

MONTEAU SCHOOL DISTRICT

BOARD OPERATIONS GUIDELINE

APPROVED: June 27, 2022

REVISED:

006-BOG-0. PUBLISH, POST AND NOTIFY - BOARD MEETINGS/AGENDAS

The Sunshine Act establishes requirements regarding publishing, posting and notifying the community about the open meetings of the Board. The manner and time of notification, who is required to be notified and what the notification must include depend on the type of meeting.

Newspaper Publication

Public notice of all open Board meetings, including committee meetings, must be given by publication of the place, date and time of such meeting in a newspaper of general circulation designated by the Board. A newspaper of general circulation is defined as a newspaper issued daily or not less than once a week, which is published and/or circulated in the district.

Although the Sunshine Act specifies the timeframes for advertising open meetings, the Board directs the Board Secretary or designee to be aware that newspapers have their own internal deadlines for accepting advertisements that may require earlier submission of advertisements. With respect to the requirements that public notice be given by a certain date, the Board Secretary or designee must give the notice in time to allow it to be published in a newspaper of general circulation twenty-four (24) hours in advance of most meetings and three (3) days before the first regular meeting of the calendar year.

Posting on One or More Buildings

In addition to the newspaper publication requirement, the notice of an open, public Board meeting must be posted prominently at the administrative office of the district or at the public building in which the meeting will be held. The posted notice must specify the date and time of the meeting and should include the specific physical or virtual location.

When the open meeting is not held at the administrative office of the district, the Board Secretary or designee will post the public notice at both the administrative office as well as the public building in which the meeting will be held.

Notice to Interested Parties

Upon request, the Board Secretary or designee must supply copies of the published public notice to newspapers, television or radio stations, or other interested individuals who provide a stamped, self-addressed envelope for such notification.

Other Communication Channels

In addition to notifications required by law, the district will use the district website, existing newsletters, social media and other available communication channels where appropriate to provide the community with information about open meetings of the Board.

Publish, Post and Notify - Board Meetings - Public Notice

Regular Meetings and Work Sessions –

The district will give public notice of the first regular meeting of each calendar year not less than three (3) days before the meeting. Following the first regular meeting, the schedule of the Board’s remaining regular meetings of the calendar year will be published in a newspaper of general circulation. Publishing the schedule of remaining regular meetings satisfies the public notice requirements for those meetings, so that advertising of individual meetings is necessary only when special meetings are called or regular meetings are rescheduled.

Rescheduled Meetings –

Public notice of all rescheduled meetings will be published and posted at least twenty-four (24) hours prior to the time of the meeting specified in the notice.

Recessed or Reconvened Meetings –

No newspaper advertising is required for recessed or reconvened meetings; however, the Board Secretary or designee must post a meeting notice at the administrative office or other meeting site and send meeting notices to requesting interested parties, including the news media.

The Board directs the Board Secretary or designee to reach out to local media organizations to let them know when meetings must be reconvened, rescheduled or relocated.

Committee Meetings –

Committee meetings subject to the Sunshine Act will follow the publish, post and notify requirements for advertising meetings. Committees are not required to offer an opportunity for public comment.

Committee meetings may be called at any time, with proper public notice. The Board Secretary or designee will publish and post notice of committee meetings at least twenty-four (24) hours prior to each meeting.

The Board Secretary or designee will annually publish a schedule of when committee meetings will take place, in order to reduce the need for ongoing advertising.

Special Meetings –

The PA Public School Code Section 423 permits special meetings of the Board to be scheduled from time to time. Special meetings are those not listed on the Board’s annually published schedule of regular meetings. No business may be transacted except what is specified in the notice for the special meeting, but special meetings may be called and advertised for general purposes.

The Board Secretary or designee will provide notice of all special meetings by publication at least twenty-four (24) hours before the time of the meeting.

Executive Sessions –

Executive sessions are meetings that are not open to members of the public and news media.

The Board President or designee will make an announcement at an open meeting to notify the public that an executive session has been or will be held. The reason for holding the executive session must be announced at the open meeting occurring immediately prior or subsequent to the executive session, or at the current meeting in which the executive session is being held.

Executive sessions are closed to the public and news media, therefore, the Board Secretary or designee will not publish or post notice of such meetings or take minutes.

Emergency Meetings –

Emergency meetings are called for the purpose of dealing with a real or potential emergency involving a clear and present danger to life or property. Public notice is not required for emergency meetings, but the district shall provide as much notification as is feasible under the emergency circumstances, including the use of other available communication channels and affirmatively reaching out to news media outlets.

