

**“Nightmare on Board Night”**  
***Handling Tricky Situations in Board Meetings***  
***Using Simple Rules of Order***

**NATIONAL ASSOCIATION OF LATINO ELECTED  
&  
APPOINTED OFFICIALS**

**NOVEMBER 19, 2016**

**PREPARED BY:**

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# **I. MANAGING BOARD MEETINGS/VOTES**

- A. Importance of Efficient/Effective Board Meetings
- B. Obstacles to Effective Governance
  - 1. Interpersonal relationships
  - 2. Lack of knowledge/understanding of issues
  - 3. Lack of information regarding procedures
- C. Do Your Homework
  - 1. Review Board policies
    - Agenda prep
    - Timelines
    - New policies/revisions/updates
  - 2. Watch/Attend a Few Meetings
    - Who is in charge
    - How/when is information disseminated
    - Frequency of Board meetings/special Board meetings
  - 3. Review agendas and minutes
- D. Making Sure Your Voice Is Heard
  - 1. Getting items onto the agenda
  - 2. Ensuring accuracy of minutes
  - 3. Seating at Board meeting
  - 4. District Board member updates (where is this on the agenda)
  - 5. Request for study sessions/presentations/information from staff

6. Short meetings aren't always best—ask questions before or at the meeting or you may forever have to hold your peace.

## **II. WHAT IS THE ROLE OF THE BOARD PRESIDENT?**

- A. Opens the meeting, takes roll, and declares a quorum present.
- B. Leads approval of the agenda and makes sure meeting follows the agenda.
- C. Recognizes members entitled to speak.
- D. Restates motions made by members, rules on whether they are in order, and moderates debate.
  - Counts and announces vote.
  - Has right to adjourn the meeting in case of “substantial disorder.”

## **III. WHAT IS THE ROLE OF THE OTHER BOARD MEMBERS?**

1. Regular Board meeting attendance
2. Recognize alliances (teachers association, community, charter advocates)
3. Be prepared to be the next Board President

# ROLE PLAY

ABC Board of Education

Regular Meeting

November 19, 2016

## EXERCISE NO. 1: OBJECTION TO ADOPTION OF CONSENT CALENDAR

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### **PRACTICE POINTER**



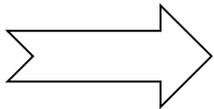
*Items listed under the Consent Calendar are considered to be routine and are acted on by a Board in one motion. There is no discussion of these items prior to the Board vote unless a member of the Board requests specific items be discussed and/or removed from the Consent Calendar. It is understood that administration recommends approval on all Consent Items. Each item on the Consent Calendar approved by the Board shall be deemed to have been considered in full and adopted as recommended.*

.....

President	The first item of business is adoption of the consent calendar. Is there any objection to adoption of the consent calendar?
Member D	Madame President, I would like to move item 1.c. approval of study session regarding ESSA, off the consent calendar so that there may be discussion because I think that it's a very important topic, we need to ensure that everyone is familiar with ESSA. <i>[Keeps talking]</i> <i>[Gets interrupted by President]</i>

<i>President</i>	There is no need to explain why you want it pulled. Since there is an objection from Member A to the approval by general consent of item 1.c., it is moved from the consent calendar and shall be considered as the first item of business under “New Business.”
Member B	I don’t want to pull the item from the consent agenda. We spent a lot of time discussing this at the last meeting and I don’t want to hear Member A’s comments on this topic again. Let’s move on and leave it on the consent agenda.
<i>President</i>	Well since Member A didn’t read up on the topic and isn’t as well prepared as the rest of us to take action, and she has objected, so the item will be pulled from the consent agenda.
	<i>[Member B continues to grumble about the delay until President calls for order and continues on with the meeting]</i>

## DISCUSSION OF ISSUE



*What business items are appropriate for the consent calendar?  
Is there a limit to the number of items that can be pulled?*

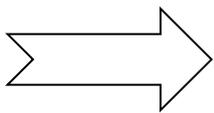
## EXERCISE NO. 2:

### VOTING ON AN ITEM OF BUSINESS BEFORE THE BOARD

<i>President</i>	Are you ready for the question? The question is whether to conduct a study session to receive information regarding the assessment that the District will use for grade levels 9-12. Those in favor say “Aye!” <i>[Listen to response]</i>
Members A, B	Aye!
<i>President</i>	Those opposed say “No!” <i>[Listen to response]</i>

