

EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: LOCAL BOARD PROCEDURES

TITLE: MEETINGS

ADOPTED: August 19, 2002

REVISED: April 16 2007
November 16, 2015
August 21, 2017
October 18, 2021
September 18, 2023

006. MEETINGS

Section 1. Role and Function

The meetings of the Board are basic to the operation of the Board. All official action of the Board shall be taken only when the Board is in formal session.

Since members of the Board may not function officially as individuals, the Board meeting presents an opportunity for the school program to be discussed and appraised and for individual biases and opinions to be aired as the Board works toward consensus decisions on specific instances. In addition, the meeting provides an appropriate place for items of interest or concern to individual citizens or groups of the school community to be heard and considered.

Section 2. Parliamentary Authority

All Board meetings shall be conducted in an orderly and business-like manner. Robert's Rules of Order, Newly Revised, including group rules shall govern the Board in its deliberations in all cases in which it is not inconsistent with statute, regulations of State Board, or Board procedures. [\[1\]](#)[\[2\]](#)

Section 3. Quorum

A quorum shall be five (5) school directors present at a meeting. No business shall be transacted at a meeting without a quorum, but the school directors present at such a meeting may adjourn to another time. A school director shall be considered as being present for the purpose of determining a quorum and may participate in a public Board meeting via speakerphone or other remote means provided the following conditions are satisfied: (1) the absent member can hear the comments of those speaking at the meeting; (2) the absent member can speak to all those present at the meeting; and (3) the absent member is able to interact contemporaneously as if he or she were present in person. Such remote participation will be allowed if it has been approved by the Board President at least twelve (12) hours prior to the scheduled start of the meeting. The Board President shall, at the start of the meeting, inform all

~~SC 407~~

~~65 P.S.~~

~~701 et seq~~

~~SC 422~~

<p>SC 405, 426, 427, 428</p> <p>65 P.S. 703, 709</p> <p>65 P.S. 703, 709</p> <p>65 P.S. 703, 709</p> <p>65 P.S. 703, 709</p> <p>65 P.S. 703</p> <p>65 P.S. 709</p> <p>SC 423 65 P.S. 709</p>	<p>present of the Board member's remote participation. [3]</p> <p>Section 4. <u>Presiding Officer</u></p> <p>The President shall preside at all Board meetings. In the absence, disability or disqualification of the President, the Vice-President shall act instead. If neither person is present, a school director shall be elected President pro tempore by a majority of those present and voting to preside at that meeting only. Where no such majority is achieved on the first vote, a second vote shall be cast for two (2) candidates who received the greatest number of votes. [4][5][6][7]</p> <p>Section 5. <u>Meeting Notifications</u></p> <p>Notice of all public Board meetings, including committee meetings and work sessions, shall be given by publication of the date, place, and time of such meetings in the newspaper(s) of general circulation designated by the Board and the posting of such notice at the administrative offices of the Board, at all school buildings, and on the district website. [8][9]</p> <p>a. Notice of regular meetings shall be given by publication and posting of a schedule showing the date, place and time of all regular meetings for the calendar year at least three (3) days prior to the time of the first regular meeting. [8][9]</p> <p>b. Notice of all special meetings shall be given by publication and posting of notice at least twenty-four (24) hours prior to the time of the meeting, except that such notice shall be waived when a special meeting is called to deal with an actual emergency involving a clear and present danger to life or property. [8][9]</p> <p>c. Notice of all rescheduled meetings shall be given by publication and posting of notice at least twenty-four (24) hours prior to the time of the meeting. [8][9]</p> <p>d. Notice of all recessed or reconvened meetings shall be given by posting a notice of the place, date and time of meeting and sending copies of such notice to interested parties. [8]</p> <p>e. Notice of all public meetings shall be given to any newspaper(s) circulating in Monroe County and a radio or television station which so requests. Notice of all public meetings shall be given to any individual who so requests and provides a stamped, addressed envelope for such notification. [9]</p> <p>Notice of all rescheduled meetings and special meetings shall be given to each school director no later than twenty-four (24) hours prior to the time of the</p>
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meeting. [9][10]

Section 6. Agenda Notifications

The agenda, together with all relevant reports, shall be provided to each school director at least 3 days before the meeting.