Conferences –

A conference is defined in the Sunshine Act as any training program or seminar, and any other session arranged by state or federal authorities for the sole purpose of providing information to school directors on matters directly related to their official responsibilities. Conferences need not be open to the public, and public notice is not required for them. Deliberation of or official action on agency business is not permitted at a conference.

Meeting Notifications to School Directors

In addition to the *public* notification requirements of the Sunshine Act, the Board Secretary is responsible for issuing notification to school directors for special meetings in accordance with PA Public School Code Section 423.

Section 423 of the PA Public School Code requires that school directors be given “reasonable notice” of all special meetings. In accordance with Policy 006, the Board directs that the Board Secretary or designee provide notice of all special meetings to each school director twenty-four (24) hours prior to the time of the meeting.

Executive sessions are a type of special meeting subject to this requirement.

The School Code also specifies that each school director must be given advance notice by mail for the following types of meetings:

1. Organization meetings – five (5) days.
2. Meetings at which the election or re-election of a Superintendent or Assistant Superintendent is planned – five (5) days.
3. Hearings for the removal of a Superintendent or Assistant Superintendent – one (1) week.

Post and Notify – Agendas

To comply with the Sunshine Act, 65 Pa. C.S.A. Sec. 712.1, the Board Secretary or designee will publicly post the agenda for all open 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:

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

The published agenda shall include a listing of each matter of agency business that will be or may be the subject of deliberation or official action at the meeting. Agenda attachments and other background materials associated with agendas are not required to be published along with the agenda.

Agenda Preparation –

The Superintendent, in cooperation with the Board Secretary will carefully prepare the agenda to include a listing of each item of business that will be or may be the subject of deliberation or official action at the meeting. The agenda should be prepared to preserve maximum flexibility and avoid making additions to the published agenda to the extent possible. The Sunshine Act limits the addition of items to published agendas, but does not limit the deletion of agenda items. If it seems likely an item will need to be acted on, it

should be included. If action on an item is anticipated, but certain details are not yet available by the agenda posting deadline, the action item still should be listed on the published agenda. For example, in the event that the name of the recommended candidate to be hired for employment is not yet confirmed, the position to be filled still can appear as an action item and the name added when available. The list of anticipated action items on published agendas also can include placeholders identifying the general nature of items that tend to come up at the last minute. For example, when a construction project is ongoing, the published agenda can include an item such as, “approval of change orders for X project” even if the details of specific change orders are not yet known.

Additions to the Posted Agenda –

The Board may deliberate or take official action on matters not included in a posted agenda only under the following circumstances:

Emergencies – The matter of business relates to a real or potential emergency involving a clear and present danger to life or property.

Business Arising Within Twenty-Four (24) Hours Prior to the Meeting – 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.

Business Raised by Residents or Taxpayers During the Meeting – When a matter of Board business is raised by a resident or taxpayer during a meeting:

1. The Board may take official action to refer the matter to staff, if applicable, to conduct research and include on a future Board meeting agenda; or
2. If the matter is de minimis (minor) in nature and does not involve the expenditure of funds or entering into a contract or agreement, the Board may take official action.

Majority Vote – During a meeting, the Board also 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 Board may take official action on the item of business. The agenda will be amended to reflect the new item of business and the amended agenda will 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.

When an addition to the agenda does not require a majority vote under the foregoing exceptions, the addition may be made during the meeting in the customary manner, including unanimous consent or prior to the meeting by the officials tasked with agenda preparation.

When an item is added to the agenda after the public comment period has ended, the Board will offer a further public comment opportunity limited to the added item(s).

The public posting agenda requirements and rules for adding items to a posted agenda apply to all meetings, except:

- 1. Conference sessions.**
- 2. Executive sessions.**

Publish, Post and Notice - Chart

The following chart lists the requirements for the various types of meetings:

| Types of Meetings | Publication Prior to Meeting | Post Meeting Notice Prior to Meeting (Admin office and/or meeting location) | Post Agenda Prior to Meeting (Admin office, meeting location, Website) | Notice to Interested Parties Upon Request | Notice to Board of School Directors |
|--------------------------|-------------------------------------|--|---|--|--|
| Organization | Yes | Yes | Yes | Yes | Yes |
| Regular/Work Session | Yes | Yes | Yes | Yes | N/A |
| Committees | Yes | Yes | Yes | Yes | N/A |
| Special | Yes | Yes | Yes | Yes | Yes |
| Rescheduled | Yes | Yes | Yes | Yes | Yes |
| Recessed/Reconvened | No | Yes | Yes | Yes | N/A |
| Executive Session | No | No | No | No | Yes |
| Emergency | No | No | To the extent feasible under the circumstances | No | Yes |
| Conference | No | No | No | No | Yes |