

209 BOARD OF DIRECTORS' MANAGEMENT PROCEDURES

209.1 DEVELOPMENT OF POLICY

The board has jurisdiction to legislate policy for the school district with the force and effect of law. Board policy provides the general direction as to what the board wishes to accomplish and why it wishes to accomplish it while allowing the superintendent to implement board policy.

The written policy statements contained in this manual provide guidelines and goals to the citizens, administration, employees and students in the school district community. The policy statements ~~shall be~~ are the basis for the formulation of regulations by the administration. The board ~~shall~~ will determine the effectiveness of the policy statements by evaluating periodic reports from the administration.

Policy statements may be proposed by a board member, administrator, employee, student or member of the school district community. Proposed policy statements or ideas ~~shall~~ will be submitted to the superintendent's office for possible placement on the board agenda. It ~~shall be~~ is the responsibility of the superintendent to bring these proposals to the attention of the board.

Legal Reference: Iowa Code §§ 274.1-.2; 279.8.
281 I.A.C. 12.3(2).

Cross Reference: 101 Educational Philosophy of the School District
200.2 Powers of the Board of Directors
200.3 Responsibilities of the Board of Directors
209 Board of Directors' Management Procedures

Approved 5/8/95

Reviewed 1/11/16

Revised 5/8/95

209.2 ADOPTION OF POLICY

The board ~~shall will~~ give notice of ~~proposed policy changes or~~ adoption of new policies by placing the item on the agenda of two (2) regular board meetings. ~~The proposed policy changes shall be distributed and public comment will be allowed at both meetings prior to final board action.~~ This notice procedure ~~shall will~~ be required except for emergency situations. If the board adopts a policy in an emergency situation, a statement regarding the emergency and the need for immediate adoption of the policy ~~shall will~~ be included in the minutes. The board ~~shall will~~ have complete discretion to determine what constitutes an emergency situation.

The final action taken to adopt the proposed policy ~~shall will~~ be approved by a simple majority vote of the board at the next regular meeting after the meeting allowing public discussion. The policy will be effective on the later of the date of passage or the date stated in the motion.

In the case of an emergency, a new or changed policy may be adopted by a majority vote of a quorum of the board. The emergency policy ~~shall will~~ expire at the close of the third (3rd) regular meeting following the emergency action, unless the policy adoption procedure stated above is followed and the policy is reaffirmed.

NOTE: There is no legal requirement for the number of readings a board policy needs to have prior to its adoption by the board. The standard practice is two meetings, and this policy is written to reflect that practice. If a board holds fewer or more readings, the policy should be amended to reflect that practice. It is recommended the expiration date of an emergency policy be the number of meetings needed to adopt a regular policy plus an additional meeting.

Legal Reference: Iowa Code § 279.8.
281 I.A.C. 12.3(2).

Cross Reference: 200.2 Powers of the Board of Directors
200.3 Responsibilities of the Board of Directors
209 Board of Directors' Management Procedures

Approved 5/8/95

Reviewed 1/11/16

Revised 5/8/95

209.3 DISSEMINATION OF POLICY

~~A board policy manual shall be placed on the district's website and available in the central administration office. Persons wishing to review the board policy manual shall contact the board secretary/business manager, who shall have a board policy manual available for public inspection.~~

~~It shall be the responsibility of the board secretary/business manager to ensure copies of new and revised policy statements are distributed to the custodians of board policy manuals no later than the first (1st) regular board meeting following the policy's adoption. Copies of changes in board policy shall also be included in or attached to the minutes of the meetings in which the final action was taken to adopt the new or changed policy.~~

The board policy manual is available electronically. Persons unable to access the policy manual electronically should contact the board secretary for assistance.

Copies of changes in board policy ~~shall~~ will also be included in or attached to the minutes of the meetings in which the final action was taken to adopt the new or changed policy.

Legal Reference: Iowa Code §§ 277.31; 279.8.
281 I.A.C. 12.3(2).

Cross Reference: 200.3 Responsibilities of the Board of Directors
209 Board of Directors' Management Procedures

Approved 5/8/95

Reviewed 1/11/16

Revised 1/11/16

NEW! 209.4 SUSPENSION OF POLICY

Generally, the board will follow board policy and enforce it equitably. The board, and only the board, may, in extreme emergencies of a very unique nature, suspend policy. It is within the discretion of the board to determine when an extreme emergency of a very unique nature exists. Reasons for suspension of board policy will be documented in board minutes.

