

Series 200

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LEGAL STATUS OF THE BOARD OF DIRECTORS

ORGANIZATION OF THE BOARD OF DIRECTORS

The West Burlington Independent School District board is authorized by and derives its organization from Iowa law. The board will consist of 5 board members. Board members are elected at-large.

The board is organized for the purpose of setting policy and providing general direction for the school district. The board will hold its organizational meeting at the first regular meeting following the canvass of votes. The retiring board will transfer materials, including the board policy manual, and responsibility to the new board.

The organizational meeting allows the outgoing board to approve minutes of its previous meetings, complete unfinished business and review the school election results. The retiring board will adjourn and the new board will then begin. The board secretary will administer the oath of office to the newly-elected board members. The board secretary-treasurer will preside while the new board elects the president and vice-president of the new board.

Legal Reference: Iowa Code §§ [274.2](#); [275.23A](#); [277.23](#), [.28](#), [.31](#); [279.1](#), [.5](#), [.7](#), [.8](#), [.33](#) (2011).
281 I.A.C. 12.3(2).

Cross Reference: [202](#) Board of Directors Members
[206.1](#) President
[206.2](#) Vice-President
[210](#) Board of Directors' Meetings

Approved 12/21/92 Reviewed 11/17/03, 12/16/13 Revised _____

ORGANIZATIONAL MEETING PROCEDURES

The board will hold its organizational meeting annually at the first regular meeting following the canvass of votes. Notice of the meeting's place and time will be given by the board secretary to each member, member-elect and the public.

The purpose of the meeting is to transfer material and responsibility from the outgoing board to the new board. At the meeting, the board will elect a president who will hold office for one year. Once elected, the president will be entitled to vote on all matters before the board.

Meeting Procedure

The organizational meeting of the board will be held in two parts: the final meeting of the outgoing board and the organizational meeting of the new board.

1. Final Meeting of the Retiring Board

- (1) Call to order.
- (2) Roll call.
- (3) Approval of minutes of previous meeting(s).
- (4) Communications.
- (5) Visitors.
- (6) Unfinished business.
 - (a) Current claims and accounts (for the retiring board to authorize).
- (b) Other items. If any member of the board feels the board should consider any unfinished business, even if only to identify it as unfinished business, the member should address the issue at this time.
 - (7) Examine and settle the books for the previous year.
 - (8) Review of election results. The board secretary will present the county auditor's official report on the latest elections. Official results are recorded in the minutes.
 - (9) Adjournment of the retiring board.

2. Organizational Meeting of the New Board

- (1) The Board secretary-Treasurer, as president pro-tem, will preside over the meeting until a new board president is elected.
- (2) Call to order.
- (3) Roll call.
- (4) Oath of office. The board secretary will administer the oath to new members.
- (5) Election of a president of the board. The president pro-tem calls for nominations; nominations need not be seconded. The board will then vote on the nominations. The secretary will announce the result of the vote, and the Board Secretary will administer the oath of office to the newly elected president and the newly elected president will assume the chair.

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ORGANIZATIONAL MEETING PROCEDURES

(6) Election of the vice-president. The president of the board will call for nominations; the nominations need not be seconded. The board will then vote on the nominations. The president will announce the results and administer the oath of office to the vice-president.

Other items of business at the organizational meeting may include:

- (7) Board resolution of appreciation recognizing the public service rendered by retiring board members.
- (8) Determination of dates, times, and places for regular meetings of the board.
- (9) Board resolution to define the operating rules and practices that will be followed by the new board.
- (10) Board resolution to authorize the interim payment of bills pursuant to policy 705.3.
- (11) Communications.
- (12) Visitors.
- (13) Superintendent's report.
- (14) Adjournment.

Legal Reference: Iowa Code §§ [274.2](#); [275.23A](#); [277.23](#), [.28](#), [.31](#); [279.1](#), [.5](#), [.7](#), [.8](#) (2011).
281 I.A.C 12.3(2).

Cross Reference: [202](#) Board of Directors Members
[206.1](#) President
[206.2](#) Vice-President
[210](#) Board of Directors' Meetings

POWERS OF THE BOARD OF DIRECTORS

The board, acting on behalf of the school district, will have jurisdiction over school matters within the territory of the school district.

The board is empowered to make policy for its own governance, for employees, for students and for school district facilities. The board is also empowered to enforce its policies. The board may, through its quasi-judicial power, conduct hearings and rule on issues and disputes confronting the school district.

The board has these powers and all other powers expressly granted to it in federal and state law as well as the powers that can be reasonably implied from the express powers.

Legal Reference: Board of Directors of Ind. School Dist. of Waterloo v. Green, 259 Iowa 1260, 147 N.W.2d 854 (1967).

Iowa Code §§ [28E](#); [274.1-.2](#); [279.8](#) (2011).
281 I.A.C. 12.1(2).
1990 Op. Att'y Gen. 66.

Cross Reference: [209](#) Board of Directors' Management Procedures

Approved 12/21/92 Reviewed 11/17/03, 12/16/13 Revised 01/23/97

RESPONSIBILITIES OF THE BOARD OF DIRECTORS

The board is authorized to govern the school district which it oversees. As the governing board of the school district, the board has three duties to perform: legislative duty, executive duty and evaluative duty.

As a representative of the citizens of the school district community, the board is responsible for legislating policy for the school district. As a policy making body, the board has jurisdiction to enact policy with the force and effect of law for the management and operation of the school district.

It is the responsibility of the board, under the board's executive duty, to select its chief executive officer, the superintendent, to operate the school district on the board's behalf. The board delegates to the superintendent its authority to carry out board policy, to formulate and carry out rules and regulations and to handle the administrative details in a manner which supports and is consistent with board policy.

The board has a responsibility to review the education program's performance under its evaluative duty. The board regularly reviews the education program and ancillary services. The review includes a careful study and examination of the facts, conditions and circumstances surrounding the amount of funds received or expended and the education program's ability to achieve the board's educational philosophy and goals for the school district.

Legal Reference: Iowa Code §§ [274.1](#); [279.1](#), .8, .20; [280.12](#) (2011).
281 I.A.C. 12.3(2).

Cross Reference: [101](#) Educational Philosophy of the School District
[103](#) Long-Range Needs Assessment
[209](#) Board of Directors' Management Procedures
600 Goals and Objectives of the Education Program

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BOARD OF DIRECTORS' ELECTIONS

The school election takes place on the second Tuesday in September of odd-numbered years. Each school election is used to elect citizens to the board to maintain a 5 member board and to address questions that are submitted to the voters.

