



# Toolbox to better meetings

OSBA Division of Legal Services  
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OSBA leads the way to educational excellence by serving Ohio's public school board members and the diverse districts they represent through superior service, unwavering advocacy and creative solutions.





# Road map



- Open meetings law
- Public participation
- Parliamentary procedure
- Discussion


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# OPEN MEETINGS ACT

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## OMA requirements

1. Advance notice of meeting
2. Full and accurate minutes
3. Meetings open to the public

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## What is a “meeting?”

- Any prearranged discussion
- Of public business of the public body
- By a majority of its members.



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## Is it a meeting?



**Division retreat**

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# Is it a meeting?



**Board policy committee meeting**

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# Is it a meeting?




**Levy committee meeting**

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# Is it a meeting?



**Email/texts between board members**

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# OMA requirements

- 1. Advance notice of meeting**
2. Full and accurate minutes
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## Is this appropriate notice?

- “Notice is hereby given by the Smallville Local School District that a special meeting of the board of education will be held at 6:30 p.m. on June 27, 2022, at the Smallville ESC, 60 Main St, Smallville, OH **for the purpose of conducting the regular business of the board of education.**”

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## What if a board member can't attend?



**Can the board member call or video chat into the meeting?**

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## OMA requirements

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## Minutes

- Promptly prepared.
- Maintained and available upon request.
- Include sufficient information to understand and appreciate body's rationale for decisions.
- Read at next meeting (may be waived).
- What if treasurer is absent?

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## OMA requirements


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## Executive session




- What is it?
- Who attends?
  - Superintendent?
  - Treasurer?
- What topics are appropriate for executive session?

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## Appropriate for executive session?


- Parent complaint about a teacher?
- Student discipline matter?
- Law firm interviews?
- Necessary budget cuts?
- Board member's off-duty misconduct?
- Board vacancy interviews?

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## Executive session



Is executive session *legally* confidential?

How to handle leaks

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## PUBLIC PARTICIPATION

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## “Open to the public”

Boards of education are not required to allow public participation, but most do.

- Minutes should include speakers' identity and nature of remarks.
- Board cannot regulate the identity of the speaker or the viewpoint of the speech.
- Board can regulate the time, place, and manner of public participation.

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## Permissible restrictions?

- “Each person is allotted three minutes to speak.”
- “A maximum of 30 minutes of public participation may be permitted at each meeting.”
- “Each person addressing the board shall give his/her name and address.”
- “Any party desiring to have an item placed on the agenda must make a request in writing to the Superintendent at least five days prior to the date of the meeting.”
- “The board president may prohibit public comments that are frivolous, repetitive, and/or harassing.”
- “Members of the public may ask generic questions about how to get particular kinds of concerns addressed, but employee names should not be used.”

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## Questionable or impermissible restrictions

- Probably cannot:
  - Prohibit negative comments about school district business.
  - Restrict speakers with a track record or known concerns.
  - Prohibit mentioning names of employees or board members.

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## How to handle possible public comments



- Complaints about teachers, coaches or other employees.
- Complaints about students or families.
- Questions to board members about decisions.

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## Complaints about employees

- Weigh interest of general public in hearing comments against individual employee's right to privacy.
- Courts do not agree as to whether Board can prohibit comments directed at specific employees. Check with board counsel to review your degree of risk.
- Alternatives?

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## Complaints about students

- Board must maintain confidentiality of student information unless parent/eligible student has consented to release.
- Complaints about students should be heard in executive session.
- Parents of student or eligible student being discussed may waive right.

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## Public participation strategies

- ① You do not have to answer questions. Public participation is a time for the public to speak, not to engage in interrogation of board members.
- ② You do not have to engage in a Q&A with the public on a subject you are not prepared to address.
- ③ When the public is speaking, even if the comments are antagonistic, remain calm and impassive. Always thank the speaker for their comments, then move on.
- ④ Refer matters needing further investigation or follow up to board staff. It is not the board's role to perform those functions.

