Jim Thorpe Area School District

Book Policy Manual

Section 000 Local Board Procedures

Title Meetings

Code 006 - Meetings

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9. 65 Pa. C.S.A. 709
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11. 65 Pa. C.S.A. 712.1
12. Pol. 903
13. 65 Pa. C.S.A. 707
14. 24 P.S. 421
15. 24 P.S. 425
16. 24 P.S. 324
17. 24 P.S. 508
18. 24 P.S. 609
19. 24 P.S. 687
20. 24 P.S. 707
21. 24 P.S. 671
22. 24 P.S. 634
23. 24 P.S. 1129
24. 24 P.S. 640
25. 24 P.S. 803
26. Pol. 108
27. 24 P.S. 1071
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29. Pol. 604
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34. 24 P.S. 621
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38. 24 P.S. 514
39. 24 P.S. 702
40. 24 P.S. 708
41. 24 P.S. 315
42. Pol. 004
43. Pol. 003
44. 24 P.S. 1717-A
45. 24 P.S. 1729.1-A
46. 24 P.S. 1701
47. 65 Pa. C.S.A. 1102
48. 65 Pa. C.S.A. 1103
49. Pol. 827
50. 24 P.S. 1111
51. 24 P.S. 518
52. 65 Pa. C.S.A. 706
53. 65 Pa. C.S.A. 705
54. 24 P.S. 433
55. Pol. 800
56. Pol. 801
57. Pol. 006
58. 65 Pa. C.S.A. 708
24 P.S. 224
24 P.S. 408
24 P.S. 1075
24 P.S. 1077
65 Pa. C.S.A. 1101 et seq
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Parliamentary Authority

All Board meetings shall be conducted in an orderly and business-like manner. Robert's Rules of Order shall govern the Board in its deliberations in all cases in which it is not inconsistent with law, state regulations or Board procedures.[1][2]

Quorum

A quorum shall consist of a majority of the members of the Board. No business shall be transacted at a meeting without a quorum, but the school directors present at such a meeting may adjourn to another time.[3]

Presiding Officer

The President shall preside at all Board meetings. In the absence, disability or disqualification of the President, the Vice-President shall act instead. If neither person is present, a school director shall be elected President pro tempore by a majority of those present and voting to preside at that meeting only. Where no such majority is achieved on the first vote, a second vote shall be cast for the two (2) candidates who received the greatest number of votes.[4][5][6][7]

Meeting Notifications

Notice of all open Board meetings, including committee meetings and work sessions, shall be given by publication of the date, place, and time of such meetings in the newspaper(s) of general circulation designated by the Board and posting of such notice at the administrative offices of the Board.[8][9]

1. Notice of regular meetings shall be given by publication and posting of a schedule showing the date, place and time of all regular meetings for the calendar year at least three (3) days prior to the time of the first regular meeting.[8][9]

2. Notice of all special meetings shall be given by publication and posting of notice at least twenty-four (24) hours prior to the time of the meeting, except that such notice shall be waived when a special meeting is called to deal with an actual emergency involving a clear and present danger to life or property.[8][9]

3. Notice of all rescheduled meetings shall be given by publication and posting of notice at least twenty-four (24) hours prior to the time of the meeting.[8][9]

4. Notice of all recessed or reconvened meetings shall be given by posting a notice of the place, date and time of the meeting and sending copies of such notice to interested parties. [8]

5. Notice of all open meetings shall be given to any newspaper(s) circulating in Carbon County and any radio or television station which so requests. Notice of all open meetings shall be given to any individual who so requests and provides a stamped, addressed envelope for such notification.[9]

Notice of all rescheduled meetings and special meetings shall be given to each school director no later than twenty-four (24) hours prior to the time of the meeting.[9][10]

Agenda Notifications

The agenda, together with all relevant reports, shall be provided to each school director at least three (3) days before the meeting.

If the agenda includes an item of business related to removal of an officer of the Board, the agenda shall be provided to each school director at least seven (7) days before the meeting.

The district shall publicly post the agenda for all open meetings of the Board or Board committees at which deliberation or official action may take place no later than twenty-four (24) hours prior to the time of the meeting, as follows:[9]

1. On the district's website.
2. At the location of the meeting.
3. At the district's administrative office.

The posted agenda shall list each matter of agency business that will or may be the subject of deliberation or official action at the meeting.[9]

Agenda Preparation

It shall be the responsibility of the Superintendent, in cooperation with the Board Secretary and Board President to prepare an agenda of the items of business anticipated to come before the Board at each open meeting.

Additions to the Agenda

The Board may deliberate or take official action on matters not included in a posted agenda only under the following circumstances:[11]

Emergencies – The matter of business relates to a real or potential emergency involving a clear and present danger to life or property.[8][11]

Business Arising Within Twenty-Four (24) Hours Prior to the Meeting – The matter of business has arisen within twenty-four (24) hours prior to the meeting, is de minimis (minor) in nature, and does not involve the expenditure of funds or entering into a contract or agreement.[11]

Business Raised by Residents or Taxpayers During the Meeting – When a matter of Board business is raised by a resident or taxpayer during a meeting:[11][12]

1. The Board may take official action to refer the matter to staff, if applicable, to conduct research and include on a future Board meeting agenda; or
2. If the matter is de minimis (minor) in nature and does not involve the expenditure of funds or entering into a contract or agreement, the Board may take official action on the matter.