Citizens of the school district community seeking a seat on the board must file their nomination papers with the board secretary, or the board secretary's designee, between sixty-four and forty days before the school election unless otherwise directed.

If a vacancy occurs on the board it may be filled by appointment within 30 days of the vacancy. If the board does not fill the vacancy by appointment, the board secretary will call a special election to fill the vacancy. Candidates for a seat created by a vacancy must file their nomination papers 25 days before the special election.

It is the responsibility of the county commissioner of elections to conduct school elections.

Legal Reference: Iowa Code §§ [39](#); [45](#), [63](#), [69](#); [274.7](#); [277](#); [278.1](#), [279.7](#) (2011).

Cross Reference: [202](#) Board of Directors Members
[203](#) Board of Directors' Conflict of Interest

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BOARD OF DIRECTORS MEMBERS

QUALIFICATIONS

Serving on the board of directors is an honor and privilege. Its rewards are respect from the community, students, and employees and the satisfaction from knowing each board member contributed to the success of the children in the school district community. Only those who are willing to put forth the effort to care and to make a difference should consider running for a position on the board.

Individuals who are willing to serve on the board should believe public education is important, support the democratic process, willingly devote time and energy to board work, respect educators and have the ability to examine the facts and make a decision. The board believes an individual considering a position on the school board should possess these characteristics.

Citizens wanting to run for a position on the board must be a citizen of the school district, an eligible elector of the district and free from a financial conflict of interest with the position.

Legal Reference: Iowa Code §§ 63; 68B; 277.4, .27; 279.7A (2011).

Cross Reference: [201](#) Board of Directors' Elections
[202.4](#) Vacancies
[203](#) Board of Directors' Conflict of Interest

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OATH OF OFFICE

Board members are officials of the state. As a public official, each board member must pledge to uphold the Iowa and the United States Constitution and carry out the responsibilities of the office to the best of the board member's ability.

Each newly-elected board member will take the oath of office prior to any action taken as a school official. The oath of office is taken by each new board member elected at the school election at or before the organizational meeting of the board. In the event of an appointment or special election to fill a vacancy, the new board member will take the oath of office within ten days of the appointment or election.

Board members elected to offices of the board will also take the same oath of office but replacing the office of board member with the title of the office to which they were elected.

The oath of office is administered by the board secretary and does not need to be given at a board meeting. In the event the board secretary is absent, the oath is administered by another board member.

"Do you solemnly swear that you will support the Constitution of the United States and the Constitution of the state of Iowa, and that you will faithfully and impartially to the best of your ability discharge the duties of the office of _____ (naming the office) in _____ (naming the district) as now and hereafter required by law?"

Legal Reference: Iowa Code §§ 277.28; 279.1, .6 (2011).

Cross Reference: [200.1](#) Organization of the Board of Directors
[201](#) Board of Directors' Elections
[202](#) Board of Directors Members
[204](#) Code of Ethics
[206](#) Board of Directors' Officers

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TERM OF OFFICE

Board members elected for a full term at a regularly scheduled school election in September, of odd-numbered years, serve for four years. Board members appointed to fill a vacant position will serve until the next scheduled school election. A board member elected to fill a vacancy will serve out the unexpired term.

Being a board member is a unique opportunity for a citizen to participate on a governing board of the school district. Eligible board members are encouraged to consider running for more than one term.

Legal Reference: Iowa Code §§ 69.12; 274.7; 279.6-.7 (2011).

Cross Reference: [201](#) Board of Directors' Elections
[202](#) Board of Directors Members

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Code No. 202.4

VACANCIES

A vacancy occurs when a board member resigns, forfeits or otherwise leaves the office. A vacancy also includes, but is not limited to, the following:

- failure to be properly elected;
- failure to qualify within the time fixed by law;
- failure to reside in the school district or director district; or,
- a court order.

If a vacancy occurs prior to the expiration of a term of office, the vacancy will be filled by board appointment within 30 days of the vacancy. The newly-appointed board member will hold the position until the next scheduled school election.

If the board is unable to fill a vacancy by appointment within 30 days after the vacancy occurs, the board secretary will call a special election to be held no sooner than 60 days and not later than 70 days after the vacancy occurred. A board member elected at the special election will serve the remaining portion of the unexpired term.

Legal Reference: *Good v. Crouch*, 397 N.W.2d 757 (Iowa 1986).
 Board of Directors of Grimes Independent School Dist. v. County Board of Public
Instruction of Polk Co., 257 Iowa 106, 131 N.W.2d 802 (1965).
 Board of Directors of Menlo Consol. School Dist. v. Blakesburg, 240 Iowa 910, 36
N.W.2d 751 (1949).

Iowa Code §§ 21.6(3)(d); 69; 277.29-.30; 279.6-.7 (2011).
1944 Op. Att'y Gen. 39.

Cross Reference: [201](#) Board of Directors' Elections
 [202](#) Board of Directors Members

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BOARD OF DIRECTORS' CONFLICT OF INTEREST

Board members must be able to make decisions objectively. It is a conflict of interest for a board member to receive direct compensation from the school district, unless exempted in this policy, for anything other than reimbursement of actual and necessary expenses, including travel, incurred in the performance of official duties. A board member will not act as an agent for a school textbook or school supply company doing business with the school district during the board member's term of office. It will not be a conflict of interest for board members to receive compensation from the school district for contracts to purchase goods or services if the benefit to the board member does not exceed \$2,500 in a fiscal year or if the contracts are made by the board, upon competitive bid in writing, publicly invited and opened.

The conflict of interest provisions do not apply to a contract that is a bond, note or other obligation of a school corporation if the contract is not acquired directly from the school corporation, but is acquired in a transaction with a third party, who may or may not be the original underwriter, purchaser, or obligee of the contract, or to a contract in which a director has an interest solely by reason of employment if the contract was made by competitive bid, in writing, publicly invited and opened, or if the remuneration for employment will not be directly affected as a result of the contract and duties of employment do not involve any of the preparation or procurement of any part of the contract. The competitive bid section of the conflict of interest provision does not apply to a contract for professional services not customarily competitively bid.

