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FIVE S.D. STATUTES ADDRESS PARLIAMENTARY PROCEDURE WHICH SCHOOL BOARDS ARE TO UTILIZE DURING SCHOOL BOARD MEETINGS
• Special meetings may be held upon call of the president or in the president's absence by the vice-president, or a majority of the board members.

• Notice of a special meeting shall be given by the business manager to the board members either orally or in writing in sufficient time to permit their presence.
• A majority of the members of the school board constitutes a quorum for the purpose of conducting business.

• Any board action may be taken if it is approved by the majority of the members voting.
The official meetings of political subdivisions are open to the public.
• unless a specific law is cited

• by the political subdivision

• to close the official meeting to the public

• violation is a criminal offense
“...any official action concerning such [executive session] matters shall be made at an open official meeting. An executive or closed meeting shall be held only upon a majority vote of the members of such body present and voting, and discussion during the closed meeting is restricted to the purpose specified in the closure motion.”

[violation is a criminal offense]
• The governing body shall delay taking any official action on the recommendations, findings, or reports of a committee or other working group appointed by the governing body until the next meeting of the governing body.
After the governing board of a political subdivision has made a determination of surplus property pursuant to § 6-13-1, the governing board shall appoint three real property owners of the political subdivision to appraise the value of such property.
MANY SCHOOL BOARDS HAVE ADOPTED ROBERT’S RULES OF ORDER AS THE RULES OF PARLIAMENTARY PROCEDURE
PARLIAMENTARY PROCEDURE

ADOPTED

• BY SCHOOL BOARD POLICY…

OR

• THROUGH FORMAL MOTION AT
ANNUAL REORGANIZATION MEETING
• SIMPLY ADOPTING ROBERT’S RULES OF ORDER MAY BE EASY AND INVITING

• BUT CONSIDER
PARLIAMENTARY PROCEDURE

• POLICY / MOTION MAY SAY
• BOARD WILL FOLLOW ROBERT’S RULES OF ORDER, OR
• ROBERT’S RULES OF ORDER WILL BE TAKEN AS AUTHORITY, OR
• BOARD WILL FOLLOW ROBERT’S RULES OF ORDER UNLESS MODIFIED BY SCHOOL BOARD POLICY
• SCHOOL BOARD POLICIES HAVE THE FULL FORCE AND EFFECT OF LAW AND MUST BE FOLLOWED BY THE SCHOOL BOARD

Wessington Springs Education Association v. Wessington Springs School District #36-2
467 N.W.2d 101, 104 (S.D. 1991)
CONSIDER ---

FEW SCHOOL BOARD MEMBERS, SUPERINTENDENTS AND BUSINESS MANAGERS ARE PARLIAMENTARIANS (EXPERTS) WHEN IT COMES TO KNOWING ROBERT’S RULES OF ORDER
PARLIAMENTARY PROCEDURE

CONSIDER ---

• 816 PAGES IN THE LATEST REVISION OF ROBERT’S RULES OF ORDER NEWLY REVISED (11\textsuperscript{th} Edition)
  -- COMPLICATED ??
  -- DIFFICULT TO APPLY ??
CONSIDER –

ROBERT’S RULES OF ORDER

WAS NOT WRITTEN

FOR LOCAL UNITS OF GOVERNMENT
PARLIAMENTARY PROCEDURE

ROBERT’S RULES OF ORDER

-- PUBLISHED IN 1876

-- WRITTEN BY AN ARMY ENGINEER

BRIG. GEN. HENRY MARTYN ROBERT

-- FOR USE BY NONGOVERNMENTAL ASSEMBLIES/ENTITIES

Associated School Boards of South Dakota
PARLIAMENTARY PROCEDURE

ROBERT’S RULES OF ORDER

• IS SOMETIMES INCONSISTENT WITH LAWS GOVERNING LOCAL SCHOOL BOARDS

• EXAMPLES ……
EXAMPLE # 1 - ROBERT’S RULES OF ORDER

• says no member can be prohibited from voting because of an actual or perceived conflict of interest and merely says a member should not vote on a motion if a member has a direct personal or financial interest in a motion under consideration

