

# Clearing Up the Confusion on Board Committees: Your Questions Answered

## 1. What is a board committee and how is it different from an administrative committee?

A board committee is a committee that meets the definition of *public body* under the Illinois Open Meetings Act (OMA). *Subsidiary* bodies of a public body, such as school board committees and subcommittees, qualify as public bodies under OMA. Whether a particular committee is a public body that must comply with the requirements of OMA (notice/agenda, posting, minutes, public comment, etc.) depends on the facts surrounding the structure and purpose of the committee. According to past Illinois court decisions and Illinois Attorney General opinions, a committee is more likely to be a public body if it is created by the board, assigned duties by the board, and/or reports to the board. Boards with questions about whether a particular committee is subject to OMA should consult their board attorney for guidance.

In contrast, administrative committees are not public bodies under OMA and are therefore not subject to its requirements. They are typically established by the superintendent (or designee) and report to the superintendent. Examples of administrative committees can be found in **PRESS** sample procedure, 2:150-AP, *Superintendent Committees*.

## 2. What is the quorum of a board committee?

The quorum of any board committee is the majority of the members of the committee. It is *not* a quorum of the entire school board. A quorum of the board committee members must be physically present to hold the committee meeting, unless the Governor or Ill. Dept. of Public Health Director has issued a disaster declaration based on public health concerns and the members are meeting remotely in accordance with the OMA requirements. The types of remote attendance are covered in **PRESS** sample policy 2:220, *School Board Meeting Procedure*.

## 3. Is there any limit on the number of board members that can serve on a board committee?

No. Regardless of the number of board members serving on a board committee, OMA will apply. There may be no board members or all of the board members on a board committee, as in the case of a committee of the whole. (See Question 6, below).

## 4. Is there any limit on the number of board members that can serve on an administrative committee?

No. However, if there is a majority of a quorum of board members on an administrative committee (three board members for a seven-member board or three board members (a quorum) for a five-member board), the committee will need to comply with OMA because OMA is triggered when a majority of a quorum of board members is gathered to discuss public business. For this reason, many districts limit the number of board members that can serve on an administrative committee to two board members (in the case of a seven-member board).

## 5. Does a board have to establish committees?

In some instances, the law requires boards to establish certain committees, including the parent-teacher advisory committee and behavioral interventions committee. Apart from board committees required by law, the creation of committees is at the board's discretion. Standing committees commonly established by school boards include policy, finance, facilities, and long-range planning. Board members may wish to sit on those committees that align with their backgrounds and/or interests. Boards can also establish temporary special committees for a particular purpose, such as a facility naming committee. Boards that subscribe to **PRESS** should check their policy 2:150, *Committees*, for more information about board committees in their district.

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Board committees should be focused on assisting the board with its broad governance functions; they should not be used as vehicles for micromanagement of district staff work. This is a best practice that aligns with the *Foundational Principles of Effective Governance*, specifically principle #4, the board delegates authority. See <https://www.iasb.com/conference-training-and-events/training/training-resources/foundational-principles-of-effective-governance/>.

## 6. What is a committee of the whole?

A committee of the whole is a committee of all board members who meet to discuss district business without taking any final action at the meeting. Some boards that meet twice a month designate one meeting as a committee of the whole meeting, which provides members with additional time to discuss issues and receive public input. Whether a board establishes a committee of the whole is at the discretion of the board and will often depend upon the needs of the local community and the ability of board members to meet more frequently.

## 7. Can the board president sit *ex officio* on any board committee?

Yes, if board policy allows it. The default language in **PRESS** sample policy 2:110, *Qualifications, Term, and Duties of Board Officers*, does not state that the board president sits *ex officio* on board committees, but it provides that the board president can attend and observe any board committee meeting at his or her discretion. Observing a board meeting and serving as an *ex officio* member are two different concepts. If a board president serves as an *ex officio* member, then the president is counted to determine the quorum of the board committee. If the board president is merely observing the committee meeting, then the president is not counted for purposes of establishing a quorum.

## 8. Can a board president appoint another board member to temporarily serve on a committee so a quorum can be established?

Yes, if the board's policy does not restrict the board president's ability to do so. The default language in **PRESS** sample policy 2:150, *Committees*, provides that the board president makes all board committee appointments; however, some boards require that board committee appointments be approved by the board.

## 9. Can a community member serve on a board committee?

Yes. Whether it is appropriate to include community members on a board committee will depend on the purpose of the committee.

## 10. How should board committees handle meeting minutes?

Board committees must maintain and post minutes of their meetings in the same manner as the school board. Committees that have closed session minutes must also conduct a review of their closed session minutes every six months, or as soon as is practicable, considering the nature and meeting schedule of the board committee. However, board committees which are ad hoc (temporary) in nature can conduct their review six months from the date of the last review of closed session minutes *or* at the next scheduled meeting of the ad hoc committee.