It will also be a conflict of interest for a board member to engage in any outside employment or activity which is in conflict with the board member's official duties and responsibilities. In determining whether outside employment or activity of a board member creates a conflict of interest, situations in which an unacceptable conflict of interest is deemed to exist includes, but are not limited to, any of the following:

- (1) The outside employment or activity involves the use of the school district's time, facilities, equipment and supplies or the use of the school district badge, uniform, business card or other evidence of office to give the board member or member of the board member's immediate family an advantage or pecuniary benefit that is not available to other similarly situated members or classes of members of the general public. For purposes of this section, a person is not "similarly situated" merely by being related to a board member.
- (2) The outside employment or activity involves the receipt of, promise of, or acceptance of money or other consideration by the board member or a member of the board member's immediate family from anyone other than the state or the school district for the performance of any act that the board member would be required or expected to perform as part of the board member's regular duties or during the hours in which the board member performs service or work for the school district.
- (3) The outside employment or activity is subject to the official control, inspection, review, audit, or enforcement authority of the board member, during the performance of the board member's duties of office or employment.

BOARD OF DIRECTORS' CONFLICT OF INTEREST

If the outside employment or activity is employment or activity in (1) or (2) above, the board member must cease the employment of or activity. If the activity or employment falls under (3), then the board member must:

Cease the outside employment or activity; or,

Publicly disclose the existence of the conflict and refrain from taking any official action or performing any official duty that would detrimentally affect or create a benefit for the outside employment or activity. Official action or official duty includes, but is not limited to, participating in any vote, taking affirmative action to influence any vote, or providing any other official service or thing that is not available generally to members of the public in order to further the interests of the outside employment or activity.

When procurement is supported by Federal Child Nutrition funds, board members will not participate in the selection, award, or administration of a contract if there is a real or apparent conflict of interest in the contract. Contract, for purposes of this paragraph, includes a contract where the board member, board member's immediate family, partner, or a non-school district employer of these individuals is a party to the contract.

It is the responsibility of each board member to be aware of and take the action necessary to eliminate a potential conflict of interest should it arise.

Legal Reference: Iowa Code §§ 39.1, .2; 68B, 71.1; 277.27; 279.7A; 301.28 (2011).
 1990 Op. Att'y Gen. 37.
 1988 Op. Att'y Gen. 21.
 1986 Op. Att'y Gen. 10.
 1984 Op. Att'y Gen. 23.
 1982 Op. Att'y Gen. 302.
 1978 Op. Att'y Gen. 295.
 1976 Op. Att'y Gen. 89.
 1974 Op. Att'y Gen. 137.
 1936 Op. Att'y Gen. 237.

Cross Reference: [201](#) Board of Directors' Elections
[202.1](#) Qualifications
[204](#) Code of Ethics
[216.3](#) Board of Directors' Member Compensation and Expenses
[217](#) Gifts to Board of Directors
 401.3 Nepotism

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CODE OF ETHICS

Board members' actions, verbal and nonverbal, reflect the attitude and the beliefs of the school district. Therefore, board members must conduct themselves professionally and in a manner fitting to their position.

Each board member shall follow the code of ethics stated in this policy.

AS A SCHOOL BOARD MEMBER:

1. I will listen.
2. I will respect the opinion of others.
3. I will recognize the integrity of my predecessors and associates and the merit of their work.
4. I will be motivated only by an earnest desire to serve my school district and the children of my school district community in the best possible way.
5. I will not use the school district or any part of the school district program for my own personal advantage or for the advantage of my friends or supporters.
6. I will vote for a closed session of the board if the situation requires it, but I will consider "star chamber" or "secret" sessions of board members unethical.
7. I will recognize that to promise in advance of a meeting how I will vote on any proposition which is to be considered is to close my mind and agree not to think through other facts and points of view which may be presented in the meeting.
8. I will expect, in board meetings, to spend more time on education programs and procedures than on business details.
9. I will recognize that authority rests with the board in legal session and not with individual members of the board, except as authorized by law.
10. I will make no disparaging remarks, in or out of the board meeting, about other members of the board or their opinions.
11. I will express my honest and most thoughtful opinions frankly in board meetings in an effort to have decisions made for the best interests of the children and the education program.
12. I will insist that the members of the board participate fully in board action and recommend that when special committees are appointed, they serve only in an investigative and advisory capacity.
13. I will abide by majority decisions of the board.
14. I will carefully consider petitions, resolutions and complaints and will act in the best interests of the school district.
15. I will not discuss the confidential business of the board in my home, on the street or in my office; the place for such discussion is the board meeting.
16. I will endeavor to keep informed on local, state and national educational developments of significance so I may become a better board member.

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CODE OF ETHICS

IN MEETING MY RESPONSIBILITY TO MY SCHOOL DISTRICT COMMUNITY

1. I will consider myself a trustee of public education and will do my best to protect it, conserve it, and advance it, giving to the children of my school district community the educational facilities that are as complete and adequate as it is possible to provide.
2. I will consider it an important responsibility of the board to interpret the aims, methods and attitudes of the school district to the community.
3. I will earnestly try to interpret the needs and attitudes of the school district community and do my best to translate them into the education program of the school district.
4. I will attempt to procure adequate financial support for the school district.
5. I will represent the entire school district rather than individual electors, patrons or groups.
6. I will not regard the school district facilities as my own private property but as the property of the people.

IN MY RELATIONSHIP WITH SUPERINTENDENT AND EMPLOYEES

1. I will function, in meeting the legal responsibility that is mine, as a part of a legislative, evaluative, policy-forming body, not as an administrative officer.
2. I will recognize that it is my responsibility, together with that of my fellow board members, to see the school district is properly run and not to run them myself.
3. I will expect the school district to be administered by the best-trained technical and professional people it is possible to procure within the financial resources of the school district.
4. I will recognize the superintendent as executive officer of the board.
5. I will work through the administrative employees of the board, not over or around them.
6. I will expect the superintendent to keep the board adequately informed through oral and written reports.
7. I will vote to employ employees only after the recommendation of the superintendent has been received.
8. I will insist that contracts be equally binding on teachers and the board.
9. I will give the superintendent power commensurate with the superintendent's responsibility and will not in any way interfere with, or seek to undermine, the superintendent's authority.
10. I will give the superintendent friendly counsel and advice.
11. I will present any personal criticism of employees to the superintendent.
12. I will refer complaints to the proper administrative officer.

TO COOPERATE WITH OTHER SCHOOL BOARDS

1. I will not employ a superintendent, principal or teacher who is already under contract with another school district without first securing assurance from the proper authority that the person can be released from contract.
2. I will consider it unethical to pursue any procedure calculated to embarrass a neighboring board or its representatives.

CODE OF ETHICS

3. I will not recommend an employee for a position in another school district unless I would employ the employee under similar circumstances.

4. I will answer all inquiries about the standing and ability of an employee to the best of my knowledge and judgment, with complete frankness.

5. I will associate myself with board members of other school districts for the purpose of discussing school district issues and cooperating in the improvement of the education program.