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## Handling tough meetings

- Modifying board agendas
- Understanding the vote
- Changing your mind
- Managing your crowds

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## Handling tough meetings

- Be mindful of the environment
- Approach with the right mindset
- Start from the heart
- Don't deny the obvious

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## Maintaining order

- Citizens have a right to be present at board meetings under Open Meetings Act, but not a right to disrupt meeting.
- “When an audience becomes so uncontrollable that the public body cannot deliberate, ... [it] waives its right ... under the Sunshine Law to continue to observe the proceedings.”

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## Options for maintaining order

- Use parliamentary procedure.
- Work with local law enforcement to enforce rules/policies by direct action.
- Seek an injunction.
- Seek criminal sanctions.

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# PARLIAMENTARY PROCEDURE



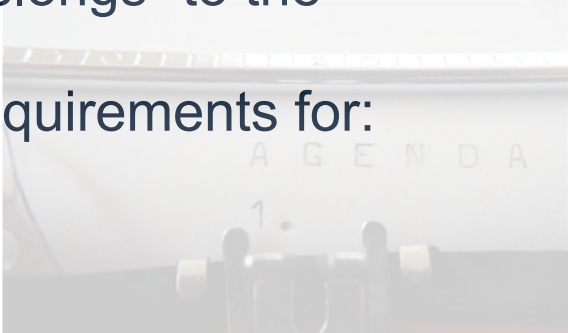
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## Planning and using agenda

- The Revised Code is silent about agenda.
- The agenda “belongs” to the members.
- Check policy requirements for:
  - Format.
  - Preparation.
  - Dissemination.



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## Amending the agenda

### Robert's Rules of Order:

- If board does not adopt the agenda, a majority vote is required to amend.
- After board adopts the agenda, a 2/3 vote is required to amend.

Check your board's policy.

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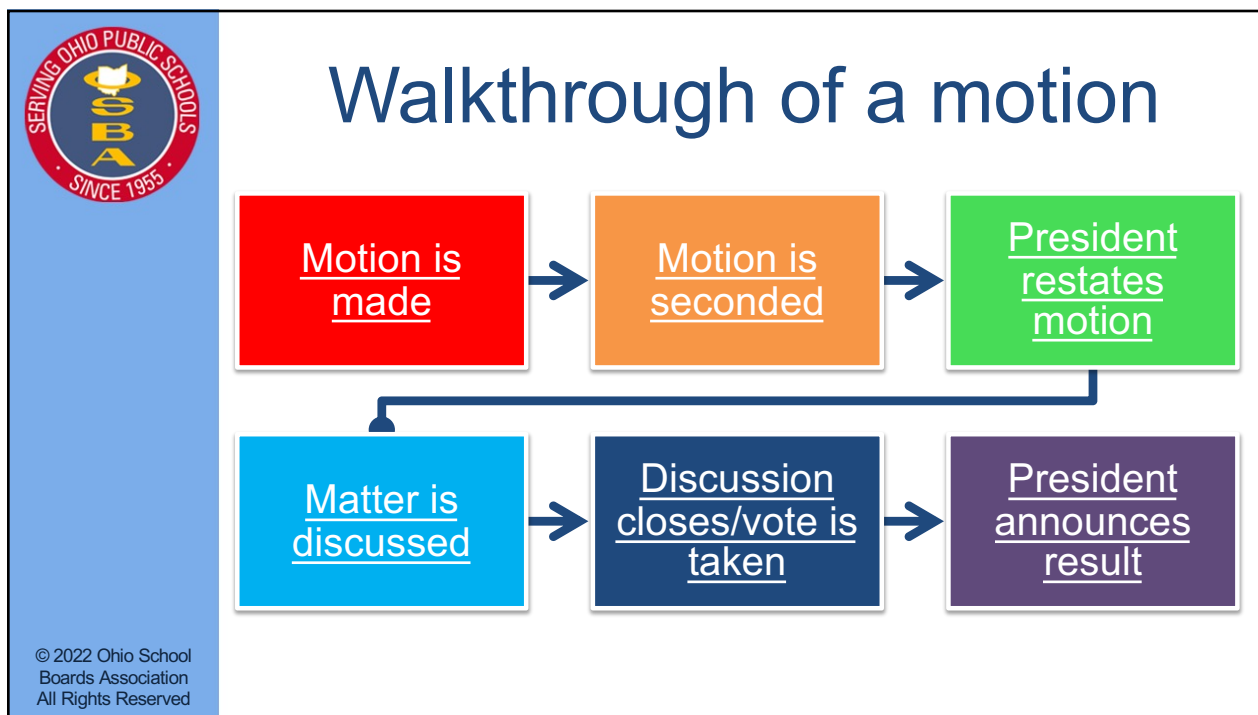


