



INDIANA SCHOOL BOARDS
ASSOCIATION

School Board Candidate Information Manual 2024

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Demographics

Currently, there are 1681 public school board members governing 290 school corporations throughout Indiana. The number of school board members periodically changes when local changes to governing body selection plans increase or decrease representation from among residents within each school corporation's boundaries.

The vast majority of Indiana school boards are comprised of five or seven members, although one board has only three members, one has four, another has six, and two boards have nine members (Indiana School Boards Association, 2022)). Most Indiana school boards are elected by popular vote at the general election held every two years. A majority of members (three for a five-member board, four for a seven-member board, and so on) are elected during one election and the minority of members (two for a five-member board, three for a seven-member board, etc.) are elected two years later. Every elected member serves a four-year term of office. Currently there are 279 elected school boards 1 of which one is advisory only, 10 appointed school boards, and 1 board that has both appointed and elected members.

Although school board governance is not a new form of governing in public education, governing responsibilities and styles have changed considerably since representative citizen groups were organized in the seventeenth century to oversee institutions of public education (NSBA, 2006).

Today, Indiana public education is big business, with the majority of schools advertising general fund operating budgets in the millions of dollars. Even the smallest school corporations often boast total budgets of a million or more dollars, and it is not uncommon that public school corporations frequently represent the largest corporations and employers in their communities. These large annual budgets accentuate board members' fiduciary responsibilities, requiring greater understanding of budget formulation and associated tax implications. Furthermore, professional staff specialization easily translates into an increased, overall financial burden to maintain particular curriculum offerings to meet expanding academic incentives.

Increasing financial responsibilities, combined with ever-increasing expectations tied to student achievement, are capturing greater public attention and demanding more effective school board governance (Nichols, 2004; Tucker, 2010; Wong, 1995).

The Board's Role and Responsibilities

Being a School Board Member

Being a member of your local school board is a unique and rewarding community service. Within the geographical boundaries of a school corporation, which can include multiple townships and, in some cases, cross county lines, board members serve in one of, if not the most influential governance positions. Responsible oversight of the school corporation's most valuable assets —its school facilities, employees, and the children that attend the school cannot be overstated.

What is responsible and effective school governance? First, it is a fundamental understanding that governance is not administration. There is a clear delineation between the two roles. School boards are responsible for setting policy, program oversight, superintendent evaluation, approving the budget, approving recommendations brought by the superintendent, establishing appropriate and safe facilities, and acting as liaisons to the community. In general, the board, in collaboration with the community and staff, needs to set the vision and direction for the future and hold themselves and all others accountable to that vision and direction. The superintendent is responsible for ensuring that the work of educating the communities' children is carried forward with fidelity and maintaining a strong line of communication with the board.

Second, school boards function as a governing body. Indiana statute makes it very clear that each member represents a single voice and vote, but the decisions of the board are through the work of the whole. Individual board members never hold decision-making authority. The most effective boards strive for consensus by listening to multiple viewpoints and seeking a fair and inclusive solution.

Third, boards accept the role of governance and oversight, and accept a strong chain of command that allows the superintendent to act in his or her role as the chief executive officer of the corporation. The operational oversight and daily decision making that is necessary for the function of a complex multi-level organization should be entrusted to the superintendent and administrative team. Relying on a strong line of communication between the superintendent and board is fundamental to the success of the entire organization.

The remainder of this manual goes into detail of the statutory powers and limitations of school boards and individual board members. School board members are expected to understand their governance role and perform their duties on behalf of their school communities within Indiana's prescribed legal bounds.

General Powers Act – Board Authority

Statutory Powers of a Public School Corporation’s Board of Trustees

A school corporation and its governing board of trustees are established by the Indiana General Assembly to exercise those local educational powers that are delegated to it by the legislature. These local powers are granted through statutes enacted by the legislature.

Generally speaking, a school board has the following powers:

- i. Those expressly granted by statute (originally called the “School Powers Act”).
- ii. Those necessary or desirable for the operation of the corporation and not expressly denied or granted to another entity (originally called the “School Corporation Home Rule Act of 1989”).