Majority Vote – During a meeting, the Board may add a matter of business to the posted agenda by a majority vote of the school directors present and voting. The reason for adding an item to the posted agenda must be announced at the meeting before conducting the vote. Once announced and approved by majority vote, the Board may take official action on the item of business. The agenda shall be amended to reflect the new item of business and the amended agenda shall be posted to the district's website and at the administrative office no later than the first business day following the meeting at which the agenda was amended. The unanimous consent procedure may not be used in place of majority vote for this purpose.[11]

The public posting of agenda requirements and rules for adding items to a posted agenda apply to both regular and special open meetings of the Board. These requirements and rules do not

apply to:[9][11][13]

1. Conference sessions.
2. Executive sessions.

Regular Meetings

Regular Board meetings shall be open and shall be held at specified places at least once every two (2) months.[2][14]

Special Meetings

Special meetings may be called for special or general purposes and shall be open except when conducted as an executive session for purposes authorized by law.[2][5][10][15]

The President may call a special meeting at any time and shall call a special meeting upon presentation of the written requests of three (3) school directors. Upon the President's failure or refusal to call a special meeting, such meeting may be called at any time by a majority of the school directors.[5]

No business shall be transacted at any special meeting except that named in the call sent to school directors for such special meeting.[10]

Public Participation

At each open Board meeting, prior to official action by the Board, an opportunity shall be provided for public comment in accordance with law and Board procedures and policy.[2][12]

Voting

All motions shall require for adoption a majority vote of those school directors present and voting, except as provided by statute or Board procedures.

All votes on motions and resolutions shall be by voice vote unless an oral roll call vote is requested by the President or another school director.

Special Voting Requirements –

**Indicates actions for which the minutes must reflect how each school director voted.*

1. Actions requiring the unanimous affirmative vote of all members of the Board remaining in office:
    a. Appoint as Board Secretary a former school director who has resigned, before the expiration of the term for which the member was elected.*[16][17]
    b. Appoint as solicitor a former school director who has resigned, before the expiration of the term for which the director was elected.*[16][17]
2. Actions requiring the affirmative votes of two-thirds of the full membership of the Board:
    a. Transferring, during the first three (3) months of the fiscal year, budgeted funds set apart or appropriated to a particular item of expenditure.*[17][18][19]
    b. Adding or increasing appropriations to meet an emergency or catastrophe.*[17][19]

c. Hiring as a teacher a former school director who has resigned, before the expiration of the term for which the director was elected.*[16][17]

d. Conveying land or buildings to certain charities or other public agencies without following prescribed valuation procedures or with more favorable financing.*[17][20] e. **Incurring temporary debt**.***[17]**[19][22]

f. Dismissing a tenured professional employee after a hearing.*[17][23]

g. Borrowing in anticipation of current revenue.*[17][24]

h. **Adopting or changing textbooks without the recommendation of the Superintendent.*[17][25]**

3. Actions requiring the affirmative votes of a majority of the full membership of the Board:

a. Fixing the length of the school term.*[17]

b. Adopting textbooks recommended by the Superintendent.*[17][26]

c. Appointing the district Superintendent and Assistant Superintendent(s).*[17][27][28]

d. Appointing teachers and principals.*[17]

e. Adopting the annual budget.*[17][29]

f. Appointing tax collectors and other appointees.*[17][30][31]

g. Levying and assessing taxes.*[17][32]

h. Purchasing, selling, or condemning land.*[17]

i. Locating new buildings or changing the location of old ones.*[17]

j. Creating or increasing any indebtedness.*[17]

k. Adopting planned instruction.[17][33]

l. Establishing additional schools or departments.*[17]

m. Designating depositories for school funds.*[17][34][35]

n. Authorizing the transfer of any unencumbered balance, or portion thereof, from one appropriation to another, or from one spending agency to another during the last nine (9) months of the fiscal year.*[17][19]

o. Entering into contracts of any kind, including contracts for the purchase of fuel or any supplies where the amount involved exceeds $100 (including items subject to bid requirements).*[17][36]

p. Fixing salaries or compensation of officers, teachers, or other appointees of the Board.*[17]

q. Entering into contracts with and making appropriations to the intermediate unit for the district's proportionate share of the cost of services provided or to be provided by the intermediate unit.*[17]

r. Dismissing, after a hearing, a Superintendent, Assistant Superintendent or non tenured teacher.*[17][37][38]

s. Determining the location and amount of any real estate required by the school district for school purposes.*[17][39]

t. Vacating and abandoning property to which the Board has title.*[17][40]

u. Appointing a school director to fill a vacancy on the Board.*[17][41]

v. Calling a special meeting when the President has failed to do so after written request of three (3) members of the Board.[5]

w. Declaring that a vacancy exists on the Board by reason of the failure or neglect of a school director to qualify.[42]

x. Adopting, amending or repealing Board procedures and policy.[43]

y. **Approving or denying a charter school application.*[44]**

z. **Approving or denying a multiple charter school organization application.*[45]**

aa. **Establishing joint schools or departments.*[46]**

Abstention from Voting

A school director shall be required to abstain from voting when the issue involves either one of the following:

1. Conflict of interest under the Ethics Act.[47][48][49]

   Prior to the vote being taken, the school director shall verbally disclose the nature of the conflict in public, and shall also provide the Board Secretary with a written memorandum stating the nature of the conflict, which shall be attached to the Board minutes as a public record.

   Conflict of interest - use by a public official of the authority of their office or any confidential information received through holding public office for the private pecuniary benefit of the public official, a member of their immediate family or a business with which the public official or a member of their immediate family is associated. The term does not include an action having a de minimis economic impact or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the public official, a member of their immediate family or a business with which the public official or a member of their immediate family is associated. [47]

   De minimis economic impact – an economic consequence which has an insignificant effect.[47]

   Immediate family – parent, spouse, child, brother or sister.[47]

   Business with which associated – any business in which the person or a member of the person's immediate family is a director, officer, owner, employee or has a financial interest. [47]

2. Relative recommended for appointment to or dismissal from a teaching position.[23][50]

   Relative – father, mother, brother, sister, husband, wife, son, daughter, stepson, stepdaughter, grandchild, nephew, niece, first cousin, sister-in-law, brother-in-law, uncle, or aunt.

The Board is encouraged to seek the guidance of the district solicitor or the State Ethics Commission for questions related to conflict of interest.[48][49]

Minutes

The Board shall cause to be made, and shall retain as a permanent record of the district, minutes of all open Board meetings. Said minutes shall be comprehensible and complete and shall show: [51][52]

1. Date, place, and time of the meeting.
2. Names of school directors present.
3. Presiding officer.
4. Substance of all official actions.
5. Actions taken.
6. Recorded votes and a record by individual members of all roll call votes taken.[53]
7. Names of all residents who appeared officially and the subject of their testimony.
8. Any matter added to a posted agenda, including the substance of the matter, the announced reason and the recorded vote, where applicable.[9][11]

The Board Secretary shall provide each school director with a copy of the minutes of the last meeting prior to the next regular meeting.[1]

The minutes of Board meetings shall be approved at the next succeeding meeting and signed by the Board Secretary.[54]

Notations and any tape or audiovisual recordings shall not be the official record of an open Board meeting but may be available for public access, upon request, in accordance with Board policy. Any notations and/or audiovisual recordings of a Board meeting shall be retained and disposed of in accordance with the district's records retention schedule.[1][55][56]

Recess/Reconvene

The Board may at any time recess or reconvene to a reconvened meeting at a specified date and place, upon the majority vote of those present. The reconvened meeting shall immediately take up its business at the point in the agenda where the motion to recess was acted upon. Notice of the reconvened meeting shall be given as provided in Board policy.[8][9][57]

Executive Session

The Board may hold an executive session, which is not an open meeting, before; during; at the conclusion of an open meeting; or at some other time. The presiding officer shall announce the reason for holding the executive session; the announcement can be made at the open meeting prior to or after the executive session.[13][15][58]

The Board may discuss the following matters in executive session:

1. Employment issues.
2. Labor relations.
3. Purchase or lease of real estate.

4. Consultation with an attorney or other professional advisor regarding potential litigation or identifiable complaints that may lead to litigation.
5. Matters that must be conducted in private to protect a lawful privilege or confidentiality.
6. School safety and security, of a nature that if conducted in public, would:[15] a. Be reasonably likely to impair the effectiveness of school safety measures.
   b. Create a reasonable likelihood of jeopardizing the safety or security of an individual or a school, including a building, public utility, resource, infrastructure, facility or information storage system.

Official actions based on discussions held in executive session shall be taken at an open meeting.

Work Sessions

The Board may meet as a Committee of the Whole in an open meeting to vote on or to discuss issues. Public notice of such meetings shall be made in accordance with Board procedures.[2] [57]

A meeting of the Committee of the Whole, not regularly scheduled, may be called at any time by the President; the President shall call such a meeting when requested to do so by school directors. Public notice of the meeting shall be made in accordance with Board procedures.

The Board Secretary shall provide notice of a meeting of the Committee of the Whole in accordance with Board procedures.[8][9][57]

Committee Meetings

Standing committee meetings may be called at any time by the committee chairperson, with proper public notice, or when requested to do so by a majority of members of the committee.[8] [9][57]

A majority of the total membership of a committee shall constitute a quorum.

Unless held as an executive session, standing committee meetings shall be open to the public, other school directors, and the Superintendent.[2]

A majority of the committee or the chairperson may invite Board employees, consultants or other persons who have special knowledge of an area under discussion.

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