



New York State School Boards Association

# **Running a Meeting in Conformity with Parliamentary Procedure - Roberts Rules of Order**

Presented by:

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## **RUNNING A MEETING IN CONFORMITY WITH PARLIAMENTARY PROCEDURE**

### **PARLIAMENTARY PROCEDURE**

#### **A. Purpose of Parliamentary Procedure is:**

To expedite the smooth functioning of board meetings by providing a framework for resolving questions of procedure that occasionally arise. Formally adopted rules of procedure are helpful in clarifying disagreement or misunderstanding on points of order that can affect the outcome of substantive issues. Such rules of order are written rules of parliamentary procedure formally adopted by a board to govern the conduct of board meetings.

Although not required by law or regulation, boards generally adopt either a standard reference or a specific set of rules to facilitate the conduct of their meetings. The most common method by which a board adopts a suitable set of rules is to include in its policies a provision designating the current edition of a standard manual of parliamentary procedure as its chosen authority. The best known and most commonly used reference is Robert's Rules of Order, Newly Revised; however, there are other references that may be adopted by a board such as Parliamentary Procedure at a Glance, by O. Garfield Jones.

In addition, a board may adopt special rules of order to supplement or modify the rules contained in its specified reference. The rules of order a board adopts are binding on it, except where they conflict with policy or other special rules or any applicable law or regulation. For example, although Robert's Rules of Order generally provides for the suspension of rules by a two-thirds vote, the commissioner of education has ruled a board of education has no authority to require a vote in excess of a simple majority to take such action: a simple majority is sufficient. Thus, the adoption of a rule requiring more than a simple majority would be invalidated by the applicable law. (Matter of Cerniglia 17 Educ. Dept. Rep. 275 (1978)).

## **B. Motions and Order of Precedence**

### **1. Main Motions**

A main motion is a motion whose introduction brings business before the assembly; such a motion can be made only while no other motion is pending.

#### **a. Original Main Motions**

An original main motion is a main motion that introduces a substantive question as a new subject. This is the motion most often used, and is the basic device by which a matter is presented to the assembly for possible action, as “. . . the board honor Mrs. Jones for her 23 years of outstanding service to the XYZ Central School District.

As you know, there are three steps by which a motion is normally brought before the assembly:

- (1) A member makes the motion
- (2) Another member seconds the motion
- (3) The chair states the question on the motion

Neither the making nor the seconding of a motion places it before the assembly; only the chair can do that, by the third step (stating the question). When the chair has stated the question, the motion is pending. It is then open to debate (if it is a main motion or one of several other debatable parliamentary motions).

#### **b. Incidental Main Motions**

An incidental main motion is a main motion that is incidental to or relates to the business of the assembly, or its past or future action. Such a motion is distinguished by the following characteristics:

(1) It proposes an action specifically defined under parliamentary law and described by a particular parliamentary term; and there are thus a definite number of incidental main motions somewhat as in the case of the secondary motions (subsidiary, privileged, and incidental) and the motions that bring a question again before the assembly.

(2) It does not mark the beginning of a particular involvement of the assembly in a substantive matter, as an original main motion does. (Like all main motions, however, it can be

made only when nothing is pending, and it brings business before the assembly.) Action that can be proposed by the incidental main motions may relate: (a) to further steps in dealing with a substantive matter in which the assembly's involvement has begun earlier; or (b) to procedure, without direct reference to a particular substantive item of business.

## 2.     Subsidiary Motions     SECONDARY MOTIONS

Subsidiary motions assist the assembly in treating or disposing of a main motion (and sometimes other motions. On your chart, the subsidiary motions are listed in reverse order of rank, which is the chronological order in which they would be moved if all of them became pending at one time. Each of the motions listed takes precedence over- that is, ranks above - the main motion, and also any or all of the motions listed before it.

### Four characteristics of subsidiary motions:

- (1) They are always **applied to** another motion, while it is pending, to aid in treating or disposing of it; the adoption of one of them always **does something to** this other motion - that is, changes its status in some way- without adopting or expressly rejecting it.
- (2) They can be applied to **any** main motion
- (3) They fit into an order of precedence
- (4) The time when they are in order extends from the moment the question on a motion to which they can be applied is stated by the chair, until he begins to take the vote on that motion, the only limitations within this period being as follows:
  - (a) the subsidiary motion must be admissible at the time, according to the order of precedence of motions;
  - (b) the question presented by the subsidiary motion must not be absurd or substantially the same as one already decided; and
  - (c) after a vote has been ordered by the adoption of a motion for the **Previous Question** and before this vote has been taken, no subsidiary

motion can be made- except **Lay on the Table** (which is of higher rank than the **Previous Question**).