Exercise of Discretion

The Indiana General Assembly gives many specific powers to school boards to utilize in its discretion. (I.C. 20-26-5-4) In exercising discretionary power, school boards perform a legislative-type function that cannot be delegated to any other person or entity. On the other hand, administrative functions – those involved in the carrying out of discretionary decisions – may be delegated. This is the legal background for the concept that the school board is a policymaking body, while the function of the superintendent is administrative. The policymaking body performs legislative or discretionary functions while its executive office carries out policies through the administrative function.

Duties and Powers

The 1965 Indiana General Assembly passed the General School Powers Act, which, with subsequent amendments, is the most complete compilation of the powers and purposes of school corporations. The law grants the following general powers and purposes:

- 1. Each school corporation shall:**
 - a. Conduct an educational program for all children residing within such school corporation in kindergarten and in grades 1 to 12.
 - b. Conduct a latch key program in its school buildings for students in kindergarten through grade 6 by operating the program itself or contracting with an outside organization to conduct the program in the

corporation's buildings.
(I.C. 20-26-5-1(a) and (c))

2. Each school corporation may:

- a. Conduct an educational program for adults and children over the age of fourteen (14) years not attending a program described above in 1.a.;
- b. Provide instruction in vocational, industrial or manual training;
- c. Provide libraries for the schools of the school corporation;
- d. Provide public libraries open and free for the use and benefit of the residents and taxpayers of the school corporation where permitted by law;
- e. Provide vacation school and recreational programs;
- f. Conduct educational or other activities as are permitted or required to be performed by law by any school corporation; and
- g. Provide a school-age childcare program that operates during periods when school is in session for students who are enrolled in a half-day kindergarten program.

(I.C. 20-26-5-1(b))

Specific powers conferred by the General Assembly include the following

(I.C. 20-26-5-4):

1. In the name of the school corporation, to sue and be sued and to enter into contracts in matters permitted by law.
2. To take charge of, manage and conduct the educational affairs of the school corporation and to establish, locate, and provide the necessary schools, school libraries, other libraries where permitted by law, other buildings, facilities, property, and equipment therefore.
3. To appropriate from the operations fund an amount not to exceed the greater of \$3,000 per budget year or one dollar (\$1) per pupil, not to exceed \$12,500, based on the school corporation's previous year's average daily membership for the purpose of promoting the best interests of the school corporation by the purchase of meals, decorations, memorabilia, or awards, provisions for expenses incurred in interviewing job applicants, and/or developing relations with other governmental units.
4. To acquire real estate and to construct, erect and maintain school buildings, and improve and maintain real estate and facilities.
5. To acquire personal property as deemed necessary for school purposes. Such property can include, but is not limited to, buses, motor vehicles, appliances, books, furniture and supplies.
6. To sell or exchange real or personal property.
7. To lease school property for any purpose the governing body deems reasonable or to permit its free use for civic or public purposes.

8. To employ, contract for and discharge superintendents, teachers and other licensed and non-licensed school personnel, and fix the compensation and terms of employment of all school employees, in accordance with applicable law.
9. To authorize and reimburse an employee or a member of the governing body for trips taken in the interest of the school corporation.
10. To provide transportation for children to and from school.
11. To provide a school lunch program.
12. To purchase curricular materials and to provide them on a rental basis for students, in accordance with applicable law.
13. To accept student transfers and to transfer students to other school corporations, in accordance with applicable law.
14. To levy taxes, make budgets, appropriate and disburse funds and to borrow money.
15. To purchase liability insurance or establish a program of self-insurance for liability in accordance with the provisions of applicable law, and to purchase additional insurance or maintain a self-insurance program for school-related purposes.
16. To apply for and receive money from the state or federal government.
17. To defend any member of the governing body or employee of the school corporation against suit arising out of the performance of duties provided the board's resolution finds the action was taken in good faith.
18. To make rules and regulations for the management of the schools.
19. To ratify all action taken by a member of the governing body or an employee of a school corporation in those cases where such action could have been approved in advance.
20. To exercise any other power and make any expenditure for the carrying out of the powers granted by the General Assembly that is reasonable from a business or educational standpoint.