The district shall publicly post the agenda for all public meetings of the Board or Board committees at which deliberation or official action may take place no later than twenty-four (24) hours prior to the time of the meeting, as follows: [9]

1. On the district's website.
2. At the location of the meeting.
3. At the district's administrative office.

The posted agenda shall list each matter of agency business that will or may be the subject of deliberation or official action at the meeting. [9]

Section 7. Agenda Preparation

It shall be the responsibility of the Superintendent and Board President, in cooperation with the Board Secretary, to prepare an agenda of the items of business anticipated to come before the Board at each public meeting. The agenda, together with all such reports as can be completed, shall be provided each school director at least three (3) days before the meeting.

Section 8. Regular Meetings

At the organization meeting of the Board held annually in December, the Board shall establish the dates, times and places of its regular meetings, which shall be published. [2][14]

The meetings for organization and the stated meeting provided for by these rules and adjournment thereof shall be "regular meetings."

Section 9. Order of Business

The order of business shall be as follows, unless altered by the President or a majority of those present and voting:

1. Opening Exercises

65 P.S. 709

65 P.S. 701 et seq
— SC 421

<p>63 Pa. C.S.A. 712.1</p> <p>63 Pa. C.S.A. 703, 712.1</p> <p>63 Pa. C.S.A. 712.1</p>	<ul style="list-style-type: none">a. Call to Orderb. Pledge of Allegiancec. Roll Calld. Welcoming of Guests <p>2. Announcement of Executive Session(s)</p> <p>3. Adoption of Agenda</p> <p>4. Approval of Minutes</p> <p>5. Reports</p> <p>6. Public Participation</p> <p>7. Unfinished Business</p> <p>8. New Business</p> <ul style="list-style-type: none">a. Local Board Proceduresb. Programsc. Pupilsd. Personnele. Financesf. Propertyg. Operationsh. Community <p>9. Adjournment.</p> <p><u>Section 10. Additions to the Agenda</u></p> <p>The Board may deliberate or take official action on matters not included in a posted agenda only under the following circumstances:</p> <p><i>Emergencies</i> – The matter of business relates to a real or potential emergency involving a clear and present danger to life or property. 11</p> <p><i>Business Arising Within Twenty-Four (24) Hours Prior to the Meeting</i> – The matter of business has arisen within twenty-four (24) hours prior to the meeting, is de minimis (minor) in nature, and does not involve the expenditure of funds or entering into a contract or agreement. 11</p> <p><i>Majority Vote</i> – During a meeting, the Board may add a matter of business to the posted agenda by a majority vote of the school directors present and voting. The reason for adding an item to the posted agenda must be announced at the meeting before conducting the vote. Once announced and approved by majority vote, the</p>
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<p>63 Pa. C.S.A. 712.1</p> <p>63 Pa. C.S.A., 707, 709, 712.1</p> <p>SC 423, 425, 426 65 Pa. C.S.A. Sec. 701 et seq</p> <p>SC 426</p> <p>SC 423</p> <p>Pol. 903 65 P.S. 701 et seq</p>	<p>Board may take official action on the item of business. The agenda shall be amended to reflect the new item of business and the amended agenda shall be posted to the district’s website and at the administrative office no later than the first business day following the meeting at which the agenda was amended. The unanimous consent procedure may not be used in place of majority vote for this purpose. [11]</p> <p>The public posting of agenda requirements and rules for adding items to a posted agenda apply to both regular and special public meetings of the Board. These requirements and rules do not apply to: [9][11][13]</p> <ol style="list-style-type: none"> 1. Conference sessions. 