

School Board Open Meeting Agenda: Concepts and Practices

The School Board Meeting *belongs* to the School Board

- The purpose of the meeting is to conduct school board business
 - All participating parties do so at the invitation of the board, including the Superintendent
 - The function of non-board participants is to bring information, reports and recommendations to inform the board's decision-making
- The public is permitted to witness the proceedings
 - Public participation occurs at the invitation of the board and consistent with board policy

The School Board President chairs the School Board Meeting

- Not the Superintendent
- The Vice-President chairs in the President's absence

The Agenda determines what the work of the Open Meeting will be

- Only a quorum of the Board can approve the agenda
- The Approval of the Agenda starts the meeting
 - No approved agenda, no legal meeting
- Boards may not legally provide substantive response to or action on off-agenda items

Prior to approval, the Agenda is *only* a proposal

- Brought by the President for the Board's approval
- Informed by the Superintendent's recommendations

Prior to approval, the Board *may* change the proposed agenda by:

- Removing agenda items
- Changing the order of agenda items
 - For efficiency
 - For convenience of participants
- Changing item type, for example
 - From Action to Discussion
 - From Discussion/Information to New Business
 - From Consent Agenda to individual item section

The Board *may not* change the proposed agenda by adding items

- The public has a right to know what business will be discussed and plan their attendance accordingly
- The Sunshine Law prohibits it
- Participants need time to prepare related information
- Board members need time to be informed of the issue

The Agenda *informs the public* as to what the work of the meeting will be

- Because the Board performs the public's work
 - Using the public's resources
 - Impacting the public's children
- Because the Sunshine Law requires it
 - So the public will be informed about Board work
 - So the public may attend and witness

The Agenda *should reflect the needs of constituencies* engaged by the board and according to board policy

- Superintendent and staff
- Board members
- District patrons
- State and federal requirements
- Others

There is no statutory or other legal requirement that the agenda include public comment

- If permitted by Board Policy, comment may be restricted to items on the agenda
- Time restraints on public comment are highly recommended
- Public comment is a privilege, and can be removed by the board
- Substantive response to comments regarding off-agenda items constitutes board discussion of items not posted, and is illegal
- Public perception of the value or "right" to public comment should be strongly considered before removing or altering local traditions of public comment in board meetings

Building the Agenda: A Practical Challenge

As indicated above, it is the Board President's job to propose the meeting agenda to his/her colleagues on the board. It is necessary for many different constituencies to be able to submit potential items for the proposed agenda. Accordingly, each district must have policy and/or procedure describing how board members and district patrons, staff, or others may submit those potential items for the President's proposed agenda. As a practical matter, 1) to insure the reliable receipt of those submissions, 2) to insure consistency, and 3) to provide convenience to submitters, most districts identify the Superintendent or district central office secretary as the usual district contact for submitting potential items for the President's proposed agenda.

It is usual and highly advised for the Board President to expect and generally to honor the Superintendent's and board members' recommendations for items for the proposed agenda.

Accordingly, it is most common practice for the Board President and the Superintendent to meet and confer well in advance of the board meeting, sufficiently prior to the distribution of

pre-meeting board information packets to include the President's final draft of the proposed agenda in that packet. This is an important meeting, in which several things occur:

- The President hears the Superintendent regarding what business must necessarily be addressed by the board to ensure the smooth and efficient administration of the district
- The President hears the Superintendent regarding requests for board consideration or business submitted to the district by patrons, staff, board members, or others in accordance with district policy or procedure
- The President shares with the Superintendent additional items for the proposed agenda reflecting 1) the President's will 2) proposed agenda items submitted by other board members to the President, and 3) proposed agenda items submitted to the President by district patrons, staff, or others

Taking into account all the required and requested agenda items collected through this process, and deferring when practical to the recommendations of the Superintendent, the Board President selects from those recommendations and submissions those items to be included in the final draft of the proposed agenda.

Please note: The President is not required to include recommendations or submissions in the proposed agenda, even when they have been received in accordance with district policy or procedure. The Board President's authority to determine the proposed agenda is "checked" by the board's authority to remove items from or to refuse approval of that proposed agenda. Because no legal meeting can occur without an approved agenda, it becomes necessary for the President to balance his/her personal preferences for efficient or convenient business with the natural ability of the community (including district staff, other board members, and district patrons) to express its will regarding what the work of the board they have democratically elected to serve the citizenry will be.

Please note: Districts differ in their execution of these most common practices and in how they address some of the implicit conflicts of authority and power inherent in the agenda-building process. In districts where the Superintendent plays the major role in shaping the proposed agenda, the board President and his/her board colleagues should show vigilance in guaranteeing that the proposed agenda reflects the school board's service needs not only of the Superintendent, but also of the staff, of the board, and of district patrons. Even in that minority of districts where the board generally defers entirely to the Superintendent's composition of the proposed agenda, it is never appropriate for the Superintendent to chair the board meeting. The School Board meeting is a governance event, not an administrative one, and it is the Superintendent's role to assist the board in its work through his/her reports and recommendations.

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