



**1051 Monroe Street  
Albany, CA 94706**  
510.558.3750 Phone  
510.559.6560 Fax  
[www.ausdk12.org](http://www.ausdk12.org)

**District Administration**

Valerie Williams, *Superintendent*  
Peter Parenti, *Assistant Superintendent*  
Allan Garde, *Chief Business Official*

**Board of Education**

Paul Black, President  
Ross Stapleton-Gray, Vice President  
Charles Blanchard, Trustee  
Jacob Clark, Trustee  
Kim Trutane, Trustee

**Albany Unified School District**

**School Board**

**Governance Handbook**

**REVISED: April 18, 2017**

## **Thoughts on school boards, education and governance contributed by Albany Unified School Board Trustees**

“Every law not based on wisdom is a menace to the state.”

—Frederick Wellington Ruckstull

“Vision without action is merely a dream. Action without vision just passes the time. Vision with action can change the world.”

—Joel Barker

“Our progress as a nation can be no swifter than our progress in education.”

—John F. Kennedy

“Education is the most powerful weapon which you can use to change the world.”

--- Nelson Mandela

"So much of America's tragic and costly failure to care for all its children stems from our tendency to distinguish between our own children and other people's children--as if justice were divisible."

---Marian Wright Edelman

“Children are human beings to whom respect is due, superior to us by reason of their innocence and of the greater possibilities of their future.”

---Maria Montessori

ALBANY UNIFIED SCHOOL DISTRICT  
SCHOOL BOARD GOVERNANCE HANDBOOK  
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## **I. UNITY OF PURPOSE**

**AUSD Mission & Vision Statement  
Created October 2 and 3, 2009 by the  
Strategic Planning Committee  
Adopted by the Board on April 20, 2010**

**Retitled to Mission & Vision Statement on August 25, 2015**

The mission of AUSD is to provide excellent public education that empowers all to achieve their fullest potential as productive citizens. AUSD is committed to creating comprehensive learning opportunities in a safe, supportive, and collaborative environment, addressing the individual needs of each student.

**Values and Beliefs that helped to form  
the Mission & Vision Statement  
Created October 2 and 3, 2009 by the  
Strategic Planning Committee  
Adopted by the Board on April 20, 2010**

- A safe and supportive learning environment for all promotes student achievement and embraces diversity within our community.
- Teachers, support staff, administrators, families and the community share the responsibility for advancing the school system mission, goals, and promoting learning across the system.
- Each student is a valued individual with unique physical, social, and emotional needs.
- All students can develop a deep understanding of essential knowledge and skills, apply their learning, produce quality work, think critically, and become contributing members of society.



**ALBANY**  
UNIFIED SCHOOL DISTRICT

**Albany Unified School District Strategic Plan Goals**  
**Created by the**  
**Action Planning Teams – October 2009 to January 2010**  
**Adopted by Board of Education on April 20<sup>th</sup>, 2010**

*Revised and Retitled to Objectives & Commitments February 9, 2016*



**Objective #1:** *Assess and Increase Academic Success. Goal: We will provide a comprehensive educational experience with expanded opportunities for engagement, assessment, and academic growth so that all students will achieve their fullest potential.*

**Commitments:**

- We will implement the California Standards.
- We will provide academic intervention for students who struggle.
- We will continue to provide English Language Development Programs for students who are identified as English Language Learners.
- We will hold ourselves accountable and determine student success based on multiple measures.
- We will provide academically rigorous Career Technical Education programs that engage students in the practice of skills needed in modern work environments.
- We will provide a broad selection of Advanced Placement and honors courses across all disciplines, encourage students to enroll in these and other challenging classes, and provide support for students who do so.
- We will offer an articulated music instructional program to all 1st—12th grade students.
- We will ensure that all students and staff have access to technology sufficient to support learning and assessment.
- We will provide libraries to students and staff in each school to support learning.
- We will attract, hire, train, support, and retain a highly-qualified and diverse staff.
- We will track the college graduation rates and employment rates of former students.



**Objective #2:** *Support the Whole Child. Goal: We will foster the social and emotional growth of all students, implement an array of strategies to increase student engagement, identify individual socio-emotional and behavioral needs, and apply collaborative appropriate interventions.*

**Commitments:**

- We will provide schools that maintain a safe, inclusive, and positive climate.
- We will provide policies and procedures that reflect current research and best practices regarding students' physical and socio-emotional well being.
- We will increase the number of students who have a positive relationship or connection with staff and peers, feel safe, and have expanded opportunities to be involved at school.
- We will provide time for regular collaboration between district staff, families, and other stakeholders to identify students' needs and to develop and implement appropriate interventions.
- We will integrate the teaching and practice of social and emotional skills into our schools and evaluate the effectiveness of any adopted programs or curriculum.
- We will provide a robust attendance reporting and intervention program.
- We will provide academic counseling and intervention to students in grades 6th—12th.
- We will provide a mental health services program.
- We will provide a comprehensive “wrap-around” set of services for students who struggle in school.