Member D	<p>We know that we can use a nationally-recognized high school assessment such as the SAT or ACT but I think that we should use an alternate high school assessment.</p> <p><i>[They all continue to talk about why they don't want the session] [Board President has to interrupt and say that the time for discussion has passed, they have to vote]</i></p>
Member B	<p>I don't know about that proposal. What safeguards / information do we have that these assessments are rigorous and truly comparable to statewide tests? We have to talk to educators and parents about this decision.</p>
President	<p>It's time for a vote.</p>
Member C	<p>I abstain.</p>
<i>President</i>	<p>Why?</p>
Member C	<p>I don't have to explain why. I'm just not going to vote.</p>
<i>President</i>	<p>I need a count. Those in favor, raise your right hand. <i>[Count the hands]</i> Those opposed, raise your right hand. <i>[Count the hands]</i></p> <p>There are 2 votes in the affirmative and 1 in the negative and 1 abstention. I cast my vote in the negative. The motion does not pass. The next item of business is . . .</p>

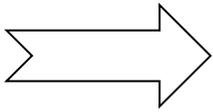
## DISCUSSION OF ISSUE



*When can/should you abstain from voting? Is there any way to compel a Board member to vote?*

**EXERCISE NO. 3:  
FAILURE TO GET A SECOND ON A MOTION**

**PRACTICE POINTER**



*A motion must be “seconded” in order for the Board to discuss/act on the motion. To avoid conflict and embarrassment, know how your colleagues feel about the topic before making a motion.*

<i>President</i>	The next item on the agenda is a recommendation that the District approve the contract for The “Best Teachers Available” search firm to help our HR department make some better hiring decisions. Do I have a motion?
Member A	I move that the Board approve the contract with BTA search firm.
<i>President</i>	Can I get a second for the motion?
	<i>[No Second]</i>
	<i>[President gets visibly upset when there is no second, asks again]</i>
<i>President</i>	This is a really great firm and we need their help. As you should now, Districts are required to take steps to ensure that low-income students and students of color are not taught at disproportionate rates by out-of-field, ineffective, and inexperienced teachers. Some of our students aren’t being taught by the best teachers and I for one will no longer stand by quietly at this travesty! <i>[Very loud voice]</i>

Member C	Madame President, isn't this your cousin's recruiting firm? Anyway, I am happy with the teachers we are currently hiring and I don't see any need for a change to our hiring practices?
Member D	Well I think that rather than hiring a recruiting firm, we need to make some changes to our CBA's so that we ensure that our most challenging schools get the teachers that those kids deserve.
Member B	What do you mean those kids, all of our kids deserve the best teachers. My kids go to Edison Elementary and I am going to make sure not one of those teachers is transferred anywhere else!
<i>President</i>	I want a second, this is a good firm! I have known the recruiters forever, for years! We go to ball games and dinner cruises all the time.
	<i>[People begin to say, move on, you aren't going to get a second]</i>
	<i>[Another motion is then made to move the meeting on since the first motion died for lack of second]</i>
	<i>[This is quickly made and seconded, making the President extremely upset]</i>
	<i>[Member A begins to speak. People try to get him to stop because he is speaking on the motion that didn't pass]</i>
	<i>[One member asks for a point of order but the President ignores them]</i>
	<i>[Second motion passes but the President keeps talking about the first motion]</i>

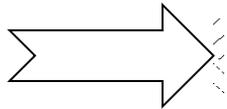
**EXERCISE NO. 4:  
CONTROLLING A DISRUPTIVE SPEAKER**

<i>President</i>	<p>It is now time for the Board to hear public comments on matters on the agenda. Pursuant to Board bylaws, only members of the public who have submitted Speaker Cards will be recognized to speak. When you hear your name called, please step up to the microphone. There is a 3-minute time limit set for each speaker and 20 minutes total allotted for this item.</p> <p>Mr. Suem, you are first.</p>
Mr. Suem	<p>My name is Help-ya Suem, and I am the parent of a child who attends Springfield Elementary School. I just moved to this area but I want you to know that I am a prominent lawyer and student advocate in the area.</p> <p>It seems to me that you don't care about the students at Springfield Elementary. You are always talking about the blue ribbon schools but what about us??? Have you come to our school recently? Do you know how much the students are struggling?</p> <p>You have no idea about how to do any improvement planning, supports, and interventions. If do you!</p> <p>Well, I am here to say that this Board better wake up and take responsibility for all of the schools and make sure all of the students are served, not just those in the schools that your kids attend.</p> <p>Do any of you even know what you are going to do to improve my child's school? Do you?! Don't you think that you should find out and not rely on your high priced staff to tell you what to do?? I think you are all a bunch of jerks who don't give a damn about the success of students.</p>
<i>President</i>	<p>Please, Mr. Suem, watch your language. There are children present in the audience.</p>

