



Book	Policy Manual
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## 0165 - BOARD MEETINGS

### Meeting Defined

As used in these bylaws, 'meeting' means a gathering of a majority of School Board members for the purpose of taking 'official action' as defined at I.C. 5-14-1.5-2(d) on public business. The term 'meeting' does not include the following:

A social or chance gathering not intended to avoid the principles of the Indiana Open Door law set forth in I.C. 5-14-1.5-1 **et seq.**

- A. An on-site inspection of a project, program, or facility of applicants for incentives or assistance from the Board.
- B. Traveling to and attending meetings of organizations devoted to the betterment of government.
- C. A caucus as defined at I.C. 5-14-1.5-2(h).
- D. A gathering to discuss an industrial or a commercial prospect that does not include a conclusion as to recommendations, policy, decisions, or final action on the terms of a request or an offer of public financial resources.
- E. An orientation of members of the Board on their role and responsibilities as public officials, but not for any other official action.
- F. A gathering of Board members for the sole purpose of administering the oath of office specified in I.C. 20-26-4-2 to a Board member or members.
- G. Collective bargaining discussions that the Board engages in directly with the exclusive representative of a bargaining unit consisting of School Corporation employees. This exception from the definition of a 'meeting' of the Board applies only when the Board has not appointed an agent or agents to conduct collective bargaining on behalf of the Board. A committee appointed by the Board or the Board President to conduct collective bargaining shall not constitute a 'governing body' subject to the Open Door Law (I.C. ~~5-14-1.5-2((b)(3) and (c)(8))~~ **5-14-1.5-2(b)(3) and (c)(8)**).

### Regular Meetings

The Board shall hold a meeting on a date and at a time and place determined annually by a resolution of the Board.

In the event the date, time, or place of a meeting needs to be changed, which change is in the best interest of the Board and/or the Corporation, such change may be made by action of the Board, provided that the proper notice is given pursuant to Bylaw 0164 - Notice of Meetings.

### Special Meetings

A "special meeting" of the Board is a meeting other than a regular meeting on a schedule of regular meetings established at the Board's annual organizational meeting. At a special meeting, the Board may take any action permitted at a regular meeting. Executive sessions are excluded from this definition.

Special meetings of the Board may be called by the President or the Superintendent provided there is compliance with the notice provision contained in Bylaw 0164 - Notice of Meetings.

### Emergency Meetings

In the event of a local disaster emergency posing severe and imminent threat to the health, safety, or welfare of the Corporation, its employees, or students, ~~any member of the Board,~~ including but not limited to a disaster emergency or local disaster emergency, the President or the Superintendent may call an emergency session if it can be shown that delay would be detrimental to efforts to lessen or respond to the threat. No formal notice to Board members of any emergency meeting shall be required, but the press and public shall be notified.

The following provisions apply if:

- A. the Governor declares a disaster emergency under I.C. 10-14-3-12; or
- B. the executive (as defined in I.C. 36-1-2-5) of a political subdivision declares a local disaster emergency under I.C. 10-14-3-29.

Until the disaster emergency or local disaster emergency is terminated, Board members shall not be required to be physically present at a Board meeting if:

- A. meeting in person would present an imminent risk to the health or safety of the members of the public and the Board members who attend the meeting because of the particular danger, threat, or emergency conditions that ~~is/~~are the basis for the declaration of the disaster emergency ~~or local disaster emergency;~~ and
- B. one (1) or more schools within the Corporation are closed at the time of the meeting because of the particular danger, threat, or emergency conditions that ~~is/~~are the basis for the declaration of the disaster emergency ~~or local disaster emergency.~~

During the disaster emergency or local disaster emergency, Board members may meet by any means of electronic communication, if the following are satisfied:

- A. At least a quorum of the Board members participate in the meeting by means of electronic communication or in person.
- B. The public is able to simultaneously attend and observe the meeting, unless held in executive session.

All votes taken in a meeting conducted with at least one Board member participating through an electronic means of communication during a declared disaster emergency or local disaster emergency shall be by roll call. The Board minutes prepared for meetings in which at least one Board member participates by an electronic means of communication during a declared disaster emergency or local disaster emergency must state the name of each Board member who:

- A. was physically present at the place where the meeting was conducted;
- B. participated in the meeting by using any electronic means of communication; and
- C. was absent.

The Board minutes also shall identify the electronic means of communication by which:

- A. Board members participated in the meeting; and
- B. the public attended and observed the meeting if it was not an executive session.

### Location of Meetings

The Board's meetings normally shall be held at a location within the Corporation boundaries that may accommodate public attendance. In such meetings, some members may participate through electronic communication in accordance with this bylaw. The Board further authorizes the Superintendent and Board President acting in concert to determine that it is necessary or appropriate to hold a regular, special or emergency Board meeting by means of remote or virtual participation

by all Board members and remote or virtual public access, considering whether and how public comment shall be allowed and in compliance with the Open Door Law, to the extent required by the Governor or the Public Access Counselor, or pursuant to provisions of this policy pertaining to meetings during declared disaster emergencies only in the event that circumstances justify such a meeting. Notice of such meetings shall be made as required by the Open Door Law or as modified by the Governor or the Public Access Counselor and include information regarding public access to the remote or virtual Board meeting (See Policy 0164 - Notices of Meetings). Any meeting held under this provision may include voting by Board members (see Policy 0167.1 - Voting), and such votes shall not be invalid merely because of the remote or virtual nature of the meeting if a legal exception exists to requirements under the Open Door law regarding remote voting, for example, by Executive Order of the Governor or guidance provided by the Public Access Counselor or pursuant to provisions of this bylaw pertaining to meetings during declared disaster emergencies.