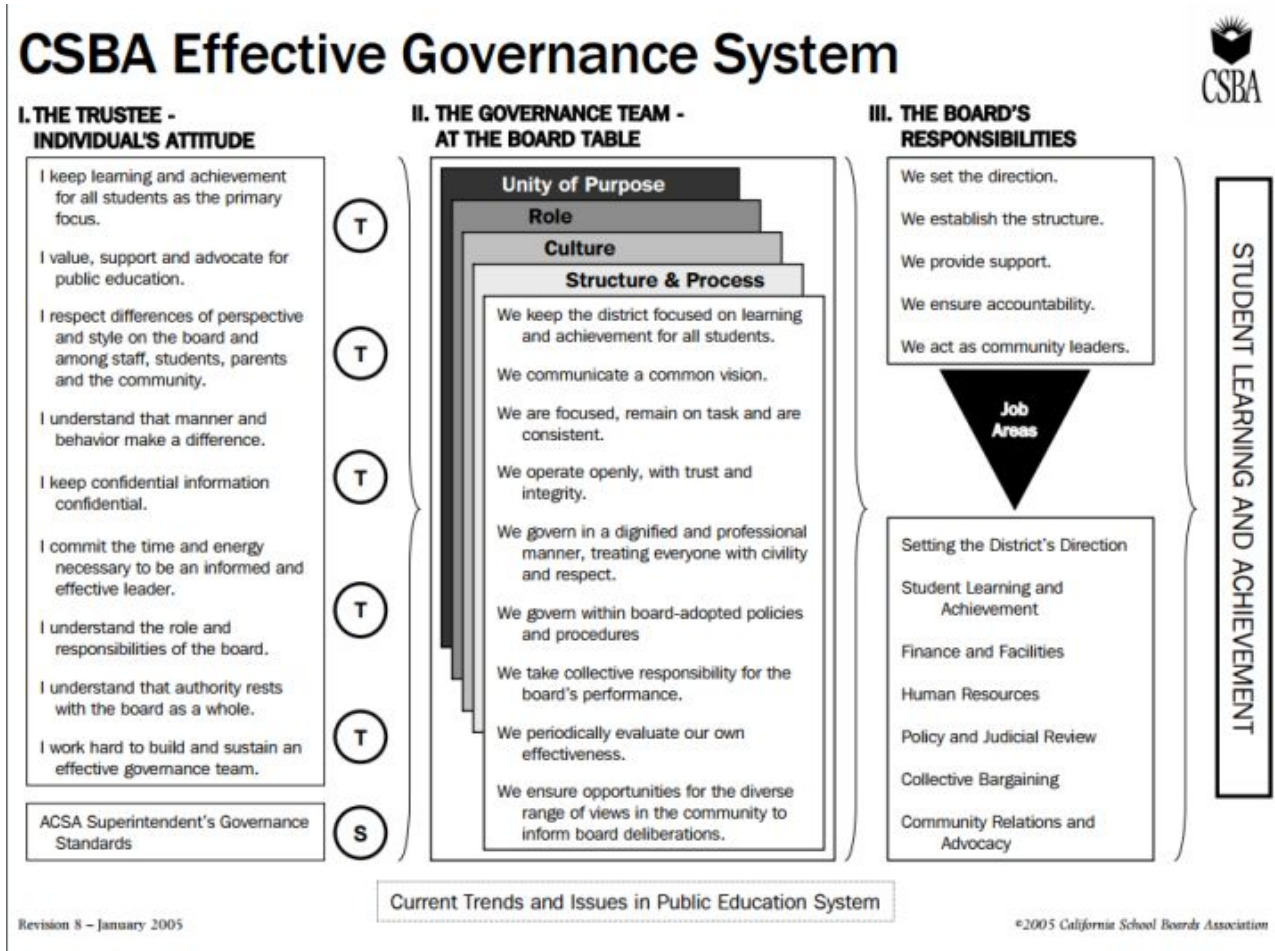


**Objective #3:** *Communicate and Lead Together. Goal: All stakeholders will collaborate and communicate about decisions that guide the sites and district.*

**Commitments:**

- We will establish effective communication among the District, the schools, and the community, and be responsive to the concerns and interests expressed by members of the community.
- We will encourage and support the engagement of parents and community members, and will develop meaningful opportunities at all grade levels for parents/guardians to be involved in district and school activities; advisory, decision-making, and advocacy roles; and activities to support learning at home.
- We will work with city and county agencies and organizations to promote and facilitate coordinated services for children, and will develop partnerships with businesses.
- We will advocate at all levels of government for support for early-childhood education and will explore the availability of grants and other financial support for such programs.
- We will provide highly-qualified clerical support throughout the district.
- We will enhance the leadership capacity at the site, district, and community levels for collaborating on making decisions, communicating, and assessing site and district goals.

## II. CSBA EFFECTIVE GOVERNANCE SYSTEM DIAGRAM



### III. AGREEMENTS TO FACILITATE GOVERNANCE LEADERSHIP

#### **Governance Team Norms and Protocols:**

The Board of Education for the Albany Unified School District is entrusted by the community to uphold the Constitutions of California and the United States, to protect the public interest in schools, and to ensure that a high quality of education is provided to each student. The Board and Superintendent must function together as a governance leadership team in order to effectively meet district challenges. Agreed upon behaviors, or norms, and operating procedures, or protocols, support consistent behaviors and actions among team members. The purpose of the governance team agreements is to ensure a positive and productive working relationship among Board members, the Superintendent, district staff, students and the community. The following norms and protocols were developed for and by the members of the governance team, and may be modified over time as needed.

#### *Our Agreements to Facilitate Governance Leadership:*

##### NORMS:

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##### PROTOCOLS:

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We have reviewed and agreed to the aforementioned governance team norms and protocols in order to support a positive and productive working relationship among the Albany Unified District Board of Education, staff, students and the community. We shall review and renew these agreements annually.

Affirmed on this 31<sup>st</sup> day of January 2011

Revised on this 17<sup>th</sup> day of April 2012

Revised on this 8<sup>th</sup> day of January 2013

Revised on this 12<sup>th</sup> day of February 2013

Revised on this 12<sup>th</sup> day of March 2013

Revised on this 27<sup>th</sup> day of May 2014

Revised on this 25<sup>th</sup> day of August 2015

Revised on this 5<sup>th</sup> day of April 2016

Revised on this 18<sup>th</sup> day of April 2017

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Paul Black, Board President

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Ross Stapleton-Gray, Board Vice-President

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Jacob Clark, Trustee

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Charles Blanchard, Trustee

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Kim Trutane, Trustee

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Valerie Williams, Superintendent

### **Meeting Guidelines: Norms**

*We agree to:*

- Maintain a focus on what is best for our students.
- Show respect (never dismiss/devalue others).
- Be willing to compromise.
- Disagree (when necessary) agreeably.
- Make a commitment to effective deliberation, each one listening with an open mind while others are allowed to express their points of view.
- Participate by building on the thoughts of a fellow Board member.
- Make a commitment to open communication and honesty, no surprises.
- Commit the time necessary to govern effectively.
- Be collaborative.
- Maintain confidentiality (which leads to the building of trust).
- Look upon history as lessons learned; focus on the present and the future.

(To be listed on the first page of meeting agendas.)

## **Protocols to Support Effective Governance**

### **1) Issue: Orienting a New Board Member**

**Principles:** A new member of the Board will need to invest time in training and understanding the job in order to be effective. Recent or more experienced Board members should mentor and support new members so that the entire Board can be efficient and effective.

#### **Protocols:**

- The president of the Board and the Superintendent should provide the resources and guidance and provide the new member with opportunities for training as soon as possible. The CSBA's workshops for new Board members are one such opportunity.
- The president of the Board should welcome the new member, provide that member with the article, "What New Board Members Need to Learn in Their First 100 Days" [http://www.csba.org/en/NewsAndMedia/Publications/CASchoolsMagazine/2012/Spring/InThisIssue/QAGovern\\_Spring2012.aspx](http://www.csba.org/en/NewsAndMedia/Publications/CASchoolsMagazine/2012/Spring/InThisIssue/QAGovern_Spring2012.aspx) (see **Appendix A**) as well as the most recent copy of the Board's Governance Handbook. Then the president should explain that any questions that arise from reading of the article and handbook can be answered by him or herself or the new Board member's assigned mentor.
- The president and vice-president should ask an experienced current or recent Board member to serve as a mentor for the new member and the mentor should meet/talk regularly with the new member to answer any questions and provide any support necessary.
- The Superintendent will meet with each new Board member individually to answer any questions and familiarize him/her with district operations.
- Each seated Board member will arrange a time to have an informal meeting with each new Board member as soon as possible after the swearing in ceremony.
- While ethics training is not legally required for school board members in California at present, the Board recommends all Board members familiarize themselves with the National School Board Association's Code of Ethics and be continually thinking about one's actions and decisions as a Board member by considering what is legal, what is ethical, and what is fair. We also highly recommend reading the brief by the NSBA entitled "Doing the Right Thing," which lists their Code of Ethics (see **Appendix B**).
- Ethics training, which is encouraged but not required, can be accessed at the following website - <http://oag.ca.gov/ethics>.

### **2) Issue: Bringing Up New Ideas or Agenda Items**

**Principles:** Board members and the public should have the opportunity to bring up new ideas or subjects of interest for future Board meeting agendas and must understand the process in order to do so. Creating a clearly defined process develops consistency, maintains

trust, and provides a process to think through issues that might have merit.

Staff focus, energy, and time, as well as other district resources must be focused on achieving the agreed upon district vision, goals, and objectives and should not be diluted by new projects. The agenda committee determines the items to be placed on the agenda. We must honor the intent of the Brown Act and provide opportunities for members of the staff and the public to inform and hear Board deliberations on all agenda items if they choose to do so.

**Protocols:**

- A Board member's first step may be to discuss the new topic or idea with the Board President and the Superintendent.
- Individual Board members may bring up a new idea or request a future agenda item by explanation during "Agenda Items introduced by the Board".  
---The Board President will ask the Superintendent for any comments on the item.

---If there are at least two Board members, including student Board members, who wish to place the item on the agenda, it shall be placed on a future agenda in a timely manner. All new ideas or agenda item topics will be weighed against their effect on staff's ability to accomplish the district vision and goals (strategic plan).

