



NHSBA
NEW HAMPSHIRE SCHOOL BOARDS ASSOCIATION

Orientation for School Board Chairs
-
**Discussion of Effective Meetings,
Parliamentary Procedure and Public
Comments**
May 17 & 20, 2021

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**Meeting Goals,
Meeting Planning, and
Agenda Setting**



Slide 1

1

Meeting Goals

- Effective and productive meetings require forethought.
- The starting point:
 - Desired objectives & required actions
 - What are the board's desired – or required – outcomes?
 - What are the administration's desired – or required - outcomes for each meeting?
- The objectives and outcomes inform and define the agenda.

Slide 2

2

Meeting Goals

- Meeting goals & desired outcomes should relate to the primary functions of the school board.
 - Adopt a policy?
 - Finalize the budget?
 - Have a hearing/make a finding & decision?
 - Receive reports?
 - Ratify a contract?
 - Vote on a committee's recommendation?
- For most meetings there will be more than one desired outcome.

Slide 3

3

Agenda v. Notice

- “Agenda” = a list of matters which are to come before the meeting for consideration and/or decision.
- Distinct from “notice” as used in RSA 91-A:2, which only requires date, time and place of meeting.
- Board policy may include additional requirements, however –

If the rules of procedure of any public body require a broader public access to official meetings or records then those provisions will govern. RSA 91-A:2, II.

** Public body – school board, its committees (including so called “e-boards”) or statutory committees*

Slide 4

4

Agenda Setting

- Refer to the board’s policies relative to agenda setting process.
- If none, and things are at times disorganized, consider adopting.
- As day-to-day operations officer of the District (and someone with administrative staff), Superintendent often formulates initial draft agenda.
- Usually in consultation with the Board Chair.

Slide 5

5

Agenda Setting

- Board policies/rules sometimes include provisions to allow:
 - individual board members to have items placed on the agenda as a matter of right;
 - members of the public to request agenda items but authorizes screening of such requests as part of the ordinary agenda setting process. (*While a board's business meeting is open to the public, it is not a meeting of the public.*)

Slide 6

6

Meeting Planning – Agenda Setting

- When planning for a meeting and the corresponding agenda, consider:
 - required personnel for each item;
 - required space and technology;
 - appropriate amount of time for each item;
 - information board members need prior to the meeting;
 - wording of anticipated motions or resolutions; and
 - The order of business ...

Slide 7

7

Meeting Planning - Agenda Setting

- Order of business:
 - is the “normal order of business” appropriate?
 - Consider:
 - the audience and necessary or invited participants pertinent to specific items;
 - anticipated non-public sessions;
 - reduction of transitional disruptions; and
 - issues warranting extra time or special placement.
- Place notation on agenda regarding changes.

Slide 8

8

Agenda Setting – Individual Items

- Ask: What is the desired outcome for the agenda item?
 - Consent items addressing routine matters, e.g. as minutes, reports, monthly expenses, etc., considered/approved w/one motion without discussion;
 - Action items on which the board is expected to reach a decision during the meeting;
 - Discussion or presentation items that require comment but do not require action; and
 - Information items requiring no action/discussion.

Slide 9

9

Agenda Setting – Individual Items

- When setting the agenda, it can help to identify what category each agenda item falls within.
- Consider whether to include notations for each item. Examples:
 - Finance Committee report. Discussion item. No action needed.
 - Volunteer recruitment and philosophy: Anticipated action: form committee of 3-4 board members.

Slide 10

10

Agenda Setting – Individual Items

Agenda notations continued...

- Policy Committee: Second reading of policies ABC & XYZ. Anticipated action: Review and adopt.
- Presentation by 5th grade social studies class. Information item. No action required.
- Sketching out the anticipated time for items can be helpful in planning a meeting and constructing the agenda.
 - use only as guides or benchmarks.

Slide 11

11



Sticking to the Agenda Practice Tips

Slide 12

12

Sticking to the Agenda Practice Tips

- Start on time.
- Stay organized and stay on task.
 - Parliamentary procedure can help.
 - But procedure should not be the focus.

More on this later.....
- Stay on time.
 - Stay focused on the desired outcomes.
 - If using a timed agenda, be mindful of how/when to stray.

Slide 13

13

Sticking to the Agenda Practice Tips

- Have an endpoint.
 - Establish an end time in advance - and adjourn the meeting when you reach it.
 - Not hard and fast usually, but a helpful goal to keep folks on task.
- Don't ambush – no surprises.
 - Effective meetings and good decision making are dependent on good information.
 - “New business” is not the place for board members to deliberate and decide.

Slide 14

14

Sticking to the Agenda Practice Tips

- Resolve unnecessary debate.
 - “General consent” - The board chair asks if there is any objection to closing discussion on a particular topic. If no one objects, debate is closed.
 - Make a motion.