Legal Reference: Iowa Code § 279.8.
281 I.A.C. 12.3(2).

Cross Reference: 200.3 Responsibilities of the Board of Directors
209 Board of Directors' Management Procedures

Approved X/XX/XX

Reviewed X/XX/XX

Revised X/XX/XX

209.5 ADMINISTRATION IN THE ABSENCE OF POLICY

When there is no board policy in existence to provide guidance on a matter, the superintendent is authorized to act appropriately under the circumstances surrounding the situation keeping in mind the educational philosophy and financial condition of the school district.

It shall be the responsibility of the superintendent to inform the board of the situation and the action taken and to document the action taken. If needed, the superintendent shall will draft a proposed policy for the board to consider.

Legal Reference: Iowa Code § 279.8.
281 I.A.C. 12.3(2).

Cross Reference: 200.3 Responsibilities of the Board of Directors
209 Board of Directors' Management Procedures
302.4 Superintendent Duties
304 Policy Implementation

Approved 5/8/95

Reviewed 1/11/16

Revised 5/8/95

209.6 REVIEW AND REVISION OF POLICY

The board shall, at least once every five years, review board policy. Once the policy has been reviewed, even if no changes were made, a notation of the date of review is made on the face of the policy statement.

The board will review one-fifth of the policy manual annually according to the following subject areas:

- School District, Education Program (Series 100 and 600)
- Board of Directors, Administration (Series 200 and 300)
- Employees (Series 400)
- Students (Series 500)
- Noninstructional Operations and Business Services, Buildings and Sites, School District-Community Relations (Series 700, 800 and 900)

It is the responsibility of the superintendent to keep the board informed as to legal changes at both the federal and state levels. The superintendent will also be responsible for bringing proposed policy statement revisions to the board's attention.

If a policy is revised because of a legal change over which the board has no control or a change which is minor, the policy may be approved at one meeting at the discretion of the board.

NOTE: Boards must review board policy at least every five years according to the educational standards. In order to comply with the educational standards, notation must be made on policies stating when the policy was reviewed or revised. Boards can use any method they want for reviewing board policy. The schedule established in this policy is a recommendation. It is written so approximately one-fifth of the manual is reviewed every year and similar topics are reviewed together.

Legal Reference: Iowa Code § 279.8.
281 I.A.C. 12.3(2).

Cross Reference: 200.3 Responsibilities of the Board of Directors
209 Board of Directors' Management Procedures

Approved 5/8/95

Reviewed 3/8/21

Revised 3/8/21

209.7 REVIEW OF ADMINISTRATIVE REGULATIONS

Board policy sets the direction for the administration of the education program and school district operations. Some policies require administrative regulations for implementation.

It shall be the responsibility of the superintendent to develop administrative regulations to implement the board policies. The regulations, including handbooks, will be approved or reviewed by the board prior to their use in the school district.

The administrative regulations will be available no later than the two (2) regular board meetings after the adoption of the board policy unless the board directs otherwise.

Legal Reference: Iowa Code §§ 279.8, .20.

Cross Reference: 200.3 Responsibilities of the Board of Directors
209 Board of Directors' Management Procedures

Approved 5/8/95

Reviewed 1/11/16

Revised 6/12/00

210 BOARD OF DIRECTORS' MEETINGS

210.1 ANNUAL MEETING

Each year after August 31 and prior to the organizational meeting of the board in odd-numbered years, the board will hold its annual meeting.

At the annual meeting, the board will examine the financial books and settle the secretary's and treasurer's statements for the fiscal year ending the preceding June 30. As part of the annual reports, the treasurer will present affidavits from depository banks. The board may also appoint the board's legal counsel at the annual meeting.

Legal Reference: Iowa Code §§ 279.1, .3, .33.

Cross Reference: 206.3 Secretary
206.4 Treasurer
701.1 Depository of Funds
707 Fiscal Reports

Approved 11/11/02

Reviewed 1/11/16

Revised 1/11/16

NEW! 210.2 REGULAR MEETING

The regular meeting time and date will be set by the board at the organizational meeting in odd-numbered years, or at the annual meeting in even-numbered years.

