



I'll Second That!

Revisiting and clarifying policies on rules of order

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Picture a dozen community and staff members arriving at a school board meeting for the first time hoping to make comments to the board about a specific topic. Does your board have clear policy regarding its public comments?

For years, audience members at school board meetings were often scarce. Unless an athletics program was on the table or bus routes were modified, school board meetings were relatively quiet.

Now, with the dramatic changes to the state's collective bargaining law and significant cuts to school aids, community members may once again fill school board meeting rooms.

To handle these meetings efficiently and build community support, school boards will want to make sure their board meeting procedures are clear. Oftentimes, boards will simply state that they follow Robert's Rules of Order. But this may not be sufficient nor entirely accurate.

The bulk of the detailed and fairly prescriptive procedural rules for conducting meetings found within Robert's Rules and other extensive works on the topic of parliamentary procedure are generally geared

toward the meetings of large assemblies. Very few school boards in Wisconsin, if any, actually use those rules to conduct their meetings. For example, to actually adhere to Robert's Rules as set forth for large assemblies, a school board would have to run its meetings as follows:

- School board members would have to stand and obtain the floor from the meeting chair before speaking, and then stand while speaking.
- A formal motion would have to be made, seconded and stated (repeated) by the chair prior to any discussion on any topic on which action may be taken. Thus, the board would not simply discuss a matter informally, and then decide based on the direction of the discussion whether any motion(s) should be made.

- Without obtaining special permission, each school board member would be permitted to speak to each motion/subject matter only twice, and a board member may only speak a second time if all other board members wishing to speak to the motion have spoken once.
- The chairperson would have to stand every time he or she puts a motion to a vote.
- The board president, as the chairperson and presiding officer of the meeting, would generally refrain from participating in debate (discussion) and from voting on motions unless his/her vote would affect the outcome.

Most school board members would probably find the first four points listed above to be too formal for their meetings, and the fifth point arguably interferes with the rights and duties of the board president as an elected member of the board.

Working with Robert's Rules

So, in what sense might most school board meetings still comply with



Robert's Rules? The answer is that deep in the recesses of the dense but useful work, Robert's Rules expressly provide that the meetings of small boards (generally defined as having no more than a dozen members) may operate under less formal procedures than the procedures specified for larger assemblies.

Therefore, school boards may look to Robert's Rules as an authority on procedural questions with an understanding that their board meetings are conducted within the flexible parameters that Robert's Rules allows for meetings of small boards.

So, if a community member is going to succeed in finding a resource that explains exactly how their school board conducts its business, where should they turn? The rules of order to be used at school board meetings are not set forth in the state statutes in any comprehensive fashion. Thus, with some limited exceptions, a school board's rules of order are a matter of local policy. In fact, to the extent a reference work such as Robert's Rules stands as any kind of authority within a school district, it is by virtue of the school board deciding to acknowledge it as an authority.

Moreover, even school boards that have decided to "follow Robert's Rules" generally have a need to establish some additional local rules on their own to, for example, fill in gaps where Robert's Rules provides options or flexibility, ensure that their meetings comply with statutory requirements that apply to specific issues, or depart from Robert's Rules where the board has concluded that it prefers a different approach.

Generally speaking, there are two ways that school boards make local choices regarding their rules of order: by establishing unwritten norms and

Parliamentary Procedure



School board members and school administrators frequently raise a number of questions about parliamentary procedure, and those questions tend to reflect the type of issue over which there is uncertainty and for which a policy may provide helpful clarity. Here are a few short answers to some of those common questions. More detailed answers to these same questions are available on the WASB website, wasb.org. Select "Wisconsin School News" and then "Current Issue."

Q: *If neither state statute nor Robert's Rules expressly requires motions at school board meetings to be "seconded," and given that Robert's Rules further suggests that motions at meetings of small boards need not be seconded, should we stop doing it?*

A: Although likely not required, the seconding of motions can have some substantial utility — especially in terms of running meetings efficiently. Most school boards that are in the habit of seconding the motions made at their meetings would have a sound basis for being reluctant to change that practice or policy.

