

The School Board in Action:

Seating New Members and Organizing the New Board



State law requires that the school board reorganize within 28 days after each school board election by seating new members, electing officers and setting a time and place for regular meetings. The meeting can be held any time following the election but should not be held before the election authority canvasses election returns and determines winners.

Because Illinois school districts elect board members only in odd-numbered years, school boards are required to reorganize only in alternating years. Officers, therefore, are elected to terms of two years. However, school boards are authorized by law to adopt one-year terms. Boards that have chosen to elect officers to terms of one year also hold organizational meetings in even-numbered years.

Sample Agenda for Reorganizing the Board

The agenda for the reorganization meeting should clearly indicate what business the board will transact:

- Current school board president administers the oath of office to new board members
- Current school board adjourns *sine die**
- New board selects a president *pro tem* and secretary *pro tem* (if not selected previously)
- Meeting of new school board called to order by the president *pro tem*
- Resolution regarding terms of officers (if needed)
- Election of president
- Election of vice president
- Election of secretary
- Election of treasurer (or appointment if the treasurer is not a board member)
- Set dates and location(s) for regular meetings
- List other business to be conducted

* *Sine die* means indefinitely or without a date set for a future meeting.

Some Special Considerations

The 2007 school board election was the first such election for which the canvass of votes and proclamation of winners was handled by the county clerk of each county in the state, rather than the school board (or the election commission in some locales). Most matters involved in the canvass are straightforward and go smoothly. Some issues can arise, however, that are not entirely clear in the statutes. The school board secretary should work closely with the election authority to be sure no significant problems arise with the following:

- 1) **Any write-in candidates** who are elected to the board must file with the board secretary a Statement of Candidacy and a receipt for the Statement of Economic Interest following the canvass by the election authority. The election authority should have notified the winning write-in candidates of this requirement, and the board secretary must notify the election authority when these documents have been properly filed by the write-in candidate. It may not be advisable to seat such a winner until these documents have been filed. Consult legal counsel if necessary.
- 2) **Some school boards** have restrictions on the number of members that may be or must be elected from certain congressional townships or incorporated areas. These boards use special ballots, but in selecting winners it sometimes is necessary to seat a candidate who has fewer votes than another candidate in order to maintain the required geographic make-up of the board. The election authority needs to take residential groups into account in determining winners. Any board with this requirement should work closely with the election authority to be sure proclaimed winners do not violate representational requirements.
- 3) **Where a school district** must elect its board members according to area of residence, the winners of any unexpired terms being filled at an election must be determined first and independently of those running for full terms. The winners of the full terms must then be determined, taking into consideration the areas of residence of those elected to fill the unexpired term or terms. Again, the school board should work with the election authority to be sure this requirement of the School Code is accommodated.

The school board president should have a list of election winners obtained from the election authority. This list can provide the basis for announcing the new members who will be seated.

At the same time, many boards provide recognition for the contributions of retiring members. Some boards provide plaques or other mementos to retiring members. Whether retiring members are recognized before or after the new board is seated is a matter of local tradition or preference.

Until Public Act 94-0881 was enacted into law in 2006, there was no official oath of office required for school board members. (Although most boards traditionally marked the seating of new members with some form of ceremony.) The law requires that school board members, before taking their seats on the board, take an official oath that is in substantially the form presented below. An appropriate procedure would be something like this:

President: “I will now swear in the newly-elected members of the school board.”

President: (to new board members): “Please repeat after me:

“I, (name of member) , do solemnly swear (or affirm) that I will faithfully discharge the duties of the office of member of the Board of Education (or Board of School Directors) of (name of school district), in accordance with the Constitution of the United States, the Constitution of the State of Illinois, and the laws of the State of Illinois, to the best of my ability.

“I further swear (or affirm) that:

“I shall respect taxpayer interests by serving as a faithful protector of the school district’s assets;

“I shall encourage and respect the free expression of opinion by my fellow board members and others who seek a hearing before the board, while respecting the privacy of students and employees;

“I shall recognize that a board member has no legal authority as an individual and that decisions can be made only by a majority vote at a public board meeting; and

“I shall abide by majority decisions of the board, while retaining the right to seek changes in such decisions through ethical and constructive channels.”

Following congratulations to new school board members, the president may take a few minutes to honor retiring members or may leave that step to the new board once it is seated. Then:

President: “Inasmuch as there is no further business to come before this board, a motion for adjournment *sine die* is needed.”

Board Member: “Mr. President, I move we adjourn *sine die*.”

Another Board Member: “Second.”

President: “All in favor of the motion to adjourn *sine die* signify same by saying ‘aye’.”

A voice vote is sufficient to pass the above motion.

Procedures for the Organizational Meeting of the New School Board

To launch the process of organizing the new school board, someone must be selected to serve as president *pro tempore* until the board elects a permanent president. The president of the board is then the first officer to be elected and immediately assumes duties of the chair to preside over the election of other officers.