- When a member of the public speaking at a Board meeting asks that a topic be agendized, the President shall first determine whether the item is within the purview of the Board. If it is, the President shall ask the Board whether anyone wants to sponsor that item. If the item is sponsored and seconded, it shall be added to a future Board meeting.
- If no one on the Board is willing to sponsor a topic requested by a member of the public, the President shall ask the member of the public to send an email or a letter to the President and Superintendent formally requesting that the item be added to the agenda.
- Upon receiving any request in writing to agendize an item, the agenda committee shall consider the item and decide whether to agendize it in accordance with Board bylaws. The president shall respond to the correspondent with the decision of the agenda committee and, if the item is to be agendized, with the date on which it will be on the agenda.

**3) Issue: Agenda Questions Asked Before a Board Meeting**

**Principles:** Staff members' time and expertise should be treated with respect by Board members. Prior to a public Board meeting, if a Board member has questions of clarification or requests for more information about an agenda item, the Board member should let the staff member know ahead of time so as not to surprise them and to allow them to prepare their response for the public meeting.

**Protocols:**

- A Board member should read all the information in the agenda packet of a meeting ahead of time.
- If the Board member has questions of clarification or requests for information, the member should first email the question to the Superintendent, copying the President, so that the Superintendent can channel the information to the appropriate staff member.
- The Superintendent should then share the requested information with all Board members.
- To avoid potential violations of the Brown Act, the staff member providing the information should repeat the question only if necessary for context, and if so, should paraphrase the question so that the source is not evident. In addition, any comments from the Board member should be edited out and not included with the response.

**4) Issue: Purpose of the Consent Calendar**

**Principles:** Board members should keep in mind that the purpose of the consent calendar is to expedite the handling of routine business.

**Protocols:**

- Board members should not discuss or pull any items unless it is very important to do so.
- Questions on the consent calendar, once asked and answered in advance of a Board meeting, should not be asked again at the meeting unless the Board member feels there is information that is important for the public to know, or unless the member wants a separate vote on the item. In the latter case, the member should ask that the item be pulled from the consent calendar.
- Only re-occurring and standard contracts should be placed on the consent calendar. Unique and first-time contracts should be listed as action items.
- Consent calendar items should be routine and non-controversial.

**5) Issue: Using Board Meetings as Strategic Leadership Tools**

**Principles:** Board meetings are opportunities to strategically move the district forward, and to communicate direction, district priorities, and progress to the community.

When the public understands the process and the thinking behind Board decisions, there is generally more community support for the decision.

**Protocols:**

- When possible, Board members and the Superintendent will regularly link Board meeting agenda items and discussions to the district vision, goals, and strategic plan.
- Board members will ask clarifying questions about agenda items in order to

demonstrate and make as clear and transparent as possible the dialogue leading up to decisions made by the Board.

- At the end of each discussion, the president will sum up the points of view and any consensus reached and ask the members to confirm whether the summary is accurate.
- When a Board member makes a motion, if necessary the president will clarify the meaning of a yes or no vote on the motion. After a vote, the president will clarify for staff and the public the meaning of the vote. This clarification will be memorialized in the minutes along with the numbers of ayes, nays, and abstentions.

#### **6) Issue: Use of Abstentions**

**Principles:** The public has the right to know how a Board member stands on any issue that comes to a vote. Abstentions should not be used to avoid making a hard choice or taking a definite stand.

#### **Protocols:**

- When called on to vote, each member will vote aye or nay unless the member has a financial conflict of interest, as defined by Board policy and Ed code.
- If a member feels that there is insufficient information to vote on a motion, that member should move that the motion be tabled for lack of information and placed on a later agenda. If the motion does not pass, the member may abstain from a vote.
- Regardless of whether the Board votes to table the item for later consideration or decides to continue with the vote in the current meeting, the Board member's objection that there was insufficient information on the item will be memorialized in the minutes.

#### **7) Issue: Timing of Board Meetings**

**Principles:** The Board and the public should understand the relative importance of a meeting agenda item and know when to anticipate the discussion of an item of interest.

#### **Protocols:**

- Each item on the meeting agenda will include the time for discussion and the amount of time reserved for that item.
- The Board president or designee will keep track of the time and if it appears that any item may take substantially more than the time allotted for it, the president may ask the Board to indicate by the showing of hands whether they want to continue discussion of the item and, if so, by how long.

#### **8) Issue: Minimizing Environmental Impact**

#### **Principles:**

The Board desires to minimize the environmental impact of the printing of Board agendas

and ancillary materials.

**Protocols:**

- The district will distribute all Board-meeting-related materials electronically rather than on paper to the degree practicable and allowed by law.
- If a Board member cannot read electronic copies of the Board agenda for any reason, the member, the Superintendent, and the Board President shall reach a mutually-agreeable accommodation for that member.

**9) Issue: Board Electronic Communications**

**Principles:** Board members often receive inquiries and requests for action by email or on social media. To make sure responses are consistent and to avoid violations of the Brown Act, it is normally the President who responds to such emails addressed to the Board. Members should be aware that access to district records is a fundamental public right, and electronic correspondence in general is part of the public record.

Nothing in this Issue or this Handbook should be perceived as restricting a Board member's right to have conversations with community members.

Wherever any of the following protocols indicate that the President should be copied or included in an email, a Board member should disregard that instruction if by doing so a Brown Act violation might result.

**Protocols:**

- When responding to a correspondent, the Board member must always be careful to distinguish among factual information, personal opinions, and positions or policies that have been discussed and adopted by the Board.
- When a Board member receives a request for action not addressed to other Board members, the member should ask permission to forward the request to the President and the Superintendent. If permission is not given, the member shall handle the concern as described in Issue: Handling concerns/complaints from the public and staff.
- When a Board member receives a simple inquiry not addressed to the Superintendent or other Board members, the member should first determine whether it would be important or useful for other Board members to be aware of the inquiry. If not, and if the member has the information sought, the member may respond to the inquiry. If the member does not have the answer, or feels that the Superintendent and President should know of the inquiry, the member should respond to the correspondent to ask whether it's OK to forward the inquiry to the President and Superintendent; then do so, if permitted by the correspondent.
- Emails addressed to the entire Board or to multiple Board members shall be responded to by the Board President or by a member designated by the President. *Any individual board member may also respond if they choose to, but he/she must avoid using "reply-all" or otherwise creating a Brown Act violation.* If the President was not included

in the original address list, any recipient of the email should forward the email to the President and Superintendent. The Superintendent might also wish to respond. The Superintendent and President will copy each other on all correspondence that is in response to emails from the public.

- If a Board member becomes aware of issues of concern to members of the community, the Board member should request to talk to the Superintendent and President or should send the Superintendent and President an email describing the issue.
- Board members' electronic correspondence should be sent to and from the district email addresses, not personal email addresses. If a board member receives an email at a personal address, the member may invite the sender to communicate using the district-provided address. In any case, any response shall be from the district address.
- Board members should be aware that all electronic correspondence—including email and social media—can be reprinted and distributed to the public. Responses should be consistent with other issues covered in the Board Governance Handbook, specifically including protocols under “Spokesperson for the Governing Team, Board, District”, “Board Members’ Role in Public”, and “Handling Concerns/Complaints from the Public and Staff.”
- Conversations on social media are a violation of the Brown Act if more than two Board members participate.
- Board members should avoid sending emails to a quorum of the board. When in doubt, send messages to the Superintendent for possible distribution.
- Avoid “reply all.”
- Emails are part of the public record and all District email correspondence is backed up on a server. Board members should be aware that deleting an email from their email account does not remove it from the server or prevent it from being recovered from the server and disclosed in event of legal proceedings.

