



**Ohio School Boards
Association**

8050 N. High St.
Suite 100
Columbus, Ohio
43235-6481
(614) 540-4000
legal hotline
(855) OSBA-LAW
www.ohioschoolboards.org

Parliamentary procedure

This fact sheet is designed to address the most frequently asked questions about parliamentary procedure. The information is of a general nature. Readers should seek the advice of legal counsel with specific legal problems or questions.

Overview

What is parliamentary procedure?

Parliamentary procedures are the generally accepted rules of order and practices commonly used by boards, commissions and other deliberative assemblies to help them as they govern. The rules are intended to maintain decorum, determine the will of the majority, protect the rights of the minority and facilitate the orderly transaction of business.

How is parliamentary procedure different from Robert's Rules of Order?

Robert's Rules of Order is a manual of parliamentary procedure. Although it is the most common procedural authority among Ohio school districts, there are other procedural authorities, including the Standard Code of Parliamentary Procedure and Demeter's Manual of Parliamentary Law and Procedure.

Are districts required to use Robert's Rules of Order?

No. Ohio law does not require boards of education to follow Robert's Rules of Order or any formal system of parliamentary procedure. However, most boards of education in Ohio have adopted board policies stating their intent to follow Robert's Rules of Order.

Are there times when it's inappropriate to use Robert's Rules of Order?

Yes. Robert's Rules of Order wasn't written with school boards and other governmental entities in mind. There may be times when matters of procedure are specifically governed by Ohio law or the board's policies. For example, in certain instances, Ohio law requires a board of education to conduct a roll-call vote or mandates a specific voting majority before the board may act. See OSBA's "Voting Makes a Difference" fact sheet for a summary of these statutes. These specific requirements must be followed even if Robert's Rules of Order authorizes a simpler procedure.

Agendas

Are we required to use an agenda?

A well-planned agenda helps school board members prepare for effective discussions and decisions and helps make it possible to conduct the meeting in an orderly, efficient and fair manner. However, there is no legal requirement in Ohio that requires boards of education to use an agenda, nor is there any language in the Ohio Revised Code that discusses how they're prepared or amended.

Do most boards of education use an agenda?

Yes. Most boards of education in Ohio use an agenda and adopt board policies that regulate the format, preparation and dissemination of the board agenda.

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For more information on this subject, please contact OSBA's Division of Legal Services

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Can a board of education amend its agenda once it's been released to the public?

The purpose of posting or sending an agenda in advance is to provide members with information so they can adequately prepare for the meeting. However, the agenda technically is a suggested outline or structure for the meeting and generally may be amended after its initial release, unless prohibited by the board's policy. Boards should be cautious when modifying special meeting agendas to ensure that any modifications continue to fall under the purpose(s) included in the special meeting notice.

Under Robert's Rules of Order, if the board does not adopt the agenda at the beginning of the meeting, only a majority vote is required to amend the agenda. If the board adopts the agenda at the beginning of the meeting, a two-thirds vote is required to change the agenda later in the meeting after its adoption.

Consent agendas

What is a consent agenda?

A consent agenda, also known under Robert's Rules of Order as a "consent calendar," allows a board of education to approve several items together without discussion or debate. Agenda items that deal with routine district/board procedures and issues that have already been discussed are grouped and approved together, freeing up time for more substantial discussions on other issues.

Typically, what items appear on a consent agenda?

Typically, consent agenda items are routine, procedural decisions and decisions that are likely to be noncontroversial. Examples include:

- approval of the minutes;
- final approval of proposals or reports when the board has been dealing with them for some time and all members are familiar with the implications of approval;
- routine matters such as appointments to committees;
- staff appointments requiring board confirmation.

How does a consent agenda actually work?

A consent agenda works best if its items are known in advance, distributed with the board meeting package and carefully read by all board members prior to the meeting. A typical procedure is:

- The agenda preparer, such as the board president or superintendent, determines if an item belongs on the consent agenda and prepares a numbered list of consent items as part of or as an attachment to the meeting agenda.

- The list and supporting documents are included in the board's agenda package in sufficient time to be read by all members prior to the meeting.
- At the beginning of the meeting or when the consent agenda item comes up on the agenda, the president asks members which items they wish to be removed from the consent agenda and discussed individually.
- If any member requests that an item be removed from the consent agenda, it must be removed. There is no need for a motion, second or vote on whether the item should be removed from the consent agenda. Members may request that an item be removed for any reason and do not need to state their reason for the item to be removed. They may wish, for example, to discuss the item or indicate they have a conflict of interest and cannot vote on that item.
- Once an item has been removed, the president should place the item as a later discussion item on the meeting agenda.
- When all of the requested items have been removed, the president reads out the numbers of the remaining consent items. The president then states: "If there is no objection, these items will be adopted." After pausing for any objections, the president states "As there are no objections, these items are adopted." It is not necessary to ask for a vote.
- When preparing the minutes of the meeting, the treasurer includes the full text of the resolutions, reports or recommendations that were adopted as part of the consent agenda.

Is anything required to start using a consent agenda?

Before a board can start using a consent agenda, it should first adopt a policy that allows for the consent agenda process. OSBA's sample policy for consent agendas (BDDDB) contains model language for districts to adopt for this purpose.

It also is important to make sure that all board members know which items belong on an agenda and how to move items to and from the consent agenda. For this reason, training on understanding and using the consent agenda procedure should be part of the board's orientation program.

