

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 shall not constitute a board meeting unless a discussion of policy takes place. Meetings of the board shall 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 (2005).
1982 Op. Att'y Gen. 162.
1980 Op. Att'y Gen. 167.

Cross Reference: 209 Committees of the Board of Directors
209.1 Ad Hoc Committees
211 Board of Directors' Meetings
213 Closed Sessions
214 Board of Directors' Meeting Agenda

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CLOSED SESSIONS

Generally, board meetings shall be open meetings, unless a closed session or exempt meeting is provided for by law. The board shall 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 shall 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, shall 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 shall be tape recorded and have detailed minutes kept by the board secretary. Final action on matters discussed in the closed session shall 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 shall 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 shall be sealed and shall not be public records open to public inspection. The minutes and tape recording shall 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.

CLOSED SESSIONS

5. To discuss the purchase 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.

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 shall 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.

Legal Reference: Iowa Code §§ 20.17; 21; 22.7; 279.15, .16, .24 (2005).
 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: 209 Committees of the Board of Directors
 212 Open Meetings
 222 Negotiations

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BOARD MEETING AGENDA

The tentative agenda for each board meeting shall 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 shall be sent to the board members three working 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 shall 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 shall state the reason justifying the immediate action.

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

Legal Reference: Iowa Code §§ 21; 279.8 (2005).
1980 Op. Att'y Gen. 269.

Cross Reference: 211 Board of Directors' Meetings
212 Open Meetings
214.2 Order of the Regular Board of Directors' Meeting
215 Public Participation in Board Meetings
218 Board of Directors' Records
402.5 Public Complaints About Employees
502.6 Student Complaints and Grievances

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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
2. Pledge of allegiance
3. Consent agenda items
 - a. Approval of agenda
 - b. Approval of minutes
 - c. Approval of monthly financial statements
 - d. Presentation of bills for payment
 - e. Approval of personnel issues (resignations and appointments)
4. Receive communications and comments from visitors
5. Action and discussion items
6. Special reports
7. Adjournment

Legal Reference: Iowa Code §§ 21; 279.8 (2005).

Cross Reference: 211 Board of Directors' Meetings
214.1 Board Meeting Agenda

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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 (2005).

Cross Reference: 211 Board of Directors' Meetings
214.2 Order of the Regular Board of Directors' Meeting

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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 shall 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 shall not be interfered with or disrupted. Only those speakers recognized by the board president shall 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 (2005).

Cross Reference: 104 The People and Their School District
205.1 Board Security and Protection
214 Board of Directors' Meeting Agenda
216 Public Hearings
402.5 Public Complaints About Employees

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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 shall be in writing, signed and 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.

Legal Reference: Iowa Code §§ 21; 22; 279.8 (2005).

Cross Reference: 104 The People and Their School District
205.1 Board Security and Protection
214 Board of Directors' Meeting Agenda
216 Public Hearings
402.5 Public Complaints About Employees

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PUBLIC HEARINGS

Public hearings may be held on school district matters at the discretion of the board. Public notice of a public hearing shall be in the same manner as for a board meeting except that the notice shall 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 shall 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 shall be asked to leave.

Legal Reference: Iowa Code §§ 24.9; 73A.18; 279.8, .10; 297.22 (2005).

Cross Reference: 211 Board of Directors' Meetings
215 Public Participation in Board Meetings
703.1 Budget Planning

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BOARD OF DIRECTORS AND SUPERINTENDENT

The superintendent is hired by the board as the chief executive officer of the board to manage the day-to-day operations of the school district. The board shall set policy to guide the superintendent and shall not be involved in the day-to-day operations of the school district.

The superintendent shall work closely with the board, particularly the board president, to carry out and implement the policies of the board, to advise the board, to provide information to the board, to offer alternative solutions to the board in the form of a recommendation, and to perform other duties as the board assigns.

The superintendent shall attend each board meeting unless excused by the board president.

Legal Reference: Iowa Code §§ 279.8, .20 (2005).

Cross Reference: 302.1 Administration and Board of Directors
303 Superintendent

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BOARD OF DIRECTORS AND EMPLOYEES

School employees will be utilized for their expertise to provide information to the board and to take part on advisory committees when necessary.

The board must remain objective about each employee. Employees who have concerns should have their initial contact with the building principal or immediate supervisor. If the employee's concerns are unsatisfied, the next step is the building principal or superintendent. The board may become involved with employee issues when the board is acting on a recommendation of the superintendent or when the board is acting as a hearing panel to discuss the termination of an employee.

Legal Reference: Iowa Code §§ 20; 279.8, .12-.18 (2005).

Cross Reference: 401.5 Employee Complaints
401.7 Employee Relations to the Administration and to the Board
401.8 Employee Involvement in Decision Making

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