

EDUCATION
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Education

Welcome to
School Board U





Governance 101: Basic Roles and Responsibilities Webinar

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What will we learn today?

My goal is for you to learn six outcomes:

1. Board members understand the purpose of a school board and their place as a governing body in our American form of government.
2. Boards understand their roles and responsibilities as school board members
3. The Board understands the importance and process of policy development

What will we learn today?

- 4. Board members understand their legal responsibilities under the law.
- 5. Board members understand effective board meeting strategies.
- 6. Board members understand the importance of operating as a team.

A decorative graphic on the left side of the slide. It features a circular inset showing a chalkboard with the words 'Ties', 'Ties', and 'atio' written on it. Below the chalkboard, there is a glass containing several colored markers (yellow, blue, red).

Learning Outcome #1

Board members understand
their place as governing bodies in
our American form of
government.

S.D. Constitution Established Public Schools

Article 8, Section 1:

§ 1. Uniform system of free public schools. The stability of a republican form of government depending on the morality and intelligence of the people, it shall be the duty of the **Legislature to establish and maintain a general and uniform system of public schools** wherein tuition shall be without charge, and equally open to all; and to adopt all suitable means to secure to the people the advantages and opportunities of education.



SDCL 13-18-1 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.”*

You have super powers!

By law, school boards are given direct authority to manage their school district.

SDCL 13-8-39 Management of schools by board

- As provided and limited by law, the school board has general charge, direction and management of the schools of the district and control and care of all property belonging to it. The school board may levy taxes, borrow money, employ any necessary personnel, lease real and personal property, carry liability and other insurance, purchase all necessary books and equipment, purchase real property and erect necessary buildings for the operation of such schools.

Unique aspect of school boards

The School Board has responsibilities in each of the three branches of government:

- **Legislative** – develop and adopt policy
- **Executive** – hire and fire staff
- **Judicial** – hold hearings in judicial matters

So, What is Your Job as the Board?

Outcome #2

Board members understand their roles and responsibilities as school board members.



So, What is Your Job as the School Board?

One of the main reason conflicts come up in school boards is because of unclear definition of roles. Stay in your lane....



So, What is Your Job as the Board?

4 Primary Responsibilities!

1. Hiring/Evaluation of Superintendent
2. Budget Adoption – Fiduciary Responsibility
3. Making Policy
4. Set direction of the school



What do effective school boards do?

EIGHT CHARACTERISTICS OF EFFECTIVE SCHOOL BOARDS

National School Board Association looked at several studies on effective school boards. Their meta-analysis in 2019 showed the most effective school boards had 8 fundamental characteristics



What do effective school boards do?

EIGHT CHARACTERISTICS OF EFFECTIVE SCHOOL BOARDS

1. Effective school boards commit to a **vision of high expectations** for student achievement and quality instruction and **define clear goals** toward that vision
2. Effective school boards have **strong shared beliefs and values about what is possible for students** and their ability to learn, and of the system and its ability to teach all children at high levels.



What do effective school boards do?

EIGHT CHARACTERISTICS OF EFFECTIVE SCHOOL BOARDS

3. Effective school boards are **accountability driven**, spending less time on operational issues and more time focused on policies to improve student achievement.
4. Effective boards are **data savvy**; they embrace and monitor data, even when the information is negative, and use it to drive continuous improvement.



What do effective school boards do?

EIGHT CHARACTERISTICS OF EFFECTIVE SCHOOL BOARDS

5. Effective school boards have a **collaborative relationship with staff and the community** and establish a strong communications structure to inform and engage both internal and external stakeholders in setting and achieving district goals.
6. Effective school boards **align and sustain resources**, such as professional development, to meet district goals.



What do effective school boards do?

EIGHT CHARACTERISTICS OF EFFECTIVE SCHOOL BOARDS

7. Effective school boards **lead as a united team with the superintendent**, each from their respective roles, with strong collaboration and mutual trust.
8. Effective school boards **take part in team development and training**, sometimes with their superintendents, to build shared knowledge, values and commitments for their improvement efforts.