One Subsidiary Motion is the Motion to Lay on the Table. This motion enables the assembly to lay the pending question aside temporarily when something else of immediate urgency has arisen, in such a way that:

- \* there is no set time for taking the matter up again;
- \* but its consideration can be resumed at the will of a majority and in preference to any new questions that may then be competing with it for consideration except that in cases of assemblies in which the lapse of time between regular business sessions is greater than a quarterly time interval, a question laid on the table can remain there only until the end of the current session; and unless taken from the table earlier, the matter dies with the close of that session; or in cases of organizations holding regular business sessions at least within quarterly time intervals, a question laid on the table remains there until taken from the table or until the close of the next regular session; if not taken up by that time, the question dies.

#### Misuses of the Motion

It is out of order to move to a pending question on the table if there is evidently no other matter urgently requiring immediate attention. At a special meeting, it is dilatory and out of order to move to lay on the table the matter for which the meeting has been called.

The motion to Lay on the Table is often incorrectly used and wrongly admitted as in order with the intention of either killing an embarrassing question without a direct vote, or of suppressing a question without debate. The first of these two uses is unsafe if there is any contest on the issue; the second is in violation of a basic principle of general parliamentary law that only a two-thirds vote can rightfully suppress a main question without allowing free debate.

### Correct Procedures in Lieu of Misuses:

If it is desired to dispose of a question without a direct vote, the suitable method is to use the **Motion to Postpone Indefinitely**. If it is desired to do this without further debate, the motion to Postpone Indefinitely can be followed immediately by a motion for the Motion for the Previous Question. A motion that has been indefinitely postponed is killed for the remainder of the session, but is no more difficult to renew at a later session than any other motion that is subject to such renewal.

If it is believed that any discussion of a particular original main motion might do harm, the proper course is to raise Objection to the Consider of the Question before its consideration has begun.

### 3. Privileged Motions SECONDARY MOTIONS

Unlike subsidiary or incidental motions, privileged motions do not relate to the pending business, but have to do with special matters of immediate and overriding importance which, without debate, should be allowed to interrupt the consideration of anything else. Like subsidiary motions, however, the five privileged motions fit into an order of precedence. All of them take precedence over motions of any other class (except in certain instances where the immediately pending question may be a motion to AMEND, a motion for the PREVIOUS QUESTION, or an incidental motion that was moved while a still higher-ranking privileged motion was immediately pending). The privileged motions are listed in your chart in ascending order of rank. Each of the succeeding motions takes precedence over any or all of the motions listed before it.

### 4. Incidental Motions SECONDARY MOTIONS

Incidental motions relate, in different ways, to the pending business or to business otherwise at hand- some of them with varying degrees of resemblance to subsidiary motions, but none of them possessing all four of the characteristics listed above. As a class, incidental motions deal with questions of procedure arising out of (1) commonly, another pending motion; but also (2) sometimes, another motion or item of business

- (a) that it is desired to introduce,

- (b) that has been made but has not yet been stated by the chair, or
- (c) that has just been pending.

An incidental motion is said to be incidental to the other motion or matter out of which it arises. With but few exceptions, incidental motions are related to the main question in such a way that they must be decided immediately, before business can proceed. Most incidental motions are undebatable.

- 5. Motions that bring a question again before the assembly

Special distinctions between **Motion to Reconsider** and a **Motion to Rescind**

A **Motion to Reconsider** allows an item to be reconsidered only at the same meeting or during the next succeeding legislative day ONLY after the vote to which it applies was taken. It must be moved by one who voted with the prevailing side (unless vote was by ballot) It may interrupt a member who is speaking (for entry, but not for consideration and vote). It suspends action on the motion to which it applies until it has been decided. It may be applied to all motions except to adjourn, to suspend the rules, or to table. It requires only a majority vote in all cases. No question can be twice reconsidered. Action that cannot be reversed cannot be reconsidered.