Generally, the regular meetings of the board will be held on the second Monday of each month. Meetings will begin promptly at 7:00 p.m. The board will adhere to this meeting date and time unless the board requires additional meetings or, due to circumstances beyond the board's control, the meeting cannot be held on the regular meeting date, and the meeting will be re-scheduled in accordance with law and policy. Public notice of the meetings will be given.

NOTE: The board has the option to include the date and time for the regular meeting in board policy, but is not required to do so.

Legal Reference: Iowa Code §§ 21.3, .4; 279.1

Cross Reference: 200.1 Organization of the Board of Directors
210 Board of Directors' Meetings

Approved X/XX/XX

Reviewed X/XX/XX

Revised X/XX/XX

210.3 SPECIAL MEETING

It may be necessary for the board to conduct a special meeting in addition to the regularly scheduled board meeting. Special meetings may be called by the president of the board or by the board secretary/business manager at the request of a majority of the board. Should a special meeting be called, public notice shall be given.

If the special meeting called is an emergency meeting and the board cannot give public notice in its usual manner, the board shall give public notice of the meeting as soon as practical and possible in light of the situation. Emergency meetings will only be held when an issue cannot wait twenty-four hours necessary for a special meeting. The reason for the emergency meeting and why notice in its usual manner could not be given shall be stated in the minutes.

Only the purpose or issue for which the special meeting was called may be discussed and decided in the special meeting. The board shall strictly adhere to the agenda for the special meeting and action on other issues shall be reserved for the next regular or special board meeting.

Legal Reference: Iowa Code §§ 21.3, .4; 279.2.

Cross Reference: 200.1 Organization of the Board of Directors
210 Board of Directors' Meetings

Approved 5/8/95

Reviewed 1/11/16

Revised 6/12/00

210.4 WORK SESSIONS

The board, as a decision making body, is confronted with a continuing flow of problems, issues and needs which require action. While the board is determined to expedite its business, it is also mindful of the importance of planning, brainstorming and thoughtful discussion without action. Therefore, the board may schedule work sessions and retreats in order to provide its members and the administration with such opportunities. The board has the authority to hire an outside facilitator to assist them in work sessions.

Topics for discussion and study will be announced publicly, and work sessions and retreats will be conducted in open session. ~~However,~~ No board action will take place at the work session.

NOTE: Work sessions are considered open board meetings for which all of the requirements of the open meetings law apply including the requirement that board minutes be published.

Legal Reference: Iowa Code §§ 21; 279.8.

Cross Reference: 210 Board of Directors' Meetings
211 Open Meetings

Approved 5/8/95

Reviewed 1/11/16

Revised 5/8/95

210.5 MEETING NOTICE

Public notice will be given for meetings and work sessions held by the board. Public notice will indicate the time, place, date and tentative agenda of board meetings. The public notice will be posted on the bulletin board or another prominent place clearly designated for posting agendas in the central administration office at least two (2) days before it is scheduled, but, at the minimum, twenty-four (24) hours' notice needs to be given.

A copy of the public notice will be provided to those who have filed a request for notice with the secretary. A copy of the public notice will also be accessible to employees and students.

In the case of special meetings, public notice will be given in the same manner as for a regular meeting unless it is an emergency meeting. In that case, public notice of the meeting will be given as soon as practical and possible in light of the situation. The media and others who have requested notice will be notified of the emergency meeting. Attendance at a special meeting or emergency meeting by the media or board members will constitute a waiver of notice.

It is the responsibility of the board secretary to give public notice of board meetings and work sessions.

NOTE: This policy states that the notice will be posted in the central administration office which is a legal requirement. If an additional procedure is used, the board may want to include that procedure.

Legal Reference: *Dobrovolny v. Reinhardt*, 173 N.W.2d 837 (Iowa 1970).
Iowa Code §§ 21.2-.4; 279.1, .2.

Cross Reference: 210 Board of Directors' Meetings
210.8 Board of Directors' Meeting Agenda

Approved 5/8/95

Reviewed 11/18/19

Revised 11/18/19

210.6 QUORUM

Action by the board regarding the affairs of the school district may be taken only when a quorum, a majority of the board members, is in attendance at the board meeting. While in person participation is encouraged, board members may attend meetings either in person or electronically provided each member can hear and be heard in real time by all members present and the public.