#### **10) Issue: Spokesperson for the Governing Team, Board, District**

**Principles:** It is important for the Board and staff to have a consistent, clear message on issues.

#### **Protocols:**

- Board members should refer all members of the press to the Superintendent for comment.
- Should a Board member choose to comment in response to a question from the press or public, the Board member will preface the comment with “I am speaking as an individual and not for the Board of Education. My comments are mine alone and do not necessarily reflect those of other Board members or the Albany Unified School District.” If the Board of Education has made a decision or approved a policy, a Board member may state what the Board of Education’s position is.
- The Superintendent will communicate with members of the Board when issues occur that may entail media interest to explain what is happening and what the Superintendent’s response/message to the community is.

- The Superintendent will communicate with the Board members if it is necessary or appropriate to have a spokesperson for the Board on an issue. In addition, the Superintendent and designated spokesperson for the Board will confer on appropriate talking points.
- If asked to comment on a matter of policy about which the Board has not yet reached a consensus or held a vote, the Superintendent will state only that the matter has not yet been decided by the Board.

### **11) Issue: Board Members' Role in Public**

**Principles:** Trustees are a resource to the community about pending decisions, issues, and new programs. The final authority rests with the Board as a whole, not individual Board members.

#### **Protocols:**

- As new programs and issues are introduced, the Superintendent will prepare talking points for Board members covering the scope of the issue or program.
- The Board and Superintendent will link, when possible, the program and issue to the vision, goals, and strategic plan of the district.
- When a Board member is approached by a community member about a pending decision, issue, or new program, the Board member will provide objective information.
- The Board member will remind the public that the role of the Board and the individual Board members is to make decisions that benefit ALL students and the community.
- The Board member will remind the public that deliberation leading to decision making will take place at open, public Board meetings.
- When the Board has reached a consensus or voted on an issue, any Board member who disagrees with the majority decision will nevertheless work in concert with the majority to implement the decision.
- If asked about the decision of the Board, the Board member should make an effort to convey the Board decision and explain the reasoning of the majority.

### **12) Issue: Acting As A Board Member With A Close Relative In The District**

**Principles:** Board members who have children, grandchildren, or other close relatives enrolled in the district should articulate how their relative's experience in the schools may affect their opinions and judgment with regard to Board decisions. Board members' experience as relatives of students in the district can be helpful in informing the Board as they create policy and make decisions.

#### **Protocols:**

- Board members should identify, in open session, any agenda items being discussed and voted upon that may impact the education of their relative(s).
- While Board members have the right to request that their relative's privacy be respected,



it is acceptable for other Board members or members of the public to ask a Board member's opinion from a relative's perspective on agenda issues being discussed.

- A Board member should be allowed to recuse him or herself from participation in a vote where his or her relative is directly affected by the issue.

### **13) Issue: Board Members' Participation in Meetings and Other Activities at School Sites**

Principles: The Board protects the right of a parent-board member to participate fully in their children's' education, including volunteering in the classroom, being a PTA member, chaperoning field trips, etc. The activities of an involved and supportive parent are available and encouraged for parent-trustees.

Board members are also encouraged to attend meetings at schools such as PTA meetings in their outreach to the community and to better understand what is going on in the schools. Board members may also want, and are encouraged, to volunteer to help with school activities to serve the community and learn more about the schools.

#### **Protocols:**

- Annually, at the beginning of the school year, and as needed following Board elections, each Board member will adopt one or more schools in the District, so that every school has such a Board liaison assigned. Board members are encouraged to attend PTA and site council meetings, and other meetings as may be appropriate, at their adopted schools.
- At meetings where discussions about school issues occur, a board member who is present as a Board liaison and not as a member of the organization should primarily be listening to the discussion and learning what community members think. However, when the Board member can provide information about the Board or the District that can inform the discussion, the Board member should do so.
- If a Board member is asked to give an opinion or chooses to give an opinion, s/he should make clear that s/he is speaking as an individual community member, not on behalf of the Board.
- A Board member should explain and clarify decisions the Board has made if asked to or if relevant to the discussion.
- A Board member who is attending a meeting as a participant rather than as a Board member—for example, a PTA meeting at a school where the Board member has a child—the Board member may participate fully, including voting. However, whenever speaking at such a meeting, the Board member must make it clear whether they are speaking as an individual or as a Board member. Because both situations can occur during the course of a single meeting, the Board member should make this clarification each time they speak.
- A Board member may participate as a volunteer in school activities and may participate in normal conversations as part of the activity. However, when a community member or

staff member raises an issue that comes under the purview of the Board, the Board member must make it clear whether they are speaking as an individual or as a Board member. See also *Issue: Handling Concerns/Complaints From the Public and Staff*.

**14) Issue: Handling Concerns/Complaints From The Public And Staff:**  
***(Uniform Complaint Policy Required)***

**Principles:** Board members should be responsive to the community and be good listeners. It's important for members of the governance team to be consistent in their responses to staff and the community.

Board members need to stay within their function and not attempt to personally “fix” the problem. There are staff members whose job it is to remedy or deal with student and staff situations. Students and staff members have due process and confidentiality rights that cannot be violated.

Keep in mind that the School Board is potentially the “Court of Last Resort” and members who have been too involved early in a situation may not be able to participate in a final hearing.

**Protocols:**

- When someone expresses a complaint or concern in private to a member of the Board, the member should listen politely and ask clarifying questions as appropriate, remembering that the member of the Board is hearing only one side of the story.
- Then, depending on the severity and nature of the complaint, the member should either refer the individual to the appropriate staff member, such as a teacher or principal, or ask for permission to share the complaint with the Superintendent.
- If no permission is given, the member should suggest that the individual talk with the Superintendent and not share the information. If permission is given, the member should communicate with the Superintendent the conversation s/he had with the individual.
- The Member should make sure the complainant understands the appropriate order of whom to contact (teacher, then principal, then district staff) and is aware of any formal forms or policies that might assist them (e.g., the uniform complaint form on the website).
- The Member should clarify that one Board member has no individual authority to fix a problem.
- As a representative of the public, it is important that the Board member invite the person with the complaint to get back to him/her if the issue is not resolved.
- If through conversation a Board member becomes aware of issues of concern to members of the community or staff, the Board member should request to talk to the Superintendent and President or should send the Superintendent and President an email describing the issue. Unless the individuals who raised the issue have given their permission to do so, the Board member should not include their names when reporting the conversation to the Superintendent and President.

### **15) Issue: Requests for Information**

**Principles:** Board Members should be sensitive to the workload of the staff and as to whether their requests are necessary for effective decision making and to further the goals of the district. Staff should communicate effectively with Board members to clarify the urgency and nature of the Board member's request.

#### **Protocols:**

- Board members will be mindful of the workload of staff and will self-monitor requests to ensure that one member's request will not divert an inappropriate amount of time from staff efforts to achieve district goals.
- Board members should always direct requests to the Superintendent and ask other staff members for information only if directed to do so by the Superintendent.
- If the Superintendent feels a request is unreasonable or too time consuming, the Superintendent should bring the issue up with the president.
- The president should talk with the Board member to resolve the issue.
- If no resolution can be found (or if the person making the request is the president), then the Board member should request that the question be agendized using the procedure described in Issue #2, Bringing Up New Ideas or Agenda Items, in this handbook.
- If the majority of the Board agrees that staff should take the time necessary to answer the question, they can direct the Superintendent to do so.
- Answers to information requests will be distributed to all trustees.
- When Board members request information that is not readily available, the Superintendent and/or staff will provide a time frame for when to expect an answer.

### **16) Issue: A District Wide Emergency**

**Principles:** Board Members should be informed and kept updated about the state of emergency by the Superintendent or designee as soon as possible.

#### **Protocol:**

- The Superintendent or designee will inform the president of the Board as soon as possible as to the nature of the emergency and will keep the Board president updated with regard to actions leading to resolution of the emergency. The Board president or designee is responsible for relaying information to all other Board members.