What do effective school boards do?

Wade's additional characteristics of effective boards. 12 years working with school boards has taught me the most effective boards do all the above PLUS!

- They have a **visible passion to see ALL young people learn and succeed** – THEY LIKE KIDS!
- They **celebrate success** wherever and whenever it happens. Are you invested in your kids?



So, how are you doing?

See anything the board could collectively
work on?



Whose Job Is It?



Whose Job Is It?

Superintendent

- Is the person through which all administration of the school district is lead – in charge of day to day operations
- Reports directly to the board and is part of the **governance team**.
- Is **evaluated** by the board under a written agreed-upon process.
- Participates in **executive sessions** (except where the salary or evaluation of the superintendent is discussed).
- Relies on the **board policy manual** for direction when board is not in session.



School Board Member's Job

1. You must believe that every child can learn. *(This is critical for your success as a board member and your students.)*
2. You must participate responsibly. *(Come to meetings on time and prepared to act.)*
3. Remember the only authority you have lies in the official action of the school board. *(You have **no legal authority to act alone** unless the board as a whole specifically delegates a task to you.)*

The header features a green apple on the right side, partially overlapping a dark green curved banner. In the background, the word "EDUCATION" is written in white chalk on a dark surface.

School Board Member's Job

4. You are responsible for the behavior and productivity of the group. *(You are responsible for both yourself and the board.)*
5. Be a good listener. *(You may acquire a reputation of wisdom simply by being willing to listen to others.)*
6. Refrain from getting involved in teacher/personnel issues whenever possible. *(The board has hired a superintendent to manage personnel.)*



School Boards Member's Job

7. When a special interest group approaches, insist on your right to hear and review all the facts before you act.
8. Give the superintendent and staff your public support. *(Except in unusual and mitigating circumstances, the superintendent has a right to expect support.)*
9. You must function as a team. *(The board governs and the superintendent administers the policies of the board.)*

School Board Member's Job

10. You support board decisions. (*No matter how you voted on an issue, you are obligated to support the majority on board decisions.*)

11. Make an effort to be informed. (*To stay informed requires time and effort so don't be afraid to ask for updates from the superintendent as you feel the need.*)

12. You focus on the question: ***“is this the work of the board?”*** (*Dealing with long term school issues and the “big picture” is the “work of the board”.*)

School Board Member's Job

13. Make sound decisions by discussing all sides of an issue before voting. Be open to others ideas; they may have a better solution to solve a problem.





