

## Parliamentary elementary

by Hollie F. Reedy  
chief legal counsel

It has become apparent to me in a decade of answering calls to OSBA's legal information service that using parliamentary procedure causes boards of education a fair amount of heartburn. There are a lot of board meetings going on at which this meeting tool is misused or underused. Board members sometimes don't know how the mechanics of parliamentary procedure may be strategically used to accomplish the goals of the group.

### 10,000-foot view

Parliamentary procedure is not law or administrative rule. If you make a parliamentary procedure mistake, don't worry about it too much. It is simply a tool most boards of education use to make their meetings more efficient.

### Robert's Rules rule

Many people believe *Robert's Rules of Order* is the only system of parliamentary procedure. In fact, there are others, including *Demeter's Manual of Parliamentary Law and Procedure*, *The Standard Code of Parliamentary Procedure*, the *Sturgis Standard Code of Parliamentary Procedure* and more. I've found that almost all boards use Robert's Rules or a "light" version of Robert's Rules.

The district's policy manual should note what system the board will use to conduct its meetings. This usually isn't a stand-alone policy and can be incorporated in a number of policies. If you use the Ohio Policy Service, review Section B of your policy manual for the board's governance policy on parliamentary procedure.

### The law controls

Public boards of education must manage and control the school district

according to the requirements of Ohio law. Parliamentary procedure, essentially a meeting efficiency tool, is written to apply to all kinds of assemblies, including clubs, legislatures or any kind of group, not just public bodies. Just because a motion would carry or other action would be appropriate using parliamentary procedure does not mean it is valid for public boards of education, which of course are governed by many laws, including Ohio's Sunshine Laws.

Other laws applicable to public boards of education include specific voting majorities to implement certain actions. These specific requirements have nothing to do with whether a motion carries according to the rules of parliamentary procedure. The law also requires a roll call vote for certain actions, including all of the actions listed below.

One of the most common examples of a specific voting majority is the employment of personnel. Ohio Revised Code (RC) 3313.18 requires a majority affirmative vote of the full board for a public employee to be initially hired by the board of education. Other examples include specific voting majorities to put a levy on the ballot, purchase or sell property, or adopt textbooks, among other things. OSBA's "Voting Makes a Difference" fact sheet outlines many of the specific voting majorities required by Ohio law as they apply to boards of education.

### Motions and resolutions

The only difference between a motion and a resolution is that motions are made orally and resolutions are usually presented in writing. The board

considers, discusses and acts on both, and both have the same effect. Motions should be stated in the affirmative. The chair may read resolutions or direct the treasurer or another person to read it.

When a board member wishes to make a motion, what exactly does he or she say? The correct way to state a motion, at the appropriate time and after the member has been recognized by the chair, is to state, "I move ...." One does not say, "I make a motion that ..." or "I motion ...." The superintendent and treasurer do not make

motions because they are not members of the public body, but may make recommendations upon which a board member may make a motion, be seconded, debated and acted upon in due course.

### Seconds, please

Most motions require a second; that is, another board member must orally agree that the motion should come before the board for discussion. There should be no discussion of a motion before a second, where required. A member who wishes to second a motion need not wait for recognition by the chair. He or she simply states, "I second the motion" or "second."

Seconding a motion does not indicate support for the substance of the motion. The act of seconding a motion means that the member only approves of the motion coming before the public body for discussion and vote.

Conversely, making a motion does mean that the maker should not, during debate, speak against the motion he or she made. If the maker has changed his mind, he or she should move to



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withdraw the motion.

### Discussion and debate — but wait

Is the motion properly before the members for discussion when it has been made and seconded? Not yet. It is correct for the board president to restate the motion that has been moved and seconded so that everyone knows exactly what the topic for debate is. Before the board president states the motion, the maker of the motion may alter or withdraw it. Once the board president states the motion, the motion is before the body and the body must consent to amendments, withdrawal, postponement, etc., through the usual processes.

Members should be recognized by the chair to speak, and no member should speak twice until all members have had the chance to speak (if they desire to speak). The board president turns first to the maker of the motion to see if he or she wishes to have the floor.

Members should be polite and professional, respectfully addressing the chair and not each other. No member should interrupt another member while he or she is speaking. Each body may adopt its own rule on how long a member should speak before yielding to another member, or have no rule at all on the issue. The board president also is subject to the rule that no one should interrupt another member while he or she has the floor during debate, except to rule on a motion or maintain order. The chair also ensures that debate remains on the subject at hand.

### Question! Question!

When a board member has tired of lengthy discussion sometimes he or she may be moved to call, “Question! Question!” This is out of order and should be ruled as such by the president. There are, however, a few different ways debate may end.

First, it may be obvious that everyone has said everything they want to say. The board president may ask, “Are you ready for the question?” when this occurs. There also is a motion to close debate. When the members are ready to vote, the board president

restates the motion and asks for the vote.