A **Motion to Rescind** is a “specific” main motion. It is **not in order when the subject can be reached by “reconsideration.”** It cannot be applied to action that cannot be reversed. It requires a two-thirds vote of members present or majority vote of entire membership unless previous notice has been given of this particular motion to rescind. Only a majority vote of members present is required when notice of this particular motion to rescind was given at the previous meeting, or in the call for this meeting.

**C. Voting and Quorum Requirements**

Special New York State Rules under General Construction Law §41

# 1 Adding Agenda Items

1. An agenda will be mutually developed by the superintendent and board president<sup>1</sup> in sufficient time to allow the full board to receive it **three days**<sup>2</sup> prior to the meeting for which the agenda is being prepared. The superintendent and other administrative staff members will make every reasonable effort to provide sufficient information to support agenda items prior to the meeting so that board members can make informed decisions. All parties recognize that individuals have different levels of expertise, interest and aptitudes. Supporting materials will be provided, along with the agenda, **three days** prior to the meeting.
2. The agenda will include previously scheduled items, new business and any items required by law.
3. Any board member may request that an item be placed on the agenda for board consideration by contacting the board president or superintendent **six business days**<sup>2</sup> prior to the meeting. The superintendent and board president will jointly determine whether to include the item.
4. In the event that exigent circumstances require that an item be added to an agenda after its distribution, the superintendent, in consultation with the board president, will distribute an updated agenda and appropriate supporting materials will be provided as soon as possible.
5. Board members may also introduce potential agenda items during board discussion<sup>3</sup>. Each meeting agenda will provide a brief period of time for board members to offer comment or raise an issue to see if it is the will of the board to consider the issue at a future meeting.
6. Use of a consent agenda<sup>4</sup> to present items for a single vote without discussion will conform to the following guidelines:
  - a. Placement of items on the consent agenda will be at the discretion of the board president and superintendent.
  - b. Any individual board member may ask questions or discuss an item on the consent agenda by asking the president to remove it from the consent agenda for individual consideration.
  - c. Following action on the consent agenda, the president will allow discussion on any item requested for removal from the agenda by a board member.
  - d. Examples of items that may be included on the consent agenda:<sup>5</sup>
    - i. Routine items, including certain personnel actions.
    - ii. Minutes of regular and special board meetings.
    - iii. Acceptance of financial reports.
    - iv. Routine bid recommendations in alignment with district policy.
    - v. Requests for use of facilities.

*This procedure is intended to outline how the board wishes to conduct business as a body. A violation of any provision of this procedure does not necessarily affect the validity or legality of any board action otherwise properly adopted.*



7. Support material, records/information that will be discussed at the board meeting will be released to the public two days prior to the board meeting in compliance with the Open Meetings Law, except for those documents made confidential by law or not subject to release by law.
8. A running list of future board of education agenda items will be maintained by the district clerk, and reviewed by the superintendent and board president when creating the agenda for a meeting. The board will periodically assess the status of the list.

**Related Policies:**

**2342, AGENDA PREPARATION AND DISSEMINATION**

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- <sup>1</sup> Some boards include board officers in the development of the agenda, rather than just the board president. The procedure should reflect the board's choice.
  - <sup>2</sup> The board may modify this time frame as long as it allows for items considered for inclusion prior to delivery of the agenda to the board members.
  - <sup>3</sup> Not all boards include board discussion as an item on the agenda. NYSSBA recommends either providing a period of time for board discussion where members may raise any issue for future consideration, or make other provisions to allow members to contribute agenda items. The scheduling of the item may be arranged for the convenience of the majority, but the item should be placed on an agenda within a reasonable time frame.
  - <sup>4</sup> If the board doesn't use a consent agenda omit number 6.
  - <sup>5</sup> The governance team may wish to reduce or expand this list.

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# 7 Preparing for Meetings

1. District administrative staff will ensure that appropriate supporting information required for informed decision-making is supplied to each board member in the board meeting agenda packet.
2. Agenda packets will be distributed to board members at least **three** business days prior to scheduled board meetings<sup>1</sup>. Agendas and supporting material may also be made available electronically if using a paperless process.
3. All participants are expected to be prepared to address relevant agenda items.
  - a. Board members are expected to read and be familiar with agenda packet materials before each board meeting.
  - b. Board members who have questions will be expected to ask agenda-item-related questions of the superintendent at least **one business day** prior to scheduled board meetings<sup>2</sup>, as described in "Requesting information about an agenda item," found on page 11.
  - c. Board members are not precluded from asking relevant questions about agenda items during board meetings. However, the right to ask questions should not serve as an excuse for not being prepared.