Q: *What exactly is a "friendly amendment" to a motion? What can I do if the maker of the motion won't accept my proposed amendment as "friendly"?*

A: The notion of a "friendly amendment" probably has its origins in attempts to efficiently clarify or correct a proposed motion prior to the point that the motion is placed before the full board for discussion and a possible vote. However, once a motion has been stated and "turned over" to the full board, there are sound reasons for the rules of order to provide that the board as a whole (and not solely the maker of the motion) has the authority to decide whether or not the motion should be amended

prior to a vote. Making amendments to motions using a "unanimous consent" procedure (as described more fully in the extended online answer to this question) is an efficient means of making corrections or clarifications to a proposed motion that still respects the principle of the full board's ownership of its motions.

Q: *Aside from being an efficient way for a school board to acknowledge its acquiescence to the amendment of a pending motion, what are some other examples of how "unanimous consent" can be used to efficiently move a meeting along?*

A: The concept of establishing "unanimous consent" for certain actions could also be used to document the board's unanimous agreement to, for example, withdraw a pending motion from consideration prior to a vote, extend any time limit originally established for discussion of an issue, or to re-order items on the agenda.

Q: *We have an ongoing debate among members of our board regarding what a "motion to table" means. For years, we have used it to indicate that we are abandoning consideration of a given item of business at the meeting where the motion is made. Another board member insists that is the wrong procedure. What should we be doing?*

practices over time, or by creating and adopting policy. There are a number of advantages to setting forth some rules of order in a formal board policy. These advantages include:

- Avoiding the need for meeting chairs to feel as though they have the burden of becoming an expert parliamentarian without a good and concise source of direction;
- Providing the board as a whole with the opportunity to make deliberate choices that focus on goals such as efficiency, fairness and clarity;
- Establishing a resource that assists with conveying important information to new board members and others during times of transition;
- Creating a written resource to turn to in the event of disagreement among board members over procedural matters;
- Clarifying the extent to which a standard work on parliamentary procedure, such as Robert's Rules, applies to school board meetings; and
- Assisting with legal compliance in connection with those limited matters where state statute sets forth specific procedural requirements.

To the extent that there are disadvantages to establishing policies covering rules of order for meetings, they might include the fact that it can be difficult to know what areas of meeting procedure to address in policy, as well as the fact that adopting formal policy establishes objective standards that, if not followed, might be cited to support an assertion that something had been done incorrectly.



A: Under Robert's Rules of Order, the motion to table (or "lay on the table") is distinguished from the motion to postpone, and Robert's Rules suggest that the motion to postpone would be the procedurally appropriate mechanism to accomplish the outcome identified in this question. Robert's Rules confine the motion to table to the situation where a board determines that there is a pressing need to temporarily set aside a pending motion or item of business to enable the immediate consideration of a new and urgent topic, with the intent that the tabled issue will come back before the body at some point in time. Especially against the backdrop of the notice requirements of the open meetings law, such a situation would arise only rarely in school board meetings. Of course, a school board always has the option of using local policy to give the motion to table the same meaning that Robert's Rules assigns to a motion to postpone.

Q: *Our school board always seems to have trouble figuring out the best way to fix mistakes or revisit matters with respect to votes that have already been taken. What suggestions are offered by Robert's Rules or other guides?*

A: Robert's Rules identifies three motions that can be used for this purpose: the motion to amend previous action; the motion to rescind previous action; and the motion to reconsider a vote taken at the current meeting. The key variables that determine which motion is appropriate are (1) the timing of the motion; and (2) whether the original motion on the topic in question was adopted or defeated. These motions, their significant differences, their somewhat complicated procedural requirements, and important limitations on their use are given a more in-depth treatment in the online version of this Q&A and in the WASB Legal Comments from

December 1992 and January 1993 — which are all available to WASB members at wasb.org.

The easiest scenario raised by this question involves a desire on the part of the board (or at least a portion of its membership) to return to a matter that was already voted on and defeated at a previous meeting. In this case, no special type of motion is generally required. All the board usually has to do is include the appropriate subject matter on its notice for a subsequent meeting, and any board member could make whatever motion(s) may be appropriate — including renewing the original motion that was defeated at the previous meeting.