Legal Reference: Iowa Code §§ 21.6(3)(d); 68B; 69; 277.28; 279.7A, 279.8, 301.28 (2011).

Cross Reference: [202](#) Board of Directors Members
[203](#) Board of Directors' Conflict of Interest

BOARD MEMBER LIABILITY

Board members will not be held personally liable for actions taken in the performance of their duties and responsibilities vested in them by the laws of Iowa and the members of the school district community. In carrying out the duties and responsibilities of their office, board members will act in good faith.

The school district will defend, save harmless and indemnify board members against tort claims or demands, whether groundless or otherwise, arising out of an alleged act or omission occurring within the scope of their official duties, unless the act constitutes a willful or wanton act or omission. The school district, however, cannot save harmless or indemnify board members for punitive damages.

Legal Reference: *Wood v. Strickland*, 420 U.S. 308 (1975).
42 U.S.C. §§ [1983](#), [1985](#) (2010).
Iowa Code ch. 670 (2011).

Cross Reference: 709 Insurance Program

Approved 12/1992 Reviewed 11/17/03, 12/16/13 Revised

BOARD OF DIRECTOR'S OFFICERS

PRESIDENT

It is the responsibility of the board president to lead a well-organized board in an efficient and effective manner. The board president will set the tone of the board meetings and, as the representative of the consensus of the board, speak on behalf of the board to the public.

The president of the board is elected by a majority vote at the organizational meeting in odd-numbered years, or at the annual meeting in even-numbered years, to serve a one-year term of office.

The president, in addition to presiding at the board meetings, will take an active role in board decisions by discussing and voting on each motion before the board in the same manner as other board members. Before making or seconding a motion, the board president will turn over control of the meeting to either the vice-president or other board member.

The board president has the authority to call special meetings of the board. Prior to board meetings, the board president will consult with the superintendent on the development of the agenda for the meeting.

The board president, as the chief officer of the school district, will sign employment contracts and sign other contracts and school district warrants approved by the board and appear on behalf of the school corporation in causes of action involving the school district.

Legal Reference: Iowa Code §§ 279.1-.2; 291.1 (2011).

Cross Reference: [200.1](#) Organization of the Board of Directors
[202.2](#) Oath of Office
[206.2](#) Vice-President

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VICE-PRESIDENT

If the board president is unable or unwilling to carry out the duties required, it is the responsibility of the Vice-President of the board to carry out the duties of the president. If the president is unable or unwilling to complete the term of office, the vice-president will serve as president for the balance of the president's term of office, and a new vice-president will be elected.

The vice-president of the board is elected by a majority vote at the organizational meeting of in odd-numbered years, or at the annual meeting in even-numbered years, to serve a one-year term of office.

The vice-president will accept control of the meeting from the president when the president wishes to make or second a motion. The vice-president will take an active role in board decisions by discussing and voting on matters before the board in the same manner as other board members.

Legal Reference: Iowa Code § 279.5 (2011).

Cross Reference: [200.1](#) Organization of the Board of Directors
[202.2](#) Oath of Office
[206.1](#) President

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SECRETARY-TREASURER

A board secretary-treasurer may be appointed from employees, other than a position requiring a teaching certificate, or from the public. To finalize the appointment, the board secretary-treasurer will take the oath of office during the meeting at which the individual was appointed or no later than ten days thereafter. It is the responsibility of the board to evaluate the board secretary-treasurer annually.

It is the responsibility of the board secretary-treasurer, as custodian of school district records, to preserve and maintain the records and documents pertaining to the business of the board; to keep complete minutes of special and regular board meetings, including closed sessions; to keep a record of the results of regular and special elections; to keep an accurate account of school funds; to sign warrants drawn on the school funds after board approval; and collect data on truant students. The board secretary-treasurer will also be responsible for filing the required reports with the Iowa Department of Education.

It is the responsibility of the secretary-treasurer to oversee the investment portfolio, to receive funds of the school district, to pay out the funds for expenses approved by the board, to maintain accurate accounting records for each fund, to report monthly regarding the investment portfolio and the status of each fund and to file required reports with the appropriate state agencies and other entities. It will also be the responsibility of the secretary-treasurer to coordinate the financial records, the financial reports, the cash flow needs and the investment portfolio of the school district.

In the event the board secretary-treasurer is unable to fulfill the responsibilities set out by the board and the law, the superintendent's secretary will assume those duties until the board secretary-treasurer is able to resume the responsibility or a new board secretary-treasurer is appointed. The board secretary-treasurer will give bond in an amount set by the board. The cost of the bond will be paid by the school district.

Legal Reference: Iowa Code §§ 12B.10; 12C; 64; 279.3, .5, .7, .31-.33, .35; 291.2-.4, .6-.12, .14; 299.10, (2011).

281 I.A.C. 12.3(1).
1978 Op. Att'y Gen. 328.

Cross Reference: [202.2](#) Oath of Office
[210.1](#) Annual Meeting
[215](#) Board of Directors' Records
501.10 Truancy - Unexcused Absences
704.3 Investments
707 Fiscal Reports
708 Care, Maintenance and Disposal of School District Records

Approved 12/21/92 Reviewed 11/17/03, 12/16/13 Revised 01/23/97

BOARD OF DIRECTORS' LEGAL COUNSEL

It is the responsibility of the board to employ legal counsel to assist the board and the administration in carrying out their duties with respect to the numerous legal issues confronting the school district. The board may appoint legal counsel at its annual meeting.

The superintendent and board secretary will have the authority to contact the board's legal counsel on behalf of the board when the superintendent or board secretary believes it is necessary for the management of the school district. The board president may contact and seek advice from the school board's legal counsel. The board's legal counsel will attend both regular and special school board meetings upon the request of the board or the superintendent. Board members may contact legal counsel upon approval of a majority of the board. It is the responsibility of each board member to pay the legal fees, if any, of an attorney the board member consulted regarding matters of the school district unless the board has authorized the board member to consult an attorney on the matter.

It is the responsibility of the superintendent to keep the board informed of matters for which legal counsel was consulted, particularly if the legal services will involve unusual expense for the school district.

Legal Reference: *Bishop v. Iowa State Board of Public Instruction*, 395 N.W.2d 888 (Iowa 1986).
Iowa Code § 279.37 (2011).

Cross Reference: [200](#) Legal Status of the Board of Directors

Approved 01/11/88 Reviewed 11/17/03, 12/16/13 Revised 12/21/92, 01/23/97

AD HOC COMMITTEES

Whenever the board deems it necessary, the board may appoint a committee composed of citizens, employees or students to assist the board. Committees formed by the board are ad hoc committees.

