

Preparing for Newly Elected Board Members



By **Lisa Tanselle**, General Counsel, ltanselle@isba-ind.org

With the general election over, some school boards are now preparing for newly elected members to take office on January 1, 2021. While these members cannot take official action (or vote) before then, some boards are taking steps to ensure a smooth transition between the “current” board and the “new” board.

First, newly elected and re-elected board members may choose to take the oath of office at any time after receiving a certificate of election from county election officials. The oath must be administered by a notary public or other qualified individual. See IC 33-42-9-7 for a list of persons authorized to administer oaths. The oath may be administered individually or collectively, in an office or other private setting. If the oath is administered collectively, the oath-taking can occur without advertising a meeting. See IC 5-14-1.5-2(c). A board could also choose to administer the oath at a regularly scheduled school board meeting. Any board member electing to take the oath now must be sure to file the signed oath with the clerk of the circuit court within 30 days of the start of the board member’s term.

Secondly, the current school board can elect to engage in a formal or informal orientation process for the newly elected members. That orientation process can consist of providing members with copies of the school board policy manual, the collective bargaining agreement, and the budget, for example. An orientation can also consist of meeting with the newly elected members in order to share this information and have a dialogue on current issues facing the school corporation. Any meeting of board members, current and newly elected, for the purpose of orientation and informing members as to their roles and responsibilities is not a meeting as defined in the Open Door Law and therefore does not have to be advertised as such. See IC 5-14-1.5-2(c). It is important to remember that no other official action can be taken at any orientation meeting.

Lastly, a school board can also choose to invite newly elected board members to their meetings, including executive sessions. The Open Door Law, in its definition of “executive session,” specifically states that a governing body may also admit an individual who has been elected to the board but not yet sworn in as a member. See IC 5-14-1.5-2(f). If a school board invites newly elected members to their executive session meetings, the new members should be reminded of the importance of maintaining confidentiality with respect to the information they are receiving in the executive session.

In summary, while none of these activities need to take place before school board members-elect take office, a school board may want to consider what would be best for the school corporation for facilitating a smooth transition of power in the new year.