## Consent agenda

- Boards may adopt a policy to use consent agendas.
- Single vote on multiple items without discussion.
- Any member may move an item off the consent agenda without a second.
- Board policy should specify what items can be placed on consent agenda.

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## Motion is made

- Proposal that board takes action — “I move that ...”
- Main motions are proposals for substantive action.
- Subsidiary motions are proposals for procedural action.
- Any member can make a motion.

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## Motion is seconded

- Not all motions must be seconded.
- A second does not indicate support, just that member believes board should consider the matter.

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## President restates motion

- After motion and second, the president restates the motion:
  - “It has been moved and seconded that the board ...”
- Repeating the motion exactly avoids confusion and keeps focus on matter.

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## Matter is discussed

Board members should:

- Confine remarks to motion before board.
- Address remarks to the board president.

Board members should not:

- Allude to motives of another member.
- Make personal attacks.

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## Debate closes/vote is taken

Discussion closes with a procedural motion to close debate – “I call the question” – or president asks if board is ready to vote.

- Board president restates the motion upon which the board is voting.
- Roll call vote (in most cases) of those in favor or against motion.


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## President announces result

“The vote is 3 for and 2 against. The ayes have it and the motion is adopted [or carried or agreed to].”



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## Amending a motion


- “I move to amend...”
- Perfecting the wording of the main motion.
- Second is needed, is debatable and amendable.
- Must be germane or related to main motion.
- If amendment adopted, chair restates main motion as amended
- “Friendly amendments”

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## Motion to table



- “I move to table”
- Sets the pending question aside temporarily during the same meeting.
- Needs a second, not debatable or amendable.

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## Motion to postpone

- “I move to postpone until...”
- Used if you don’t have the right information or you’re not ready to vote for whatever reason.
- Specify when item will return as “unfinished business.”
- When returned, discussion starts at the exact spot in the original debate.
- Needs a second, is debatable, is amendable.

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## Motion to reconsider

- “I move to reconsider the vote on the motion that was adopted to...”
- Correct hasty, ill-advised, erroneous action or take into account new or additional information.
- Moved by a voter on prevailing side.
- Needs a second, is debatable, not amendable.
- Must occur at the same meeting.

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## Motion to rescind

- “I move to rescind the motion that was adopted [when] to...”
- Consider an action adopted at a previous meeting.
- Any member may move.
- Needs a second, is debatable, is not amendable.
- Requires 2/3 vote of members present or majority of full membership if notice not given to members.
- Cannot occur if matters are completed or rights have vested.

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## Voting

- General rule is that a majority of those present and voting is sufficient.
  - Check statutes and policies to determine whether more than a simple majority is required to pass matter.
- Method of voting.
- Voting procedures.



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## Does the motion carry...


Board members present and results of vote	If you need a simple majority?	If you need a majority of membership?
5 present: 3 yes, 2 no	Carries	Carries
4 present: 2 yes, 2 no	Fails	Fails
5 present: 2 yes, 1 no, 2 abstentions	Carries	Fails
5 present: 2 yes, 2 no, 1 abstention	Fails	Fails
5 present: 2 yes, 0 no, 3 abstentions	Carries	Fails

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# Questions?




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