An ad hoc committee may be formed by board resolution which will outline the duties and purpose of the committee. The committee is advisory in nature and has no duty or responsibility other than that specifically stated in the board resolution. The committee will automatically dissolve upon the delivery of its final recommendation to the board or upon completion of the duties outlined in the board resolution. The board will receive the report of the committee for consideration. The board retains the authority to make a final decision on the issue. The committee may be subject to the open meetings law.

The method for selection of committee members will be stated in the board resolution. When possible, and when the necessary expertise required allows, the committee members will be representative of the school district community and will consider the various viewpoints on the issue. The board may designate a board member and the superintendent to serve on an ad hoc committee. The committee will select its own chairperson, unless the board designates otherwise.

Legal Reference: Iowa Code §§ [21](#); [279.8](#); [280.12\(2\)](#) (2011).
281 I.A.C. [12.3\(3\)](#), [.3\(8\)](#); [.5\(8\)](#).
O.A.G., Nov. 18, 1993

Cross Reference: [103](#) Long-Range Needs Assessment
[211](#) Open Meetings
[212](#) Closed Sessions
[215](#) Board of Directors' Records
605.1 Instructional Materials Selection
900 Principles and Objectives for Community Relations

Approved 1/11/88 Reviewed 11/17/03, 12/16/13 Revised 12/21/92, 01/23/97

AD HOC COMMITTEES EXHIBIT

Ad Hoc Committee Purpose and Function

The specific purpose of each ad hoc committee varies. Generally, the primary function of an ad hoc committee is to give specific advice and suggestions. The advice and suggestions should focus on the purpose and duties stated in the board resolution establishing the committee. It is the board's role to take action based on information received from the ad hoc committee and other sources. Ad hoc committees may be subject to the open meetings law.

Role of an Ad Hoc Committee Member

The primary role of an ad hoc committee member is to be a productive, positive member of the committee. In doing so, it is important to listen to and respect the opinions of others. When the ad hoc committee makes a recommendation to the board, it is important for the ad hoc committee members to support the majority decision of the ad hoc committee. An ad hoc committee will function best when its members work within the committee framework and bring items of business to the ad hoc committee.

Ad Hoc Committee Membership

Ad hoc committee members may be appointed by the board. The board may request input from individuals or organizations, or it may seek volunteers to serve. Only the board or superintendent has the authority to appoint members to an ad hoc committee. Boards must follow the legal limitations or requirements regarding the membership of an ad hoc committee.

BOARD OF DIRECTORS' MANAGEMENT PROCEDURE

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 are the basis for the formulation of regulations by the administration. The board 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 will be submitted to the superintendent's office for possible placement on the board agenda. It 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](#) (2011).
281 I.A.C. 12.3(2).
1970 Op. Att'y Gen. 287.

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 01/11/88
01/23/97

Reviewed 11/17/03, 12/16/13

Revised 12/21/97,

ADOPTION OF POLICY

The board will give notice of adoption of new policies by placing the item on the agenda of two regular board meetings. The proposed policy changes will be distributed and public comment will be allowed at both meetings prior to final board action. This notice procedure 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 will be included in the minutes. The board will have complete discretion to determine what constitutes an emergency situation.

The final action taken to adopt the proposed policy 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 will expire at the close of the third regular meeting following the emergency action, unless the policy adoption procedure stated above is followed and the policy is reaffirmed.

Legal Reference: Iowa Code § 279.8 (2011).
281 I.A.C. 12.3(2).
1970 Op. Att'y Gen. 287.

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 01/11/87 Reviewed 11/17/03, 12/16/13 Revised 12/21/92, 01/23/97

DISSEMINATION OF 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 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 (2011).
281 I.A.C. 12.3(2).

Cross Reference: [200.3](#) Responsibilities of the Board of Directors
[209](#) Board of Directors' Management Procedures

Approved 09/14/89 Reviewed 11/17/03 Revised 12/16/13

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 (2011).
281 I.A.C. 12.3(2).

Cross Reference: [200.3](#) Responsibilities of the Board of Directors
[209](#) Board of Directors' Management Procedures

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Revised 01/23/97

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 is 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 will draft a proposed policy for the board to consider.

Legal Reference: Iowa Code § 279.8 (2011).
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 09/14/89 Reviewed 11/17/03, 12/16/13 Revised 12/21/92, 01/23/97

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:

- Board of Directors (Series 200)
- Administration, Employees (Series 300 and 400)
- School District, Education Program (Series 100 and 600)
- 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.

Legal Reference: Iowa Code § 279.8 (2011).
281 I.A.C. 12.3(2).

Cross Reference: [200.3](#) Responsibilities of the Board of Directors
[209](#) Board of Directors' Management Procedures

Approved 09/14/89, 11/17/03 Reviewed 12/16/13 Revised 12/21/92, 01/23/97

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 is 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 first regular board meeting after the adoption of the board policy unless the board directs otherwise.

Legal Reference: Iowa Code §§ 279.8, .20 (2011).

Cross Reference: [200.3](#) Responsibilities of the Board of Directors
[209](#) Board of Directors' Management Procedures

Approved 09/14/89 Reviewed 11/17/03, 12/16/13 Revised 12/21/92, 01/23/97

BOARD OF DIRECTORS' MEETINGS

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 (2011).

Cross Reference: [206.3](#) Secretary
206.4 Treasurer
701.1 Depository of Funds
707 Fiscal Reports

Approved 01/11/88

Reviewed 11/17/03, 12/16/13

Revised 12/21/92, 01/23/97, 2/28/05

REGULAR MEETING

The regular meeting time and date will be set by the board at its annual organizational meeting. The regular meetings of the board will be held on the third 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 at the board's convenience. Public notice of the meetings will be given.

Legal Reference: Iowa Code §§ 21.3, .4; 279.1 (2011).
1980 Op. Att'y Gen. 148.

Cross Reference: [200.1](#) Organization of the Board of Directors
[210](#) Board of Directors' Meetings

Approved 01/11/88 Reviewed 11/17/03, 12/16/13 Revised 12/21/92, 01/23/97, 2/28/05

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 at the request of a majority of the board. Should a special meeting be called, public notice will be given.

If the special meeting called is an emergency meeting and the board cannot give public notice in its usual manner, the board will 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 will 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 will strictly adhere to the agenda for the special meeting and action on other issues will be reserved for the next regular or special board meeting.

Legal Reference: Iowa Code §§ 21.3, .4; 279.2 (2011).
1980 Op. Att'y Gen. 148.