HOWEVER, IN SOUTH DAKOTA,

NO GOVERNING BOARD MEMBER CAN PARTICIPATE IN DISCUSSION AND/OR VOTING IF THAT MEMBER HAS A CONFLICT OF INTEREST

SDCL 6-1-17; Hanig v. City of Winner (SD 2005)
EXAMPLE # 2 - ROBERT’S RULES OF ORDER

SAYS VOTES CAN BE TAKEN IN EXECUTIVE SESSION

(RONR, 11th ed., pp. 95-96.)
HOWEVER, IN SOUTH DAKOTA,

SDCL 1-25-2 REQUIRES SCHOOL BOARDS TO TAKE ANY OFFICIAL ACTION RELATED TO EXECUTIVE SESSION IN AN OPEN MEETING
PARLIAMENTARY PROCEDURE

ASBSD -- SAMPLE POLICY

ROBERT'S RULES OF ORDER

• **IS A GUIDE** TO BE FOLLOWED WHEN CONDUCTING SCHOOL BOARD BUSINESS .....
... BUT IT IS NOT INTENDED NOR IS IT REQUIRED FOR THERE TO BE STRICT COMPLIANCE WITH ROBERT’S RULES OF ORDER.
ASBSD SAMPLE POLICY

- PRESIDENT/CHAIRPERSON MAKES DECISIONS ON ISSUES THAT ARISE RELATED TO PARLIAMENTARY PROCEDURE,
- SUBJECT TO THE RIGHT OF ANY BOARD MEMBER TO APPEAL THAT DECISION TO THE FULL BOARD FOR A FINAL DECISION.
PARLIAMENTARY PROCEDURES

GUIDE
1. Debate should follow, not precede, a main motion. The President/Chairperson may allow general informal discussion, but not debate, before the motion.
2. To obtain the right to speak, address the chairperson and be recognized.

3. To introduce a motion, say, "I move that..." (avoid "so move")

4. There must be a second to the motion before debate on the motion.
5. A motion may be withdrawn by the maker with general consent of the person who seconded the motion or by a majority vote if there is an objection to withdraw the motion.
6. Debate must be limited to the issue at hand. Speakers who wander or attempt to enter new matters should be ruled out of order.
7. Main motions may be amended.

"I move to amend the motion by...."

Ways of amending are: .......
7. ....

a) Striking out parts of the motion;
b) Inserting one or more words; or
c) Striking out and inserting; or
d) Substituting an entirely new motion as a Substitute Motion
Votes on amendments must be taken before a vote on the original motion.
8. Before a vote on a main motion is taken, a board member may make a motion to:

   a) to postpone indefinitely -- used to kill the motion under consideration without voting against the motion.
8. ... b) a motion to postpone to a certain time -- used when the intent is to make the decision after more information is available or for some other scheduling reason
8. ...

c) lay it on the table -- used only when there urgent business to be addressed while a main motion is on the floor and debate is temporarily suspended and resumed during the current meeting or at the next meeting.
9. The chair should avoid closing a discussion if members wish to speak.

10. A governing board member may seek to close discussion on a motion and have a vote on the pending motion by making a motion ("I move/call the previous question").
10. …. 

a. a motion to end debate requires a second to the motion;

b. the motion to end debate is not subject to debate;

c. if there is a second to the motion, immediately there is a vote on the motion to close debate;
10. …

d. a two-thirds majority vote is required to pass the motion to close debate;

e. if the motion to end debate passes, the President/Chairperson must put the pending motion to a vote without further debate.
11. There are four ways that the governing board can revisit a decision previously adopted:

(1) rescind,
(2) renew,
(3) reconsider, and
(4) amend
Can the President/Chairperson make a motion?