School Board Member's Job

***IT IS NOT THE SCHOOL
BOARD'S ROLE TO RUN
THE SCHOOLS.***

***IT IS THE SCHOOL BOARD'S
ROLE TO SEE TO IT THAT THE
SCHOOLS ARE RUN WELL!***



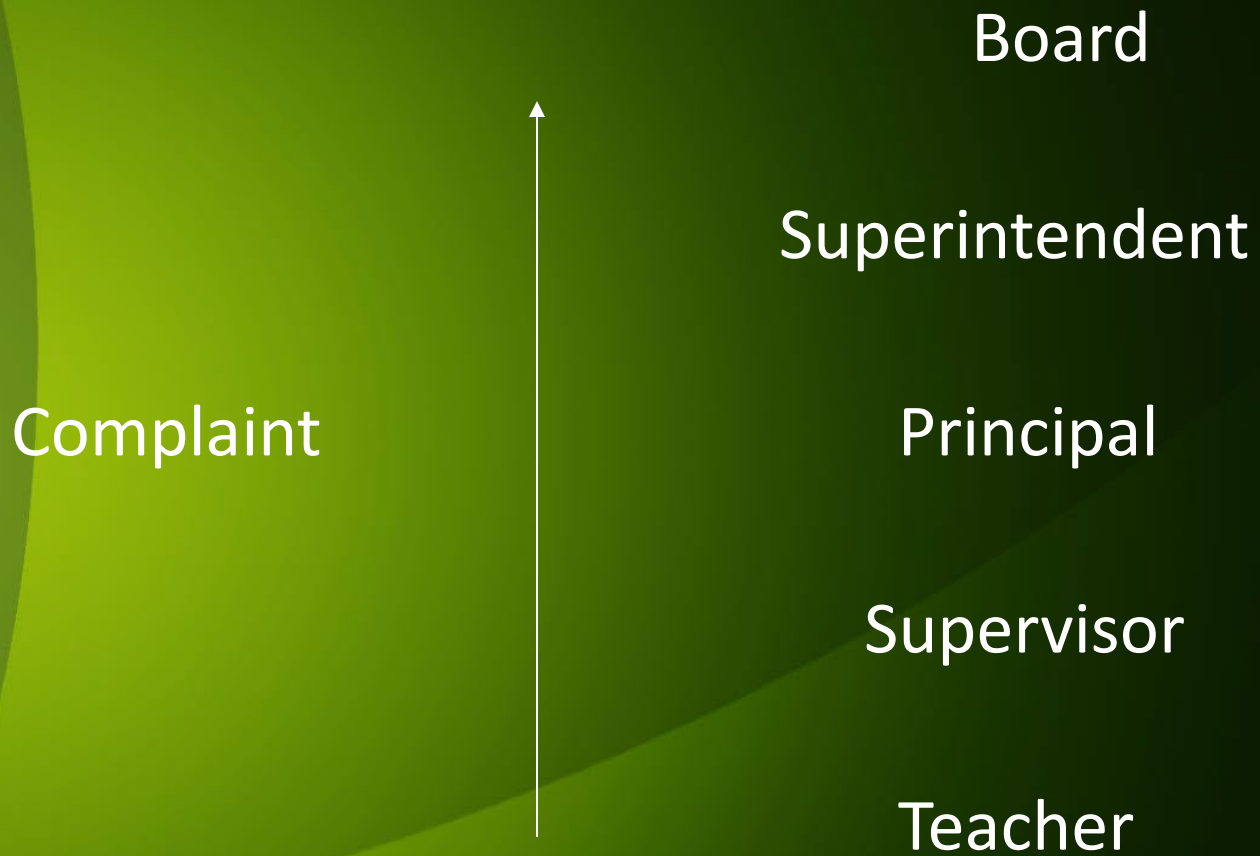
Scenario #1

As you shop at the local grocery store, a friend stops and asks for your help in “looking into” a problem with a teacher. As you listen, the issues don’t seem to be serious, but a lot of them. The friend has one of their children in the teacher’s classroom and has discussed the issues with two other parents.

What do you do?

What is your role at that point?

Chain of Command



Chain of Command

Stay in your lane. Your responsibility is not to solve school issues unless it's specific to your board responsibilities.

Complaints should usually be brought to the authority closest to the problem. Why?

Chain of Command

Most common reasons Board decisions, after a hearing, are overturned by the courts

1. Board member(s) were bias
2. Board/School did not follow their own policy

Chain of Command

Best way to respond to a
patron/parent:

LAST

L = Listen

A = Acknowledge

S = Send (send to the correct person)

T = Thank

(Think: Is this a Board issue?)



Chain of Command

The procedures a patron/parent follows to address a concern with the school:

1. Meet with the person closest to the problem (i.e. teacher).
2. Meet with the principal.
3. Meet with the superintendent.
4. A hearing before the school board.
5. SDCL 13-46-1; Right to Appeal the board's decision to Circuit Court.



Outcome #3

The board understands the
importance for policy
development



Why is Policy Development Important?

One of the most important jobs of any school board is to develop and update policies for the school district.

Why is this a critical job for the board?