**Related Policies:**

**2342, AGENDA PREPARATION AND DISSEMINATION**

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<sup>1</sup> The governance team may modify this schedule to meet its needs.

<sup>2</sup> The team may specify how far in advance of the meeting agenda item questions should be addressed to the superintendent. This keeps several board members from showing up to ask questions at the same time just prior to the meeting when the superintendent may have other duties.

## 8 Requesting Information about Agenda Items

1. In order to be prepared and productively participate in board meetings, members are encouraged to ask for information related to meeting agenda items prior to the scheduled meeting. Requests for information or questions about any agenda item should be made at least **one business day**<sup>1</sup> prior to the scheduled meeting or with sufficient time to allow for preparation of a response.
2. Any questions about agenda items or requests for additional information will be directed to the **superintendent**<sup>2</sup> and copied to all the members of the board.
3. If a written report is provided in response to the request, all board members will receive a copy of both the request and the report prior to the opening of the meeting.
4. Board members maintain the right to ask questions at the board table. After being properly recognized by the chair, board members may discuss the provided information or ask additional questions as they arise during the meeting.

**Related Policies:**

**2342**, AGENDA PREPARATION AND DISSEMINATION

**2110.1**, SCHOOL BOARD ACCESS TO INFORMATION AND REPORTS

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<sup>1</sup> This time frame may be modified.

<sup>2</sup> The board and superintendent determine to whom inquiries are directed.

*NOTE: Although a public comment period is not legally required, NYSSBA recommends including one as part of the meeting agenda. Before reviewing this procedure, the board should determine whether nonresidents are permitted to address the board during the public comment session. The commissioner of education and the Committee on Open Government differ in their respective opinions on this. Please note that Committee on Open Government opinions are advisory, while the commissioner's opinions are legally binding.*

1. Persons wishing to address the board during open public comment will comply with the provisions of board policy (NYSSBA Policy #1230, Public Participation at Board Meetings) that outlines the specific times and procedures applicable to public comments during board meetings.
2. A copy of the board's policy (NYSSBA Policy #1230, Public Participation at Board Meetings) will be available for public review at the meeting site. The board president will explain the rules for public participation prior to each session.
3. During the public comment section(s) of the meeting, board members will listen to comments, but only the president, as the designated spokesperson, may respond if a response is necessary. Responses are limited to:
  - a. Correcting misstatements of fact presented by the speaker.
  - b. Referring the speaker to applicable board policy which relates to his or her comments.
  - c. Placing an item on a future board agenda for discussion, if the board agrees.
4. With board approval, the president may direct the superintendent to investigate matters brought forward during public comment and report findings to the board at a later meeting.
5. Members of the public will be cautioned that personnel matters and individual student matters are not proper subjects for public comment. If the speaker's comments reflect a complaint about personnel, the president will prohibit the speaker from continuing and refer him/her to the appropriate complaint policy.
6. The board must bear in mind, that generally, persons who speak during public comment have First Amendment rights, though these rights can be impacted based upon the subject matter. The board should seek legal advice before disallowing a speaker's contribution to public comment based solely on the viewpoint expressed.

**Related Policies:**

**1230**, PUBLIC PARTICIPATION AT BOARD MEETINGS

**1400**, PUBLIC COMPLAINTS

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## 10 Participating in Discussion and Voting

1. The board shall generally observe the parliamentary procedures in *Robert's Rules of Order Newly Revised* [**or other parliamentary authority**], using it as a guideline in the conduct of the meeting, unless it conflicts with state law.
2. A copy of *Robert's Rules of Order Newly Revised* [**or other parliamentary authority**] must be available to the board president at every meeting.
3. Individuals wishing to speak during the board meeting must first be recognized by the board president. Furthermore, all communications throughout the meeting should be directed to the board president.
4. Generally, board members shall make comments solely on the business currently under deliberation.
5. The board president shall:
  - a. Allow each board member to speak on each issue being considered for **three minutes**<sup>1</sup>.
  - b. Allow opposing viewpoints to be heard in turn<sup>2</sup>.
  - c. Ensure that before a member is allowed to speak to an issue for a second time (for no more than two minutes), each member who has not spoken is provided an opportunity.
  - d. Ensure that discussion pertains to the current agenda item being addressed and halt discussion that does not apply to the business at hand.
  - e. Generally halt discussion on issues raised that are not on the agenda. The president will ask if the issue should be placed on a future agenda for discussion and, if so, direct the district clerk to make a note to do so.
  - f. Have the same right as any board member to make motions and vote. The president will first provide an opportunity for other board members to make a motion before offering his or her own motion.
6. Voting will be by show of hands, roll call or voice.
7. Generally, each board member will exercise his or her right and obligation as an elected official to participate in deliberations and vote on each item brought before the board unless a conflict of interest exists.<sup>3</sup>
8. Board members will bear in mind that it is not helpful to repeat points that have already been made. Reasonable effort will be made to balance the need to express one's opinion with the goal of conducting an efficient and effective public meeting.