### **17) Issue: District Goals**

**Principles:** The Board provides leadership, sets direction, and instills unity of purpose by reviewing and revising the District's mission and vision statements and by continuously updating District priorities and goals. Priorities and goals are expected to reflect community values and concerns, legal requirements, professional research and literature, and District

resources.

**Protocols:**

- Each year, as noted on the governance calendar, the governance team (the Board and Superintendent) will set District goals and success indicators for the coming year. Annual District goals should reflect the governance team's long-range vision as set out in the District's strategic plan.
- Although there should not be separate Board, Superintendent, and District goals, the governance team should identify specific actions that are the Board's responsibility to implement as well as agreeing on the specific actions to be carried out by the Superintendent in order to achieve the established District goals.
- The Superintendent will create strategies for implementation of the agreed upon District goals and success indicators for those strategies.
- The Superintendent will report to the Board in open session at least twice each year on the District's progress toward those goals with specific reference to the success indicators. At that time, the governance team will evaluate District progress toward the goals and, if necessary, adjust the goals, actions, strategies, and success indicators.

**18) Issue: Role of Student Board Members**

**Principles:** The Board believes it is important to seek out and consider students' ideas, viewpoints, and reactions to the educational program. In order to provide student input and involvement, the Board includes two student Board members.

**Protocols:**

- Insofar as is possible, Student Board members are expected to attend all Board meetings except closed sessions. When there is a conflict between student obligations (such as classes or participation in student events such as sports or concerts), the student obligations take precedence and the student Board member is excused from the Board meeting. In that case, the student Board member is responsible for letting the Superintendent and Board President know in advance that the student Board member will not be attending the Board meeting. After missing a meeting, the student Board member should read the minutes and highlights for that meeting so that the student Board member is aware of issues discussed and decisions made. Student Board members may leave the board meeting at the agendized time for adjournment or after the Student Board Member Report, if they feel the need to do so.
- Student Board members are seated with the regular Board members. They are expected to participate in discussions and in questioning speakers.
- When the student perspective is especially relevant to a particular discussion, if neither student Board member volunteers an opinion, any other Board member may ask the student Board members to provide that perspective.
  - Student Board members serve as representatives of the student body, and are

- themselves students. When speaking on matters before the Board, they should state clearly whether a comment or opinion is personal or representing other students.
- Student Board member duties shall include reaching out and being accessible to students to increase opportunities for student engagement and input, as well as preparing the Student Board Member report at Board meetings.
  - Student Board members receive all materials provided to Board members—including agenda packets and communications from staff to the Board—except those related to closed-session items. Student Board members are expected to review agenda backup materials so that they can question or comment on any items of particular interest to students, whether or not they expect to attend the meeting.
  - In the interest of avoiding embarrassment or surprises at Board meetings, student Board members should send any questions or comments on agenda items to the Superintendent and Board President in advance of the Board meeting in the same manner as other Board members. Staff should include answers to those questions to all Board members just as they do for other Board questions. Having a question answered in advance does not preclude the student Board member from asking the question in open session so that the public may hear the answer.
  - Student Board members may cast preferential votes on all matters before the Board in open session. Preferential votes are recorded in the Board meeting minutes. For roll call votes, student board members shall be called for their preferential votes before the rest of the Board members vote.
  - Student Board members may request that items be added to the agenda in the same fashion as other Board members.
  - The Superintendent or designee shall provide an orientation for new student Board members, including training in the Brown Act. As necessary, the Superintendent or designee shall, at district expense, provide learning opportunities to student Board members, through trainings, workshops, and conferences, to enhance their knowledge, understanding, and performance of their Board responsibilities.

### **19) Issue: Evaluation of the Superintendent**

**Principles:** The Board uses the Superintendent evaluation as an important leadership tool to focus and align all District efforts. The process should provide an opportunity to acknowledge and commend the Superintendent’s accomplishments. The evaluation should support the professional growth of the Superintendent and sustained improvement for the District and, if necessary, identify areas that need to be addressed by the Superintendent to ensure continuous progress.

### **Protocols:**

- The Board will include in the governance calendar an annual evaluation of the Superintendent.

- The Board and Superintendent will agree on an evaluation instrument that includes the Superintendent's actions or strategies in support of District goals, specific success indicators for each action or strategy, and Superintendent governance standards (ref CSBA).
- Prior to the Board's evaluation, the Superintendent will prepare a self-evaluation that 1) discusses progress toward District goals as measured by the agreed success indicators, 2) assesses his/her own performance on governance standards, and 3) reviews any action taken to address the recommendations of the Board from the previous year.
- Board members will individually evaluate the Superintendent's performance, using the agreed evaluation instrument.
- The full Board will hold a closed session without the Superintendent to develop the final evaluation. For expediency, the Board president should, in advance, compile the individual performance reviews from each Trustee to produce a draft evaluation. Minority views may be reflected in the narrative, but the source of individual comments will not be included. The final evaluation must be approved by a majority of the Board.
- The Board president will present the evaluation to the Superintendent in a private meeting.
- The Superintendent will have the opportunity to provide a written response to the evaluation.

## **20) Issue: Self-Monitoring of Governance Team Effectiveness**

**Principles:** The governance team should be committed to increasing its effectiveness. In addition, the process of self-monitoring should help raise community awareness about the role of the School Board in the district and the community.

### **Protocols:**

- Annually, the Board will conduct a self-evaluation survey such as that published by the California School Boards Association.
- Annually, the Board will review the Governance Handbook.
- Annually, the Board will conduct a survey of management to solicit any feedback they have to the Board with regard to the norms and protocols outlined in the Governance Handbook.

## **21) Issue: Censure Policy**

### **Principles:**

The Board of Education of the Albany Unified School District has a strong commitment to ethical behavior. The public expects and must receive the highest standards of behavior from all of those in public service. In order to be able to enforce conformance to its policies, the Board of Education must have a procedure by which it can censure its own members for violation of the policies or bylaws of the Board of Education. Ethics training, which is encouraged but not required, can be accessed at the following website -

**Protocol:**

- Board bylaw BB9005 (a) provides the mechanism by which the Board of Education, acting as a whole, can censure any of its members who violate state or federal laws applicable to the District or for violation of the Board policies or bylaws of the Board of Education.

**22) Issue: Annual Reorganization of the Board**

**Principles:** It is in the best interest of the Board that its officers be both willing and able to carry out the relevant duties. Effective Board members are not necessarily effective Board presidents, nor do all members have the time needed to provide effective leadership.

**Protocols:**

- At the first regular meeting in December, the Board elects a president and vice-president.
- Board members should make known at an open meeting before the vote whether they would be willing to retain/assume either office.
- At the reorganization meeting, the Superintendent will preside over the election of the president. The newly elected president will preside over the election of the vice-president.
- Any Board member may nominate any other member, including the current officers, for either office.
- There is no limit to the number of times a member may serve as an officer, nor is there any expectation that all members will serve as officers or automatically rotate into either position.
- The presiding officer shall ask each member whether he or she wishes to nominate someone for the position. The member may nominate him/herself or another member, or may decline to make a nomination. The nominated member will be asked to accept the nomination.
- If the member declines to accept the nomination, he/she will not be considered to have been nominated. No second is required for a nomination.
- After all nominations have been made, the Board shall take a vote for each nominee. If nominated, a member may vote for him/herself. No member may abstain from voting. In the case of a tie, the presiding officer will hold a runoff vote.

**23) Issue: Parliamentary Procedures and Conduct of Board Meetings**

**Principles:** It is the purpose of the Board to conduct meetings in a manner that is understandable to the public and other Board members. The public should be able to understand the communications/discussions of all Board members. As stated in Board Bylaw 9121, the President of the Board should: (4) “Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference.” This bylaw allows each Board member an equal opportunity to communicate (hear and speak) as well the public to hear clearly what the Board expresses in its deliberations.