While board members are encouraged to attend board meetings, three (3) members will constitute a quorum and are a sufficient number to transact business of the school corporation. The adjournment of a meeting may be executed without a quorum.

An affirmative vote of a majority of the votes cast is sufficient to pass a motion or take action unless law or board policy requires a vote of a greater number.

It is the responsibility of each board member to attend board meetings.

Legal Reference: Iowa Code §§ 21.5(1); 279.4.

Cross Reference: 210 Board of Directors' Meetings

Approved 5/8/95

Reviewed 11/18/19

Revised 11/18/19

210.7 RULES OF ORDER

An orderly board meeting allows the board members to participate in the discussion and decision process on an issue confronting the school district. Rules of order for board meetings allow school district business and the relative information concerning the business to be brought to the attention of the board. They also allow the board to discuss, act upon and make a clear record of school district business in a regular, ordered, reasonable and consistent manner.

~~It shall be the responsibility of each board member to follow the rules of order stated in this policy at each meeting, and it shall be the responsibility of the presiding officer to conduct the board meeting within these rules.~~

The board ~~shall~~ will follow Robert's Rule of Order, Revised, latest edition as modified by this policy and subsequent rule.

The purpose of modified rules adopted by the board are:

- To establish guidelines by which the business of the governing board can be conducted in a regular and internally consistent manner;
- To organize the meetings so all necessary matters can be brought to the board and decisions of the board can be made in an orderly and reasonable manner;
- To ~~insure~~ ensure members of the board, concentrating on the substantive issues at hand, have the necessary information to make decisions, and to ~~insure~~ ensure adequate discussion of decisions to be made; and,
- To ~~insure~~ ensure meetings and actions of the board are conducted so as to be informative to the staff and the public, and to produce a clear record of actions taken and decisions made.

~~It is the responsibility of each board member to follow the rules of order stated in this policy at each meeting, and it is the responsibility of the presiding officer to conduct the board meeting within these rules.~~

Legal Reference: Iowa Code §§ 21.2, .7; 279.8.

Cross Reference: 210 Board of Directors' Meetings
210.8 Board Meeting Agenda

Approved 5/8/95

Reviewed 1/11/16

Revised 5/8/95

NEW! 210.7R1 RULES OF ORDER REGULATION

The following rules of procedure have been adopted by the board at the annual or organizational meeting:

1. Board members need not rise to gain the recognition of the board president.
2. All motions will be made as a positive action.
3. A motion will be adopted or carried if it receives an affirmative vote from more than half of the votes cast. Only "yes" and "no" votes are counted in this calculation. It should be noted that some motions require larger numbers of affirmative votes, such as to move into a closed session.
4. All motions shall receive a second, prior to opening the issue for discussion of the board. If a motion does not receive a second, the board president may declare the motion dead for lack of a second.
5. The board president may decide the order in which board members will be recognized to address an issue. An attempt should be made to alternate between pro and con positions.
6. The board president shall rule on all motions that come before the board.
7. The board president may rule on points of order brought before the board.
8. The board president shall have complete authority to recognize a member of the audience regarding a request to participate in the board meeting. Members of the public who wish to participate shall follow board policy.
9. The board president has the authority to declare a recess at any time for the purpose of restoring decorum to the meeting.
10. The board president has the same authority and responsibility as each board member to vote on all issues.

210.8 BOARD MEETING AGENDA

The tentative agenda for each board meeting ~~shall~~ will state the topics for discussion and action at the board meeting. The agenda is part of the public notice of the board meeting and will be posted and distributed.

Persons requesting to place an item on the agenda must make a request to the superintendent three (3) work days prior to ~~the regular meeting drafting of the tentative agenda~~. The person making the request must state the person's name, address, purpose of the presentation, action desired and pertinent background information. Requests from the public may be added to the tentative agenda at the discretion of the superintendent after consultation with the board president. Requests received after the deadline may only be added to the agenda for good cause, ~~as determined by the board president~~.

The tentative agenda and supporting documents ~~shall~~ will be sent to the board members two (2) days prior to the scheduled board meeting. These documents are the private property of the board member. Persons wishing to view the tentative agenda and supporting documents may do so at the central administration office.