Indiana law also permits the following discretionary actions:

1. Opening bids for the purchase of supplies, materials or equipment, or for the construction of facilities by a committee that consists of not less than two of school board members or not less than two school employees. (I.C. 20-26-4-6)
2. To fix the compensation of members of the governing body at an amount not to exceed \$2,000 per year, and a per diem not to exceed the amount allowed by law. (I.C. 20-26-4-7)

Other statutes and court decisions have established board authority and responsibility to exercise such additional powers and duties as:

1. Admit pupils without regard to race, color, creed, sex, disability, national origin, or immigration status.
2. Deduct teachers' retirement from teachers' salaries.
3. Display the United States flag.
4. Carry worker's compensation insurance.
5. Suspend or expel students.
6. Provide for medical inspection of children.
7. Accept gifts and bequests.
8. Issue school bonds.

In addition to these specific powers, the 1989 General Assembly granted school corporations the authority to exercise any power necessary or desirable in conducting its affairs that is not specifically granted by statute or rule, or expressly denied by the United States Constitution, Constitution of the State of Indiana, statute, or rule of the State Board of Education, or granted to another entity. These are known as Home Rule powers (I.C. 20-26-3).

The 2011 General Assembly added a new section to the general school powers statutes that gives the superintendent the responsibility of “selecting and discharging principals, central office administrators, business managers, superintendents of buildings and grounds, janitors, physicians, dentists, nurses, athletic coaches ..., and any other employees necessary for the operation of the school, subject to the approval of the governing body.” The statute also gives to the superintendent and principal the responsibility of “selecting and discharging” other employees, including teachers, aides, and assistant principals, “subject to the approval of the governing body.” (I.C. 20-26-5-4.5)

Local Municipalities and School Corporation Boards

There are numerous differences between Indiana K-12 school corporations and such local governmental municipalities as cities, towns, and counties. School corporations and boards of trustees are governmental subdivisions created by the legislature for the sole purpose of implementing state public policy related to community educational functions. On the other hand, local municipal governments perform a wide range of duties, except that the legislature has expressly delegated public school corporation duties and control to school boards (and not to municipalities).

It follows then—and this is supported by numerous court decisions throughout the United States—that municipal government has no control over school government

other than that granted by the state legislature.

In a relative few Indiana school corporations, school board members are appointed by city and town councils, mayors, and/or other civil officials. Some Indiana school corporations have boundaries that are coterminous with civil cities. Since school government may appear to be closely related to municipal government, it is likely that many citizens do not understand the fundamental differences that exist.

Indiana civil officials have very limited control over the actions of school board members, even when they appoint the members. Regardless of the election or appointment method of board members, school board members owe no legal duty to local municipal entities, other than what is expressly required by law.

Elections and Appointments

School board members can either be elected by the registered voters within a school corporation or appointed by an elected official, such as a judge, mayor, county council, or township executive. (I.C. 20-23-4-27 and I.C. 20-23-4-28) The vast majority of Indiana school board members are elected.

Whether board members are elected or appointed is defined within a school corporation's governing body selection plan (more commonly referred to as a reorganization plan). These plans were generally created years ago pursuant to several school corporation reorganization mandates passed by the General Assembly. The plans also define the number of school board members and the necessary qualifications of school board members. A person is eligible to run for school board if the person has resided within the boundaries of the school corporation for at least one year before the election and is at least 18 years of age and a registered voter. Individuals who are employees of a school corporation may not simultaneously serve as members of the school board of the same school corporation.

Whether elected or appointed, all school board members serve a four-year term. They may be re-elected or re-appointed multiple times for additional four-year terms, unless there are term limits identified in the governing body selection plan. Elected board members are elected in the general elections and begin their term of office on the date set in the school corporation organization plan, but such date cannot be more than 14 months after the board members have been elected. If the school corporation organization plan does not set a date for the members to take office, their term begins the following January 1. The term of office for appointed members may be from January 1 through December 31 (four years later) or from July 1 through June 30 (four years later).

Once seated, all school board members must take the oath of office specified in statute.