Cross Reference: [200.1](#) Organization of the Board of Directors
[210](#) Board of Directors' Meetings

Approved 01/11/88 Reviewed 11/17/03, 12/16/13 Revised 12/21/92, 01/23/97

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. No board action will take place at the work session.

Legal Reference: Iowa Code §§ 21; 279.8 (2011).
 1982 Op. Att'y Gen. 162.
 1980 Op. Att'y Gen. 167.
 1976 Op. Att'y Gen. 384, 514, 765.
 1972 Op. Att'y Gen. 158.
 1970 Op. Att'y Gen. 287.

Cross Reference: [210](#) Board of Directors' Meetings
[211](#) Open Meetings

Approved 12/21/92

Reviewed 11/17/03, 12/16/13

Revised 01/23/97

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 in the central administration office at least 2 days before it is scheduled, but, at the minimum, twenty-four 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. These requests for notice must be in writing. 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.

Legal Reference: *Dobrovolny v. Reinhardt*, 173 N.W.2d 837 (Iowa 1970).
Iowa Code §§ 21.2-.4; 279.1, .2 (2011).
1952 Op. Att'y Gen. 133.

Cross Reference: [210](#) Board of Directors' Meetings
[210.8](#) Board of Directors' Meeting Agenda

Approved 01/11/88 Reviewed 11/17/03, 12/16/13 Revised 12/21/92,01/23/97

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 board members are encouraged to attend board meetings, 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 (2011).

Cross Reference: [210](#) Board of Directors' Meetings

Approved 1/11/88 Reviewed 11/17/03, 12/16/13 Revised 12/21/92, 01/23/97

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.

The board 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 ensure members of the board, concentrating on the substantive issues at hand, have the necessary information to make decisions, and to ensure adequate discussion of decisions to be made; and,
- To 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 (2011).

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

Approved 01/11/88

Reviewed 12/16/13

Revised 12/21/92, 01/23/97

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

BOARD MEETING AGENDA

The tentative agenda for each board meeting 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 prior to the 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.

The tentative agenda and supporting documents will be sent to the board members 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 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 will state the reason justifying the immediate action.

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

Legal Reference: Iowa Code §§ 21; 279.8 (2010).
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 12/21/92 Reviewed 11/17/03, 12/16/13 Revised 01/23/97

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 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 (2011).

Cross Reference: 210 Board of Directors' Meetings

Approved 12/16/13

Reviewed _____

Revised

ORDER OF THE REGULAR BOARD OF DIRECTORS' MEETING

The board shall conduct an orderly board meeting. The board will, at all regular board meetings, follow an agenda order similar to:

1. Call to Order by Board President or Designee
2. Roll Call by Board Secretary
3. Pledge of Allegiance
4. Approval of Agenda
5. Receive Visitors and Open Forum
6. Miscellaneous Communications
7. Approval of Consent Agenda
8. Business
9. Administrative Reports
10. Future Agenda Items
11. Adjournment

Legal Reference: Iowa Code §§ 21; 279.8 (2011).

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

Approved 12/21/92 Reviewed 11/17/03, 12/16/13 Revised 01/23/97

ORDER OF THE REGULAR BOARD OF DIRECTORS' MEETING

The public will be allowed to speak to an agenda item when recognized by the chair. A summary of the agenda topic should be provided so the public understands the exact issue.

Each citizen will be given opportunity to speak once. The chair has the authority to allow a second opportunity if the board chair believes it is for the common good.

All public input will relate directly to the agenda topic. Any comment not directly related will be immediately disallowed.

The board president has authority to end public input at any time.

The receive visitors and open forum item on the agenda is for addressing topics not on the posted agenda.

All citizens will conduct themselves respectfully and with courtesy.

Public input will utilize a reasonable amount of time.

If the input becomes repetitive, the board chair has the authority to move the agenda along.

Approved 8/17/15

Reviewed _____

Revised _____

OPEN MEETINGS

A gathering of a majority of board members in which deliberation of an issue within the jurisdiction of the board takes place is a board meeting. A gathering for the purpose of social or ministerial action will not constitute a board meeting unless a discussion of policy takes place. 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 (2011).
1982 Op. Att'y Gen. 162.
1980 Op. Att'y Gen. 167.

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

Approved 12/21/92

Reviewed 11/17/03, 12/16/13

Revised 01/23/97

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.

CLOSED SESSIONS

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.

See Policy Primer August 9, 2011

Legal Reference: Iowa Code §§ 20.17; 21; 22.7; 279.15, .16, .24 (2011).
1982 Op. Att'y Gen. 162.
1980 Op. Att'y Gen. 167.
1976 Op. Att'y Gen. 384, 514, 765.
1972 Op. Att'y Gen. 158.
1970 Op. Att'y Gen. 287.

Cross Reference: 208 Ad Hoc Committees
211 Open Meetings

Approved 12/21/92

Reviewed 11/17/03, 12/16/13

Revised 01/23/97

PUBLIC PARTICIPATION IN BOARD MEETINGS

The board recognizes the importance of citizen participation in school district matters. In order to assure citizens are heard and board meetings are conducted efficiently and in an organized manner, the board will set time aside for citizen participation, either at a specific time during the meeting or during the discussion of agenda items. Citizens wishing to address the board on a certain agenda item must notify the superintendent prior to the board meeting. Citizens wishing to present petitions to the board may do so at this time. The board however, will only receive the petitions and not act upon them or their contents. The board has the discretion to limit the amount of time set aside for public participation.

If the pressure of business or other circumstances dictate, the board president may decide to eliminate this practice. The board president will recognize these individuals to make their comments at the appropriate time. The orderly process of the board meeting will not be interfered with or disrupted. Only those speakers recognized by the board president will be allowed to speak. Comments by others are out of order. If disruptive, the individual causing disruption may be asked to leave the board meeting.

Individuals who have a complaint about employees may bring their complaint to the board only after they have followed board policy addressing citizens' complaints. Students who have a complaint may only bring their complaint to the board after they have followed board policy addressing students' complaints.

Legal Reference: Iowa Code §§ 21; 22; 279.8 (2011).

Cross Reference: 205 Board Member Liability
 210.8 Board Meeting Agenda
 214 Public Hearings
 307 Communication Channels
 401.4 Employee Complaints
 402.5 Public Complaints About Employees
 502.4 Student Complaints and Grievances

Approved 12/21/92
01/23/97

Reviewed 11/17/03, 12/16/13

Revised

GENERAL COMPLAINTS BY CITIZENS

The board recognizes that concerns regarding the operation of the school district will arise. The board further believes that constructive criticism can assist in improving the quality of the education program and in meeting individual student needs more effectively. The board also places trust in its employees and desires to support their actions in a manner which frees them from unnecessary or unwarranted criticism and complaints.

