

OFFICE OF GENERAL COUNSEL
Summary of State Board of Education Agenda Items
Consent Agenda
April 19, 2023

OFFICE OF GENERAL COUNSEL

- X. Approval to revise Miss. Admin. Code 7-3: Chapter 12 – Board of Education Operations, Rules 12.1 - 12.10
(Has cleared the Administrative Procedures Act process without public comments)

Background Information: To amend Miss. Admin. Code 7-3: Chapter 12, Rules 12.1 through 12.10 in accordance with Miss. Code Ann. § 25-43-3.114 which requires an agency to review its rules at least every five years to determine whether any rule should be repealed, amended, or a new rule adopted.

- Rule 12.1 – Agenda
- Rule 12.2 – Compensation for Travel
- Rule 12.3 - Executive Sessions
- Rule 12.4 – Meetings
- Rule 12.5 – Minutes
- Rule 12.6 – Notification of Meetings
- Rule 12.7 – Officer’s Duties
- Rule 12.8 – Officer Election
- Rule 12.9 – Rules of Order
- Rule 12.10 – Voting Procedures

The revisions ensure alignment with current state law, combines and/or simplifies certain rules, and removes duplicative rules found in other areas of SBE policy.

Recommendation: Approval

Back-up material attached

Part 3 Chapter 12: Board of Education Operations

Rule 12.1 Agenda

1. A State Board of Education (SBE) member may request that any item which the member desires to be considered by the full SBE be placed on the agenda.
2. All other requests for items to be placed on the agenda shall be submitted in writing to the Executive Secretary, with sufficient detail to explain the nature of the request and be received by the Executive 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 SBE shall be submitted in writing to the Executive 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 SBE except when two-thirds of the SBE present and voting concur.
5. The Executive Secretary of the SBE shall provide the proposed agenda to each SBE member not later than 7 calendar days prior to a regularly scheduled meeting.
6. The agenda shall be posted on the Mississippi Department of Education (MDE) website by noon the day before the SBE meets.

Source: *Miss. Code Ann. § 37-1-3 (Rule Revised 05/2023)*

Rule 12.2 Compensation for Travel.

Each SBE member is authorized to accept invitations and to attend meetings, seminars, and similar gatherings concerning the operation of the MDE in connection with their duties as members of this SBE. Members shall be paid per diem and be reimbursed for allowable expenses as authorized by Miss. Code Ann. § 25-3-41 and 25-3-69, upon submission of a claim to the State Superintendent and approval of the SBE at its next regular or special meeting or in advance if conditions allow.

Source: *Miss. Code Ann. § 25-3-41, § 25-3-69, and § 37-1-3 (Rule Revised 05/2023)*

Rule 12.3 Executive Sessions

1. The SBE may enter executive session for the transaction of public business; however, an executive session shall be limited to matters allowed to be exempted from open meetings as provided in Miss. Code Ann. § 25-41-7 and shall follow the procedure required in Miss. Code Ann. § 25-41-7.

2. The SBE and the Executive Secretary shall designate who is permitted to remain in executive session.

Source: *Miss. Code Ann. § 25-41-7 and § 37-1-3 (Rule Revised 05/2023)*

Rule 12.4 Meetings

1. The SBE shall meet on the third Thursday of each month in the Senator Grey Ferris Board Room of the Central High School Building, Jackson, Mississippi. No further notice shall be made for regular monthly meetings.
2. The regularly scheduled monthly meeting shall begin at 10:00 o'clock a.m.
3. The SBE may change or alter its meetings time or place by official action, noting the change in the minutes. The SBE Chair may cancel a meeting already scheduled. Notice of cancellation and a reschedule date shall be provided as soon as possible to all SBE members by whatever means of communication is available and practicable and most likely to reach each member under the circumstances.
4. Any member of the SBE may participate in an official meeting of the SBE by teleconference or video means. The public shall have access to the meeting in the Senator Grey Ferris Board Room of the Central High School Building, Jackson, Mississippi, or shall be afforded another location in the event there are capacity issues.

Source: *Miss. Code Ann. § 25-41-13 and § 25-41-5 (Rule Revised 05/2023)*

Rule 12.5 Minutes

1. The minutes of the SBE shall be kept in accordance with Miss. Code Ann. § 25-41-11.
2. All proposed minutes shall become the official minutes after adoption by the SBE.
3. All proposed minutes shall be provided with the agenda to each SBE member within seven (7) calendar days prior to any SBE meeting.
4. The minutes shall be prepared by the Executive Secretary; however, the Executive Secretary may secure such assistance as is necessary for the preparation of the minutes.
5. All minutes shall be posted to the MDE website once approved.

Source: *Miss. Code Ann. § 25-41-11 and § 37-1-3 (Rule Revised 05/2023)*

Rule 12.6 Officer's Duties

1. Officers of the SBE shall consist of a Chairman and a Vice-Chairman and such additional officers as the SBE may designate.

2. Election to the positions of Chairman and Vice-Chairman shall be by nomination and vote unless secret ballot is requested. If more than two individuals are nominated to either such office, a majority of those voting shall be required for election, and the SBE 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. The Chairman and Vice 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. The Chairman, except where the SBE shall otherwise provide, shall appoint all committees required for the transaction of business of the SBE, and shall preside at all meetings at which he/she is present. As a member of the SBE, 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 SBE.
5. 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 (Rule Revised 05/2023)*

Rule 12.7 Rules of Order

The SBE will adhere to parliamentary procedures for conducting business and will seek guidance from Robert's Rules of Order in conducting its meetings.

Source: *Miss. Code Ann. § 37-1-3 (Rule revised 05/2023)*

Rule 12.8 Voting Procedures

1. A SBE member present may vote for or against any motion or the SBE member may abstain. Proxy votes are impermissible; an absent member may not vote.
2. The minutes of the SBE shall reflect the vote of each SBE member on each matter.
3. On all matters, if a roll call vote was not taken, the vote of each SBE member shall be reflected as in favor of the motion unless the SBE member specifically indicates otherwise.
4. A member shall recuse himself/herself from discussion and vote in the event of a conflict of interest.

Source: *Miss. Code Ann. § 37-1-3 (Rule Revised 05/2023)*