(I.C. 20-26-4-2) A copy of the oath of office must be filed with the clerk of the circuit court within 30 days of the beginning of the term of office. (I.C. 5-4-1-4) Failure to comply with these requirements results in the office being vacant. (I.C. 5-4-1-1.2)

If there is a vacancy on the school board, whether the members are elected or appointed, the remaining members of the board have the authority to appoint a person to fill the vacancy unless, in cases of appointed boards, the governing body selection plan specifies that the vacancy will be filled by the appointing authority. Any person appointed to fill a vacancy must meet the same qualifications as the person who was elected or appointed to the position. (I.C. 20-23-4-30 and I.C. 20-26-4-4)

Indiana law does not specify any process for a board (or appointing authority) to follow when filling a vacancy. Thus, whether the school board announces the vacancy and accepts applications, creates its own list of applicants, or merely appoints a qualified individual, can be decided locally. When filling the vacancy, however, the school board must be sure to follow the provisions in the Open Door Law that apply to filling a vacancy on the board (I.C. 5-14-1.5-6.1(b)(10))

The law does, however, require the school board to appoint a person within 30 days after a vacancy occurs. If the board fails to make an appointment, or if there is a tie vote among the board members, then the judge of the circuit court in the county where the majority of registered voters of the school corporation reside shall make the appointment. (I.C. 20-23-4-30)

Policy Development and Maintenance

Policy development and adoption is the most important function of the school board. School board policies are statements that set forth the purposes and prescribe in general terms the organization and program of a school corporation. A policy is a guide for discretionary action, expressing the intent of the board concerning the performance it expects of those to whom it gives authority. Policy statements also guide the board in making decisions and indicate certain practices the administration will follow. They create a framework within which the superintendent and the staff can discharge their assigned duties with positive direction. Policies establish a definite course of action to guide present and future directions, while allowing flexibility for the day-to-day operations of the schools. Only the school board can establish and/or adopt policy.

Rules and regulations are needed to implement the board's intentions as expressed in its policies. Rules and regulations specify a required action or describe administrative processes or procedures. They tell exactly what is to be done and usually by whom and when. Formulating rules, regulations, procedures, and/or guidelines is the responsibility of the superintendent and the administrative staff.

School board members need to know the difference between policy and rules, regulations and/or procedures. The National School Boards Association (NSBA) definitions for policy and regulations provide clarity on the differences between these concepts. NSBA defines policies as “guidelines adopted by the board to chart a course of action.” They tell **what** is wanted and may also include **why** and how much. They should be broad enough to permit discretionary action by the administration in making day-to-day decisions yet be specific enough to give clear guidance. NSBA defines regulations or rules as “detailed directions developed by the administration to put [board] policy into practice. They tell how, by whom, where, and when things are to be done.”

The school board’s policies need to be in writing as written policy demonstrates business-like operation, provides credibility to board action and a legal record for insurance and other legal matters, clarifies board and administrative functions, and provides consistency and fairness to the operations of the school corporation. Written board policies also serve as transitional aids to new board members and provide clear notice of expectations of employees’ and students’ conduct. Formulation and adoption of written policies constitute the basic method by which a school board exercises its leadership in the operation of the school corporation.

The policy-making process is the best way to provide for systematic and responsible public involvement in education and is what ensures that policies are responsive to the needs they are designed to meet. It should involve study and consideration, proposal and recommendation, board deliberation and action, and administrative implementation, feedback and review. Policy development is cooperative, involving board, administration, employees, employee organizations, and interested members of the community. The process of developing policy is a continual process. It is never finished!

The boundaries of policy making are shaped by many factors such as federal and state constitutions, federal laws and regulations, state statutes and regulations, and state and federal judicial decisions. There are policies that are required to be adopted by school boards by federal or state laws or agency regulations. In many other areas, it is the local school board that determines whether or not a policy is adopted. The policies the local school board adopts and includes in its policy manual will depend, other than those required by law, on the local school board’s policy needs.

