

Chapter 12: Board of Education Operations

Rule 12.1 Agenda

1. A board member may request that any item which the member desires to be considered by the full Board be placed on the agenda.
2. All other requests for items to be placed on the agenda shall be submitted in writing, with sufficient detail to explain the nature of the request, and be received by the secretary no less than 10 calendar days prior to the scheduled monthly meeting. Requests will be acknowledged in writing and, if the request is granted, an approximate time and length for the presentation will be assigned.
3. Requests to address the Board shall be submitted in writing to the Secretary no less than 10 calendar days prior to the monthly meeting. The request shall provide sufficient information to explain the nature of the requested address. Requests will be acknowledged in writing and, if the request is granted, an approximate time and length for the presentation will be assigned.
4. Matters not on the agenda will not generally be considered by the Board except when two-thirds of the Board present and voting concur.
5. The Secretary of the Board shall mail the proposed agenda to each Board member not later than 7 calendar days prior to a regularly scheduled meeting.
6. Further distribution of the agenda shall be made as follows:
 - a. Two copies to the Attorney General's Office,
 - b. To all affected parties,
 - c. To all parties who shall appear before the Board, and
 - d. To any person whom any Board member requests to be furnished a copy.

Source: *Miss. Code Ann. § 37-1-3 (Revised 11/93)*

Rule 12.2 Compensation for Travel. Each Board member is authorized to accept invitations and to attend meetings, seminars, and similar gatherings concerning the Education Reform Act and the operation of the State Department of Education in connection with their duties as members of this Board. Members shall be paid per diem and be reimbursed for allowable expenses upon submission of a claim to the State Superintendent and approval of the Board at its next regular or special meeting or in advance if conditions allow.

Source: *Miss. Code Ann. § 37-1-3 (Revised 2/2007)*

Rule 12.3 Executive Sessions

1. The Board may enter into executive session for the transaction of public business; provided, however, all meetings shall commence as an open meeting, and an affirmative vote of three-fifths (3/5) of all members present shall be required to declare an executive session.

2. The procedure to be followed by the Board in declaring an executive session shall be as follows: Any member shall have the right to request by motion a closed determination upon the issue of whether or not to declare an executive session. Such motion, by majority vote, shall require the meeting to be closed for a preliminary determination of the necessity for executive session. No other business shall be transacted until the discussion of the nature of the matter requiring executive session has been completed and a vote, as required in subsection one (1) hereof, has been taken on the issue.
3. An executive session shall be limited to matters allowed to be exempted from open meetings by subsection four (4) of this section. The reason for holding such an executive session shall be stated in an open meeting, and the reason so stated shall be recorded in the minutes of the meeting. Nothing in this section shall be construed to require that any meeting be closed to the public, nor shall any executive session be used to circumvent or to defeat the purposes of this chapter.
4. The Board may hold an executive session pursuant to this section for one or more of the following reasons:
 - a. Transaction of business and discussion of personnel matters or the character, professional competence, or physical or mental health of a person.
 - b. Strategy sessions or negotiations with respect to prospective litigation, litigation or assurance of an appealable order when an open meeting would have a detrimental effect on the litigating position of the Board.
 - c. Transaction of business and discussion regarding the report, development or course of action regarding security personnel, plans or devices.
 - d. Investigative proceedings regarding allegations of misconduct or violation of law.
 - e. Cases of extraordinary emergency which would pose immediate or irrevocable harm or damage to persons and/or property within the jurisdiction of the Board.
 - f. Transaction of business and discussion regarding the prospective purchase, sale or leasing of lands.
 - g. Transaction of business and discussion concerning the preparation of tests for admission to practice in recognized professions.
 - h. Transaction of business and discussions or negotiations regarding the location, relocation or expansion of a business or an industry.
 - i. Transaction of business and discussions regarding employment and termination of employees. The exemption provided by this paragraph includes the right to hold closed meetings concerning employees as such exemption relates to their deletion from any budget subject to approval of this Board. Final budgetary adoption shall not be taken in executive session.
5. The total vote on the question of entering into an executive session shall be recorded and spread upon the minutes.

6. Any such vote whereby executive session is declared shall be applicable only to that particular meeting on that particular day.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 7/1984)*

Rule 12.4 Meetings

1. The State Board of Education shall meet on the third Thursday of each month immediately following the work session in the Fourth Floor Board Room of the Central High School Building, Jackson, Mississippi. No further notice shall be made for regular monthly meetings.
2. Work sessions shall be scheduled at 10:00 o clock a.m. on Thursday before the regularly scheduled monthly meeting.
3. The Board may change or alter its meetings time or place by noting the change in the minutes.
4. Any member of the State Board of Education may participate in an official meeting of the Board by teleconference or video means. The public has access to the meeting in the Fourth Floor Board Room of the Central High School Building, Jackson, Mississippi

Source: *Miss. Code Ann. § 25-41-13 and § 25-41-5 (Revised 8/2015)*

Rule 12.5 Minutes

1. The minutes of the Board shall be prepared by the Secretary.
2. All proposed minutes shall become the official minutes only after adoption by the Board.
3. All proposed minutes shall be mailed with the agenda to each board member within seven (7) calendar days prior to any Board meeting.
4. The Secretary may secure such assistance as is necessary for the preparation of the minutes.
5. All minutes shall be tendered to the Board within 30 days of the action reflected by the minutes.

