

Meetings of the Board of Trustees

The Board of Trustees [also referred to as “Board of Directors”] of Palouse Prairie Educational Organization, Inc is legally accountable for the operation of Palouse Prairie School of Expeditionary Learning. The Board of Trustees shall meet as required by law, and shall hold other meetings deemed necessary by the Board and for the proper conduct and management of the School. All action by the Board shall be taken in a meeting open to the public. No executive session may be held for the purpose of taking any final action or making any final decisions, the exception being a decision to placed certificated personnel on probationary status.

Annual Meeting

The annual meeting of the Board of Trustees shall be held on the date of its regularly scheduled meeting in July. At the annual meeting, each board of trustees is required to elect a chairperson, vice chairperson, a clerk [also referred to as “secretary”], and a treasurer.

Regular Meetings

The school board will give notice of its regular meetings at least five calendar days before the scheduled meeting. However, if the school board determines to meet at regular intervals of at least once every month, it will post its 12 month meeting schedule at the annual meeting. I.C. § 67-2343. By law, it is “the duty of each member of the board of trustees to attend all meetings of the board . . .” See. I.C. § 33-506.

An agenda notice is required forty-eight hours in advance of each regularly scheduled meeting. The school board must make a good faith effort to include in its notice all agenda items known at the time to be probable items of discussion. After completion of the agenda, additional agenda items may be added up to and including the hour of the meeting. The notice requirement for meetings and agendas will be posted in a prominent place in the school’s main office or on the school’s website. I.C. § 67-2343.

Quorum

A quorum is the minimum number of members that must be present before business can legally be transacted at a meeting. A quorum of school board trustees is required by law in order to transact the business of a school district. *I.C. § 33-510*. Unless otherwise allowed by law, all questions that come before the school board must be determined by a majority of votes. *Id.* A majority of votes means that more than half of the votes cast at a legal meeting with a quorum being present. The chairman of the school board may vote in all cases. Some member of the board may choose to abstain from voting. If they do

abstain, then these votes are not counted.

Telecommunications Conferencing Devices

Not all members of the school board need to be physically present when a meeting is taking place. Some of the board members may participate by telephone. Idaho Law allows school board meetings to be conducted using telecommunications conferencing devices or similar communications equipment. However, in order to conduct a meeting in this manner at least one member of the school board must be physically present at the location designated in the notice as the meeting place to ensure that the public can attend the meeting in person and can audibly hear all communications between the members of the school board and that the members of the school board can hear one another. *See I.C. 67-2342(5)*.

Minutes

The school board will publish the minutes of its meeting to the public within a reasonable time after the meeting. The minutes will include a list of all members present, all motions, resolutions, orders, ordinances proposed and their disposition, the results of all votes, and upon request of a member, the vote of each member by name. *I.C. § 67-2344*.

The secretary of the board is required to attend all meetings of the board of trustees in order to keep a record of the proceeding. It is the secretary's duty to record all matters required by law, or required by the board to be entered. When the secretary does not attend a meeting of the board, the board is required to appoint some person as temporary clerk who will keep the record of the proceedings of the board and certify the same to the secretary. *I.C. § 33-508*.

Special Meetings

1010A special meeting may be called by the chairperson or by any two members of the board and may be held at any time. *I.C. § 33-510*.

Unless an emergency exists, special meetings of the school board requires a twenty-four hour notice of the meeting and the agenda. At a minimum the notice must include the date, time, place, and the name of the school board calling the meeting. The clerk of the school board, or other designee is required to maintain a list of news media requesting notification of meetings and should make a good faith effort to provide advance notice to them of the time and place of each meeting. *I.C. § 67-2343(2)*.

Executive Sessions

An executive session is defined by Idaho Code § 67-2341(3) as "any meeting or part of a meeting of a governing body which is closed to any persons for deliberations on certain matters." An executive session may be held at any annual, regular or special

meeting. If it is anticipated that the school board will meet for the special purpose of conducting an executive session, a twenty-four hour notice of the meeting and agenda is required. The secretary of the school board, or other designee required to maintain a list of news media requesting notification of meetings, should make a good faith effort to provide advance notice to them of the time and place of each meeting. I.C. § 67-2343.

Idaho Code § 67-2345 in pertinent part states that an executive session may be held for the following reasons:

- (a) To consider hiring a public officer, employee or staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office;
- (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student;
- (c) To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency;
- (d) To consider records exempt from disclosure as provided in chapter 3, title 9, Idaho Code ;
- (f) To consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation

IN ORDER TO CONVENE AN EXECUTIVE SESSION

The presiding officer of the school board must identify the board's authority to hold an executive session under one of the subsections found in Idaho Code § 67-2345. Thereafter, a vote must be taken of the individual school board members and recorded in the minutes of the school board meeting. In order to hold an executive session, the vote must pass by a two-thirds (2/3) majority. I.C. § 67-2345.

No executive session may be held for the purpose of taking any final action or making any final decision. I.C. § 67-2345(3). A "decision" is defined by Idaho Code as any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure upon which a vote of a governing body is required. I.C. § 67-2341. That said, however, I.C. § 33-514 and I.C. § 33-515 allows the board to vote on whether or not to place an employee on a Category 3 or 4 contract on probation in Executive Session.

Executive Session Minutes

The minutes of an executive session may be limited to the disclosure of information which is not inconsistent with the provisions allowing an executive session, but must contain sufficient detail to convey the general tenor of the meeting. *I.C. § 67-2344.* It is difficult to convey precisely what the legislature meant by the phrase "the general tenor of the meeting" or for that matter what should be included in your executive session

minutes. However, at a minimum, the record should reflect the time when the executive session began and ended. The record should also include the names of persons present during the executive session and anytime a person was admitted or excused from the executive session. Also included in the minutes should be a general description of the subject matter of the executive session, and where appropriate the minutes should also contain a generalized description of the views reflected by each of the trustees present. Provided it does not expose the sensitive issue for which the board went into executive session in the first place. However, the disclosures of your executive session minutes should not be inconsistent with the primary reason for discussing the matter in executive session.

Emergency Meetings

An “emergency” is defined as a situation involving injury or damage to persons or property, or immediate financial loss, or the likelihood of such injury, damage or loss. In the event of an emergency, the notice requirements of a regular or special meeting may be impractical, or might increase the likelihood or severity of such injury, damage or loss. In this event, a meeting of the school board may be called but the reason for the emergency must be stated at the outset of the meeting. *I.C. § 67-2343(2)*.

Legal Reference: GOVERNING BODIES -- REQUIREMENT FOR OPEN PUBLIC MEETINGS I.C. 67-2342(5)

Policy History:

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