



GOVERNANCE ACADEMY FOR
VISIONARY EDUCATION LEADERSHIP

**BOARD
DEVELOPMENT**



Leadership
for our future



Board President's Webinar

- Webinar for Board Presidents-2020

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Leadership

True leaders don't create followers, they create more leaders.

Tom Peters

Integrity is the most valuable and respected quality of leadership. Always keep your word.

Brian Tracy





Topic Covered

- Roles and Responsibilities
- Planning and Presiding
- Meetings and Public Input
- Handling Complaints
- Superintendent and Board Evaluations
- Rogue Board Members
- Roles of a School Board





SDCL 13-8-26

- *“The president of the school board shall appoint all committees, and shall preside at the meetings of the board. The president, or in the president's absence any board member designated by the school board at a board meeting, shall countersign all checks or warrants drawn by the business manager which have been authorized for payment by the school board.”*





Roles and Responsibilities

- Signs notes.
- Signs contracts, warrants & documents.
- Appoints board committees.
- *“the president of the school board is the truancy officer.”* SDCL 13-27-14
- Calls Special Meetings.





Roles and Responsibilities

- Assisting the superintendent in planning the board's agendas.
- Representing the board at official functions.
- Acting as a resource to the superintendent on decisions that may require further information between board meetings.





Special Meetings SDCL 13-8-10

- *“Special meetings may be held upon call of the president or in the president's absence by the vice-president, or a majority of the board members. Notice of such meeting shall be given by the business manager to the board members either orally or in writing in sufficient time to permit their presence.”*





Things to Avoid

- Confusing responsibility with authority
- Not following the agenda
- Not controlling the agenda and discussion
- Not being consistent
- Getting out of your lane of responsibility
- Micromanagement





Public View of Your Meetings

How you conduct your meeting is a reflection of how the public views your school district.

Is your meeting professional?

Is it run like a business?

Do you spend your time on what is best for a student's education?





Setting the Agenda

- *Construction*
 - **Superintendent and President**
 - With input from **all**.
 - All can contribute **through** President.
 - **Chair approves** before posting.
 - ***Make sure its posted!***





Posting the Agenda

- **SDCL 1-25-1.1** Each political subdivision shall provide public notice, with **proposed agenda**, that is **visible**, **readable**, and **accessible** for at least an entire, continuous twenty-four hours immediately preceding any **official meeting**, by posting a copy of the notice, visible to the public, at the **principal office** of the political subdivision holding the meeting. *emphasis added





Posting the Agenda

- **SDCL 1-25-1.1** . . . The proposed agenda shall include the **date, time, and location** of the meeting. The notice shall also be posted on the public body's **website** upon dissemination of the notice, if such a website exists. . .



Posting the Agenda

- **SDCL 1-25-1.1 . . . “For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice.”** *emphasis added





Qualities of Solid Agenda

*The agenda is the **backbone** of the meeting!*

A well constructed agenda focuses attention on **important matters** and **minimizes surprises**.

A well-constructed agenda gives a meeting **structure, purpose** and **efficiency**.





Planning the agenda:

- Know the **reason** each item is on the agenda.
- Know what, if any, **board action** is required for each item.
- Know what **recommendations** the superintendent will make.
- Be able to **predict problems** that might arise from an agenda item and being prepared to handle the unexpected.
- Identify **celebrations** and **recognition** of staff, students or community to occur at the meeting.





Amending the Agenda?

- ***From the AG's brochure on Open Meetings law:***

“Typically the public body adopts the final agenda upon convening the meeting. At this time, the governing body may add or delete agenda items and may also change the order of business.”

“New items cannot be added after the agenda has been adopted by the governing body.”

added

*emphasis





Sample Agenda

- Call to order
- Pledge of Allegiance
- Roll call, quorum established
- **Open Forum** or Public discussion (**Now Required**)
- Approve Agenda and make changes if necessary.
- Any conflicts of interest from board members on agenda items.
- Good news or student or staff presentations.
- Consent agenda (Minutes, Financial Report, Bills, etc)
- Unfinished business items
- New business
- Committee and Administrative reports
- **Executive session if necessary (Cite Statute)**
- *Any action items from executive session.*
- *Adjourn.*

**Some schools wish to hold the open forum prior to the committee and administrative reports.*





Consent Agenda

The purpose of a consent agenda is to move the meeting along. The is generally used for pretty simple or non-controversary items to approve. Any member can request to remove an item from the consent agenda prior to the vote in order to discuss that item. That item would then need to be voted on separately.