School board members should keep in mind that board policies carry the weight of law and establish a legal record for the school board and the school corporation. Therefore, the board’s policies must be current and effective, constantly monitored, communicated, and distributed to school employees, students, parents, and the school community, and should be easily accessible and conveniently located.

There are various stages of board policy development. In the early stage, the school board will begin by recognizing and determining whether a policy is needed on the specific topic. This is done by requesting input from the people whose activity it will affect, soliciting and obtaining ideas and views from as many people as possible, reviewing professional literature on the specific topic, and/or seeking advice from experts. Sample policies may also be obtained from ISBA.

The next stage is the drafting stage. The entire board is not expected to do the drafting of the policy nor should it; one person whether on the board or an administrator should be designated to draft the policy or be responsible for bringing a final draft to the school board for its consideration. When drafting a policy, verbosity, educational jargon, and legalese should be avoided; the policy should be written clearly enough to give explicit guidance by using clear, concise, and precise language.

A policy should be limited to one topic or subject matter. Be sure the policy is consistent with board minutes and other policies. It should be practical and capable of administration and meet the current needs of the school corporation but have a long-range perspective. A policy should not restate a statute or rule or paraphrase a statute or rule as a board is required to follow all laws and regulations of a federal or state agency. A good rule of thumb to use to determine if a policy is well-written is when “ten people independently reading the policy will come to the same conclusion consistent with its intended meaning.”

Prior to board adoption, all school board policies should be given a legal review to be sure they are consistent with federal and state laws and regulations, are within the scope of the board’s authority, and state standards adequately to avoid vagueness. All requirements and prohibitions in the policy should be reasonable and free from arbitrariness and capriciousness and avoid extending the school corporation’s legal liability.

Once a policy is adopted, it should contain a date of adoption, an effective date, and include a legal reference if applicable. The policy should be placed in the policy manual and the policy should be placed on the school corporation’s website for access by school employees, parents, and other members of the school community. A policy should be kept current by the board reviewing it periodically and revising it when necessary.

A school board should maintain a schedule of review of its policy manual on a continuing basis so that it is always updating its policy manual. State and federal laws will change so that a policy may need to be amended or added due to legislative action. When legislative action requires a revised or new policy, the board should act on such immediately and not wait for the scheduled review. The schedule of policy review may continue while the school board attends to its required action. Also, conditions may

change within the school corporation, which may require a policy to be adjusted. Such events should be dealt with through an established system of policy maintenance that ensures the policies, and the manual is always up to date and reflects the conditions in the school corporation as they are and not as they were.

President's Legal Authority

The board president is elected by the school board at its reorganization meeting, which is required by law to take place within the first fifteen (15) days of the start of the members' term of office, which for most school boards is January 1. At this same meeting the board must also elect a board vice president and a board secretary, who may not be the same person and must be members of the board. In addition to electing its officers, the board is required to appoint a treasurer of the corporation who is not a school board member or the superintendent. (I.C. 20-26-4-1(b) and (c))

There are only two Indiana statutes that specifically address the authority of the school board president. First, the school board president has the authority to call a special meeting of the school board. This same authority to call a special meeting is also given to the superintendent. The statute requires the board president or superintendent to evidence the call of the meeting by giving a written notice to each board member personally or sending by mail at least 72 hours before the special meeting. The written notice must state the date, time, and place of the meeting. The special meeting must be held at the same place where the regular meetings of the school board are held. (I.C. 20-26-4-3(c))

Second, the board president has the authority to sign all contracts on behalf of the school corporation along with the board secretary. The contracts cannot be signed by these officers until the board has approved the contracts by a majority vote of the entire board. This means if a board has seven (7) members, the vote to approve the contract must have at least four (4) affirmative votes. This requirement applies to all employment contracts and all contracts for goods and services provided to the school corporation. If either the board president or the board secretary is unavailable the vice president is entitled to sign the contracts with the other officer who is present. (I.C. 20-26-4-8)

In addition to the above statutory duties, the board president has the responsibilities that normally come with the office. The board president conducts all board meetings, including executive sessions, in a fair and efficient manner. The board president may and should vote on all motions at a public board meeting. The board president is responsible to conduct the meeting in accordance with adopted board policies relating to its meetings. The board president is responsible to know what procedural rules the board has adopted (usually Robert's Rules of Order) and other policies such as public participation at board meetings and agenda approval or amendments. While discussing

items during the meeting, the board president should be sure every board member has been given the opportunity to be heard. Depending on the local board policy or practice, the board president may have the responsibility to work with the superintendent to develop the agenda for board meetings. Whenever the board president is unavailable to carry out these duties, it is the responsibility of the vice president to do so.