Procedures for dealing with complaints concerning programs or practices should be governed by the following principles:

- where action/investigation is desired by the complainant, or where it seems appropriate, the matter should be handled as near the source as possible;
- complaints should both be investigated and, if possible, resolved expeditiously;
- complaints should be dealt with courteously and in a constructive manner; and,
- individuals directly affected by the complaint should have an opportunity to respond.

Specific procedures for handling complaints may be established in policies. The board, consistent with its board policy-making role, will deal with complaints concerning specific schools, programs or procedures only after the usual channels have been exhausted. Complaints regarding employees or complaints by students will follow the more specific policies on those issues.

When a complaint requiring attention is received by the board or a board member it will be referred to the superintendent. After all of the channels have been exhausted, the complainant may appeal to the board by requesting a place on the board agenda or during the public audience portion of the board meeting. If the complainant appeals to the board, the appeal will be in writing, will be signed and will explain the process followed by the complainant prior to the appeal to the board. It is within the board's discretion to determine whether to hear the complaint.

PUBLIC HEARINGS

Public hearings may be held on school district matters at the discretion of the board. Public notice of a public hearing will be in the same manner as for a board meeting except that the notice will be given at least ten days before the hearing is to be held unless it is impossible or impractical to do so, or the law requires otherwise.

At public hearings, citizens of the district who register at the door will be allowed to speak on the issue for which the public hearing is being held. Others may be allowed to speak at the board's discretion. Speakers are asked to keep their remarks as brief as possible. Prior to the beginning of the hearing, speakers and spectators will be apprised of the rules of order to be followed regarding time limitations, questions, remarks and rebuttals. In no event will a speaker be allowed to take the time of another speaker.

The board will conduct public hearings in an orderly fashion. At the beginning of the hearing, statements, background materials and public hearing rules and procedures will be presented by the board president. The board president will recognize the speakers. A board member may ask questions of the speakers after receiving permission from the board president. Only those speakers recognized by the chair will be allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the board or the proceedings will be asked to leave.

Legal Reference: Iowa Code §§ Ch. 21; 26.12; Ch. 24; 279.8, .10; 297.22 (2011).

Cross Reference: 210 Board of Directors' Meetings
 213 Public Participation in Board Meetings
 601.1 School Calendar
 703.1 Budget Planning

Approved 12/21/92 Reviewed 11/17/03, 12/16/13 Revised 01/23/97

BOARD OF DIRECTORS' RECORDS

The board will keep and maintain permanent records of the board including, but not limited to, records of the minutes of board meetings and other required records of the board.

It is the responsibility of the board secretary to keep the minutes of the board meetings. The minutes of each board meeting will include, at a minimum, the following items: a record of the date, time, place, members present, action taken and the vote of each member, and the schedule of bills allowed will be attached. This information will be available within two weeks of the board meeting and forwarded to the newspaper designated as the official newspaper for publication. The information does not need to be published within two weeks. The schedule of bills allowed may be published on a once monthly basis in lieu of publication with the minutes. The permanent records of the board minutes may include more detail than is required for the publication of the minutes.

Minutes waiting approval at the next board meeting will be available for inspection at the central administration office after the board secretary transcribes the notes into typewritten material which has been proofread for errors and retyped.

Legal Reference: Iowa Code §§ 21; 22; 279.8, .35, .36; 291.6, .7; 618.3 (2011).
 281 I.A.C. 12.3(1).
 1982 Op. Att'y Gen. 215.
 1974 Op. Att'y Gen. 403.
 1952 Op. Att'y Gen. 133.

Cross Reference: [206.3](#) Secretary
206.4 Treasurer
[208](#) Ad Hoc Committees
[210.8](#) Board Meeting Agenda
 708 Care, Maintenance and Disposal of School District Records
 901 Public Examination of School District Records

Approved 01/11/88
01/23/97

Reviewed 11/17/03, 12/16/13

Revised 12/21/92,

BOARD MEETING MINUTES

Since the official minutes of the board are the only legal record, it is important that they be recorded with extreme care and completeness. The board secretary will follow the following guidelines in writing board minutes:

With respect to content, the minutes should show the following:

1. The place, date, and time of each meeting.
2. The type of meeting--regular, special, emergency, work session.
3. Members present and members absent, by name.
4. The call to order and adjournment.
5. The departure of members by name before adjournment.
6. The late arrival of members, by name.
7. The time and place of the next meeting.
8. Approval, or amendment and approval, of the minutes of the preceding meeting.
9. Complete information as to each subject of the board's deliberation and the action taken.
10. The maker and seconder of the motion, what action was taken, and the vote on the motion detailed enough to attribute a vote to each member present.
11. Complete text of all board resolutions, numbered consecutively for each fiscal year.
12. A record of all contracts entered into, with the contract documents kept in a separate file.
13. A record of all change orders on construction contracts.
14. All employment changes, including resignations or terminations.
15. A record, by number, of the bills of account approved by the board for payment.
16. A record of all calls for bids, bids received, and action taken thereon.
17. Approval of all transfers of funds from one budgetary fund to another.
18. Important documents forming a part of a motion should be made a part of the minutes by exhibit and placed in the minute book along with the minutes.

BOARD MEETING MINUTES

19. Board policy and administrative guides should be made a part of the minutes by exhibit.
20. Adoption of textbooks and establishment of bus routes by the board for the school year as well as the school calendar should become a part of the minutes.
21. Approval or disapproval of open enrollment requests with justification for disapproval or approval after the deadline.
22. A record of all delegations appearing before the board and a record of all petitions.
23. At the annual meeting each year the record should indicate that the books of the treasurer and secretary and the Certified Annual Report have been examined and approved subject to audit.
24. The election or appointment of board officers.
25. The appointment of auditors to examine the books.

At the annual or organizational meeting in odd-numbered years, the minutes should reflect the following:

26. Appointment of a temporary chairperson if not specified in policy.
27. Oath of office administered to newly elected board members.
28. Nominations taken for the office of president and vice-president.
29. Election of the president and vice-president, the votes and the oath of office administered to the president and vice-president.
30. The resolution to pay bills when the board is not in session.
31. A resolution to automatically disburse payroll along with a roster of all employees under contract.
32. A resolution naming depositories along with the maximum deposit for each depository.
33. Resolution authorizing the use of a check protector and signer and the proper control of the signer.
34. Motion designating a member or a committee to examine the bills of account for a designated period of time on a rotation basis if desired for the balance of the school year.