• Yes. Because of the impartiality required of the presiding officer when conducting a meeting, the President/Chairperson relinquishes the chair to the vice-president/vice-chairperson should the President/Chairperson wish to make a motion.
Can the President/Chairperson vote?

- Yes - it is not true that the President/Chairperson can vote only to break a tie.

- The President/Chairperson has the same rights and privileges as all other members, including the right to make motions, to speak in debate, and to vote on all questions.
Does a quorum continue to exist if members leave during the meeting?

• Depends. A quorum is required to conduct business. If a quorum no longer exists, a recess must be called and a time set a time for when the meeting is to resume or the meeting must be adjourned.
Do votes to abstain count when determining if a motion has passed?

• To abstain means to refrain from voting, so technically there is not a “vote to abstain.”

• An abstention can have a direct impact on the vote and decision before the governing board (i.e., 2-2-1 = motion fails).
COMMON PARLIAMENTARY PROCEDURE ERRORS COMMITTED BY SCHOOL BOARDS:

• using motion to “table” when the intent is to “postpone to a certain time”

• using “so moved” when the motion should be specific

• thinking because a member “calls the question” debate must end and a vote must be taken on the pending motion.
... AND TWO PROCEDURE RELATED STATUTES THAT SOME SCHOOL BOARDS SEEM TO GIVE A PROBLEM WITH DURING SCHOOL BOARD MEETINGS ARE
CLUE # 1 ........
PARLIAMENTARY PROCEDURES

The following are from actual school board minutes:

• “motion made by * and seconded by * to declare * surplus property and dispose of it.”

• “motion by-, second by -, to surplus the list provided by -, which has determined no longer necessary, useful or suitable for the purpose for which it was acquired. These items have been determined to be of no value or value less than $500.”

• “motion by * seconded by * to surplus the following at a value of less the $500 each: *** ”
THE ANSWER IS
SDCL 6-13-2. After the governing board of a political subdivision has made a determination of surplus property pursuant to § 6-13-1, the governing board shall appoint three real property owners of the political subdivision to appraise the value of such property.

[SDCL 6-13-3. Any improvements on land shall be appraised separately from the land… and property which is to be sold at public auction need not be appraised pursuant to this chapter.]
CLUE # 2 ........
The following are from actual school board minutes.

“Motion by -, second by -, to move in to executive session at 8:01 p.m.”

“Motion by – seconded by – to go into executive session for a personnel issue.”

“Motion by – seconded by – to convene the board into executive session for Legal 1-25-2.3”

“Motion…to enter into Executive Session based on SDCL 1-23-2, Subsection 4, Contracts, Negotiations, at – p.m.”
THE ANSWER IS
The official meetings of political subdivisions are open to the public unless a specific law is cited by the political subdivision to close the official meeting to the public.
PARLIAMENTARY PROCEDURES

- SDCL 1-25-2(1) [personnel]
- SDCL 1-25-2(2) [student matters]
- SDCL 1-25-2(3) [consult with/review communications from legal counsel]
- SDCL 1-25-2(4) [negotiations]
- SDCL 1-25-2(5) [discuss marketing or pricing strategies]
A VIOLATION OF SDCL 1-25-1 IS A CRIMINAL OFFENSE

OTHER OPEN MEETINGS SERIES TOPICS:

- Legal or Illegal Meeting
- Open Forum
- Conflict of Interest
- Process of Executive Session
- Reasons for Executive Session
- Fair & Impartial Hearings
- Open Meetings Commission
- Annual or Reorg Meeting
Open Meeting Series - Legal or Illegal Meeting
Open Meeting Series - Open Forum
Open Meeting Series - Conflict of Interest
Open Meeting Series - Process of Executive Session
Open Meeting Series - Reasons for Executive Session
Open Meeting Series - Fair & Impartial Hearings
Open Meeting Series - Open Meetings Commission
Open Meeting Series – Annual or Reorg Meeting
THE END !!!!