President *pro tem*—Anyone can serve as president *pro tem* to chair the meeting until a permanent president is elected. In some school districts, the superintendent is expected to handle this task. Other boards prefer to keep a clear distinction between the job of the chief executive and the work of the board. Moreover, this temporary task can create a dilemma for the chief executive if the chair, for example, is called upon to declare a board member’s motion “out of order.”

In some school districts, officers of the outgoing school board serve as temporary officers of the new school board whenever feasible. This option offers the advantage of an experienced leader to preside over the election of a permanent president.

Another option is for the school board to name officers *pro*

tem at a meeting prior to the election, choosing from among members whose terms are not expiring. This gives the temporary president time to brush up on matters of procedure in advance and keeps the selection of temporary officers from becoming a matter of contention at the time of the election.

Secretary *pro tem*— A temporary secretary should also be appointed to keep a record of the board’s actions. The secretary *pro tem* may be a board member or a district employee who customarily performs the board secretary’s duties.

Terms of office—The terms of board officers are fixed by statute at two years unless the board, by policy, establishes a one-year term. The president and vice president must be members of the board. The secretary need not be a member of the board except in board of director districts (where statutes refer to the secretary as clerk). The treasurer may be either a board member or an appointee. If the treasurer is a board member, he or she is elected to a term of one year.

Sample Script for Setting Term Length for Board Officers

Once the president *pro tem* is selected, it is appropriate to address the issue of term length for officers if the board wants to change its current policy governing the matter:

Board Member: “I move to adopt a resolution establishing a one (two) year term of office for president, vice president, and secretary of the board.”

Another Board Member: “Second.”

The board can then discuss and vote on the motion.

Sample Process for the Election of Board Officers

Statutes are silent as to the method of electing officers, except that the election must be by open vote and not by any form of secret ballot. Each board, therefore, may establish its own procedures or by-laws to address such issues as terms of

office (two years or one year), selection of president and secretary *pro tem*, nominating procedure and voting procedure. So everyone will know at the outset how nominations and voting will be conducted, the president *pro tem* should outline whatever procedures have been adopted by the school board.

Most boards choose to follow one of several options presented in *Robert's Rules of Order Newly Revised*. One of these options is to proceed without nominations. The president *pro tem* asks each member of the board, one at a time in whatever order is followed to vote on motions, to cast a voice vote for the member of their choice. Any member who receives a majority of the votes cast is elected. If no one is elected, voting is repeated until someone receives a majority of the votes cast.

Nominations

The most common option in the election of school board officers is for the president *pro tem* to open the floor for nominations:

President pro tem: "Nominations are now in order for the office of president."

Any member of the board may nominate any other member, and nominations do not require a second.

Member: "I nominate Helen Smith."

President pro tem: "Helen Smith is nominated. Are there any other nominations for the office of president?"

Closing nominations—If no other nominations are immediately received, the president *pro tem* should pause and repeat the call: "Are there any further nominations for the office of president?" The presiding officer should again pause and repeat the call for nominations a third time to ensure that any member wishing to make a nomination has ample opportunity to do so. A motion to close nominations before such an opportunity is provided can and should be declared out of order under most rules of procedure. In fact, among bodies with rules that permit

motions to close nominations, *Robert's Rules* calls for a two-thirds majority vote to adopt the motion.

When it is obvious that no further nominations are forthcoming:

President pro tem: "If there are no further nominations..... [pause]nominations for the office of president are closed."

A motion to reopen nominations may be adopted on a majority vote.

Voting

If only one member is nominated, board rules may provide that the president *pro tem* shall declare that candidate elected.

President pro tem: "Helen Smith being the only candidate nominated for the office of president, the chair hereby declares her elected by acclamation and directs the secretary to so record in the minutes."

Conversely, board rules may provide for a show of hands or voice vote in which each member has an opportunity to vote for the nominated candidate or abstain. In either case, the newly-elected president immediately assumes the chair and conducts the election of other officers.

Multiple nominations—If two or more members are nominated for an office, of course, a show of hands or voice vote is necessary. (**Secret ballots are illegal under the Illinois Open Meetings Act.**) The member receiving a majority of the votes cast is elected. Although the election of officers usually raises no significant questions as to procedure or legal requirements, exceptions arise from time to time. For example, in the event of a tie between two candidates, a second vote must be taken, followed by as many votes as it takes to elect one candidate or the other. If no candidate is elected, the temporary officer continues to serve until the deadlock is broken.

Votes required to elect—Unless board rules require a majority of the board's full membership or other stipulation, according to *Robert's Rules*, the number of votes required to elect an officer is the same as the vote required to carry other motions—

namely, “more than half the votes cast, excluding abstentions.” That means absences or abstentions can reduce the number of votes required to less than a majority of the full board. That is, with two members absent or abstaining, three votes would elect an officer, 3-2.