Why is Policy Development Important?

*“Policies of a school district, . . . ,
have the full force and effect of law,
and legally bind the school district.”*

SD Supreme Court

*Wessington Springs Education Association
v. Wessington Springs School District #36-2,
467 N.W.2d 101, 104 (S.D. 1991).*



Policy work

*School boards have the authority to develop **policy** to be the **law of the school district**.*

Each school board should have a **school board attorney** designated to handle school system legal matters.

The **school board attorney's role** is to provide advice to the district on questions, provide explanations, present opinion and define legal problems that may arise as a consequence of a board decision.

The top of the slide features a decorative banner. On the left, the word "EDUCATION" is written in white chalk on a dark green chalkboard. To the right of the text is a bright green apple. Further right, a portion of a clear plastic container holding several colored markers (yellow, blue, red) is visible. The banner has a curved, wavy bottom edge.

What Policy is...

Policies should:

- ✓ Provide direction for where the district is and where the district hopes to be in the future.
- ✓ Be broad enough to admit discretionary action by the administration in meeting day-to-day problems and yet specific enough to give clear guidance.
- ✓ Protect the district from litigation.



What Policy is...

- ✓ Provides for fair, reasonable, consistent and impersonal treatment of issues.
- ✓ Provides a procedure in advance for handling problems as they arise, before emotions get involved.
- ✓ Saves time and effort by eliminating the need to make a new decision each time a recurring situation arises.
- ✓ Aids boards in appraising the school system's educational services.

A decorative header image featuring a chalkboard with the word "EDUCATION" written on it, a green apple, and a container of colorful markers.

What Policy is...

Policy is the voice of the board speaking when the board is not convened.

EDUCATION



ASBSD Policy Alert:



Who do you call for policy help?

Call your local school attorney or ASBSD Director - Policy and Legal Services;

- ASBSD's comprehensive line of [Policy Services](#) includes *ASBSD's Online Policy Services*.
- **Policy Alert:** ASBSD's comprehensive line of Policy Services now includes a monthly communication, titled: *ASBSD Policy Alert*.
- **ALL ASBSD Members have access to the ASBSD Policy Manual - FREE - 450 sample policies to use**



What should the Board do with Policy work?

Important! Set up a policy review schedule, committee.

Important! Analyze all new ASBSD policies you receive in Policy Alerts

Could also have a complete policy review done by ASBSD

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Learning Outcome #4

Board members understand
their legal responsibilities under
the law.

Scenario #2

You receive an email from a fellow board member addressed to you and the other board members. At the next board meeting you will be voting on a fairly divisive issue for the community and this board member wants to know how you feel and if you know how you will vote on this issue.

What would you do?

Open Meetings Laws – SDCL 1-25-1

“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.”

All school board business MUST be done in public with a few exceptions.

Open Meetings Laws – SDCL 1-25-1

All meetings of a public body, including school boards, must be open to the public.

A quorum must be present to conduct official business. (Same place, same time, school business discussed.)

Open meeting laws do not apply to a social or chance of gathering where a quorum is present as long as board members do not collectively discuss matters of public policy.



Open Meetings Laws

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

Scenario #3

You serve on the Freedom School District Board of Education, made up of 5 elected board members. On a Saturday night, you and two other board members happen to be at a restaurant with your families at the same time. A parent comes up to you and wants to talk to you and the other two board members about the last basketball game. When the three of you get together off to one side of the restaurant, the parent explains how the coach is unfair in the way they play the athletes. His son, who is a senior and has gone to every practice and works hard at each practice, doesn't get to play as much as a freshman who has missed practices and isn't any better than his son, in his opinion.

What do you say to this parent?

Who do you contact with this information?

What do you say at the next school board meeting?



Open Forum

Required by Law

SDCL 1-25-1: The chair of the public body shall reserve at every official meeting by the public body a period for public comment, limited at the chair's discretion, but not so limited as to provide for no public comment.