**Protocol:**

- The Board meetings shall follow the procedure described in Appendix C.

**24) Issue: Restrictions on the Use of Acronyms**

**Principles:** It is the purpose and function of the Board to communicate effectively with the public. Acronyms are understood by those who use the acronym term regularly to describe an organization or function, but the use of an acronym can lead to confusion for those who do not.

**Protocol:**

- Restrict the use of acronyms: Request that the acronym be explained when first presented to the public.



## Appendices

**Appendix A: What New Board Members Need to Learn  
in Their First 100 Days**

**Appendix B: Doing the Right Thing**

**Appendix C: AUSD Rules of Order**

## California School Boards Association

**The latest CSBA news, blog posts, publications, research and resources for members and the news media.**

### **Q&A: Governance**

#### **What new board members need to learn in their first 100 days**

By: Kristi Garrett

Running for your local school board is a tremendous commitment, but that's nothing compared with the learning curve that happens once you take the oath of office.

To help new trustees get off to a good start, *California Schools* writer Kristi Garrett sat down with two of CSBA's governance consultants, Leslie DeMersseman and Luan Burman Rivera—both past CSBA presidents—to find out what their experience shows to be the most crucial skills for new board members.

#### **What do new board members need to know about becoming an effective trustee?**

LESLIE: To me, the hardest thing for new board members is recognizing that they have joined a body that has collective authority—that, as an individual, they have no authority. Anything that they would like to see happen, they have to work through with the rest of their board. All decisions are made by the collective body, not by individual trustees.

New board members, in particular, have a need to feel like they're doing something. Generally, people who are elected to school boards are doers and problem solvers; that is why they are inspired to run and why people elect them. So when people come to them—whether it's staff or a community member or whomever—with their problems, a new board member feels like they've got to do something about it; they want to fix things and they have no authority to do that. In fact, they're probably stepping all over their board policies in trying to fix somebody's problem, because there is someone on staff who is responsible for resolving that issue.

#### **So if a community member comes up to them in the grocery store, or perhaps a parent sees them on a campus and approaches them with a concern—what should a board member do with that?**

LESLIE: Board members do have to be accessible to the community. They can't just say, 'I can't deal with that, I'm a board member and we don't do that. We have collective responsibility.' They've got to listen to be sure they understand, and they've got to try to be an empathetic listener. But then the board member needs to send the person back into the system at the most appropriate place.

So if it's a parent who's concerned about the teacher, then you ask them: 'Have you spoken to the teacher? It might be very helpful for you to go in and listen to the teacher or share the concern and hear what the teacher has to say. Then, if you're not happy, you should go to the principal.'

It's even more important with staff. By law, there are lines of authority and chains of command in school districts that the staff has to follow. A board member who gets into the middle of that—especially if they start taking sides among staff members—is violating somebody's rights. That can turn into a litigious issue.

LUAN: Also, when board members hear concerns out in the community, they need to let the superintendent know that there are issues brewing so the superintendent is informed and can respond appropriately.

LESLIE: Yes, the superintendent can look into an issue, but it's not up to board members to do research and dig around trying to figure out what is going on. That is what they hire staff to do.

### **What does a new board member need to know about the Open Meeting Act, or the Brown Act?**

LESLIE: I think probably the hardest thing is that, by law, they are not to engage with the public on any item that is not on the agenda. The point of the public comment period is for the public to give input on a subject that is not on the agenda. Sometimes, new board members in particular want to engage—have a dialogue—after the person has made their comment, to have a discussion with them.

LUAN: There's this tendency to feel uncomfortable because someone has come and shared with us, and now we can't respond to them? It just feels unnatural and weird to people.

But the point of the Brown Act is to protect the public's right to know. All of the board's work is done in public, except for closed session items.

The reason the board cannot discuss a topic that is raised in public comment is because that item was not on the agenda. Therefore, the rest of the community was not aware that that particular item would be discussed at the meeting. So if you discuss that topic, you are really violating the rights of the rest of your community.

The item might be placed on an agenda at a later date, or perhaps it is something that will be handled administratively. There are a number of ways to resolve issues, but items cannot be discussed that evening if they are not agendized.

### **Why is that important?**

LUAN: Because if you start engaging a member of the public in a debate and deliberation about a topic, then you've elevated somebody to the board table who has not been elected. The board is conducting its meeting in public; it is not a community forum, it is not a town hall meeting. It is the board doing its work in public. The board is informed by public comment, but the deliberation takes place between the board members. The board is the elected authority that is entrusted with the responsibility to deliberate and make those decisions.

### **School finance is such a complex, convoluted body of knowledge, how can a new trustee begin to get up to speed?**

LESLIE: I think one of the confusing things for a brand new board member—if they were elected in November—is that in December they will likely have to approve their district's audit at their very first meeting, and they're also required by law to approve the first interim financial report. So right off the bat, before they've had any background on that at all, they're taking those actions because of the legally required timelines.

A great place to start learning about finance, then, is at their first CSBA Annual Conference, where they can attend the Orientation for New Board Members, and in January there's the Institute for New and First-term Board Members that covers finance in greater detail.

LUAN: And of course there's an entire module on finance in the Masters in Governance curriculum.

LESLIE: And we always get some good information from the experts during our Forecast Webcast in January. So there's help to be had.

I think in the meantime, though, it's a perfectly good question to ask the superintendent: How can I as a new board member get up to speed? Do we have an orientation? If it's not offered, new board members need to ask to be oriented on finances, or curriculum, or facilities—whatever big things are happening in the district.

We really stress the importance of having a new board member orientation. My preference is that they do that as an entire board, with the superintendent. Maybe it's about facilities or Program Improvement; ask 'How do I learn about all that? How do I know what that means?' They are learning a second language. And they should be strong enough, when somebody's using an acronym, to say 'would you help me remember what that means?'

LUAN: If the new board member does not understand the meaning of an acronym, then the odds are that members of the audience do not understand it either.

### **So are those orientations formal, noticed meetings?**

LESLIE: Yes, everything is noticed. The only way they wouldn't be is if the meeting included less than a quorum and is not part of a serial meeting, where the same subject is discussed with other board members in some combination that adds up to a quorum.

LUAN: An orientation session is hugely important, but then new board members should also know that they can go back to the superintendent and ask their questions. Perhaps the superintendent will recommend that they need to get more financial information, and therefore spend more time with the chief business official. Or if they want to know more about curriculum, they should see the person who is in charge of curriculum and instruction in the district. New board members should get an idea of who is in charge of these different programs and where they can get additional information.

### **So is the study session, or orientation session, a good way for a new board member to learn about the district's operations? Also, what do board members need to know about the students in their district?**

LESLIE: They need to know what their student demographics are. They need to know how many schools they have. They need to know the names of the key people in the district, whether they're administrative staff, maintenance staff or principals, etc. Who are the board officers and what are their roles? How to reach the people you need to reach.

### **And the preferred methods for doing that?**

LUAN: Right.

LESLIE: I think there's another issue new board members need to be aware of. Maybe I ran for the board because I didn't think we were doing the best job we could for our GATE students. So the question to ask is, 'How can I bring up that interest?'

When I was on the board both of my kids were involved in drama. The head of the drama department and the band director put on a musical every year. Then they put on student productions and did competitions where they went out to other schools. It was really an award-winning program. They were putting in many, many more hours than any of our sports coaches, yet the stipends were much smaller.

So I went to Bill, our superintendent, and said this didn't seem fair to me. I didn't want to rant and rave at the board meeting because everybody knew my kids were in drama. So how could I approach this so that it was looked at in comparison to other stipends? I didn't want to become the person who is advocating only for this one group. Bill suggested that I ask, 'What is our process for deciding what the stipend is for the various extracurricular activities that our staff is participating in? And how can we make sure that our stipends are fair and equitable for all of our extracurricular activities and for the staff participating in them?'