Source: *Miss. Code Ann. § 37-1-3 (Revised 11/1993)*

Rule 12.6 Notification of Meetings

1. All notices to members shall be mailed postage prepaid to members at their official mailing address.
2. Each member shall submit in writing to the Secretary of this Board any change in the members' mailing address.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 7/1984)*

Rule 12.7 Officer's Duties

1. The duties of the Chairman are as follows:

The Chairman, except where the Board shall otherwise provide, shall appoint all committees required for the transaction of business of the Board, and shall preside at all meetings at which he/she is present. As a member of the Board, he/she shall be entitled to cast a vote on all matters, but if he/she casts such vote during the calling of the voting roll, he/she shall have no further vote for the purpose of resolving a tie vote, but otherwise may do so. The Chairman shall have such further duties as may be given him/her from time to time by the Board.

2. The duties of the Vice-Chairman are as follows:

The Vice-Chairman shall assist the Chairman in the duties of the Chairman's office, as the Chairman may direct, and shall preside at meetings and appoint members of committees, as provided in the duties of the Chairman during the Chairman's absence or incapacity. In the event of the Chairman's death, resignation, incapacity or disqualification, the Vice-Chairman shall act in place of the Chairman in all respects until the vacancy shall be filled or the incapacity removed.

Source: *Miss. Code Ann. § 37-1-3 (Revised 6/1986)*

Rule 12.8 Officer Election

1. Officers of the Board shall consist of a Chairman and a Vice-Chairman and such additional officers as the Board may designate. The election procedures for both the Chairman and the Vice-Chairman will be in the following manner:
2. Election to the positions of Chairman and Vice-Chairman shall be by nomination and roll call vote unless secret ballot is requested. In the event that more than two persons be nominated to either such office, a majority of those voting shall be required for election, and the Board shall, at such time designate the voting procedure to be followed, in order to secure such majority, in the event that it shall not be attained upon the first ballot.
3. Chairman
The Chairman shall be elected annually at the July meeting or at the first meeting after any vacancy shall occur in such position, and shall serve for one year or until his/her successor shall be elected and qualified.
4. Vice Chairman
The Vice-Chairman shall be elected annually at the July meeting or at the first meeting following the occurrence of a vacancy in such position, and shall serve for one year, or until his/her successor shall be elected and qualified.

Source: *Miss. Code Ann. § 37-1-3 (Revised 6/1986)*

Rule 12.9 Rules of Order

The Board will use the following forms as guides for its conduct of business:

MOTIONS	REQUIRES RECOGNITION	REQUIRES SECOND	DEBATABLE	AMENDABLE	VOTE REQUIRED	WHEN MOTION IS USED OR EFFECT OF MOTION
Housekeeping 1 ADOPT AGENDA	NO	YES	YES	YES	MAJORITY	SET ORDER OF DISCUSSION FOR MEETING. MUST SUSPEND RULES TO BRING ITEM UP OUT OF ORDER.
2	NO	YES	YES	YES	2/3	USUALLY ONLY USED TO INCLUDE URGENT ITEMS NOT ANTICIPATED WHEN AGENDA WAS SET
3	YES	YES	NO	NO	MAJORITY	CAN BE WAY TO AVOID ACTION THAT IS PREMATURE OR UNWISE.
4	YES	YES	NO	NO	MAJORITY	MOVER SHOULD MAKE SURE RECESS IS BRIEF AND ISN'T IN VIOLATION OF SUNSHINE LAW.
MAIN MOTION, DISCUSSION 1	YES	YES	YES	YES	MAJORITY	PUT MAIN ISSUE ON THE TABLE FOR DISCUSSION AND VOTING. ALL OTHER MOTIONS APPLY TO MAIN MOTION.
2	YES	YES	YES	YES	MAJORITY	REFINE OR CLARIFY WORDING OF MAIN MOTION. OR MAY OFFER MEMBERS ALTERNATE CHOICE ON KEY ISSUE.
3	YES	YES	YES	NO, UNLESS PENDING	MAJORITY	REPLACE POORLY WORDED MOTION THAT IS BEYOND AMENDING.
4	YES	YES	NO	NO	MAJORITY	PUT MAIN MOTION ASIDE TEMPORARILY WITH THE PROVISION THAT IT CAN BE BROUGHT UP AGAIN WHEN A MAJORITY SO WISHES. OFTEN USED WHEN OTHER ITEMS ARE MORE PRESSING OR WHEN THE GROUP WANTS TO DISPENSE WITH OTHER ITEMS.
5	YES	YES	NO	NO	MAJORITY	BRING A MOTION BACK BEFORE THE BODY FOR ACTION. NO OTHER MOTION CAN BE UNDER CONSIDERATION.
6	YES	YES	YES	YES	MAJORITY	PUT OFF VOTE ON MAIN MOTION UNTIL MORE INFORMATION IS KNOWN OR UNTIL MORE CONVENIENT TIME.
7	YES	YES	YES	NO	MAJORITY	SAME AS ABOVE
8	YES	YES	YES	NO	MAJORITY	KILL THE MOTION WHILE AVOIDING A DIRECT VOTE ON THE ISSUE.
9	YES	YES	YES	YES	MAJORITY	GIVE THE GROUP TIME TO LEARN ABOUT AN ISSUE BEFORE VOTING
10	NO	NO	NO	NO	2/3 IN NEGATIVE	ALLOW GROUP TO AVOID AN ISSUE WHEN IT IS CONSIDERED UNDESIRABLE TO COME BEFORE THE GROUP.