The Board President shall conduct the meeting so as to facilitate public understanding, including requiring Board members to identify themselves before speaking and limiting instances of multiple Board members speaking at the same time, to the extent possible.

### **Member Participation in Meetings Through Electronic Means of Communication**

Subject to the limitations listed below, the Board shall permit Board members to participate in a meeting by an electronic means of communication if it allows all Board members participating in the meeting to simultaneously communicate with each other and allows the public to simultaneously attend and observe the meeting if it is not an executive session.

A Board member participating by an electronic means of communication shall be considered present for purposes of establishing a quorum but may participate in any final action taken at the meeting only if the Board member can be seen and heard. At least fifty percent (50%) of the Board members must be physically present at a meeting, except where a disaster emergency or local disaster emergency has been declared and under the circumstances indicated above.

The number of Board members who may participate in any given meeting through an electronic means of communication is limited to two (2) Board members, except where a disaster emergency or local disaster emergency has been declared and under the circumstances indicated above.

A Board member may attend two (2) consecutive meetings (a set of meetings) by electronic communication, except where a disaster emergency or local disaster emergency has been declared and under the circumstances indicated above. A Board member shall physically attend at least one (1) meeting between sets of meetings that the Board member attends by electronic communication unless the Board member's absence is due to:

- A. military service;
- B. illness or other medical condition;
- C. death of a relative; or
- D. an emergency involving actual or threatened injury to persons or property

or except where a disaster emergency or local disaster emergency has been declared as indicated above.

A Board member may not attend more than fifty percent (50%) of any Board meetings in a calendar year by an electronic means of communication unless the Board member's electronic participation is due to:

- A. military service;
- B. illness or other medical condition;
- C. death of a relative; or
- D. an emergency involving actual or threatened injury to persons or property

or except where a disaster emergency or local disaster emergency has been declared and under the circumstances indicated above.

The limitations listed above shall apply separately to each category of Board meetings, including regular meetings, special meetings, emergency meetings, executive sessions, and work sessions. Thus, for example, the 50% limitation means that a Board member may not attend more than fifty percent (50%) of regular meetings, fifty percent (50%) of special meetings, fifty percent (50%) of emergency meetings, fifty percent (50%) of executive sessions, and 50% of work sessions in a calendar year by an electronic means of communication unless one of the listed exceptions applies.

All votes taken during a meeting conducted with at least one Board member participating through an electronic means of communication shall be by roll call. The Board minutes prepared for meetings in which at least one Board member participates by an electronic means of communication shall state the name of each Board member who:

- A. was physically present at the place where the meeting was conducted;
- B. participated in the meeting by using any electronic means of communication; and
- C. was absent.

The Board minutes also shall identify the electronic means of communication by which:

- A. Board members participated in the meeting; and
- B. the public attended and observed the meeting if it was not an executive session.

Board members may not participate in a Board meeting by electronic communication if the Board is attempting to take final action to:

- A. adopt a budget;
- B. make a reduction in personnel;
- C. initiate a referendum;
- D. establish or increase a fee;
- E. establish or increase a penalty;
- F. use the Board's power of eminent domain authority; or
- G. establish, raise, or renew a tax,

except where a disaster emergency or local disaster emergency has been declared and under the circumstances indicated above.

Subject to the limitations listed above, a Board member who plans to attend a meeting by any electronic means of communication shall notify the Board President and Superintendent no less than forty-eight(48) hours before the meeting so that arrangements can be made for the Board member's participation by electronic means. Such notice is not required where a disaster emergency or local disaster emergency has been declared, ~~and~~ under the circumstances indicated above, **and** the entire Board is participating in the meeting by means of electronic communication.

A technological failure in an electronic means of communication that disrupts or prevents:

- A. the simultaneous communication between a Board member who is not physically present at the meeting and the Board; or
- B. a member of the public who is not present at the meeting from attending and observing the meeting

does not prevent the Board from conducting the meeting or affect the validity of an action taken by the Board at the meeting if the sum of the Board members physically present at the meeting and the Board members participating by electronic communication without technological failure satisfies the quorum and, if a final action is taken, the Board's voting requirements.

### **Series of Meetings (Gatherings)**

Members of the Board may not participate in a series of meetings (gatherings) if the series consists of at least two (2) gatherings and the series of gatherings meets all of the following criteria:

- A. one (1) of the gatherings is attended by at least three (3) Board members but less than a quorum, and the other gathering includes at least two (2) Board members;
- B. the sum of the number of different members attending any of the gatherings equals at least a quorum of the Board;

- C. all gatherings concern the same subject matter and are held within a period of not more than seven (7) consecutive days; and
- D. the gatherings are held to take official action on public business.

A Board member attends a gathering if the member is present at the gathering in person or if the member participates in the gathering by telephone or other electronic means, excluding electronic mail.

I.C. 5-14-1.5 Open Door Law notice to the public and news media of regular, emergency and special meetings

I.C. 10-14-3-12 Disaster emergency; emergency gubernatorial powers

I.C. 10-14-3-29 Local Disaster Emergency

I.C. 20-26-4-2 Oath of Members

I.C. 20-26-4-3 Regular, Statutory and Special Meetings (Notice notice of meetings to Board members)

I.C. 36-1-2-5 (definition of) "Executive"

**Cross References:**

Bylaw 0164 - Notice of Meetings

Bylaw 0167.1 - Voting

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- Legal
  - I.C. 5-14-1.5 Open Door Law notice to the public and news media of regular, emergency and special meetings
  - I.C. 20-26-4-3 Notice of meetings to Board members