The Open Door Law

Whenever a school board meets, it must be sure that the meeting is conducted in accordance with the requirements of the Open Door Law. (I.C. 5-14-1.5-1 et seq.) This law governs three main issues related to board meetings: (1) whether a meeting must be open to the public or may be held without the public present (defined as an executive session); (2) how to give the public notice of the board's meetings; and (3) required memoranda and/or minutes of meetings.

Open Meetings and Executive Sessions

The intent of the Open Door Law is that the official action of public agencies, including school boards, be conducted and taken openly so that the public may be fully informed. (I.C. 5-14-1.5-1) Based on this principle, the vast majority of school board meetings will be "open" or "public" meetings. According to the Open Door Law, meetings of public agencies must be open "for the purpose of permitting members of the public to observe and record them." (I.C. 5-14-1.5-3(a)) It is important to note that as of July 1, 2022, the Open Door Law requires public comment at meetings of the school board. Therefore, school boards by law must permit members of the public to speak at designated times on a school board agenda. The board president should be very familiar with policy or rules in order to ensure that public comments are heard and do not interfere with the board's completion of the business items on its agenda in an orderly manner.

While the majority of school board meetings will be opened to the public, there are times when a school board may meet "behind closed doors." These meetings are called executive sessions and are permissible in a few, very specific circumstances. An executive session is permissible in the following instances:

- (1) Where authorized by federal or state statute.
- (2) For discussion of strategy with respect to: collective bargaining; initiation of litigation or litigation that is either pending or has been threatened specifically in writing; the implementation of security systems; certain real property transactions; or school consolidation.
- (3) For discussion of school safety and security measures, plans, and systems.
- (4) Interviews and negotiations with industrial or commercial prospects or agents of industrial or commercial prospects.
- (5) To receive information about and interview prospective employees.

- (6) With respect to any individual over whom the governing body has jurisdiction, to receive information concerning the individual's alleged misconduct and to discuss, before a determination, the individual's status.
- (7) For discussion of records classified as confidential by state or federal statute.
- (8) To discuss before a placement decision an individual student's abilities, past performance, behavior, and needs.
- (9) To discuss a job performance evaluation of individual employees.
- (10) In cases of a vacancy on the board, to develop a list of prospective appointees, consider applications, and make one initial exclusion of prospective appointees, but not to fewer than three prospective appointees.
- (11) To train school board members with an outside consultant about the performance of the role of the members as public officials.

Whenever considering whether a meeting may be held as an executive session, board members should carefully review the specific statutory language pertinent to executive sessions. Since the intent of the Open Door Law is that the public is to be fully informed, courts will interpret the executive session law narrowly and permit these meetings only when the statute specifically authorizes them.

Notice of Meetings

The Open Door Law requires public notice of **all meetings** of a school board. (I.C. 5-14-1.5-5) Notice of the date, time, and place of the meeting must be given at least 48 hours, excluding Saturdays, Sundays, and legal holidays, before the meeting. Notice is given by: (1) posting a copy of the notice at the main office of the school corporation (if there is no main office, then the notice must be posted at the building where the meeting will be held); and (2) delivering notice to news media organizations that have requested notice of meetings. Notice to the news media organizations can be delivered by depositing a copy of the notice in the U.S. mail, sending the notice by fax, or sending the notice by electronic mail. Additionally, if the school board has adopted a policy that it will give notice of meetings to members of the public who have requested such notices, the board must deliver notice to those individuals by either electronic mail or posting the notice on the school corporation's website.