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.*



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.



Scenario #4

At your school board meeting, a parent, during the public discussion time, stands up and states they want to discuss this high school's ACT scores for questions that are related to upper level math.

Should the board chair allow them to talk? If so, what guidelines will the board chair state in advance?

The parent continues to discuss how the overall Math tests scores for your school are not doing very well and that the biggest reason is poor teaching by the Algebra II teacher.

Is this allowable for open forum discussion?

Posting the Board Agenda

SDCL 1-25-1.1 All public bodies 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 meeting, by posting a copy of the notice, visible to the public, at the principal office of the public body holding the meeting.

Violating Open Meetings Laws

A violation of **Open Meetings Law** or the provision on release of materials is a ***Class 2 Misdemeanor*** (maximum penalty is **30 days in jail** and/or **\$500 fine**).



Conflict of Interest

SDCL 6-1-17: “Official prohibited from **discussing** or **voting** on issue if conflict of interest exists. . . .

. . . , no such official may participate in **discussing** or **vote on** an issue if the following circumstances apply:”



Conflict of Interest

1. The official has a pecuniary interest in the matter before him/her.
2. At least 2/3 of the governing body votes that the official has an identifiable conflict of interest that should prohibit such official from voting on a specific matter.

If an official with a direct pecuniary interest participates or votes on a matter before the governing body, the legal remedy is to ***invalidate the official's vote***



Conflict of Interest

Who?

- board member,
- business manager,
- chief financial officer,
- superintendent,
- chief executive officer,



Conflict of Interest

- Establishment of a \$5,000 financial threshold for conflict of interest disclosures.
- Distinguishes between having an interest in a contract and deriving a direct benefit from a contract
- Development of a conflict of interest disclosure form by the state's Attorney General.



Conflict of Interest

Penalties (knowingly violates)

- Class 1 misdemeanor, \$1,000 and/or one year in jail
 - Removed as school board member
 - Employment terminated
 - Contract voided
 - Benefit forfeited

Board Members and Social Media

What can board members say on social media?

Anything they want that's personal information but,

Limited on what can be said related to the school and the school board

Board Members and Social Media

Don't share information about board discussions, board decisions, especially executive sessions, unless it is public knowledge.

Commenting on board decisions only creates divisiveness and erodes trust

Board Members and Social Media

Posting something school related on an individual board member's private account, then inviting other board members to comment would be a violation of open meetings law.



Executive Session

SDCL 1-25-1

“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.”

Executive Session

SDCL 1-25-2

1. Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee.
2. Discussing the expulsion, suspension, discipline, assignment of the educational program of a student.
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.
5. Discussing marketing or pricing strategies.
6. To discuss or implement school safety measures.



Executive Session

- A **vote is required** to go into executive session. (*Motion, second, majority vote*)
- The specific statute **must be referenced in the motion** (i.e., motion to go into executive session pursuant to SDCL 1-25-2 (1) or “for personnel, pursuant to SDCL 1-25-2 (1). *(It’s the law.)*)
- Official action **MUST** be made in an open meeting.



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. Why?

Scenario #5

At the end of a school board meeting the board votes to go into executive session under SDCL 1-25-2 (2) to talk about a possible disciplinary action involving two students.

Once that discussion is concluded, the board chair asks if there are any other issues the members want to talk about. One of the board members is concerned about the conduct of the basketball coach and a lengthy discussion ensues. Another board member complains about the cost of the school lunch prices and has heard from the public about that issue often. Further dialogue happens on that issue too.

Following those discussions, the board comes out of executive session, but no action is taken on any issue.

A month later the superintendent gets a notice that a complaint has been filed with the Open Meetings Commission. The complaint stipulates that the school board discussed a personnel issue in executive session and other topics unrelated to the motion of SDCL 1-25-2 (2).

Does the Open Meetings Commission have a potential case against the school district?