11	YES	YES	NO	YES	2/3	MAY LIMIT EITHER NUMBER OR LENGTH OF SPEECHES MADE. ALSO MAY SET SPECIFIC TIME TO CUT OFF DEBATE.
12	YES	YES	YES	YES	MAJORITY	PUT ASIDE DISCUSSION NOT RELATED TO MAIN MOTION.
13	YES	YES	YES	NO	MAJORITY	ALLOW BODY TO DISCUSS ONE ISSUE AT A TIME WHEN A MOTION INCLUDES SEVERAL INDEPENDENT ISSUES.
14	YES	YES	NO	YES	MAJORITY	REQUIRE BODY TO VOTE ON EACH PART OF A MOTION ONE AT A TIME.
15	YES	YES	NO	NO	2/3	PUT AN END TO DEBATE TO OBTAIN AN IMMEDIATE VOTE ON MOTION.
16	NO	USUALLY	NO	NO	MAJORITY	STRIKE THE MOTION FROM THE RECORDS OF THE MEETING. REQUIRES SECOND WHEN WITHDRAWN MOTION IS MADE BY MOVER OF ORIGINAL MOTION.
17	NO	NO	NO	NO	NONE	REQUIRE A ROLL CALL VOTE OR BALLOT TO ASSURE ACCURATE COUNT.
18	YES	YES	USUALLY	NO	MAJORITY	PERMIT CORRECTION OF HASTY OR ERRONEOUS ACTION OR HEAR NEW EVIDENCE. CANNOT BE DEBATED IF ORIGINAL MOTION NOT DEBATABLE. THE MOTION AND ITS SECOND MUST BE MADE BY PERSONS VOTING ON THE PREVAILING SIDE.
19	YES	YES	NO	NO	MAJORITY	ANY MEMBER IS ENTITLED TO A CLOSED DETERMINATION ON QUESTION OF WHETHER OR NOT TO ENTER AN EXECUTIVE SESSION. NO OTHER BUSINESS MAY BE CONDUCTED UNTIL DETERMINATION OF ISSUE IS MADE. MUST BE MADE AT OPEN MEETING.
20	YES	YES	NO	NO	3/5	SEE POLICY BCBK .
OTHER MOTIONS 1	NO	NO	NO	NO	NONE	ALLOW MEMBER TO CALL UPON THE CHAIR FOR A RULING WHEN HE THINKS RULES ARE BEING VIOLATED.
2	NO	NO	NO	NO	NONE	ALLOW MEMBER TO OBTAIN ADVICE FROM THE CHAIR ON CORRECT PARLIAMENTARY PROCEDURE SO THAT HE MIGHT MAKE AN APPROPRIATE MOTION.
3	YES	YES	NO	NO	2/3	ALLOW MEMBERS TO CONSIDER SOMETHING WHICH IS IN VIOLATION OF NORMAL RULES. OFTEN USED TO BRING UP ITEM OUT OF ORDER OR ITEM NOT ON THE AGENDA.
4	NO	NO	NO	NO	NONE	PERMIT CONSIDERATION OF REQUESTS OR MOTIONS RELATING TO RIGHTS OF THE GROUP. OFTEN MAY RELATE

						TO PHYSICAL COMFORT OR MEETING ARRANGEMENTS.
5	NO	YES	NO	NO	MAJORITY IN THE NEGATIVE	ALLOW THE ENTIRE BODY TO TAKE ACTION ON A DECISION OF THE CHAIR. IT HAS THE EFFECT OF OVERRULING THE CHAIR'S DECISION.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 7/1984)*

Rule 12.10 Voting Procedures

1. A member present may vote for or against any motion or the member may abstain. No member who is not present may vote.
2. The minutes of the Board shall reflect the vote of each member on each matter.
3. On all matters, in the event that a roll call vote was not taken, the vote of each member shall be reflected as in favor of the motion unless the member specifically indicates otherwise.

Source: *Miss. Code Ann. § 37-1-3 (Adopted 7/1984)*