested by a board member is not added to the agenda?
Setting the Agenda

- NCSBA Sample Policy 2330
  - “At the meeting, the board may, by a majority vote, add an item that is not on the agenda. Any new policy or budgetary items presented as an addendum to the published agenda are not subject to action at the same meeting.”
Setting the Agenda

- Query #17
  - What are the public policy reasons for suggesting a delay on votes on new policies or budgetary items?
Setting the Agenda

- Query #18

  - What process, if any, do you have for considering requests by individual or community groups to add items to the agenda?”
Setting the Agenda

- NCSBA Sample Policy 2330
  - “A request to have an item of business placed on the agenda must be received at least six working days before the meeting.” (There is a process for decision making. See policy.)
Conducting a Meeting

- Query #19: What rules of procedure has your board adopted?
  - They should be laid out in board policy.
  - The most common policy identifies Robert’s Rules of Order as the procedural rules to follow.
Conducting a Meeting

- If you have adopted Robert’s Rules (or anything else) are there special procedural rules laid out in board policy or your local Act? For example, can your chair vote always or only in certain circumstances?
Establishing a Quorum

- A board can only act if a “quorum” of its members are present physically or by means of simultaneous communication. A “quorum” is defined as a majority of the members of the body (or committee). See N.C. Gen. Stat. Sec. 143-318.10(d).
Establishing a Quorum

Query #20: What happens if there are sufficient members at the beginning of a meeting to establish a quorum but enough members leave in the course of the meeting to destroy the quorum? May the board continue to conduct its business?
Closed Session

- All items on the agenda must be discussed in open session except those matters for which closed session is specifically permitted by N.C. Gen. Stat. Sec. 143-318.11(a).
Closed Session

- The motions to go into closed session must cite the specific reasons in Open Meetings statute that are relied upon to justify the closed session. N.C. Gen. Stat. Sec. 143-318.11(b).
Closed Session

- In addition, motions to go into closed session in reliance upon other statutes (e.g. student information) need to include the other statute as well. N.C. Gen. Stat. Sec. 143-318.11(b).
Closed Session

- Finally, a motion to go into closed session to discuss pending litigation needs to include the names of the parties to the litigation. N.C. Gen. Stat. Sec. 143-318.11(b).
Closed Session

Query #21: What actions may be taken in closed session and what matters that may be discussed in closed session must be voted upon in open session?
Voting Methods

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- Query #22: What is “proxy voting.”
Voting Methods

- Written ballots are permitted if they are signed and available for public inspection immediately after the meeting. N.C. Gen. Stat. Sec. 143-318.13(b).
Voting Methods

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- Query #23: How would you define a “secret ballot?”
Motion by reference to a document is permissible if copies of the document are available to the public at the meeting. N.C. Gen. Stat. Sec. 143-318.13(c).
Appointing Committees

- Board committees are governed by board policy. They are not necessary or required by law.
- Generally the chairman appoints committees.
- Consider whether standing committees or ad hoc committees are useful to the board.
Appointing Committees

- NCSBA Policy 2230: Board Committees
- The chairperson appoints committee chairs and committee members.
Appointing a Spokesperson

- The chairman is often designated as the spokesperson for the board. This is done as a matter of policy.
- Sometimes, especially in legal matters, questions are directed to the board attorney and/or the superintendent.
Appointing a Spokesperson

- **NCSBA Policy No. 2220: Official School Spokesperson**
  - “The official spokespersons of the school system will be the chairperson of the board or designee and the superintendent and designees.”
Determining Conflicts of Interest

- All board members have duty to be sure that they have no “conflicts of interest” and can serve as fair and impartial hearing officers. Board chairs have a duty to ensure that all members can be fair. *Crump v. Hickory City Board of Education*, 93 N.C.168. 378 S.E.2d 32 (1989).
Signing Official Documents

- The board chairman generally signs all official documents on behalf of the board, with the superintendent/board secretary attesting to the signature.

- See NCSBA Sample Policy 2210: Duties of Officers