Q: *What are some examples of state statutes that affect how school boards conduct their meetings and the extent to which Robert's Rules provides a reliable reference?*

A: The following are some examples of Wisconsin statutes that establish specific requirements that affect how school board meetings are run and how a school board takes certain action:

- Section 19.88(2) of the state statutes authorizes any board member to require a roll call vote on any motion;
- Section 19.85(1) establishes specific procedures for convening in closed session, including the nature of the motion that must first be adopted by a roll call vote in open session; and
- Section 65.90(5)(a) requires a two-thirds vote of the entire membership of the board, and subsequent publication of a legal notice, in order to change either the taxes to be levied/certified or the amounts or purposes of the appropriations stated in a previously approved budget. □

What to Cover in Your Policy?

As far as what topics to cover within a policy establishing rules of order for school board meetings, the potential scope of such a policy is quite broad. The complete version of *Robert's Rules of Order, Newly Revised (10th Edition)* now extends nearly 650 pages. However, the abridged version of Robert's Rules notes that "80 percent of the content [of the full version] will be needed less than 20 percent of the time." That is a helpful way to think about the scope of a potential local policy. That is, what subjects would address 80 percent of what happens at typical board meetings? Here is a potential list to consider:

- The making and seconding of motions, including the intended effect of seconding a motion.
- How and when motions may be amended or withdrawn.
- Establishing the mechanism of "unanimous consent" and encouraging its use to facilitate efficient meetings.
- Establishing the procedure for postponing consideration of a pending matter to a later meeting, or indefinitely.
- Documenting the authority of the presiding officer to establish the order of speakers during debate (i.e., discussion), if necessary.
- Documenting the procedures for limiting debate, as well as the procedures for ending debate and calling for a vote on a pending motion.
- Documenting the procedures for "undoing" or revisiting motions that were already voted upon (usually using either a motion to reconsider or a motion to rescind).

- Identifying whether the default method for voting on motions will be by voice vote, show of hands, or roll-call vote.
- Listing examples of motions that have a special voting requirement (e.g., a majority of the full membership, two-thirds of those present, etc.).

Exactly what might be covered in a "rules of order" policy also depends on the topics that are covered in a school board's related policies, such as any policies addressing meeting agendas, voting, closed sessions, meeting minutes, or policy adoption and review.

After setting forth its core rules of order, a school board may choose to add caveats to its local policy along the lines of the following:

- In the absence of any specific legal requirement or specific policy or procedure established by the school board, *Robert's Rules of Order, Newly Revised* (including those procedures and procedural flexibility that Robert's Rules allows for small boards) shall be used as a reference and supplement to resolve procedural questions that arise in connection with the conduct of board meetings.
- Any board member may make a motion to suspend the rules and apply alternate rules at a meeting, and such a motion shall be considered adopted if supported by a two-thirds vote of those members who are present at the meeting.
- The failure to follow any local rules of order that have been set at the discretion of the school board, or the failure to follow any aspect of Robert's Rules when it is used

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More detailed answers to these questions posed on pages 14-15 are available on the WASB website, wasb.org. Select "Wisconsin School News" and then "Current Issue." The complete answers can also be found under "Hot Policy Topics" in the "Policy" section.

as a reference or supplement, shall not, standing alone, be construed to render any decisions made by the board void, voidable, or otherwise invalid.

The caveats listed above are intended to (1) indicate the extent to which Robert's Rules applies to board meetings; (2) confirm that the board is retaining ultimate authority to decide and resolve questions about procedural rules during board meetings; and (3) capture the spirit of various rulings suggesting that Wisconsin courts have not required strict compliance with non-statutory technicalities of parliamentary procedure, provided the proper number of board members have acted and the facts of the board's action can be ascertained from the meeting minutes.

If you would second a motion to review and potentially revise your school board's policies regarding its rules of order, feel free to contact WASB's policy staff with your questions on this topic, or to request samples of policies addressing rules of order. Policies covering rules of order are also addressed online in WASB's subscription-based Policy Resource Guide. ■

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