Slide 15

15



Parliamentary Procedure - Rules of Order

Slide 16

16

Parliamentary Procedure

- Parliamentary procedure, i.e. rules of order, help keep meetings efficient, and provide a clearer public record of the board's actions.
- Too much process – e.g., Roberts Rules, can lead to sluggish, unproductive meetings.
- Roberts Rules, by its own admission, does not apply to small legislative bodies.
- Simple rules of order help maximize meeting efficiency and can engender greater participation and collaboration.

Slide 17

17

Rules of Order – Examples/Considerations

- Common principles:
 - Each motion may deal with only one issue/idea.
 - Debate must be limited to the motion at hand.
 - When a motion is on the floor, no new motions may be made.
 - No member can speak twice on the same issue under debate until everyone else wishing to speak as spoken to it once.
- *NHSBA sample rules BEDD-R, or alternative BEDDA.*

Slide 18

18

Rules of Order – Examples/Considerations

- Limit practice of reconsidering issues that the board has already voted on and acted upon barring new information, or newly constituted boards.
- Should debate follow or precede a motion???
- Efficiency may depend as much on the board itself as it does the specific issue.
- The late Senator from Arizona, Mo Udall, once said, “Everything has been said, but not everyone has said it.”
- Make a motion – call the question.

Slide 19

19

Abstentions & Recusals

- Abstentions are not votes but count toward a quorum.
 - Present and voting
 - 3-0 w/3 abstentions passes
 - 2-2 w/2 abstentions fails
 - 2-1 w/2 abstentions passes
- Elected to decide.
- Reserve abstention for missed meetings, etc.
- Recusal - vote unless a personal conflict of interest or bias/prejudice issue is present.

Slide 20

20

Role of the Board Chair

Slide 21

21

Role of the Board Chair

- Functions of a board chair is largely based upon tradition, reformed by board policy (*NHSBA sample –BBAB*).
- Common roles include:
 - Preside at board meetings;
 - Sign documents on behalf of the board;
 - Consult with the administration re: agenda setting;
 - Confer with the administration on crucial matters that may occur between Board meetings;
 - Committee appointments;
 - Call emergency meetings of the Board as necessary;
 - Board spokesperson.

Slide 22

22

Role of the Board Chair

- Meeting responsibilities:
 - enforce board's meeting procedures, and
 - guide the flow of agenda items, discussions on the same and formal board votes.
- As the moderator of debate, the chair should consider withholding his/her position until after others have spoken.
- Recognize all who have comments or questions;
- Keep the group on the topic;

Slide 23

23

Role of the Board Chair

- Clarify questions;
- Practice the art of summarization;
- Restate motions to eliminate confusion and help create a clear record;
- Demonstrate and request respect for and by all speakers;
- Vote on all matters!

Slide 24

24

Public Participation at Board Meetings - “Public Comment”

Slide 25

25

Public Participation

Public Meetings v. Meetings of the Public

- The primary purpose of school board meetings is to conduct the business of the board.
- A school board meeting is one that the public has a right to attend, rather than a meeting of the public where everyone might have the right to speak.
- Neither US or NH Constitutions, nor RSA 91-A require public comment at board meetings.
- Different than annual meeting, or public hearing.

Slide 26

26

Public Participation

Public Comment at Board Meetings

- As there is no legal mandate to do so, the “power” to create the opportunity for public comment is reserved to the school board (public body).
- Public input is essential to good governance, and public comment is a long-standing tradition in most communities.
- NH Constitution, Pt. 1, Art. 8.: “*Government ... should be open, accessible, accountable and responsive.*”

Slide 27

27

Public Participation

Public Comment at Board Meetings

- When a board allows time at its meetings for public comment, the board creates a “forum” for speech, implicating both the Federal and State Constitutions.
- School boards can enact rules about public comments, but must adhere to 1st Amendment standards.
- Rules may include “time, place and manner” restrictions, as well as other parameters, provided that in all instances, the limitations are viewpoint neutral.

Note: A full discussion of public comment and the 1st Amendment is beyond the scope of this presentation.

Slide 28

28

Public Comment

Refer to your own local policy.

NHSBA Sample Policy BEDH.



Slide 29

29

Public Participation *Practice Tips*

- Make sufficient copies available of the agenda and other items of general concern (e.g., meeting policies, outline of Right-to-Know Law regarding non-public sessions, report summaries, etc.).
- Place controversial issues early on the agenda.
- Similarly, place participation items (staff, student groups, consultants) early.
- Use language the audience can understand – avoid jargon.

Slide 30

30

Public Participation *Practice Tips*

- Summarize public comment rules/policy before the start of public comment period.
- Safest rule to enforce under the 1st Amendment is one limiting speakers to X minutes.
- Administer public comment rules consistently.
- *Public comment is for input, not debate* – Avoid exchanges and arguments. Keep exchanges to a minimum, and never argue.
- For highly controversial topics, consider a “public forum” (special board meeting).