Notices of executive sessions must also include the subject matter of the executive session. (I.C. 5-14-1.5-6.1(d)) The notice must reference the specific statutory language that permits the executive session, i.e., "to discuss a job performance evaluation of individual employees." It should also include the statutory citation, i.e., I.C. 5-14-1.5-6.1(b)(9). Including only the statutory citation is insufficient.

There are two exceptions to the requirement to give 48 hours, excluding Saturdays, Sundays, and legal holidays, notice of a meeting. They are notice of regular meetings

and notice of emergency meetings. Notice of “regular” meetings need be given only once a year. (I.C. 5-14-1.5-5(c)) “Regular” meetings are those meetings that are established by a board resolution or board policy. (I.C. 20-26-4-3) These are the monthly or semi-monthly meetings that are held at a specific time and place. If, however, there is a change in the date, time, or place of a regular meeting, the board must give 48 hours’ notice of the change, excluding weekends and holidays.

If the school board calls for an “emergency” meeting, the board does not have to give the required 48-hours’ notice. (I.C. 5-14-1.5-5(d)) An “emergency” meeting is permissible if there is “actual or threatened injury to persons or property, or actual or threatened disruption of the governmental activity under the jurisdiction of the public agency by any event.” In such cases, the news media organizations that have requested notice of board meetings must be given the same notice as is given to the school board members. The public must be notified by posting a copy of the notice at either the main office or the building where the meeting will be held.

The requirement to give notice of school board meetings does not include a duty to include an agenda for the meeting. If an agenda is created, however, it must be posted “at the entrance to the location of the meeting prior to the meeting.” (I.C. 5-14-1.5-4)

Minutes of Meetings

The Open Door Law requires memoranda and/or minutes of **all meetings**. (I.C. 5-14-1.5-4 and I.C. 5-14-1.5-5(d)) With respect to “open” or “public” meetings, the law requires memoranda on the following to be taken as the meeting progresses: (1) the date, time, and place of the meeting; (2) the members of the school board recorded as present, absent, or participating in the meeting by telephone, computer, or any other electronic means of communication; (3) the general substance of all matters proposed, discussed, or decided; and (4) a record of all votes taken, by individual members if there is a roll call. From these memoranda, minutes may be created. The memoranda and/or minutes must be made available to the public within a reasonable period of time after the meeting.

The contents of the memoranda and/or minutes of executive sessions are slightly different. In addition to noting the date, time, and place of the meeting, as well as the members of the school board who are present, absent, or participating by some other means of communication, the memoranda must identify the subject matter that was discussed during the executive session by stating the specific statutory language that authorized the executive session. The memoranda and/or minutes must also contain a statement that is certified by the members of the school board that no other subject matter was discussed in the executive session other than the subject matter that was specified in the public notice. (I.C. 5-14-1.5-6.1(d))

Enforcement of the Open Door Law

In 1999, the General Assembly created the Office of the Public Access Counselor. (I.C. 5-14-4-5) The Public Access Counselor's duties include training public officials and educating the public on the rights of the public and the responsibilities of public agencies under the public access laws (the Open Door Law and the Access to Public Records Act, I.C. 5-14-3) and issuing advisory opinions that interpret these laws.

Anyone can file a lawsuit alleging that a school board violated the Open Door Law. (I.C. 5-14-1.5-7) If the person first seeks the opinion of the Public Access Counselor and thereafter files the suit, the person can recover the costs of the lawsuit as well as attorney fees if the person prevails in the lawsuit. Additionally, the judge can impose a civil penalty against any school board member, superintendent, or school corporation named as a defendant in the lawsuit who intentionally violates the Open Door Law. The penalty against each defendant can be up to \$100 for the first violation and up to \$500 for any additional violation. A school board member who is fined pursuant to this law is personally liable for the penalty. (I.C. 5-14-1.5-7.5)

Parliamentary Procedure and Robert's Rules of Order

Most school boards conduct their meetings using their own hybridized version of Robert's Rules, each one with varying degrees of formality. Although there is no rule that Robert's Rules of Order be observed, it is advisable that boards be consistent regarding whatever form of order it chooses to follow. However, board members need not be skilled parliamentarians to achieve and maintain consistency utilizing their own form of Robert's Rules. Like many other tenets of board governance, board meeting protocol and form are most often learned by observation. Consequently, to assist in the practice of Robert's Rules, following a common template is recommended. Consistency in practice helps to ensure order in the board room and adopting a template helps to ensure that everyone follows the same rules for discussion, voting, making motions, etc. Adopting common practices is a great equalizer between board members from diverse backgrounds.