Examples of consent items

- Approval of minutes.
- Approval of financial reports.
- Approval of bills and claims.
- Approval of new contracts for employees.
- Approval of contracts for goods and services.



Presiding at the Meeting

- Call the meeting to order **on time**.
- Setting a **positive tone** for the meeting.
- **Repeating all motions** in their entirety before taking a vote.
- **Preserving order**.
- Moving the meeting along by adhering to the **agenda**.
- Keeping **discussion centered** on the issue.





Presiding at the Meeting

- Promoting discussion, allowing **all sides** of an issue the opportunity to be heard.
- Treating all board members **fairly and equally**.
- Understanding and using **basic parliamentary procedures** to ensure that motions and votes occur appropriately.
- Bringing each issue on the agenda **to conclusion** in a clear way.
- Ensuring that all meetings comply with the **Open Meetings Law**.
- **Adjourning** the meeting.





Use of Parliamentary Procedure

Parliamentary procedure should **guide** the conduct of school board business:

- Steps in Motion
 - The motion is stated and seconded.
 - President restates the motion.
 - Discussion.
 - President restates the motion and the vote is taken.
 - President announces the outcome of the vote.
- Methods for voting
 - Voice vote
 - Roll call
 - Show of hands
 - Paper ballot (results must be recorded publicly)





Examples of Chair's Comments

- “Action item number 12 is for adoption of a new K-5 math curriculum. Do I have a motion? Motion is made by _____, do I have a second? Seconded by _____. The motion is, made by _____, seconded by _____. Is there any discussion?”
- “Is there any further discussion? Hearing none, the motion before you is All those in favor say ‘Aye’ Opposed same sign. The motion passes 5-0.”



President's Abilities to Partake

- **Chair may make motions.**
- **Chair may make seconds.**
- **Chair may speak on issues.**
- **Chair votes regardless of tie.**
- **Board decisions made by consensus.**





Meetings and Public Input

- School board meetings are **held** in the public – *they are NOT public meetings.*
- The public may participate in open forum or only **upon invitation** by the **board president.** *(Now Required)*
- Individuals do not have a right to **interrupt** the proceeding of the board.
(SDCL 22-18-35)





Open Forum

Now Required by Law

SDCL 1-25-1: The public body shall reserve at every regularly scheduled official meeting a period for **public comment, limited at the public body's discretion**, but not so limited as to provide for no public comment. At a minimum, public comment shall be allowed at regularly scheduled official meetings which are designated as regular meetings by statute, rule, or ordinance.





Open Forum

- ***Open Forum/Public to be Heard***
 - **Policy?**
 - Time limit?
 - Number limit?
 - Have sign-up sheet, agenda, and policy at their disposal.
 - **Chair/President controls!**
 - Patron stays on topic/follows Policy.
 - Don't discuss (*ask questions*).





Open Forum

Open forum provides the public an opportunity for patrons (*within policy limits*) to express opinions or concerns. ***District policy should define procedures.***

It is important for board members to understand that *no response* is required during this time. *This is not the time to put individual board members or administrators on the spot.*





Avoid these in open forum:

In **open forum**, boards should not . . .

- Take action on an item raised by a patron.
- Discuss the issue with the patrons.
- Allow staff to introduce grievances.
- Allow staff, students or patrons to name individual teachers, students or families.
- Run open forum beyond the time.



Public's wish to be on agenda

The public can also be on the agenda asking for some action to be taken. In order for that to happen, the school should have a policy that identifies what is the procedure to follow to be on the agenda.

Where should personnel issues be dealt with by the public? Executive session can be used for personnel issues.





Open Meeting Law

SDCL 1-25-1 states: *“The official meetings of the state, its political subdivisions, and any public body of the state or its political subdivisions are open to the public **unless a specific law is cited by the state, the political subdivision, or the public body to close the official meeting to the public.**”*

(emphasis added)





Potential Violations

When a quorum of board members is meeting privately to discuss school business.