Outcome #5

Board members understand effective meeting strategies.

Board Meeting Agendas

*A well-constructed agenda gives a meeting **structure, purpose and efficiency**. A well constructed agenda focuses attention on **important matters and minimizes surprises**.*

The board needs to be creditable before the public. Poorly run meetings do not give you credibility.



Board Meeting Agendas

- Call to order
- Pledge of Allegiance
- Roll call, quorum established
- **Open Forum** or Public discussion
- **Academic Progress Update**
- 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.*

Board Agendas

The consent grouping on the agenda can be used for items that do not require board discussion. Examples might include:

- Approve minutes of previous meeting(s)
- Approve current bills for payment
- Approve current payroll for payment
- Approve contracts for new employees
- Approve contracts for goods and services

Board Agendas

Some items that might appear on the **consent agenda** at one time may not be appropriate at another time.

In any case, board procedure should allow **any member to remove items** from the consent agenda for separate discussion and action.

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)

Tips for Effective Board Meetings

- Meetings should begin on time
- Arrange the board meeting room so board members can **see each other** and the room **accommodates patrons**.
- **Board information** is timely and complete.
- **Questions** are asked prior to the meeting.
- A **consent agenda** is used.
- Members stay on the **topic**.
- **Parliamentary procedure** should **guide** the conduct of school boards business.
- Ask me about Quorum sometime. Its an excellent online meeting planner available through ASBSD.

Tips for Effective Board Meetings

- **Publicly support** majority decisions.
- Do NOT **surprise** fellow board members or the superintendent and vice versa.
- Listen and observe during **open forum**.
- Respect **philosophical differences** among board members.
- Maintain **confidentiality** of communications.

Failure to have a protocol for meetings gives a board a nonprofessional appearance and provides an open invitation to chaos.



Learning Outcome #6

Board members understand the importance of operating as a governance leadership team.



Governance Team

Is working together as a
governance team important?
Why?



Most Effective Boards Work As A TEAM

Together the Board and Superintendent develop a relationship that fosters a strong team to accomplish the goals of the districts

Set board **vision, mission** and **goals**.


- **Respect** the superintendent and fellow board members.
- The relationship between the superintendent and any individual board members is **collegial not hierarchical**, based upon mutual respect for the complimentary roles.
- The superintendent is **accountable** only to the **FULL** Board of Education.
- The board and the superintendent have the right to expect **performance, candor** and **honesty** from one another.



Most Effective Boards Work As A TEAM

Most essential ingredients for a TEAM to work together:

- **Respect** for one another, even when opinions differ
- **Know your role** and stick to it.
- **Trust** each other

- 
- ## So, What is Governance?
- Governance is steering . . .
 . . . management is rowing.
 - Governance is making the rules . . .
 . . . management is playing the game.
 - Governance is defining the work . . .
 . . . management is making sure the work gets done.
- fppt.com

So, What is Your Job as the Board?

4 Primary Responsibilities!

1. Hiring/Evaluation
Superintendent
2. Budget Adoption
3. Making Policy
4. Setting Direction

That's Governance

Other services

In addition to your
Superintendent,
where can you go for help?





Heath Larson

ASBSD Services – Who Do You Call?

**Executive Director, general information,
advocacy issues**

How do you find out more?

Contact Heath Larson,
Executive Director
hlarson@asbsd.org



ASBSD Services – Who Do You Call?

Protective Trust Services:

How do you find out more?

Contact Holly Nagel at
hnagel@asbsd.org



ASBSD Services – Who Do You Call?

Communication Services:

How do you find out more?

Contact Tyler Pickner at
tpickner@asbsd.org



ASBSD Services – Who Do You Call?

Policy and Legal Services:

How do you find out more?

Contact Naomi Cromwell

ncromwell@asbsd.org



ASBSD Services

More resources at:

www.asbsd.org

605-773-2500

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Thank You for all you do for Kids!