2. Executive sessions. <p>In a situation where an effective date or similar information is not available at the time of the Regular Board meeting and the agenda contains a blank or notation such as “to be determined”, such information may be inserted into draft minutes by the Board Secretary, prior to approval of the official minutes.</p> <p><u>Section 11. Special Meetings</u></p> <p>Special meetings may be called for special or general purposes and shall be public except when conducted as an executive session for purposes authorized by the Sunshine Act. [2][5][10][15]</p> <p>The President may call a special meeting at any time and shall call a special meeting upon presentation of the written requests of three (3) school directors. Upon the President's failure or refusal to call a special meeting, such meeting may be called at any time by a majority of the school directors. [5]</p> <p>No business shall be transacted at any special meeting except that named in the call sent to school directors for such special meeting. [10]</p> <p><u>Section 12. Public Participation</u></p> <p>At each public Board meeting, prior to official action by the Board, an opportunity shall be provided for public comment in accordance with law and Board policy and procedures. [2][12]</p> <p><u>Section 13. Voting</u></p> <p>All motions shall require for adoption a majority vote of those school directors present and voting, except as provided by statute or Board procedures.</p> <p>All votes on motions and resolutions shall be by voice vote unless an oral roll</p>
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<p>SC 324, 508</p> <p>SC 324, 508</p> <p>SC 508, 609, 687</p> <p>SC 508, 687</p> <p>SC 634</p> <p>SC 324, 508</p> <p>SC 508, 707</p> <p>SC 508, 1129</p> <p>Pol. 508, 640</p> <p>SC 508</p> <p>SC 508</p>	<p>call vote is requested by the President or another school director. [11]</p> <p>a. The following actions require the recorded unanimous affirmative vote of all members of the Board remaining in office:</p> <ol style="list-style-type: none"> 1. Appointing as Board Secretary a former school director who has resigned, before the expiration of the term for which the director was elected. [16][17] 2. Appointing as solicitor a former school director who has resigned, before the expiration of the term for which the director was elected. <p>b. The following actions require the recorded affirmative votes of two-thirds of the full membership of the Board:</p> <ol style="list-style-type: none"> 1. Transferring, during the first three (3) months of the fiscal year, budgeted funds set apart or appropriated to a particular item of expenditure. [17][18][19] 2. Adding or increasing appropriations to meet an emergency or catastrophe. [17][19] 3. Incurring a temporary debt. [17][19][22] 4. Hiring as a teacher a former school director who has resigned, before the expiration of the term for which the director was elected. [16][17] 5. Conveying land or buildings to certain charities or other public agencies without following prescribed valuation procedures or with more favorable financing. [17][20] 6. Dismissing, after a hearing, a tenured professional employee. [17][23] 7. Borrowing in anticipation of current revenue. [17][24] 8. Adopting or change textbooks without the recommendation of the Superintendent. [17][25] <p>c. The following actions require the recorded affirmative votes of a majority of the full membership of the Board:</p> <ol style="list-style-type: none"> 1. Fixing the length of school term. [17] 2. Adopting textbooks recommended by the Superintendent. [17][26]
