

The Oath of Office Can Be Taken Prior to Taking Office in January

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Now that the elections are over and school board members prepare to take office in January, it's a good time to share some pertinent information about the oath of office that elected (and appointed) board members must take.

Contents of the Oath

[IC 20-26-4-2](#) requires any person “elected or selected” to be on the school board to take the following oath:

I solemnly swear (or affirm) that I will support the Constitution of the United States of America, the Constitution of the State of Indiana, and the laws of the United States and the State of Indiana. I will faithfully execute the duties of my office as a member of this governing body, so help me God.

The statute allows the school board to add provisions to the oath that the board considers appropriate for the office. Some school boards choose to add language that requires the board member to abide by a code of ethics adopted by the school board, for example.

Administration of the Oath

[IC 33-42-9-7](#) specifies who is authorized to administer the oath of office. The list includes notaries public; judges and justices of Indiana courts; mayors, clerks, clerk-treasurers of towns and cities, township trustees, in their respective towns, cities, and townships; clerks of circuit courts and master commissioners in their respective counties; judges of Indiana federal district courts; county auditors in their respective counties; and any member of the Indiana General Assembly.

Time Period to Take the Oath

[IC 5-4-1-1.2](#) says a person appointed or elected to a school board may take the oath “at any time after the individual’s appointment or election.” However, the person must take the oath no later than 30 days after the beginning of the term of office. Thus, for board members taking office on January 1, 2023, they must take the oath no later than January 31, 2023. If a board member fails to take the oath of office by January 31, 2023, the board position becomes vacant. Once the oath is taken, a copy of the oath must be delivered to the circuit court clerk. The oath must be delivered no later than January 31, 2023.

Setting for the Administration of the Oath

Indiana law allows for the administration of the oath of office to individual board members in a private setting and at times convenient to that individual member. There is no requirement in statute for the oath to be administered in a group setting or at a school board meeting open to the public. Alternatively, the oath can be administered to all newly elected and re-elected board members in a group setting at the school corporation’s administration office/building without advertising a meeting since the Open Door Law exempts from the definition of a meeting “a gathering for the sole purpose of administering an oath of office to an individual.” Finally, the oath can be administered to board members at the first school board meeting in January 2023.