The board ~~shall~~ will take action only on the items listed on the tentative agenda posted with the public notice. Items added to the agenda may be discussed or taken under advisement by the board. If an added item is acted upon, the minutes of the board meeting ~~shall~~ will state the reason justifying the immediate action.

It ~~shall be~~ is the responsibility of the board president and superintendent to develop the agenda for each board meeting.

NOTE: There is no legal requirement for the method used in developing the board agenda. This policy states the common procedure for drafting the board agenda. If a board uses another procedure, it should be reflected in this policy.

Legal Reference: Iowa Code §§ 21; 279.8.
1980 Op. Att'y Gen. 269.

Cross Reference: 210 Board of Directors' Meetings
211 Open Meetings
213 Public Participation in Board Meetings
215 Board of Directors' Records
402.5 Public Complaints About Employees
502.4 Student Complaints and Grievances

Approved 5/8/95

Reviewed 1/11/16

Revised 5/8/95

NEW! 210.8E1 BOARD MEETING AGENDA EXAMPLE

[Insert School District]
[Regular Board Meeting] or [Special Board Meeting]
[Insert Meeting Location]
[Insert Date (Day, Month Date, Year)]
[Insert Time (ex. 6:00 p.m.)]

- A. Call to Order, *Board President*
- B. Opening Activities [*Pledge of Allegiance, Mission Statement*]
- C. Roll Call, *Board Secretary*
- D. Public Forum
[*Insert reference to policy or procedure title and number and a brief description of the limitations of public forum (Ex. IASB Sample Policy 213 – Public Participation in Meetings)*]
- E. Agenda Approval
- F. Consent Agenda Approval
 - F1. Consent Agenda Items [*Ex. Minutes, Bill Listing, Contract Approvals*]
[*Insert reference to relevant district policies and procedures (Ex. IASB Sample Policy 210.9 – Consent Agenda)*]
 - F2. Consent Agenda Items Continued...
- G. Presentations [*Ex. District goals and priorities update; student learning updates and achievements*]
[*Insert presentation topic, presenter organization (if outside the district), and presenter name*]
[*Insert reference to relevant district policies, priorities, and goals*]
- H. Public Hearings [*Ex. School calendar adoption, upcoming district budget, and other items for which a public hearing may be embedded into a regular meeting*]
- I. Discussion Items [*Informational, no action required*]
- J. Action Items [*Ex. Resolutions, Approvals, Adoptions*]
 - J.1 Action Items. Consideration of approval of [*Insert action item description*]
[*Insert Superintendent recommendation*]
[*Insert district staff member name to present on this topic (If different than Superintendent)*]
[*Insert reference to relevant district policies, priorities, and goals*]
 - J.2 Action Items Continued...
- K. Policy Reviews
[*Insert policy title and number*]
[*Insert Introduction, Second Reading, or Third (and Final) Reading*]
[*Insert district staff member name to present on this topic*]
- L. Upcoming Events and Community Updates
 - 1. Superintendent
 - 2. Board President and Board Members
 - 3. Other District Staff, as appropriate
- M. Adjournment

Upcoming Meetings: [*Insert dates for upcoming board meetings*]

NOTE: There are no legal requirements for the organization of board agendas other than those stated in the policy. The contents of this exhibit are suggestions and may be amended, altered or deleted. For more detailed discussion of this issue, see IASB's Policy Primer, Vol. 26 #2 – January 11, 2018.

NOTE: Please see IASB Sample Policy 213 – Public Participation in Board Meetings and IASB's Better Board Meetings Toolbox. Districts may also have additional policies and procedures regarding public forum time or topic restrictions. If a public forum is allowed, this agenda template provides that any restrictions should be referenced and/or announced at the meeting.

NOTE: Action items should have, at a minimum, a motion and board vote and may include, but are not limited to, agenda approval, consent agenda approval, resolutions and other approvals, policy review readings, entering closed session, re-entering open session, and adjournment.

210.8E2 BOARD MEETING AGENDA EXAMPLE (with closed session)

[Insert School District]
[Regular Board Meeting] or [Special Board Meeting]
[Insert Meeting Location]
[Insert Date (Day, Month Date, Year)]
[Insert Time (ex. 6:00 p.m.)]