Board/Superintendent Relations

Relationships between school boards and superintendents are unique in education governance. Like their counterparts in business, superintendents are essentially CEOs of multi-million-dollar corporations, but the relationship between the governance board and superintendents is not like trustees of business corporations and their CEOs or

boards of many other organizations. The ideal relationship is a collegial one. However, while a collegial relationship is encouraged, that relationship cannot be at the expense of the superintendent's accountability and performance expectations or the board's responsibility of governance oversight.

Collegiality does not mean equality; superintendents are not board members and vice-versa. Part of the difference between board members and superintendents is appropriately explained by their distinctive roles of governance and management. Donald McAdams states in his book, *What School Boards Can Do*, that, "Governance is the trusteeship of power on behalf of the owners of power; management is the exercise of power under the oversight of governance" (2006, p. 9). Consequently, McAdams is saying that, "Boards govern. Superintendents manage" (p. 9). Of course, it is not uncommon to hear of boards projecting their role into the management arena and superintendents assuming governance roles, both of which are not beneficial to the collegial relationship they are to maintain. While forays into each other's areas of responsibility may seem benign, they are actually counter-productive, or even destructive to the common attribute they share which is *leadership*. However, when roles are correctly identified and boards and superintendents adhere to individual roles, leadership has an opportunity to flourish.

School boards and superintendents, as leaders, are individuals "you will follow to places you would not ordinarily go alone" (Barker, 1999). Superintendents are empowered to do the job they do because of the boards that support them and school boards are better able to understand and fulfill their governance responsibilities through the leadership of the superintendent. Each is dependent upon the other and neither can exist for long without the other. This co-dependency is by design and assures that the culture and climate of the community is not lost in educational directives without accountability and that communities are continually challenged to expand their expectations of the educational institutions they support. Leadership is a shared responsibility between school boards and superintendents reflecting their understanding of individual roles and responsibilities in educational governance, or the convergence of oversight and management. How well each understands their role directly affects the type and quality of leadership they provide to the school corporation and the community where it resides.

It is vital that the board's expectations of its superintendent be conveyed clearly and that appropriate performance measurements of those expectations are mutually determined. This requires consistent communication and a clear and common understanding of the values, mission, and vision of the school corporation. Consequently, the annual evaluation of the superintendent is a crucial performance task for the school board and an accountability cornerstone of effective governance. Every school board has a statutory obligation to evaluate their superintendent on an annual basis.

Community and Public Relations

The relationship between the school board and the community it serves is crucial to the sense of well-being in any school corporation. However, board members need to recognize that community members often operate from positions that are based upon limited information. For this reason, school boards are advised to routinely and voluntarily inform their constituents regarding the state-of-the corporation.

Some corporations utilize quarterly mailings, some use regular posting on their websites, and still others utilize town hall meetings. Some use a combination of these or all of them to help keep their constituents informed. Keeping the community informed on real educational issues, as well as the extra-curricular calendar is critical in today's charged educational environment.

Developing positive community and public relation strategies are not cover-up tactics for the challenging issues that a school corporation may be facing. It is fair to say that in every school corporation, there are more issues to praise than to criticize and certainly, issues that need correcting should be addressed, just not over-emphasized. Accentuating the positive aspects of corporations helps to instill confidence in the school corporation and its administration, as well as faith in the governance leadership.

Equally important is that a board always remains sensitive to their community's concerns, even if their concerns are misaligned or unfounded. The goal of community and public relations is to create a positive relationship built on mutual trust and respect. Community concerns can represent *teachable* moments where the board can educate the community regarding why certain positions must be assumed or why decisions have been rendered in a particular manner. Taking time to explain decisions and policies can pay huge dividends in developing and maintaining strong relationships.

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