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<p>Pol. 108 — SC 508, 1071, — 1076</p> <p>— SC 508</p> <p>SC 508 — Pol. 604</p> <p>SC 508 — Pol. 005, 606 — SC 508 — Pol. 605</p> <p>— SC 508</p> <p>— SC 508</p> <p>SC 508</p> <p>SC 508 — Pol. 107</p> <p>SC 508</p> <p>— SC 508, 621 — Pol 608</p> <p>— SC 508, 687</p> <p>— SC 508 — Pol. 610</p> <p>— SC 508</p> <p>— SC 508</p> <p>SC 508, 514, — 1080</p>	<ol style="list-style-type: none"> 3. Appointing the district Superintendent and Assistant Superintendent(s). [17][27][28] 4. Appointing teachers and principals. [17] 5. Adopting the annual budget. [17][29] 6. Appointing tax collectors and other appointees. [17][30][31] 7. Levying and assessing taxes. [17][32] 8. Purchasing, selling, or condemning land. [17] 9. Locating new buildings or changing the location of old ones. [17] 10. Creating or increasing any indebtedness. [17] 11. Adopting planned instruction. [17][33] 12. Establishing additional schools or departments. [17] 13. Designating depositories for school funds. [17][34][35] 14. Authorizing the transfer of any unencumbered balance, or portion thereof, from one appropriation to another, or from one spending agency to another during the last nine months of the fiscal year. [17][19] 15. Entering into contracts of any kind, including contracts for the purchase of fuel or any supplies where the amount involved exceeds \$100 (including items subject to bid requirements). [17][36] 16. Fixing salaries or compensation of officers, teachers, or other appointees of the Board. [17] 17. Entering into contracts with and making appropriations to the intermediate unit for the district's proportionate share of the cost of services provided or to be provided by the intermediate unit. [17] 18. Dismissing, after a hearing, a Superintendent, Assistant Superintendent, or a nontenured employee. [17][37][38]
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<p>—SC 212</p> <p>—SC 508, 702</p> <p>—SC 508, 708</p> <p>—SC 1503</p> <p>—SC 315, 508</p> <p>—SC 426</p> <p>—Pol. 004</p> <p>—Pol. 003</p>	<p>19. Adopting a corporate seal for the district.</p> <p>20. Determining the location and amount of any real estate required by the school district for school purposes. [17][39]</p> <p>21. Vacating and abandoning property to which the Board has title. [17][40]</p> <p>22. Determining the holidays, other than those provided by statute, to be observed by special exercises and those on which the schools shall be closed for the whole day.</p> <p>23. Appointing a school director to fill a vacancy on the Board. [17][41].</p> <p>24. Calling a special meeting when the President has failed to do so after written request of three (3) members of the Board. [5]</p> <p>25. Declaring that a vacancy exists on the Board by reason of the failure or neglect of a school director to qualify. [42]</p> <p>26. Adopting, amending or repealing Board procedures and policy. [43]</p> <p>27. Approving or denying a charter school application. [44]</p> <p>28. Approving or denying a multiple charter school organization application. [45]</p> <p>29. Establishing joint schools or departments. [46]</p> <p><u>Section 14. Abstention from Voting</u></p> <p>A school director shall be required to abstain from voting when the issue involves either one of the following:</p> <p><u>Conflict of interest under the Ethics Act.</u> [47][48][49]</p>
<p>—65 Pa. C.S.A. 1102, 1103</p> <p>—Pol. 827</p> <p>—65 Pa. C.S.A. 1102</p>	<p>Prior to the vote being taken, the school director shall verbally disclose the nature of the conflict in public, and shall also provide the Board Secretary with a written memorandum stating the nature of the conflict, which shall be attached to the Board minutes as a public record.</p> <p><u>Conflict of interest</u> – use by a public official of the authority of his/her or any confidential information received through his/her holding public office for the</p>