BOARD OF DIRECTORS' MEMBER SERVICES

ASSOCIATION MEMBERSHIP

Participation in board member associations are beneficial to the board. The board will maintain an active membership in the Iowa Association of School Boards and in organizations the board determines will be of benefit to the board and the school district.

Legal Reference: Iowa Code § 279.38 (2011).

Cross Reference: [216.2](#) Board of Directors' Member Development and Training

Approved 01/11/88 Reviewed 11/17/03, 12/16/13 Revised 12/21/92,01/23/97

BOARD OF DIRECTORS' MEMBER DEVELOPMENT AND TRAINING

The board may participate in conferences sponsored by educational associations and agencies in addition to its own in-service programs and work sessions.

The board will work closely with the Iowa Association of School Boards' Academy of Board Learning Experiences and encourage the board members to participate in conferences to achieve the Better Boardmanship Award.

Legal Reference: Iowa Code §§ 279.8, .38 (2011).

Cross Reference: [216.1](#) Association Membership

Approved 12/21/92 Reviewed 03/16/00, 11/17/03, 12/16/13 Revised
01/23/97

BOARD OF DIRECTORS' MEMBER COMPENSATION AND EXPENSES

As an elected public official, the board member is a public servant who serves without compensation. Board members will be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

Prior to reimbursement of actual and necessary expenses, the board member must submit a detailed receipt indicating the date, purpose and nature of the expense for each claim item. Failure to provide a detailed receipt will make the expense nonreimbursable. Personal expenses will be reimbursed by the board member to the school district no later than ten working days following the date of the expense. In exceptional circumstances, the board may allow a claim without proper receipt. Written documentation explaining the exceptional circumstances will be maintained as part of the school district's record of the claim.

It is the responsibility of the board secretary to compile the expenses of board members and bring them to the board for audit and approval in the same manner as other claims of the school district. It is the responsibility of the board to determine through the audit and approval process of the board whether the expenses incurred by a board member are actual and necessary expenses incurred in the performance of their official duties.

Legal Reference: Iowa Code §§ 68B; 277.27; 279.7A, .8, .32 (2011).

Cross Reference: [203](#) Board of Directors' Conflict of Interest
401.7 Employee Travel Compensation
401.10 Credit Cards

Approved 1/11/88 Reviewed 11/17/03, 12/16/13 Revised 12/21/93, 0123/97

GIFTS TO BOARD OF DIRECTORS

Board members may receive a gift on behalf of the school district. Board members will not, either directly or indirectly, solicit, accept or receive a gift, series of gifts or an honorarium unless the donor does not meet the definition of "restricted donor" stated below or the gift or honorarium does not meet the definition of gift or honorarium stated below.

A "restricted donor" is defined as a person or other entity which:

- Is seeking to be or is a party to any one or any combination of sales, purchases, leases or contracts to, from or with the school district;
- Will be directly and substantially affected financially by the performance or nonperformance of the board member's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry or region; or
- Is a lobbyist or a client of a lobbyist with respect to matters within the school district's jurisdiction.

A "gift" is the giving of anything of value in return for which something of equal or greater value is not given or received. However, "gift" does not include any of the following:

- Contributions to a candidate or a candidate's committee;
- Information material relevant to a board member's official function, such as books, pamphlets, reports, documents, periodicals or other information that is recorded in a written, audio or visual format;
- Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related;
- An inheritance;
- Anything available or distributed to the general public free of charge without regard to the official status of the board recipient;
- Items received from a charitable, professional, educational or business organization to which the board member belongs as a dues paying member if the items are given to all members of the organization without regard to an individual member's status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received;
- Actual expenses of a board member for food, beverages, travel and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the board member has participation or presentation responsibilities;
- Plaques or items of negligible resale value given as recognition for public service;

GIFTS TO BOARD OF DIRECTORS

- Nonmonetary items with a value of less than three dollars that are received from any one donor during one calendar day;
- Items or services solicited or given to a state, national or regional organization in which the state of Iowa or a school district is a member for purposes of a business or educational conference, seminar or other meeting or solicited by or given to state, national or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees for purposes of a business or educational conference, seminar or other meeting;
- Items or services received by members or representatives of members as part of a regularly scheduled event that is part of a business or educational conference, seminar or other meeting that is sponsored and directed by any state, national or regional government organization in which the state of Iowa or a political subdivision of the state of Iowa is a member or received at such an event by members or representatives of members of state, national or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees;
- Funeral flowers or memorials to a church or nonprofit organization;
- Gifts which are given to a public official for the public official's wedding or twenty-fifth or fiftieth wedding anniversary;
- Payment of salary or expenses by a board member's employer or the firm in which the board member is a member for the cost of attending a meeting of a subunit of an agency when the board member whose expenses are being paid serves on a board, commission, committee, council or other subunit of the agency and the board member is not entitled to receive compensation or reimbursement of expenses from the school district;
- Gifts other than food, beverages, travel and lodging received by a board member which are received from a person who is a citizen of a country other than the United States and is given during a ceremonial presentation or as a result of a custom of the other country and is of personal value only to the board member; or
- Actual registration costs for informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions. The costs of food, drink, lodging and travel are not "registration costs" under this paragraph. Meetings or sessions which a public official or public employee attends for personal or professional licensing purposes are not "informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions" under this paragraph.

An "honorarium" is anything of value that is accepted by, or on behalf of, a board member as consideration for an appearance, speech or article. An honorarium does not include any of the following:

- Actual expenses of a board member for registration, food, beverages, travel or lodging for a meeting, which is given in return for participation in a panel or speaking engagement at a meeting when the expenses relate directly to the day or days on which the board member has participation or presentation responsibilities;

GIFTS TO BOARD OF DIRECTORS

· A nonmonetary gift or series of nonmonetary gifts donated within thirty days to a public body, an educational or charitable organization or the department of general services; or

· A payment made to a board member for services rendered as part of a private business, trade or profession in which the board member is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person's status as a board member but, rather, because of some special expertise or other qualification.

It is the responsibility of each board member to know when it is appropriate to accept or reject gifts or honorariums.

Legal References: Iowa Code ch. 68B (2011).
1972 Op. Att'y Gen. 276.
1970 Op. Att'y Gen. 319.

Cross References: [203](#) Board of Directors' Conflict of Interest
402.4 Gifts to Employees
704.4 Gifts - Grants – Bequests

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