



NEW SCHOOL BOARD MEMBER WEBINAR

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Congratulations on Your Election!

You are holding a very special role in
the education of our students of
South Dakota



Represent all Children

As a member of your school board, you do not represent one student, or one group of people, you are responsible to represent all people of the district and all students of the district.



SDCL 13-8-1 School Board Defined

“The school board is an elected body created according to the laws of the state to serve as the governing board of a school district for the purpose of organizing, maintaining, and locating schools and for providing educational opportunities and services for **all** citizens residing within the school district.”



LEGAL FOUNDATION OF BOARD POLICY

HIERARCHY OF LEGAL AUTHORITY

U.S. Constitution



Congress



Federal Agencies



State Constitution



State Legislature - DOE



School Boards



The unique aspects of school boards

The Board has responsibilities in each of these areas:

- Legislative
- Executive
- Judicial





The unique aspects of school boards

Legislative

Develop and
Adopt
Policies

Executive

Hire and Fire
Staff

Judicial

Hold Hearings



Your Board's Judicial Powers

All final decisions on a hearing or grievance in a school is done by the school board. These decisions can be appealed to a circuit court. Most decisions that are overturned by circuit courts are because of two reasons.



Reasons for Decisions Reversed

1. Did not follow proper technical protocol.
2. The board held bias.



Need to be Impartial and Unbiased Judge and Jury

No one would ever want to go before a judge or jury who already has made up their minds on your guilt. When someone who is being removed from their job in a school, for example, goes to board in a hearing, they too should not have a board or board member who is biased against them.



Common Mistakes

As a board member, if you are talking around town how the basketball coach should be fired, that coach would be able to use that against you in the case of a hearing. Be very careful not to show bias against an employee and wait until you have heard both sides of any issue.



Your Personal Authority

As a member of the school board, you have no authority by yourself or outside of the board meeting. You only have authority when you are voting as a member of the full board.



TRUST

There is no better word to describe the key to success of your tenure. People need to trust you. Your superintendent needs your trust. In return you need the trust of those who work under you.



Relationship with your Superintendent

People expect that a school should run like a business. Your role is to see that the school is run well, but not to run the school. That is the job of your superintendent. He/she then delegates the roles of others in the school to carry out the boards wishes.



Three Major Roles of a Board

1. To hire/evaluate/and fire if necessary the school superintendent.
2. To adopt the budget.
3. To make policies.



Policy

Policies have the effect of law. You have the legal ability to make these policies. They are the road map for the district to follow during the majority of the time that the board is not present at the school.



Remember

The Board makes the policies

The Superintendent carries out the
policies



Destined for Conflict

Conflict tends to happen when people get out of their lanes on their responsibilities. Micromanaging by a school board will erode the trust by others, including the people you are paying to do their jobs.



Open Meetings

School board are to do their business in the open. It is against the law for a school to hold secret meetings or to do their business out of the eyes of the public, unless a subject is qualified for an executive session.



Meeting Requirements

1. Meetings are posted.
2. Minutes are kept and published.



Be Careful

If a majority of the school board meets to discuss school business outside of an open publicized meeting, it is a misdemeanor.



This Includes Electronic Messaging

Your business of the school is subject to open records laws. This includes emails and texts.



Committees

As long as there is not a quorum of the board, board members can work in committees which is then not open to public viewing by law.



Reasons for Executive Session

There are six reasons in codified law to allow a school board to not meet in front of the public. No motions can be made in executive session, but matters can be discussed privately and confidentially.



The Six Reasons (paraphrased)

1. Personnel
2. Students
3. Litigation and Legal
4. Negotiations
5. Marketing strategies
6. School Safety Measure



School Meetings are for the Public

Though school board meetings are for the public, the public cannot interfere with or interrupt meetings.



Open Forum

Today, school boards must allow for time for open forum discussion, which is regulated by school policy.



Community Members on the Agenda

In addition to open forum, others may ask to be on the agenda of the board, going through the steps laid out by your school policy.



Handling Complaints

One of the toughest things you will be faced with is how to handle a complaint brought to you by a member of your district



Follow your Policy!!

Your school will have policy on handling complaints. Generally following a chain of command is the simplest answer on how to handle complaints.



Conflicts of Interest

Laws are set on making sure that school board members do not find a personal gain from a conflict of interest. Conflict of interest laws are very prescriptive on what you can and cannot do as a board member.



When in Doubt

If you have a doubt whether you are involved in a conflict of interest, recuse yourself is the best solution in most cases.



Negotiations

Schools are required to negotiate in
“good faith” with recognized labor
groups.



Certified/Classified

Certified: Hold a South Dakota certification. Teachers, administrators and specialists are examples.

Classified: Are others who are not holding a position needing a certification. Custodians, food service, bus drivers, clerical and aides are examples



Types of Funds

There are state law recognized types of school funds in your school. There are many rules aligned with each fund.



General Fund

This will be your largest fund generally. It is made up of mostly salaries of people who qualify to be paid out of this fund. Supplies and in some cases utilities and insurances are paid for out of this fund.



Capital Outlay

Lately the Legislature has loosened up the use of the CO fund. The rule of thumb is that this fund is used for buying items like equipment, vehicles, technology, and real estate. Today some of the past components of the GF are paid for out of CO, like some transportation, utilities and insurance.



Special Education

The costs of special education has its own fund, with funding from local, state and federal dollars. It is important to not use this fund on funding non-special education expenses.



Enterprise Funds

1. Food Service
2. Driver's Education



Capital Projects Funds

These funds hold the money from the sale of bonds for example to build schools.



Debt Services Funds

These funds are where the dollars are brought into from local tax levies to pay for bond payments.



Trust and Agency Funds

Groups and organizations within a school must keep their funds within the school.



Audits

It is required that schools are audited.



Fiscal Year

The new school year begins on July. That is when the new school board is brought into order and the budget starts for the next year. The FY is the year that the budget ends in.



Oh the places you will go.....

You will find that the school is a very complex organization. You will learn much in your travels through being on the board. You will also find that much of what is being done in your school is being done well. How you view your role will have great impacts on the success of your school.



Feel Free to Contact Me

Don't be afraid to call me if you have any questions. I am also available to come out and do board trainings for your whole board at your school.