

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 (2001).  
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 4-14-03 Reviewed 9-11-06 Reviewed 6-8-09

ANNUAL MEETING

Each year after August 31 and prior to the organizational meeting of the board, 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, at this meeting, will also appoint a board secretary and a treasurer. In the board's discretion, one individual may serve as both the secretary and treasurer. The board may also appoint the board's legal counsel.

***NOTE: The requirement that the treasurer present an affidavit for depository banks is a legal requirement. It is also a legal requirement that the board secretary and board treasurer be appointed at the annual meeting.***

Legal Reference: Iowa Code §§ 279.3, .33 (2001).

Cross Reference: 206.3 Secretary  
206.4 Treasurer  
701.1 Depository of Funds  
707 Fiscal Reports

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## 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 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 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 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.

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## 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. However, the private hearing 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.

***NOTE: This policy reflects the exceptions and exemptions to the open meeting law. Any deviation from this policy should be addressed to legal counsel prior to action.***

Legal Reference: Iowa Code §§ 20.17; 21; 22.7; 279.15, .16, .24 (2001).  
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

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. However, the board 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 making the comments or another 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 (2001).

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

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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 will be in writing, signed and explain the process followed by the complainant prior to the appeal to the board.



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.

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 §§ 24.9; 279.8, .10; 297.22 (2001).

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

Approved 5-12-06 Reviewed 9-11-06 Reviewed 6-8-09

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 (2001).  
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

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## Code No. 215.1E1 BOARD MEETING MINUTES

Since the official minutes of the board are the only basic 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.
  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 organizational meeting in September/October, 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.
  35. Voting rotation when a roll call vote is used if so desired by the board.

***NOTE: There are no legal requirements for the contents of board minutes other than those stated in the policy. The contents of this exhibit are suggestions and may be amended, altered or deleted.***



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 (2001).

Cross Reference: 216.2 Board of Directors' Member Development and Training

Approved 5-12-03 Reviewed 9-11-06 Reviewed 6-8-09

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 Boardsmanship Award.

Legal Reference: Iowa Code §§ 279.8, .38 (2001).

Cross Reference: 216.1 Association Membership

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BOARD OF DIRECTORS' MEMBER COMPENSATION AND EXPENSES

As an elected public official, the board member is a public servant who serves without compensation for the board member's time spent as a board member. 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. A credit card receipt is generally not considered a detailed receipt. Failure to provide a detailed receipt will make the expense a personal expense. 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.

Travel outside of the school district must be pre-approved. Pre-approved expenses for transportation within three-hundred miles of the central administration office of the school district will be by automobile. If a school district vehicle is not available, the board member will be reimbursed \_\_\_\_ cents per mile. Pre-approved expenses for transportation outside of three-hundred miles will be by public carrier. Reimbursement for air travel will be at the tourist class fares. Should a board member choose to travel by automobile, reimbursement will be limited to the public carrier amount. Pre-approved expenses for transportation in a rental car is limited to the cost of a Class "C" rental car at a medium priced agency unless the number of board members traveling on behalf of the school district warrant a larger vehicle. Travel inside the school district in the board member's personal vehicle will be reimbursed \_\_\_\_ cents per mile.

Pre-approved expenses for lodging within the state is limited to \$\_\_\_\_ per night. Pre-approved expenses for lodging outside the state is limited to the rate of a medium priced hotel in the area. Lodging may be pre-approved for a larger amount if special circumstances require the board member to stay at a particular hotel.

Pre-approved expenses for meals within the state are limited to \$\_\_\_\_ for breakfast, \$\_\_\_\_ for lunch and \$\_\_\_\_ for dinner. Pre-approved expenses for meals outside the state are limited to \$\_\_\_\_ for breakfast, \$\_\_\_\_ for lunch and \$\_\_\_\_ for dinner. Meals may be pre-approved for a larger amount at the discretion of the board.

Approved \_\_\_\_\_

Reviewed \_\_\_\_\_

Revised \_\_\_\_\_

BOARD OF DIRECTORS' MEMBER COMPENSATION AND EXPENSES

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.

***NOTE: There are two options for this policy. The first goes into much greater detail than the second. While auditors prefer the detail of the first policy, it is within the board's discretion to determine which one to select.***

Legal Reference: Iowa Code §§ 68B; 277.27; 279.7A, .8, .32 (1999).

Cross Reference: 203 Board of Directors' Conflict of Interest  
401.7 Employee Travel Compensation  
401.10 Credit Cards



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. A credit card receipt is generally not considered a detailed receipt. 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 (1999).

Cross Reference: 203 Board of Directors' Conflict of Interest  
401.7 Employee Travel Compensation  
401.10 Credit Cards

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## 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;

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## 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.

***NOTE: This policy is a reflection of the law.***

Legal References: Iowa Code ch. 68B (2001).  
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