

Lower Merion School District

LOCAL BOARD PROCEDURES

Policy: 007
Section: LOCAL BOARD PROCEDURES
Title: BOARD MEETINGS
Date Adopted: 10/15/18
Date Last Revised: 5/20/24; 12/18/23; 11/20/23; 9/11/23; 9/10/21; 12/4/20

R007 BOARD MEETINGS

Regular Public Legislative Meetings

Regular public legislative meetings of the Board of School Directors shall be public and shall normally be held on the third Monday of each month at 7:00 p.m. in the Board Room of the District’s Administration Building located at 301 East Montgomery Avenue, Ardmore, PA 19003, unless advertised otherwise.

Special Legislative Meetings

Special legislative meetings shall be public and may be called for special or general purposes. See the section of the accompanying Board Policy titled “Hearings of Members of the Public” for regulations regarding public comment.

Minutes

As a permanent record of the District, minutes of public meetings of the Board shall be made and retained. Said minutes shall be comprehensive and complete by showing:

- a. The date, place, and time of the meeting.
- b. The names of Board members present.
- c. The presiding officer.
- d. The substance of all official actions taken (not applicable to committee meetings).
- e. Recorded votes and a record by individual members of all roll call votes taken (not applicable to committee meetings).
- f. The names of all citizens who officially participated in the public participation and the subject of their participation.
- g. Compliance with the School Code, the Sunshine Act and other applicable laws.

The secretary shall provide each school director with a copy of the minutes of the last meeting no later than two days before the next regular meeting. The approved minutes shall be signed by the secretary.

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Agendas

It shall be the responsibility of the Superintendent, after consultation with the Board President, to prepare an agenda of the items of business to come before the Board at each regular meeting. The order of business shall be as follows, unless altered by the presiding officer in a manner that ensures that audience recognition for any agenda item occurs before the Board votes on that item:

- I. Call to Order
- II. Pledge to the Flag
- III. Roll Call
- IV. Reports and Presentations
- V. Public Participation
- VI. Approval of Minutes
- VII. Consent Agenda
- VIII. Human Resources Recommendations
- IX. Student Services Recommendations
- X. Educational Services Recommendations
- XI. Business and Finance Recommendations
- XII. Policy Recommendations
- XIII. Sunshine Act Announcements
- XIV. Informational Items
- XV. Adjournment

"Action Items" means items listed on the Regular Meeting agenda for a Board vote.

Notice

Notice of all public meetings of the Board shall be given by the publication of the date, place and time of such meeting in a newspaper of general circulation as provided by the Sunshine Act and designated by the Board and the posting of such notice in the lobby entrance to the School Administration Building. Notice of all special meetings shall be given by publication and posting of notice at least 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. Notice of all rescheduled meetings shall be given by publication and posting of notice at least 24 hours prior to the time of the meeting. Notice of special meetings of the Board shall be given to school directors by courier not later than 24 hours prior to the time of the meeting. At its discretion, the District may also provide notice of special

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meetings through other District communication media, including but not limited to interschool mail, electronic transmissions, social media, email, bulletin boards, District produced cable television, and the District website.

Posting of Agendas for Public Board and Board Committee Meetings

In accordance with applicable law, the Superintendent or designee shall post the agendas for each public Board or Board Committee meeting on the District's publicly accessible website no later than 24 hours in advance of the time of the convening of such meeting. The agenda shall include a listing of each matter of business that will or may be subject to deliberation or action at the meeting. Such agendas shall also be posted at the location of the meeting and at the District's Administrative Offices. Copies of such agendas shall also be available at the location of the meeting for individuals in attendance at the meeting.

Action at Public Board and Board Committee Meetings

Unless an exception applies, as outlined immediately below, or unless otherwise permitted by applicable law, the Board and Board Committees may not take official action on a matter that was not included on the agenda posted no later than 24 hours in advance of the time of the convening of the meeting. Exceptions apply, and this requirement does not apply, to the following:

- Official action at a regularly scheduled meeting or an emergency meeting on a matter of agency business relating to a real or potential emergency involving a clear and present danger to life or property;
- Official action on a matter of agency business that is not listed on a meeting agenda if (1) the matter arises or is brought to the attention of the agency within the 24-hour period prior to the meeting; and (2) the matter is de minimis in nature and does not involve the expenditure of funds or entering into a contract or agreement by the agency.
- Business that arises during the meeting, in accordance with the provisions of this paragraph. If, during a meeting, a resident or taxpayer brings a matter of agency business that is not listed on the meeting agenda to the attention of the agency, the agency may take official action to refer the matter to staff, if applicable, for the purpose of researching the matter for inclusion on the agenda of a future meeting, or, if the matter is de minimis in nature and does not involve the

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expenditure of funds or entering into a contract or agreement, the agency may take official action on the matter.

- Official action added to the agenda after a change to the agenda in accordance with the provisions of this paragraph. Upon a majority vote of the individuals present and voting during a meeting, an agency may add a matter of agency business to the agenda. The reason(s) for the change to the agenda shall be announced at the meeting before any vote is conducted to make the change(s) to the agenda. The amended agenda shall subsequently be posted on the District's publicly accessible website and at the District's Administrative Offices no later than the first business day following the meeting at which the agenda was changed. The substance of any action taken pursuant to this paragraph shall be reflected in the meeting minutes, along with the vote on the addition to the agenda and the announced reasons for such addition.

Voting

All motions shall require for adoption a majority vote of those Board members present and voting, except as provided by statute or Board procedures.