Slide 31

31

Public Participation *Practice Tips*

- Be adept at deferring direct response –
 - no single board member can speak for the board until the board has taken a position;
 - deferring reduces the risk of overly emotional responses;
 - deferring – as with agenda setting - helps assure that the information required for meaningful and accurate deliberation is in hand;
 - develop a pattern of integrating meaningful input into future agendas or board business part of the meeting.

Slide 32

32

Contact Information

Slide 33

33

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PUBLIC COMMENT AND PARTICIPATION AT BOARD MEETINGS

Category: Recommended

Related Policies: BEDB, KE & KEB

The primary purpose of School Board meetings is to conduct the business of the Board as it relates to school policies, programs and operations. The Board encourages residents to attend Board meetings so that they may become acquainted with the operation and programs of the schools. All official meetings of the Board shall be open to the press and public. However, the Board reserves the right to meet and to adjourn or recess a meeting at any time. The Board also reserves the right to enter non-public session at any time, in accordance with the provisions RSA 91-A:3.

In order to assure that persons who wish to appear before the Board may be heard and, at the same time, assure that the Board may conduct its business and meetings properly and efficiently, the Board adopts as policy the following procedures and rules pertaining to public participation at Board meetings.

Rules of Order

1. The Board will provide a maximum of **___fifteen___** minutes to hear public comments at the beginning of each regular Board meeting. This period may be extended by a majority vote of the Board. Additionally, the Board may include additional public comment period for specific agenda items with a time limit for public comment specified on the pertinent agenda.
2. Individual speakers will be allotted **___three___** minutes per person. Speakers may not relinquish allotted time to another speaker. For specific meetings and/or specific agenda items, the Board may at the outset of the public comment period increase the individual time limit for all speakers.
3. The Chair will recognize speakers on a first come basis.
4. In order to comply with the minute requirements of RSA 91-A:2, II, speakers shall identify themselves clearly for the record.

OPTIONAL PROVISIONS – SELECT ONE OF THE ITALICIZED PARAGRAPHS

5. *Members of the public shall limit comments only to those items appearing on the current agenda. The Board will not entertain comments on items that do not appear on the agenda. The only exception shall be comments which address matters discussed by the Board at its last public meeting which were not on that meeting's agenda but were discussed by the Board under "New Business". Requests to address the Board on specific matters (i.e., a request to have a matter placed on an agenda) should be presented to the Superintendent no less than fourteen days prior to the next Board meeting, and must set forth the specifics of the subject to be address. The determination whether to place the matter on the agenda will be made consistent with Board Policy [BEDB].*

--OR--

PUBLIC COMMENT AND PARTICIPATION AT BOARD MEETINGS

*Except as otherwise provided in this policy, members of the public may offer comments on agenda items or upon any other matter of public concern directly relating to the District's school policies, programs and operations. In the interest of preserving individual privacy and due process rights, the Board requests that comments (including complaints) regarding individual employees (other than the Superintendent) or individual students be directed to the Superintendent in accord with the complaint/grievance resolution processes set forth in School Board Policies **KE and/or KEB**. Complaints regarding the Superintendent, may be made either during public comment, or directed to the School Board Chair as described in Board Policy **KEB**.*

6. Any comments which do not adhere to the above, or which disrupt the official business of the Board may be ruled out of order by the Chair. Repeated disruption may result in the individual being asked to leave the meeting. Obscene speech, comments threatening bodily harm, or other unprotected speech will not be tolerated.
7. The Board Chair may terminate the speaker's privilege of address if the speaker does not follow the above rules of order. Repeated violations or disruptions may result in the intervention of law enforcement, with the potential for criminal charges.

Persons appearing before the Board are reminded that members of the Board are without authority to act independently as individuals in official matters. Thus, in most instances, any board response will be deferred pending consideration by the full Board.

With the aim of maintaining focus on the issues in discussion, it is desired that all speakers strive to adhere to ordinary norms of decorum and civility.

District Policy History:

First reading: _____

Second reading/adopted: _____

District revision history:**Legal References:**

RSA 91-A:2, Meetings Open to the Public

RSA 91-A:3, Non-Public Sessions

U.S. Const., 1st Amendment

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes. The district should, to the extent possible, include its own adoption/revision history

PUBLIC COMMENT AND PARTICIPATION AT BOARD MEETINGS

NHSBA history: Revised: September 2018; May 2007; November 1999; July 1998; and February 2004

NHSBA revision note, September 2018: This sample policy is updated to more specifically recognize the distinction between board business, and public comment, and how that distinction relates to the benefit of public input at board meeting, as well as emerging judicial decisions regarding the need for viewpoint neutrality relative to public comment rules.

w/p-update/2018 Fall/BEDH//BEDH Public Comment 2018 Rev (f)

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