Arkansas Laws and Rules Governing School Board Meetings

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December 2016
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- School Board Meetings
- Ethical Requirements
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Synopsis of Laws and Rules

• Ten broad, primary duties
• One “catch-all” duty – “do all other things necessary and lawful for the conduct of efficient free public schools in the school district.”
Synopsis of Laws and Rules

  - Attend meetings;
  - Determine mission/direction of district;
  - *Obey state and federal laws*;
  - Enact, enforce, and obey school district policies;
Synopsis of Laws and Rules

  - Employ staff (including superintendent);
  - Evaluate superintendent;
  - Understand and oversee finances;
  - Ensure that the school district has necessary and sufficient facilities;
Synopsis of Laws and Rules

  • Approve the selection of curriculum consistent with State Board of Education requirements;
  • Visit school districts and classrooms;
  • Obtain training and professional development.
Synopsis of Laws and Rules

• Ark. Code Ann. § 6-13-619, *School Board Meetings*
  • Monthly during school term;
  • On call of the president;
  • On call of the secretary;
  • On call of any three board members;
  • When required to meet by lawful, verified written petition.
Synopsis of Laws and Rules

- Ark. Code Ann. § 6-13-619, School Board Meetings
  - Requests to be placed on the agenda
    - Superintendent notification to president
    - Cannot be granted if it would prejudice a student or personnel matter, or is in conflict with school district policy or law.
Synopsis of Laws and Rules

  - Regular and special meetings must take place after 5:00 p.m. if they involve personnel or personnel policies;
  - Publish date, time and place of regular meetings on website 10 days in advance;
  - Publish date, time and place of rescheduled meetings on website 24 hours in advance.
Synopsis of Laws and Rules

• Ark. Code Ann. § 6-13-619, School Board Meetings
  • Secretary must:
    • Keep minutes;
    • Take attendance;
    • Record outcome of vote;
    • Keep copy of all budgets and county treasurer reports on the financial affairs of the district.
Synopsis of Laws and Rules

• Ark. Code Ann. § 6-13-619, School Board Meetings
  • General rule is that board members have to be physically present to vote, or count toward a quorum. (there are exceptions).
  • Majority of a quorum voting affirmatively is required for the passage of any motion or resolution.
  • Any member who abstains shall be counted as having voted against the motion or resolution.
Synopsis of Laws and Rules

• Ark. Code Ann. § 6-13-619, School Board Meetings
  • A member with a conflict may leave the meeting. They cannot be counted in the board’s vote and they cannot be used to establish a quorum.
  • A quorum = a majority of the membership of the board of directors.
  • A quorum must be *physically present* for the board to enter an executive session.
Synopsis of Laws and Rules

• Ark. Code Ann. § 6-13-619, School Board Meetings
  • Can adopt a policy for remote attendance.
  • Have to be able to verify the member.
  • Have to make sure everyone can hear each other.
  • Member attending remotely cannot attend an executive session or closed hearing.
  • Cannot vote on a matter that was the subject of an executive session or closed hearing.
  • Counted 3 times a year to establish a quorum.
Synopsis of Laws and Rules

• Ark. Code Ann. § 6-24-101 et seq., Ethical Requirements

• Cannot use, or attempt to use your official position to secure unwarranted privileges or exemptions for yourself or others.

• Cannot disclose confidential information.

• No kickbacks or gratuities.
Synopsis of Laws and Rules

• Requirements for school board members (Ark. Code Ann. § 6-24-105)
• Requirements for administrators (Ark. Code Ann. § 6-24-106)
• Requirements for school district employees (Ark. Code Ann. § 6-24-107)
• Penalties: restitution, fine of up to $10,000, prison for up to 5 years.
Synopsis of Laws and Rules

- Requirements for school board members (Ark. Code Ann. § 6-24-105)
  - General Prohibitions
  - Employment of Family Members
  - Exceptions
  - Records
  - Providing False or Incomplete Information
Arkansas Freedom of Information Act

• What *is* covered:
  • Public records;
  • Public meetings.

• What *is not* covered:
  • Public participation at meetings;
  • Creation of records in response;
  • Time period for retention.
Arkansas Freedom of Information Act

• Public Records
  • We provide requested public records unless they are exempt from disclosure.
  • We provide records immediately unless they are in active use or storage, in which case we have three working days to provide the records.
Arkansas Freedom of Information Act

• Public Records Include:
  • Writing, sounds, electronic information, or videos that are kept by the public entity; and
  • That constitute a record of the performance or lack of performance of official functions.
  • Whether something is a public record depends upon its *content*, not the medium in which the record is kept.
  • FERPA records are exempt.
  • Special rules apply to personnel records and employee evaluation records.
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Arkansas Freedom of Information Act

• Public Meetings
  • All meetings, formal or informal, special or regular, of the governing bodies of all school districts are public meetings.

• Meetings
  • No quorum is required.
  • No particular number is required.
  • No polling or secret phone conferences.
Public Meetings

- E-mail correspondence could be considered a meeting.
- Not a meeting if discussion of school board business is incidental and intermittent.
Arkansas Freedom of Information Act

• Public Meetings
  • Time and place of regular meetings must be given to anyone who asks (remember your requirements as a school board);
  • Notice of special or emergency meetings must be given two hours in advance to news media in the county where the meeting is held AND to all who have asked to be notified.
Arkansas Freedom of Information Act

- Penalties and Enforcement
- Civil lawsuits and attorney’s fees
- Class C Misdemeanor
Pitfalls to Avoid and Cautionary Tales
Contact Information

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