<p>—65 Pa. C.S.A. —1102</p> <p>—65 Pa. C.S.A. —1102</p> <p>—65 Pa. C.S.A. —1102</p> <p>—SC 671, 1111</p> <p>—62 Pa. C.S.A. —1103 —Pol. 827</p> <p>65 P.S. 706 —SC 518</p>	<p>private pecuniary benefit of the public official, a member of their immediate family or a business with which the public official or a member of their immediate family is associated. The term does not include an action having a de minimis economic impact or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the public official, a member of their immediate family or a business with which the public official or a member of their immediate family is associated. [47]</p> <p><u>De minimis economic impact</u> – an economic consequence which has an insignificant effect. [47]</p> <p><u>Immediate family</u> – parent, spouse, child, brother or sister. [47]</p> <p><u>Business with which associated</u> – any business in which the person or a member of the person’s immediate family is a director, officer, owner, employee or has a financial interest.</p> <p><u>Relative recommended for appointment to or dismissal from a teaching position.</u> [23][50]</p> <p><u>Relative</u>– father, mother, brother, sister, husband, wife, son, daughter, stepson, stepdaughter, grandchild, nephew, niece, first cousin, sister-in-law, brother-in-law, uncle, or aunt.</p> <p>The Board is encouraged to seek the guidance of the district solicitor or the State Ethics Commission for questions related to conflict of interest. [48][49]</p> <p><u>Section 15. Minutes</u></p> <p>The Board shall cause to be made, and shall retain as a permanent record of the district, minutes of all public Board meetings. Said minutes shall be comprehensible and complete and shall show: [51][52]</p> <ol style="list-style-type: none">a. The date, place, and time of the meeting.b. The names of school directors present.c. The presiding officer.d. The substance of all official actions.e. Actions taken.
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<p>—65 P.S. 705</p>	<p>f. Recorded votes and a record by individual members of all roll call votes taken. [53]</p> <p>g. The names of all residents who appeared officially and the subject of their testimony.</p>
<p>—65 P.S. 709, 712.1</p>	<p>h. Any matter added to a posted agenda, including the substance of the matter, the announced reason and the recorded vote, where applicable. [9][11]</p> <p>In a situation where an effective date or similar information is not available at the time of the Regular Board meeting and the agenda contains a blank or notation such as “to be determined”, such information may be inserted into draft minutes by the Board Secretary, prior to approval of the official minutes.</p>
<p>—SC 433</p>	<p>The Board Secretary shall provide each school director with a copy of the proposed minutes of the last meeting no later than three (3) days before the next regular meeting. [1]</p>
<p>—SC 407</p>	<p>The minutes of Board meetings shall be approved at the next succeeding meeting and signed by the Board Secretary. [54]</p> <p>The minutes shall be permanently filed and indexed for reference purposes.</p> <p>All reports requiring Board action, resolutions, agreements, and other written documents may be made a part of the minutes by reference and, if so, shall be placed in the system as a permanent record.</p>
<p>—SC 407 —Pol. 800, 801</p>	<p>Notations and any tape or audiovisual recordings shall not be the official record of a public Board meeting. <u>Any notations and/or audiovisual recordings of a Board meeting shall be retained for one year from the date of the meeting and disposed of in accordance with the district’s records retention schedule. and shall be destroyed once the minutes of the recorded meeting have been approved by the Board.</u> [1][55][56]</p>
<p>—Pol. 006 —65 P.S. 703, 709</p>	<p><u>Section 16. Recess/Reconvene</u></p> <p>The Board may at any time recess or reconvene to a reconvened meeting at a specified date and place, upon the majority vote of those present. The reconvened meeting shall immediately take up its business at the point in the agenda where the motion to recess was acted upon. Notice of the reconvened meeting shall be given as provided in Board policy. [8][9][57]</p>
<p>—SC 425</p>	<p><u>Section 17. Executive Session</u></p> <p>The Board may hold an executive session, which is not an open public</p>