Mr. Suem	<p>Well, I'm not done here. It just so happens that my son is an English language learner and for years, there has been next to nothing done for him and other EL students. Are you aware of what ESSA requires the District to do for EL students?</p> <p>Does your EL coordinator know that?? I think the EL Director is incompetent.</p> <p>Well answer me – does she know her legal obligations under ESSA?? [Looks challenging at the Board members]</p> <p>Yeah, I knew you wouldn't have a response. I am convinced that you are racists and you don't have any intention of following the law.</p>
<i>President</i>	<p>Hold it right there, Mr. Suem. You should understand that derogatory comments against District employees made in a Board meeting can be actionable as defamation under certain circumstances. Also, if you repeat such comments outside the context of a Board meeting, they may also be actionable as defamation.</p> <p>The Board also would like to remind you that there is an existing Board Policy for anyone who wishes to lodge a complaint against a District employee. If you want the Board to be able to consider your complaints, you must follow that procedure. You may continue with your comments. You have 30 seconds remaining.</p>
Mr. Suem	<p>You can't cut me off. This is a free country and I have a First Amendment right to talk here as much as I want!</p>
<i>President</i>	<p>Mr. Suem, your time is up. Please yield the podium.</p>
Mr. Suem	<p>You are violating my Constitutional Rights. I am going to sue all of you.</p>
<i>President</i>	<p>Mr. Suem, you are out of order and you are disrupting the meeting. If you do not leave the podium, I will have you removed.</p>

## DISCUSSION OF ISSUE

*What should the Board President do to get control of the situation?*



*What are the limits of Board/audience interaction in a public meeting?*

*How does a Board meeting differ from a press conference or town hall meeting?*

## IV. SUBSTANTIAL DISORDER IN THE MEETING

### EXERCISE NO. 5: CLEARING THE ROOM

<i>President</i>	And the next item of business is the preparation for a threatened strike by certificated staff.
Group	One, two, three, four, teachers need to be paid more!
Group	Five, six, seven, eight, the Superintendent ain't so great!
<i>President</i>	You are being disruptive and preventing this meeting from going forward. Please cease and desist your protest.
Group	What do we want? MONEY! When do we want it? NOW!!
<i>President</i>	You are rendering the orderly conduct of this meeting unfeasible. I am ordering the three of you removed from this meeting. Officer Jones will you please assist in this removal?
Group	<i>[As numerous additional teachers join in the protest]</i> <i>[Singing]</i>  All we are saying is give negotiations a chance..."

<i>President</i>	All right. That's enough! This room is ordered cleared. This meeting will continue in session. Members of the news media have your credentials ready and you will be permitted re-admittance to the meeting once they are verified. Officers, please clear the room.
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**EXERCISE NO. 6:  
PRESIDENT ADMONISHES PUBLIC SPEAKER**

Speaker 1	<i>[Speaker begins speaking about an item the Board took action on last month regarding denial of a charter school petition]</i> We have had low performing schools for years now. There was no change under NCLB so how are we supposed to believe that there will be a change now. The assessments that you are proposing for the 2017-2018 year are outdated. We should go back to what we used before.
<i>President</i>	<i>[Interrupts Speaker 1]</i> We are not agendized to discuss this matter during today's meeting. You must limit your comments to items that are on the agenda for today.
Speaker 1	You cannot interrupt my time for public comment. I can speak to anything that within the purview of this Board.
<i>President</i>	You cannot continue. We have already discussed this matter at the last meeting and we will not entertain your comments.
Speaker 1	<i>[Continues talking about the matter]</i>
<i>President</i>	You are hereby ruled out of order. You may not continue any further.
Member C	<i>[Doesn't like the President]</i> Motion to appeal the <i>President's</i> ruling.
Member D	I second.

	<i>[A vote is then taken, (B,C,D vote yes) which overrules the President's point of order. The Speaker is then allowed to speak]</i>
	<i>[President is so mad that s/he walks out in disgust]</i>

**EXERCISE NO. 7:**  
PRESIDENT GETS CARRIED AWAY WITH USE OF GAVEL

<i>President</i>	I call this meeting to order.
Member C	<i>[Begins speaking before the other Members are seated]</i>
<i>President</i>	Be quiet; please remain silent until the other Members have arrived.
Member C	I object...
<i>President</i>	<i>[Uses gavel]</i> Point of order. You are out of order.
	<i>[A few minutes pass and there is a significant amount of tension. Another motion passes]</i>
Member B	I find your conduct to be rude and argumentative. <i>[To President]</i>
<i>President</i>	I am the <i>President</i> , I have a right to call "point of order."
Member B	<i>[Begins to argue with the President]</i>
<i>President</i>	<i>[Uses gavel again]</i> Now, you are out of order. You are out of order.
	<i>[Member B and President continue to argue and President repeatedly uses gavel]</i>
Member C	Motion to adjourn.

	<i>[Member B and President continue to argue and President continues to use gavel]</i>
Member C	<i>[Repeats]</i> Motion to adjourn.
Member D	I second the motion.
	<i>[Member B and President want to debate the motion; however, it is a non-debatable motion. A vote is taken and the meeting is adjourned by a (B,C,D) 3-2 vote]</i>

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