When texting is using a “reply to all” method of communicating.

When the board is in a retreat or other special gathering of school business and not posting that agenda.

VIOLATIONS of open meeting law is serious.





Executive Sessions

Cite the law to close the meeting;

- in the agenda,
- in the motion,
- in the minutes.





SDCL 1-25-2 6 reasons

1. Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term "employee" does not include any independent contractor;
2. Discussing the expulsion, suspension, discipline, assignment of the educational program of a student.





Other reasons

3. Consulting with legal counsel or reviewing communication from legal counsel about proposed or pending litigation or contractual matters.
4. Preparing for contract negotiations or negotiating with employees or employee representatives.





Reasons cont.

5. Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business;
6. Discussing information listed in subdivisions 1-27-1.5(8) and 1-27-1.5(17).



Clarification on 1-25-2 para 6

(8) Information solely pertaining to **protection of the security of public or private property and persons on or within public or private property**, such as specific, unique vulnerability assessments or specific, unique response plans, either of which is intended to prevent or mitigate criminal acts, emergency management or response, or public safety, the public disclosure of which would create a substantial likelihood of endangering public safety or property; computer or communications network schema, passwords, and user identification names; guard schedules; lock combinations; or any blueprints, building plans, or infrastructure records regarding any building or facility that expose or create vulnerability through disclosure of the location, configuration, or security of critical systems;





Clarification on 1-25-2 para 6

(17) Any **emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material**; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel;





Rules for Executive Session

- No vote is required to come out of executive session. (Can't be done)
- There are to be no minutes recorded or notes taken in executive session. (?)
- Discussion in executive session is limited to the purpose stated in the motion.
- The **confidentiality** of executive sessions **MUST** be maintained.





Can someone record a meeting

Yes, meetings can be recorded. SDCL 1-25-11 states: *“No state, political subdivision, or public body **may prevent** a person from **recording**, through **audio or video technology**, a public meeting that is **open to the public** as long as the recording is **reasonable, obvious, and not disruptive.**”*





Teleconference Meetings

Teleconference

“(4)"Teleconference," information exchanged by any audio, video, or electronic medium, including the internet;”

Make sure to do role call on these meetings.





Role with public complaints

People will expect for you as an elected official to solve their concerns. How you handle complaints will be known quickly around your school district. It is a fine line between being responsible to your constituents as well as being supportive of the people who work for your district. Your school will run much smoother and more efficiently if your administrators and your staff feel that you are supportive of them.





Board's judiciary role

The school board plays the role of both judge and jury when grievances or hearings are held in your district. You **MUST** stay unbiased prior to that time if it goes that far.

You are the final decision maker for the school.

School board decisions can be appealed to the Circuit Court and then to the Supreme Court of South Dakota.





Why boards are reversed

The main reasons that school boards are:

1. There were procedural errors in how the matter was address, or
2. The governing board/members were bias.

Will comments you make about staff in public come up in a hearing?





How to handle complaints

- Not expected to or required to operate “*in a vacuum of knowledge*”.
- Can listen to person who brings a complaint to you.
- But should not agree or disagree with the person.
- And should not make any commitment (i.e., “*I’ll check into it*” or “*I’ll take care of it*”).





A model approach

LAST

L = Listen

A = Acknowledge

S = Send (send to the correct person)

T = Thank (*Think: Is this a Board issue?*)

Do you need to follow up?





Superintendent Evaluations

Your superintendent is to be formally evaluated by you. This can be awkward and sometimes a task board members don't enjoy doing. Are there other methods you can use that will make the evaluation a more helpful process without being intimidating? Generally your superintendent is evaluated informally often by board actions.





Methods to Evaluate

- **Superintendent**
 - Standards-Based
 - Goals-Based
 - Hybrid/Your own – Contract Based?
 - ASBSD samples
- **Board self-evaluation**
 - Policy?
 - ASBSD sample





Evaluations

- **Superintendent**
 - Purpose of Evaluation
 - Strengths
 - Areas of Concern
 - No Gotchas
 - Timeline
 - Standards/Goals
 - Superintendent Self-Evaluation
 - Focus on Evidence
 - Make the most of the dialogue





Board Members as a Team

When a team approach falls apart on a board, students and staff, as well as the whole district can suffer.