A school board that wishes to require anything other than “a majority of the votes cast” should spell out its intent in its by-laws or operating policies.

Reaching a majority—Where more than two candidates are nominated, it is possible for no candidate to receive a majority of the votes cast. (A plurality is never sufficient to elect, as when three candidates split the vote, 3-2-2.) Some boards in such instances drop off all except the top two vote getters and conduct a second vote. *Robert’s Rules*, however, recommends to the contrary on the grounds that a low vote getter could turn out to be the most satisfactory compromise between supporters of the two front runners. This could be particularly important in breaking a tie where an even number of votes are being cast. If a multi-candidate contest continues to produce no majority choice, of course, it may become necessary to drop the low vote getter in hope of getting the election completed.

Voting procedure—The voting procedure may follow whatever order the school board typically employs to vote on motions. That is, the president may ask for a show of hands or go around the table, calling on members by name, or the secretary *pro tem* may conduct a roll call vote.

President Pro tem: “All in favor of Helen Smith for the office of president raise their hands.”

Then: “All in favor of Paul Jones for the office of president raise their hands.”

Then: “Helen Smith receives a majority of the votes cast and is elected president of this Board of Education.”

To avoid any question regarding the validity of an election between two or more candidates, it may be advisable to conduct a roll call vote in whatever order the school board normally follows and record each member’s vote in the minutes.

President pro tem: “The secretary *pro tem* will now call the roll for voting on the office of president.”

Secretary pro tem: “Member Arthur Brown.”

Member Arthur Brown: “I vote for Helen Smith.”

And so on until all members have been polled.

President pro tem: The secretary *pro tem* will now tally the votes.”

Secretary pro tem: “Helen Smith receives four votes. Paul Jones receives three votes.”

President pro tem: “Helen Smith receives a majority of the votes cast and is elected president.”

The newly-elected president thereupon assumes the duties of the presiding officer and conducts the election of a vice president and a secretary following the same procedures.

Vice President — The president then calls for nominations for the office of vice president. If only one person is nominated, the secretary *pro tem* is instructed to record a unanimous vote for that person and that person is thereby declared elected. If two or more are nominated, the secretary *pro tem* is then instructed to publicly call the roll, whereupon the members vote for the candidate of their choice. The president then declares the candidate receiving the most votes to be the duly elected vice president of the board.

Secretary — The president then calls for nominations for the office of secretary; nominations and the election are handled in the same manner as they were for president and vice president.

In selecting a secretary, it should be noted that certain tasks require the secretary to be “on the scene” in the district administrative office (such as serving as the “local election official” for board elections). Moreover, experience suggests it is nearly impossible for a board member to participate effectively in a meeting and record minutes at the same time.

Many school boards, therefore, appoint a district employee to perform the work of the secretary under the direction of the elected secretary. Some school boards elect or appoint a non-member as secretary. Some question exists as to whether a dis-

trict employee or other non-member serves a fixed term or serves at the pleasure of the board. The local school attorney should be consulted where this issue arises.

The secretary of the board is the only officer who may receive compensation. However:

- the secretary's compensation must be set no less than 180 days before the term of office begins;
- the compensation of a secretary who is a member of the board is limited to a maximum set by statute (\$500), while the compensation of a secretary who is not a member of the board is not subject to a statutory maximum.

Treasurer – If the board elects a treasurer from among its members, the same process is followed. By statute, a board member elected treasurer serves a one-year term that usually expires on June 30, the end of the typical fiscal year. As allowed by law, most school boards appoint as treasurer a non-member of the board who has financial qualifications. An appointed treasurer (non-member of the board) serves at the pleasure of the board rather than for a fixed term.

Once the permanent board officers are elected, the board sets the dates and location(s) for the board's regular meetings. The usual method is to examine the existing schedule of regular meetings and either maintain it or change it. The board then goes on to any items of business remaining on the agenda.

The schedule of regular meetings must be posted in accordance with both the *Open Meetings Act* and the *School Code*, and public notice must be given at the beginning of each calendar year or fiscal year. Public notice also must be given when the schedule is changed. Both statutes specify procedures for giving notice.

Sources

Illinois Election Code

Article 17, Conduct of Elections and Making Returns (10 ILCS 5/17-22)

Article 22, Canvassing Votes, (10 ILCS 5/22-17 and 5/22-18)

Illinois School Code

Article 9, Elections (105 ILCS 5/9-1 et seq.)

Article 10, School Boards (105 ILCS 5/10-1 et seq.)

Illinois School Law Survey

Chapter 4, School Election Procedures

Chapter 5, School Board Officers

Chapter 6, School Board Meetings



2921 Baker Drive
Springfield, Illinois 62703-5929
217/528-9688

One Imperial Place
1 East 22nd Street, Suite 20
Lombard, Illinois 60148-6120
630/629-3776

www.iasb.com