Motions

What is the correct way to make and adopt a motion?

There are six steps a board must take to adopt a motion:

- **Member makes a motion.** The correct way to state a motion is to state "I move" One should not say, "I make a motion that ..." or "I motion that" The superintendent and

treasurer do not make motions because they are not members of the board. However, they may make recommendations upon which a board member may make a motion.

- **Member seconds the motion.** A second implies only that a member wishes to hear discussion on the issue. It doesn't require the board member who makes the second to ultimately vote in support of the issue. If the motion does not receive a second, the motion will not be considered.
- **The board president states the seconded motion.** Once the board president states the motion, the issue is formally placed before the board members and ownership of the issue is transferred to the full board. After this step, the board must do something with the motion.
- **The members debate.** Under Robert's Rules of Order, the board member who makes the motion has the first right to speak to the motion. After that member is done, someone else can speak for or against the motion. Members who have not yet spoken should be recognized by the board president before members seeking to speak for a second time. With controversial issues, the board president may want to consider switching back and forth between those speaking in favor of the motion and those speaking against it.
- **The members vote.** The board president should repeat the motion before calling for the vote.
- **The board president announces the vote.** The board president should announce the outcome of the vote and any next steps necessitated by the resolution of the motion.

Are there any motions that are out of order?

Yes. Under Robert's Rule of Order, a motion is out of order if it conflicts with state or federal law, presents the same question that the board dealt with earlier in the same meeting or requires the board to act on something that is outside the scope of the board. Note, however, that a motion that presents the same question that the board dealt with at a prior meeting is not a motion that is automatically out of order.

Is there a difference between a motion and a resolution?

The difference between a motion and a resolution is that motions are made orally and resolutions usually are presented in writing. The board considers, discusses and acts on both, and both have the same effect.

Frequently misused motions

When should the motion to table be used?

Under Robert's Rules of Order, the motion to table should be used only to lay the pending question aside temporarily when something else of immediate urgency has arisen. For example, if the board is expecting a presentation or speaker at a certain time, the board could use the motion to table to set aside the pending motion for the duration of the presentation. If the board is interested in pushing an agenda item to a subsequent meeting, the correct motion is the motion to postpone.

What's the difference between the motion to reconsider and the motion to rescind?

The motion to reconsider allows the board to correct a hasty, ill-advised, erroneous action or amend something in light of new or additional information. The motion can only be made at the same meeting in which the original vote was taken and must be moved by a voter on the prevailing side. The motion to rescind, on the other hand, permits the board to change an action adopted at a previous meeting. Although any member may make the motion to rescind, it requires a two-thirds vote of the members present or a majority of the full membership if notice wasn't given to members in advance of the meeting. Neither the motion to reconsider nor the motion to rescind may be used if the matter has been completed or individuals' rights under the motion as passed have vested.

How do you "call the question" under Robert's Rules of Order?

Closing debate on a pending motion is done properly only with the consent of the board and not on the demand of a single board member. Under Robert's Rules of Order, it is not appropriate to make statements like "Call the question!" or "Question!" in an attempt to close debate. Instead, a member wishing to end the debate on a pending question and bring it to a vote immediately should make a motion to call the previous question. The motion requires a second. Once a second is obtained, the board president should not allow any debate on the issue and should call for an immediate vote on the motion calling the question. The motion requires a two-thirds vote to pass. If the motion calling the question fails, debate on the pending underlying question can continue. If the motion calling the question passes, the board president takes the vote on the pending underlying question without further discussion or debate.

Note: Readers are advised to obtain legal advice regarding the application of the law in specific situations.

OSBA Parliamentary Procedure Motions at a Glance

Main motion

Motion	Requires second	Debatable	Amendable	Vote required
Main motion	Yes	Yes	Yes	Majority

Privileged motions

Motion	Requires second	Debatable	Amendable	Vote required
Adjourn	Yes	No	No	Majority
Recess	Yes	No	Yes	Majority
Raise a question of privilege	No	No	No	None
Call for the orders of the day	No	No	No	None

Subsidiary motions

Motion	Requires second	Debatable	Amendable	Vote required
Close debate	Yes	No	No	2/3
Lay on the table	Yes	No	No	Majority
Call for the previous question	Yes	No	No	2/3
Limit or extend limits of debate	Yes	No	Yes	2/3
Postpone definitely	Yes	Yes	Yes	Majority
Refer to committee	Yes	Yes	Yes	Majority
Amend	Yes	Yes	Yes	Majority
Postpone indefinitely	Yes	Yes	No	Majority

Incidental motions

Motion	Requires second	Debatable	Amendable	Vote required
Appeal from the decision of the chair	Yes	Yes	No	Majority
Divide the question	Yes	No	Yes	Majority
Division of an assembly	No	No	No	None
Object to consideration	No	No	No	2/3
Parliamentary inquiry	No	No	No	None
Point of information	No	No	No	None
Point of order	No	No	No	None
Suspend the rules	Yes	No	No	2/3

Motions that bring a question again before the board

Motion	Requires second	Debatable	Amendable	Vote required
Reconsider	Yes	Yes	No	Majority
Take from the table	Yes	No	No	Majority
Rescind	Yes	Yes	Yes	2/3 or majority with notice

The information in this fact sheet is designed to provide authoritative general information. It should not be relied upon as legal advice. If legal advice is required, the services of an attorney should be obtained.