### Time to decide

It is very important for the board president to restate the motion before the vote. I have taken many calls over the years about board members who want to change their vote because they weren't sure what they were voting on, and realized after the fact it was not exactly as they thought. Motions may be amended while they are under consideration; this makes it particularly important to restate the motion as amended.

Since the roll call vote is required in a number of situations under Ohio law, most boards of education call the roll for every vote to avoid changing methods.

When voting, the chair calls for affirmative votes first, then negative. The chair never calls for abstentions, which is no vote at all. When voting, members should confine themselves to a “yes” or “aye,” or a “no” or “nay.” This

is not the time to state why he or she is voting a certain way; the time for that was during debate and discussion.

### I'd like to read from a prepared statement

Sometimes a board member has a speech written in advance that he or she would like to read at the meeting. The proper time to do this is during debate of the appropriate motion. Did you know, however, that *Robert's Rules of Order* states that if another member objects, the board member with the prepared statement should not read from it without the permission of the assembly? The next issue usually raised in this context is whether the board member may insist that the written statement be appended to the minutes. The answer is no; without the permission of the assembly, there is no right for a board member to attach anything to the board of education minutes.

### What just happened?

After the vote, the board president

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should state immediately if the motion carried. Did the motion pass or fail? This will be recorded, along with the votes, in the board minutes. If there is confusion or disagreement about this, it is proper to raise to a point of order with the chair at the time the vote is announced to settle the matter right away. A tie vote always fails.

### Ohio Revised Code and the agenda

Where in the Ohio Revised Code does it state who prepares the agenda and who may add items to it? I can't tell you how many times I have been asked this question. The problem is that it is very difficult to find something that doesn't exist — there is no statute regulating a board meeting agenda.

However, different parliamentary systems state that the board president normally prepares the agenda, with input from the other members. In many

school districts, the superintendent prepares the agenda for the sake of convenience, with input from the board members. Remember that the board meeting belongs to the board. The board may make its own rules about agenda preparation, but those rules should be inclusive and permit consideration of issues. Check your board policy manual for local rules, if any, on agenda preparation.

If a board member has something for the agenda, it usually should be added. The "usually" qualification allows for some consideration of whether it is appropriate. Let's presume that the time for the board meeting has arrived, an agenda is passed out and the item that a board member proposed does not appear on the list of items for consideration. What is a board member to do?

The agenda for the meeting may be

amended at any time prior to its adoption informally. Once the agenda has been adopted, a motion to amend something previously adopted (the agenda) may be moved, but it must be seconded, is debatable and a two-thirds vote of the members is required to change it at the meeting. If previous notice is given of an intent to make a motion to amend something previously adopted, a majority vote is required. The motion to rescind may be used, as well. However, these are not the only options.

Most board agendas contain items for unfinished business or old business and new business. An item not added to the prepared agenda might properly be brought under either of these items.

### There's so much more

Perhaps I have an interest in parliamentary procedure that qualifies me for "geek" status. If there is an issue with board meetings you would like to try to resolve, or you would like to improve your parliamentary procedure skills to deal more effectively with each other and with your community, there are many resources to help you. OSBA offers a handy "Parliamentary Procedure at a Glance" guide that is a clear and quick reference on the different types of motions, when it is proper to use them, whether they are debatable or amendable, and how many votes are required. To find out more, buy a copy of *Robert's Rules of Order*. It's easier to understand than you think, and regularly using it will help crystallize the concepts and make them routine. There also are many websites you can access.

There's a lot going on in public education right now, but having professional, efficient meetings is a good goal for everyone. I challenge each board member to learn about a new motion and use it when appropriate at your next board meeting. □

*"According to law" is designed to provide authoritative general information, sometimes with commentary. It should not be relied upon as legal advice. If legal advice is required, the services of an attorney should be obtained.*

## OSBA welcomes new northeast regional manager

by Amanda Finney  
marketing coordinator

Former school board member **Terri Neff** recently joined the OSBA staff as northeast regional manager. Neff replaces **Russell B. McKenzie**, who retired earlier this year after nine years in the



Terri Neff

Neff served 10 years on the **Brecksville-Broadview Heights City** and **Cuyahoga Valley Career Center** boards of education. During her time on the two boards she earned OSBA's Award of Achievement five times and achieved Master Board Member status, a lifetime distinction.

She also served with the association's Federal Relations Network and Legislative Platform,

Nominating and Northeast Region Executive committees. In addition, she represented the career center in the OSBA Delegate Assembly and served as a Student Achievement Leadership Team liaison and a legislative liaison.

Her duties as regional manager include providing leadership in developing and maintaining programs for 19 northeastern Ohio counties. Neff also will plan and coordinate activities for the region's members and the Northeast Region Executive Committee, and keep the OSBA executive director informed about regional issues.

She can be reached at [tneff@ohioschoolboards.org](mailto:tneff@ohioschoolboards.org) or (440) 546-9344. □