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A BLUEPRINT FOR BETTER  
SCHOOL BOARD  
OPERATING PROCEDURES

**Related Policies:**

**2352, RULES OF ORDER**

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- <sup>1</sup> Some boards find it useful to set a time limit, others do not impose any limitations.
  - <sup>2</sup> NYSSBA offers this approach as a suggestion to facilitate an even-handed discussion. If there aren't opposing views or if the board doesn't find this beneficial, this guideline need not be included.
  - <sup>3</sup> After notifying fellow board members of the conflict of interest, the member must recuse him/herself from deliberations and voting.

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## your board wouldn't follow meeting procedures?

**A** school board recently turned over five of its seven members. The two veteran members did their best to help the new members get used to board customs and procedures. They faced an uphill battle with one member who did not want to follow parliamentary procedures. He made motions without getting a second, and assumed motions were passed when they weren't. When the two veteran members tried to bring up the topic, he waved them off. "I'm not interested in that nonsense." Meetings were becoming confusing and muddled. What should the board do?

■ It's a little like closing the barn door after the cows have left, but this board needs some common agreements or board process policies. Perhaps this board would profit from an outside facilitator's help in crafting a few beginning agreements. A frank board self-evaluation conversation may be needed to set the stage. A good orientation and team-building evening may be the place to start—acknowledging school board governance is not common knowledge and many new board members bring no direct experience in board work.

*John J. Cassel*  
Director, Field Services  
Illinois Association of School Boards



■ It can be frustrating when a board changes. What must take place is a redefinition of how the board will operate, what rules of procedure, including parliamentary procedure, to adopt. It falls to the chair to conduct orderly meetings. It might even be beneficial for the chair to have a private conversation with a troubling board member. At times it might necessitate calling an unruly board member out of order or recessing the meeting. A session with the state school board association training staff would be useful.

*Barbara Coyle*  
Deputy Executive Director  
Virginia School Boards Association

■ The board president needs to take control of the meetings and, with the rest of the board, should review meeting bylaws and decide as a group what the rules are going to be. One person does-

n't get to set the agenda for the entire board. If there is confusion, bring in a facilitator from your state school boards association to help them come to consensus on what the rules are going to be.

*Nicholas D. Caruso Jr.*  
Senior Staff Associate for Field Service  
Connecticut Association of  
Boards of Education

■ The obvious answer would be board development. But just that development alone won't solve the problem with new members. The best training can be done by a certified parliamentarian in collaboration with the state association trainer. Some of our boards use the school system's attorney to serve as parliamentarian during meetings. That way you have someone neutral to help keep the order as this new board gets established. The veteran board members have a critical role in mentoring the other four new members. They can individually talk about process, or they could serve as coaches by taking individual members to board meetings in other districts, and attending conferences and workshops with these new members. As the full board grows stronger, it will develop ways to deal with this challenging member either by ignoring inappropriate behavior or confronting the board member privately.

*Kitty Blumsack*  
Director of Board Development  
Maryland Association of  
Boards of Education

Advice for the asking: If you are plagued with a prickly problem of school board service or school governance, throw it in the lap of ASBJ's cadre of consultants, known collectively as the Adviser. We'll change the names of persons and places. Then, we'll describe the problem and its suggested solution for our readers. Write: Adviser, *American School Board Journal*, 1680 Duke St., Alexandria, VA 22314. Or send us an e-mail at [adviser@asbj.com](mailto:adviser@asbj.com), marked "Adviser." The Adviser does not represent official policy of the National School Boards Association, nor should it be construed as legal advice.