- A. Call to Order, Board President
- B. Opening Activities [Pledge of Allegiance, Mission Statement]
- C. Roll Call, Board Secretary
- D. Public Forum
[Insert reference to policy or procedure title and number and a brief description of the limitations of public forum (Ex. IASB Sample Policy 213 – Public Participation in Meetings)]
- E. Agenda Approval
- F. Consent Agenda Approval
 - F1. Consent Agenda Items [Ex. Minutes, Bill Listing, Contract Approvals]
[Insert reference to relevant district policies and procedures (Ex. IASB Sample Policy 210.9 – Consent Agenda)]
 - F2. Consent Agenda Items Continued...
- G. Presentations [Ex. District goals and priorities update; student learning updates and achievements]
[Insert presentation topic, presenter organization (if outside the district), and presenter name]
[Insert reference to relevant district policies, priorities, and goals]
- H. Public Hearings [Ex. School calendar adoption, upcoming district budget, and other items for which a public hearing may be embedded into a regular meeting]
- J. Discussion Items [Informational, no action required]
- K. Action Items [Ex. Resolutions, Approvals, Adoptions]
 - K.1 Action Items. Consideration of approval of [Insert action item description].
[Insert Superintendent recommendation]
[Insert district staff member name to present on this topic (If different than Superintendent)]
[Insert reference to relevant district policies, priorities, and goals]
 - K.2 Action Items Continued...
- L. Policy Reviews
[Insert policy title and number]
[Insert Introduction, Second Reading, or Third (and Final) Reading]
[Insert district staff member name to present on this topic]
- M. Upcoming Events and Community Updates
 - 1. Superintendent
 - 2. Board President and Board Members
 - 3. Other District Staff, as appropriate
- N. Closed Session [Motion and vote to enter, no action taken]
[Insert legal authority to enter closed session pursuant to Iowa Code § 21 (Ex., "I move that we hold a closed session as authorized by section 21.5 of the open meetings law to...)]

[Insert reference to relevant district policies and procedures (Ex. IASB Sample Policy 212 – Closed Sessions)]

Board decision to leave closed session

O. Board Action (if needed) on Topic Discussed in Closed Session

P. Adjournment

Upcoming Meetings: *[Insert dates for upcoming board meetings]*

NOTE: There are no legal requirements for the organization of board agendas other than those stated in the policy. The contents of this exhibit are suggestions and may be amended, altered or deleted. For more detailed discussion of this issue, see IASB's Policy Primer, Vol. 26 #2 – January 11, 2018.

NOTE: Please see IASB Sample Policy 213 – Public Participation in Board Meetings and IASB's Better Board Meetings Toolbox. Districts may also have additional policies and procedures regarding public forum time or topic restrictions. If a public forum is allowed, this agenda template provides that any restrictions should be referenced and/or announced at the meeting.

NOTE: Action items should have, at a minimum, a motion and board vote and may include, but are not limited to, agenda approval, consent agenda approval, resolutions and other approvals, policy review readings, entering closed session, re-entering open session, and adjournment. Please review any relevant district policies and procedures regarding actions taken by the board.

NOTE: Instances where closed session is legally allowed are very rare and legal authority and reasoning for holding a closed session should be clearly stated on the agenda. Please see IASB's Open Meetings & Public Records Toolbox for additional guidance and IASB Sample Policy 212 – Closed Sessions.

210.9 CONSENT AGENDAS

Very often the board must consider agenda items which are noncontroversial or similar in content. Such agenda items might include ministerial tasks such as, but not limited to, the approval of the agenda, approval of previous minutes, approval of bills, approval of reports, etc. These items might also include similar groups of decisions such as, but not limited to, approval of staff contracts, approval of maintenance details for the school buildings and grounds, open enrollment requests or approval of various schedules.

In order for a more efficient administration of board meetings, the board may elect to use a consent agenda for the passage of noncontroversial items or items of a similar nature.

The superintendent in consultation with the board president and board secretary/business manager shall place items on the consent agenda. By using a consent agenda, the board has consented to the consideration of certain items as a group under one resolution. Items may be removed from the consent agenda at the request of a board member.

Nothing in this policy is to be construed as an attempt to avoid full compliance with laws dealing with open meetings or public notice of the agenda and meeting.

Legal Reference: Iowa Code §§ 21; 279.8.