~~65 P.S. 707, 708~~

meeting, before, during, at the conclusion of a public meeting, or at some other time. The presiding officer shall announce the reason for holding the executive session; the announcement can be made at the public meeting prior to or after the executive session. ~~[13][15][58]~~

The Board may discuss the following matters in executive session:

- a. Employment issues.
- b. Labor relations.
- c. Purchase or lease of real estate.
- d. Consultation with an attorney or other professional advisor regarding potential litigation or identifiable complaints that may lead to litigation.
- e. Matters that must be conducted in private to protect a lawful privilege or confidentiality.
- f. School safety and security, of a nature that if conducted in public, would: ~~[15]~~
 - Be reasonably likely to impair the effectiveness of school safety measures.
 - Create a reasonable likelihood of jeopardizing the safety or security of an individual or a school, including a building, public utility, resource, infrastructure, facility or information storage system.

Official actions based on discussions held in executive session shall be taken at a public meeting.

Section 18. Work Sessions

The Board may meet as a Committee of the Whole in a public meeting to vote on or to discuss issues. Public notice of such meetings shall be made in accordance with Board Procedures. ~~[2][57]~~

Section 19. Committee Meetings

Standing committee meetings may be called at any time by the committee chairperson, with proper public notice, or when requested to do so by a majority of the standing committee. ~~[8][9][57]~~

~~SC 425~~

~~65 P.S. 701 et seq
Pol. 006~~

~~65 Pa. C.S.A. 703,
709
Pol. 006~~

~~62 Pa. C.S.A. 701~~
~~et seq~~

A majority of the total membership of a committee shall constitute a quorum.

Unless held as an executive session, standing committee meetings shall be open to the public, other school directors, and the Superintendent. 2

A majority of the committee or the chairperson may invite Board employees, consultants or other persons who have special knowledge of any area under discussion by the committee.

References:

~~School Code 24 P.S. Sec. 212, 224, 315, 324, 405, 407, 408, 421, 422, 423, 425, 426, 427, 428, 433, 508, 514, 518, 609, 612, 621, 634, 640, 671, 687, 702, 707, 708, 803, 1071, 1075, 1076, 1077, 1080, 1111, 1129, 1503~~

~~Sunshine Act 65 Pa. C.S.A. Sec. 701 et seq., 703, 705, 706, 707, 708, 709, 712.1, 1101 et seq., 1102, 1103~~

~~Board Policy 003, 004, 005, 006, 107, 108, 604, 605, 606, 608, 610, 612, 800, 801, 827, 903~~

Legal References

1. 24 P.S. 407
2. 65 Pa. C.S.A. 701 et seq
3. 24 P.S. 422
4. 24 P.S. 405
5. 24 P.S. 426
6. 24 P.S. 427
7. 24 P.S. 428
8. 65 Pa. C.S.A. 703
9. 65 Pa. C.S.A. 709
10. 24 P.S. 423
11. 65 Pa. C.S.A. 712.1
12. Pol. 903
13. 65 Pa. C.S.A. 707
14. 24 P.S. 421
15. 24 P.S. 425
16. 24 P.S. 324
17. 24 P.S. 508
18. 24 P.S. 609
19. 24 P.S. 687
20. 24 P.S. 707
21. 24 P.S. 671
22. 24 P.S. 634
23. 24 P.S. 1129
24. 24 P.S. 640
25. 24 P.S. 803
26. Pol. 108
27. 24 P.S. 1071
28. 24 P.S. 1076
29. Pol. 604
30. Pol. 005
31. Pol. 606
32. Pol. 605
33. Pol. 107

	<p><u>34. 24 P.S. 621</u> <u>35. Pol. 608</u> <u>36. Pol. 610</u> <u>37. 24 P.S. 1080</u> <u>38. 24 P.S. 514</u> <u>39. 24 P.S. 702</u> <u>40. 24 P.S. 708</u> <u>41. 24 P.S. 315</u> <u>42. Pol. 004</u> <u>43. Pol. 003</u> <u>44. 24 P.S. 1717-A</u> <u>45. 24 P.S. 1729.1-A</u> <u>46. 24 P.S. 1701</u> <u>47. 65 Pa. C.S.A. 1102</u> <u>48. 65 Pa. C.S.A. 1103</u> <u>49. Pol. 827</u> <u>50. 24 P.S. 1111</u> <u>51. 24 P.S. 518</u> <u>52. 65 Pa. C.S.A. 706</u> <u>53. 65 Pa. C.S.A. 705</u> <u>54. 24 P.S. 433</u> <u>55. Pol. 800</u> <u>56. Pol. 801</u> <u>57. Pol. 006</u> <u>58. 65 Pa. C.S.A. 708</u> <u>24 P.S. 224</u> <u>24 P.S. 408</u> <u>24 P.S. 1075</u> <u>24 P.S. 1077</u> <u>65 Pa. C.S.A. 1101 et seq</u> <u>Pol. 612</u></p>
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