So it's getting at the policy level question. Whatever your interest is, you've got to try to make sure that there's fairness and equity through the policies you have in place.

LUAN: So it's balancing all of these different aspects of your decision making: Serving all the kids, working together as a team, responding to all your different constituent groups, and balancing in your own beliefs and values. Not losing those beliefs and values, but balancing them into all these other factors.

LESLIE: This is perfect for this conversation. Because the new board member has no idea ...

**... Of how to balance their own beliefs and values—which is why they ran and maybe had a great deal to do with why they were elected—with the board's overall responsibilities?**

LESLIE: Right, and with their legal responsibilities. Their own beliefs and values are not at the top of that list. But what's the most important thing you have to do? It's making sure that every child in the district has the very best opportunity that you can provide. That really is what our public education system is about.

Top 10 things every new board member should learn to do	
10	Think kids!
9	Work as a team and speak with one voice
8	Keep confidential matters confidential
7	Maintain the big picture view
6	Listen, learn and ask questions
5	Understand and stay within your role
4	Respect the past and work toward the future
3	Abide by the Brown Act
2	Accept that change takes time and planning
1	Think kids and advocate, advocate, advocate!
(Adapted from CSBA's New Board Member Orientation)	

**Some of your consulting materials mention working as a team, speaking with one voice, and collective responsibility. Can you expand on what that means?**

LESLIE: That's hard, the speaking with one voice. If I'm a new board member and that evening I just lost a vote four to one and the media meets me out in the hall asking, 'What happened?' I could say, 'The rest of the board just doesn't get it. I'm voting like my constituency wants me to.'

LUAN: That's a really important point, because I've heard so many people say, 'My constituents want...' Well, who are your constituents? There are people who elected you, but once you're on the board, you're serving all of the children in your community. You're not serving a constituent group anymore. Making that shift is important.

LESLIE: And that principle also means standing behind the board's decision. Your responsibility is to deliberate at the board table, and then once the vote is taken, you stand behind that. You don't have to be the main cheerleader, but the answer to the reporter's question is: 'You know, we had a really good discussion, I made my points as hard as I could, but the board voted and this is the direction we're going.' Because otherwise it throws the district into mass confusion.

**I've also heard you say that maintaining confidentiality is an important thing for new board members to recognize.**

LESLIE: They're going to hear things in closed session that cannot be shared. And there are only a few things that can be discussed in closed session.

LUAN: Basically, there are things that cannot be discussed in open session because it would be fiscally irresponsible to do so. In other words, if you're negotiating a contract with someone, you're not going to talk about that in open session because it could cost the taxpayers more money. So negotiating a contract, real estate transactions, any personnel issues, private things where privacy rights must be respected and due process followed—basically items protecting the rights of individuals—are all topics that must be discussed in closed session.

LESLIE: Anything where there may be litigation. Now, this is the only part of the Brown Act that has teeth. Any person who violates the confidentiality of closed session, or executive session sometimes it's called, has actually committed a misdemeanor.

LUAN: There are serious legal consequences if any of that information leaks out. Board members cannot discuss these items with their spouses, their best friends or their cousins down the street. They really can't talk about those things with anyone else except the people in that room. And that's a hard one.

**Another principle on the list is maintaining the big-picture view—is that regarding the students' welfare or what?**

LESLIE: It's regarding everything. What we tell the board is, you're not the doers. You set up the big picture framework. You set up the policies; you create the vision, what it is we want. The big picture view is to see that the district is well run, but not to run it. So it's putting in place what we want our kids to know and be able to do when they walk out of our doors. Then you say to the staff, 'How are you going to do that?' And then the staff does that. But it's not getting into that nitty-gritty, day-to-day stuff.

**You've also talked about how new board members need to ask questions. How does understanding the history of the board and the district come into play?**

LESLIE: Every two years during elections there's the potential of having people say and do awful things, and actually cause some damage. For one thing, you may not agree with the decisions that a prior board made. But

once you are on a board for a while you understand why that decision was made. You weren't privy to all the information.

LUAN: I think what Leslie's saying is really important because I don't know how many times I've heard board members say, I really didn't agree with this, but now that I'm here and I understand why this decision was made, and it makes sense.

LESLIE: One of the things I love during a Good Beginnings workshop [from CSBA's Governance Consulting Services] is that by the time you're done you've got charts that go all the way around the room, and it's all about what they want for their kids. And all of a sudden everybody recognizes that, you know what, we've got a lot more in common than not. We may disagree about how we want to get there, but we're here for the right reasons. And if you understand that, you can get past some of that other stuff and you can have the better conversations.

### **What other questions should new board members ask?**

LUAN: Questions like, how does something get to the agenda? What do I do if have questions before the board meeting? That's important information for them to have.

LESLIE: Do we have a governance handbook, and what are the bylaws and protocols? Do we have agreements about how we work, and what are they? Can I talk about them? What if I don't like them?

LUAN: I like to encourage new board members to be patient with themselves. It's a huge job, there's so much to learn, and not to feel upset and frustrated. They won't know everything right away. There's a huge learning curve there.

As long as they're committed to doing the work, being prepared and learning the information as they go along, they should feel good about that and just be patient with themselves.

LESLIE: It really is a two-year process. The first year everything is new, and the second year you start having the "aha" moments.

### **That's why there's a whole board and not just one person.**

LESLIE: Right.

LUAN: The other thing I would say is that I think learning to listen empathetically is really crucial. The reason there are five or seven people on your board is that all these different perspectives are brought to the table to provide the opportunity for good deliberations to occur. It affords the board the opportunity to come to a good, collective decision that is in the best interests of kids.

But you have to learn to really listen to each other. It's not good deliberation if I shut down as soon as Leslie starts to talk because Leslie and I ran against each other and I'm mad at her. You have to really learn to listen to everyone and take those perspectives in. You might have an opinion about an issue, but you need to get to where you can listen to other people with an open mind and take in those opinions, as well.

LESLIE: The other thing that I've often said to new board members is that most of them have had multiple leadership responsibilities in their lives. Serving on a body with collective authority is unnatural. It's very hard work. For most people who serve on boards, it's just not natural.

LUAN: Other than being a parent, it was the biggest growth experience of my life.

LESLIE: Absolutely true.

**It's a humbling experience?**

LUAN: Humbling and a big growth experience, too, it's both. You really learn so much. You learn so much about education, about schools, but you also learn about working with people too. You learn to be flexible when working with people. Because if you really want to make a difference for the children, that's a crucial skill.

*Kristi Garrett ( [kgarrett@csba.org](mailto:kgarrett@csba.org) ) is a staff writer for California Schools.*



# LEADERSHIP Insider

**PRACTICAL PERSPECTIVES ON SCHOOL LAW & POLICY****A Membership Benefit of NSBA National Affiliates**

## Doing the Right Thing

*Your public expects you to be 'ethical,' but that isn't always easy*

By Lisa Soronen

If you want to get rich and famous, perhaps school board membership is not the right path to take. But, getting "famous" via school board membership may be easier than you think.

After receiving a few wary looks when I made this statement at a gathering of new school board members, I offered a recent front-page story from my hometown newspaper as proof: "City Council Members Violate Open Meetings Act." There it was—local, elected public officials who were famous (albeit just in my small hometown) for meeting at a local restaurant and discussing council business without notifying the public or making the "meeting" open to them.

When school board members, like city council members, violate ethics requirements, community members understandably get upset, and board members and their violations appear in the local newspaper. School board members have been chosen by their peers to represent the public in making choices about the community's most precious resource, so they have little room to err.

Being ethical is not as easy as it sounds, however, for two important reasons.