Cross Reference: 210 Board of Directors' Meetings

Approved 5/15/06

Reviewed 1/11/16

Revised 5/15/06

211 OPEN MEETINGS

A gathering of a majority of board members either in person or electronically in which deliberation of an issue within the scope of the board's policy making duties takes place is a board meeting. A gathering for the purpose of social or ministerial action will not constitute a board meeting when there is no discussion of policy or no intent to avoid the purpose of the open meetings law. Meetings of the board will be conducted in an open meeting unless a closed session is authorized by law or the meeting is exempt from the open meetings law.

Legal Reference: Iowa Code §§ 21, 279.1-.2.

Cross Reference: 208 Ad Hoc Committees
210 Board of Directors' Meetings
210.8 Board Meeting Agenda
212 Closed Sessions

Approved 5/8/95

Reviewed 11/18/19

Revised 11/18/19

212 CLOSED SESSIONS

Generally, board meetings will be open meetings, unless a closed session or exempt meeting is provided for by law. The board will hold a closed session or exempt meeting in the situations stated below.

Exceptions to the Open Meetings Law

Closed sessions take place as part of an open meeting. The item for discussion in the closed session will be listed as part of the tentative agenda on the public notice. The motion for a closed session, stating the purpose for the closed session, will be made and seconded during the open meeting. A minimum of two-thirds of the board, or all of the board members present, must vote in favor of the motion on a roll call vote. Closed sessions will be tape recorded and have detailed minutes kept by the board secretary. Final action on matters discussed in the closed session will be taken in an open meeting.

The minutes and the tape recording will restate the motion made in the open meeting, the roll call vote, the members present, and the time the closed session began and ended. The tape recordings and the written minutes will be kept for one year from the date of the meeting. Real estate related minutes and tapes will be made public after the real estate transaction is completed.

The detailed minutes and tape recording will be sealed and will not be public records open to public inspection. The minutes and tape recording will only be available to board members or opened upon court order in an action to enforce the requirements of the open meetings law. The board has complete discretion as to whom may be present at a closed session.

Reasons for the board entering into a closed session from an open meeting include, but are not limited to, the following:

1. To review or discuss records which are required or authorized by state or federal law to be kept confidential or to be kept confidential as a condition for the board's possession or receipt of federal funds.
2. To discuss strategy with legal counsel in matters presently in litigation, or where litigation is imminent, if disclosure would be likely to prejudice or disadvantage the board.
3. To discuss whether to conduct a hearing, or conduct a hearing for suspension or expulsion of a student, unless an open meeting is requested by the student or the parent of the student.
4. To evaluate the professional competency of an individual whose appointment, hiring, performance, or discharge is being considered when a closed session is necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.
5. To discuss the purchase or sale of particular real estate, but only when premature disclosure could be reasonably expected to increase the price the board would have to pay for the property, or in case of a sale reduce the price the board could receive for the property.

Exemptions to the Open Meetings Law

Board meetings at which a quorum is not present, or gatherings of the board for purely ministerial or social purposes when there is no discussion of policy or no intent to avoid the purposes of the open meetings law, are exempt from the open meetings law requirements. Since gatherings of this type are exempt from the open meetings requirements, they can be held without public notice, be separate from an open meeting, be held without taping the gathering or taking minutes, and be held without a vote or motion. The board may also hold an exempt session for the following:

1. negotiating sessions, strategy meetings of public employers or employee organizations, mediation and the deliberative process of arbitration;
2. to discuss strategy in matters relating to employment conditions of employees not covered by the collective bargaining law;
3. to conduct a private hearing relating to the recommended termination of a teacher's contract. The private hearing however, in the teacher's contract termination will be recorded verbatim by a court reporter; and

4. to conduct a private hearing relating to the termination of a probationary administrator's contract or to review the proposed decision of the administrative law judge regarding the termination of an administrator's contract.

NOTE: This policy reflects the exceptions and exemptions to the open meeting law. Any deviation from this policy should be addressed to legal counsel prior to action.

For more detailed discussion of this issue, see IASB's Policy Primer, August 9, 2007 and

Legal Reference: Iowa Code §§ 20.17; 21; 22.7; 279.15, .16, .24.

Cross Reference: 208 Ad Hoc Committees
211 Open Meetings

Approved 5/8/95

Reviewed 1/11/16

Revised 1/11/16