- a. As currently required by the Pennsylvania School Code, the following actions require the recorded affirmative votes of two-thirds of the full number of Board members:
 - a. Transfer of budgeted funds.
 - b. Transfer of any unencumbered balance, or portion thereof, from one appropriation to another, or from one spending agency to another.
 - c. Incur a temporary debt or borrow money upon such obligation.
 - d. Incur a temporary debt to meet an emergency or catastrophe.
 - e. Elect to a teaching position a person who has served as a Board member and who has resigned.
 - f. Adopt or change textbooks without the recommendation of the Superintendent.
 - g. Dismiss, after a hearing, a tenured professional employee.

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- h. Convey real estate to a charitable organization pursuant to Section 707 of the School Code.
- b. As currently required by the Pennsylvania School Code, the following actions require the recorded affirmative votes of a majority of the full number of Board members:
 - a. Fixing the length of school term.
 - b. Adopting textbooks recommended by the Superintendent.
 - c. Appointing the District Superintendent and Assistant Superintendent(s).
 - d. Appointing teachers and principals.
 - e. Adopting the annual budget.
 - f. Appointing or removing tax collectors and other appointees.
 - g. Levying and assessing taxes.
 - h. Purchasing, selling, or condemning land.
 - i. Locating new buildings or changing the location of old ones.
 - j. Adopting planned instruction.
 - k. Establishing additional schools or departments.
 - l. Designating depositories for school funds.
 - m. Entering into contracts of any kind where the amount involved exceeds \$100 (including items subject to mandatory bid requirements).
 - n. Fixing salaries or compensation of officers, teachers, or other appointees of the Board.
 - o. Combining or reorganizing into a larger School District.

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- p. 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.
- q. Dismissing, after a hearing, a non-tenured employee.
- r. Adopting a corporate seal for the District.
- s. Determining the location and amount of any real estate required by the School District for school purposes.
- t. Vacating and abandoning property to which the Board has title.
- u. 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.
- v. Removing a school director for reasons stated in the School Code.
- w. Declaring that a vacancy exists on the Board by reason of the failure or neglect of a school director to qualify.
- x. Removing an officer of the Board.
- y. Adopting, amending or repealing a Board Policy or procedure.

Use of Recording Devices

1. Use of recording devices by the District

The Board recognizes the usefulness of recording and broadcasting the proceedings during regular and special public legislative meetings and, from time-to-time, other public meetings of the Board and its committees. Therefore, the Board, at its sole discretion, may video record or broadcast in real time all or any portion of public legislative meetings or, at the Board's sole discretion, other public meetings of the Board or committees of the Board, subject to the following limitations:

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- a. The video recording of any public legislative meeting or other video recorded Board meeting produced by the District is the exclusive property of the District to be used at the Board's discretion.
- b. The video recording of any public legislative meeting or other video recorded Board meeting produced by the District is not the official record of the meeting. The Board-approved written minutes will continue to be the official record of the meeting.
- c. While it is the Board's intent to broadcast video recorded Board meetings in their entirety, the Board, at its discretion, may:
 - i. discontinue the video recording of that meeting at any time by majority vote of the quorum in attendance at a particular public meeting if video recording becomes impractical due to equipment malfunction, operator unavailability or if the video recording is creating any impediment to conducting the meeting in an orderly fashion; and
 - ii. edit the video recording of a meeting prior to broadcast or re-broadcast in order to avoid possible legal liability to the Board, the District and District employees or for other compelling reasons as follows. Examples of the type of statements by those in attendance at the meeting that would be subject to editing are abusive, obscene and potentially defamatory statements or disclosure of confidential information pertaining to District students or employees.
 - iii. The Board President, or Vice-President in the event that the Board President is the subject of a statement proposed to be edited, or Superintendent will determine in their sole discretion which portions, if any, of its video recordings of public Board meetings will not be broadcast over television, the District website or other media, acting upon advice of the Solicitor or other appropriate legal counsel. The President or, if applicable, the Vice-President, must seek input and advice from members of the Board.
 - iv. Any Board member, District employee or any other person who believes they have been defamed at a Board meeting should notify the Board President or Superintendent immediately.

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- d. The agenda for the meeting will contain a notification that all or a portion of the meeting is being broadcast live or video recorded for purpose of public broadcast.
- e. At the discretion of the Board, the broadcast of a particular meeting may contain a notification disclaiming responsibility for statements made by those in attendance at the meeting or indicating that a recording has been edited.
- f. The Board directs the administration to keep the unedited video recording of the meeting for at least two (2) years or for the duration of a legal hold if one has been implemented with respect to the recording, whichever is longer.
- g. The Secretary of the Board may use a recording device to assist in the preparation of the minutes. If the Secretary does so, the electronic files, tapes, disks or other recorded products will be solely in the Secretary's control and may be reused or disposed of by the Secretary as necessary unless a legal hold has been implemented with respect to the recording. Any such recording is not the official record of the meeting.

2. Use of recording devices by the news media or other members of the public

Any individual or group attending a public meeting, which for purposes of this entire Policy includes any member of the news media, may use audio recording devices to record the proceedings so long as the manner of recording is reasonable and does not interrupt the orderly conduct of business. Any individual or group desiring to video record a public Board meeting must comply with any reasonable request made by the Board President or other meeting chair for the purpose of maintaining order at the meeting.

The Board will not stop its meeting or any discussion during the meeting in order for individuals to set up or adjust recording devices.

The Board is not responsible for rebroadcast of all or any portion of a public meeting that is not specifically authorized by the District.

As a courtesy to the members of the public in attendance at meetings, the agenda for all public meetings shall remind attendees that other members of the public may be recording the meeting and that they should be careful that their private remarks are not recorded by other members of the public.

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Cross References:

LMSD Policy/Administrative Regulation 800 *Records Management*
LMSD Policy/Administrative Regulation 006 *Civility*
24 P.S. 5-508
65 Pa. C.S. §§ 701-716 (Pennsylvania Sunshine Act)