Are you working with the administration?

Are you working with the community?

Are you working with each other?

Cliques?





Diverse opinions

You don't always have to agree. Your board doesn't always need to be unanimous. But in the end you need to come together and support each other. Diverse opinions is good to have. But the final decisions need to be supported by all, both publicly and privately.





Rogue Board Members

The dictionary definition of a rogue is pretty straightforward:

Rogue:

“an unprincipled, deceitful, and unreliable person”





What makes a rogue, a rogue?

- Members who frequently act with a willful disregard of **rules or board authority**.
- The person who routinely uses ***implied authority*** to push an idea or agenda.
- A **micro-manager** with an over-inflated opinion of his or her abilities and understanding of the value of personal contributions to school governance.
- A person who seeks temporary alliances to further a **personal agenda**.
- Does not subscribe to a **code of ethics**.





How do rogues get elected?

- Community unrest
 - Controversial issues or decisions
 - Passed or failed building projects
 - Unsettled teacher contracts
 - Athletic disputes
 - Etc.
- By appearing to be very informed and opinionated
- Through manipulation and/or capitalizing on community unrest
- May be perceived as a person who can “*get things done*”





How to handle a rogue

- Once seated, **nothing legally** can be done to unseat the rogue member as long as he or she is performing the duties of the office
- Although a board may have to tolerate the rogue member, a passive approach seldom improves the position
- Appealing to their sense of fairness is seldom effective
 - *The rogue will use the boards' reluctance to his or her advantage in furthering a personal agenda*





How to handle a rogue

- Ignoring the problem is **not** a solution
 - Immediate steps are necessary
 - Doing nothing will only serve to escalate the problem
 - More harm will occur unless the board takes action
 - Board leadership will be stifled
 - School momentum will be compromised
 - Administrators and staff may be placed in an untenable position





Superintendent's role

Your superintendent is not the person who can solve a rogue board member.

Remember, they are your (and the rogue's employee). It is the board's role, and especially the board chair's role to keep the board functioning effectively.





Can executive session be used

1. Discussing the qualifications, competence, performance, character or fitness of **any public officer** or employee or prospective public officer or employee. *The term "employee" does not include any independent contractor;*

This may be one time other than discussing the superintendent that the board meets alone in executive session.





Removal of a board member

It is rare for board members to be removed prior to the end of their term. Generally the law favors who the majority of the public want to represent them through the election process. However SDCL 3-17-6 states: *“Grounds for removal of local officers from office. Any officer of any local unit of government may be **charged, tried, and removed from office for misconduct, malfeasance, nonfeasance, crimes in office, drunkenness, gross incompetency, corruption, theft, oppression, or gross partiality.**”*





Roles of a School Board

Simply put, your main roles as a school board are to do three main things:

1. Hire and fire the superintendent.
2. Make policy.
3. Adopt a budget.





Your roles as a board chair

- **Leadership**
- **Agendas**
- **Meeting Management**
- **Committee Appointment & Direction**
- **Chair/Superintendent Relationship**
- **Board Conduct**
- **Board Learning and Development**
- **Self-evaluation**





What makes a good chair?

- act more as **facilitator**
- find **common ground** among divergent views
- fair and **even-handed**
- **respectful** of dissenting views
- **civil** in tone
- **honest**





ASBSD Services

- **ASBSD Protective Services Trust**
- **Annual Joint Convention**
- **Delegate Assembly**
- **Communication**
- **Council of School Attorneys—Legal Services**
- **Legislative Representation**
- **Policy Services**
- **South Dakota Teacher Placement Center (SDTPC)**
- **Superintendent Search**
- **Board Development**





Feel Free to Contact Me

It is my job to help direct school boards in the right direction.

I would love to come out and do a board training for you. Trainings:

1. Governance
2. Strategic Planning
3. Budgeting
4. Negotiations
5. Building Projects





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» Jim Holbeck 605-941-1570

» Thank you!!!!

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