### **What Is Ethical and Fair?**

First, it is not always clear what is ethical and what is unethical. Sometimes ethical requirements are specified in statutes, and sometimes ethical questions are answered in case law or in opinions by the state attorney general. But it is unlikely that even these combined sources will contemplate every ethical question a

functions approved by the board." The statute goes on to say that reimbursement must be approved before the expense is incurred and the expense must be consistent with a policy adopted by the board specifying categories of expenses. What the statute does not say is what categories boards cannot or should not reimburse or what specific dollar amount in each category can or should be reimbursed.

A second reason is that sometimes ethical requirements simply don't seem fair—or, perhaps more accurately, the concerns the requirements address do not seem to apply to the situation at hand.

**When school board members violate ethics requirements, community members understandably get upset, and board members and their violations appear in the local newspaper.**

board member might have. Likewise, even if your ethical question has been addressed by some source of law in your jurisdiction, it is likely that the law does not provide a clear answer.

For example, a Michigan statute states that a school district may pay the "actual and necessary expenses incurred by its members and employees in the discharge of official duties or in the performance of

For example, a newly elected board member became shocked and upset when I explained to him that he could no longer coach football for the district because of the doctrine of incompatible offices. (That is, the board member could not be both the master and the servant of the district.) He replied that he had played football as a student in the district years ago and had

**See Doing Right on page 6**

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# LEADERSHIP Insider

PRACTICAL PERSPECTIVES ON SCHOOL LAW & POLICY

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#### Co-Editors

Staff Attorney  
**Thomas Hutton**

Manager, Policy and Governance Services  
**Karla Schultz**

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Director of Publications  
**Sally Banks Zakariya**

Production Manager  
**Michele Sabatier**

Director, National Affiliate Program  
**Bonita Metz**

#### About NSBA

The National School Boards Association is the nationwide advocacy organization for public school governance. NSBA's mission is to foster excellence and equity in public elementary and secondary education in the United States through local school board leadership. Founded in 1940, NSBA is a not-for-profit federation of state associations of school boards across the United States and the school boards of the District of Columbia, Hawai'i, and the U.S. Virgin Islands.

#### About the National Affiliate Program

The National Affiliate Program extends NSBA's services directly to local school districts. School districts are eligible to join provided they are members in good standing of their state school boards association.

#### About the National Education Policy Network

The National Education Policy Network (NEPN) helps foster better communication, understanding and management of local school districts through better policy-making. It offers access to a sample policy clearinghouse and current policy-related resources, as well as publications and tools to help districts keep their policy manuals well-organized and up-to-date.

#### About the Council of School Attorneys

The Council of School Attorneys provides information and practical assistance to attorneys who represent public school districts. It offers legal education, specialized publications, and a forum for exchange of information, and it supports the legal advocacy efforts of the National School Boards Association.

## In the Eye of the Beholder

*When it comes to board members' actions, what is 'legal' might not seem 'ethical'*

By Jay Worona

It's a good thing people don't join the local school board expecting that the job will automatically bring accolades and compliments. For the most part, such job benefits are absent in what, in many instances, are simply unpaid and unappreciated positions of public service.

Luckily, board members see their positions as providing worth to their communities and to the children in their schools. And luckily, most aren't waiting by the phone for a compliment. However, as public education's failures continue to be highlighted in the news media over and above any coverage of its successes, board members are often seen as part of the problem.

That's what happened recently in Long Island, N.Y., where a school business official and a superintendent were charged with the theft of millions of dollars of taxpayer funds. In the aftermath of that scandal, everyone in the district—including members of the board—has been criticized as being, at worst, complicit in the crimes or, at best, asleep at the wheel. Moreover, in numerous other instances, the New York State comptroller has called into question the fiduciary responsibilities and ethics of all school board members in the state.

### Legal or Ethical?

These circumstances present an opportunity for all board members to focus on how others are likely to view their actions—even if those actions present absolutely no problem legally. For example, it might not matter to the public whether board members are legally authorized, as they are in New York, to vote on employing their spouse as a member of the teaching force. Legal or not, such actions may be considered ethically problematic by members of the community.

In short, what is legal is not necessarily considered ethical. School board members may be authorized to do a host of things that their publics believe demonstrate the existence of unethical behavior on the part of board members.

Most states have ethics provisions that

bar board members, as public officials, from accepting gifts—especially in situations in which accepting a gift might be interpreted as being influenced to do business with a particular corporation or entity.

For example, it's common for board members and other public officials to accept dinner invitations from vendors when they are attending conventions and other events. But even if the price of the dinner is less than the legal limit on gifts imposed in the state's ethics law, a board member nevertheless may be perceived to be "ethically challenged" by accepting the invitation.

The same applies to any activity in which the appearance of impropriety can be perceived to exist in the minds of taxpayers. And, once a board member's ethics have been questioned, it may not make any difference whether the board member is legally correct or not.

### Thought Before Action

Sometimes members of the public choose to scrutinize board members' activities microscopically with the very intent of trying to catch them in compromising positions. To protect themselves from charges of unethical behavior, board members should stop and think before taking any action.

I advise board members to ask themselves these questions: Would the action pass the "smell test"? That is, might the action seem unethical to others, even if it is legal? And, can the action be credibly legitimized to the public?

Board members don't have to live in Long Island to be under such great scrutiny. In all communities, there may be individuals who have agendas that are contrary to the interests of particular sitting school board members—individuals who look for opportunities to destroy board members' reputations.

Accordingly, as a general rule of thumb, all school board members should carefully think through their actions before they act.

*Jay Worona is general counsel for the New York State School Boards Association in Albany ([www.nyssba.org](http://www.nyssba.org)).*

# Ethics for Effective Board Members

*Successful board service demands fair, honest, professional relationships*

By Karen Walking Eagle

**E**thics. Effectiveness. Two different concepts that go hand-in-hand. If your actions are guided by a sound, ethical code of conduct, chances are good that you will be an effective board member who produces results.

Ideally, your board's code of ethics will shape your attitudes and guide your behavior as you relate to students, parents, school and district staff, the superintendent, other members of the community, and fellow board members. Given the board's influence, it is extremely important for board members to articulate, internalize, and document specific, mutually agreed upon ethical principles.

You should review this "code of ethics" or "code of conduct" frequently, both individually and as a board, to ensure that it is not forgotten amidst the rush of daily duties and deadlines. It should also be among the first items you place in the hands of new board members.

NSBA and several school boards around the country have already developed codes of conduct (see box on this page).

Honesty, trust, fairness, and integrity should be a part of your board's operating code. As you implement the following recommendations, you will show that your commitment to public education and the schoolchildren in your district goes beyond mere lip service. In other words, you will demonstrate that you are willing to work for what you believe in.

## Relationships with Students and Parents

A sound code of conduct for school board members begins with a genuine commitment to strive for high-quality public education that supports the full development of all children. It involves understanding that our nation's strengths include its freedoms; its racial, ethnic, and religious diversity; and its commitment to educational excellence and equity for all children.

You must be committed to continuing these traditions, and you must be committed to working effectively with others to do so. Get to know the students for whom you work, and initiate conversations with

their parents. Make it clear that you will be an advocate for schools and for children and that all your decisions and actions will be guided by your number one objective: to do what is best for students.

## Relationships with School Staff

Encourage principals, teachers, and other school staff members to share their ideas and opinions with you, and incorporate their views in your deliberations and decisions. They are on the front lines, so to speak, and are a valuable source of information about existing needs and problems. Keep abreast of current educational issues within your own school system, throughout the state, and across the nation.

In addition, learn all you can about

research on school effectiveness, successful reform initiatives, and other curricular and instructional developments. In so doing, you will be better able to assess current and future educational needs and impartially evaluate and select the instructional strategies and materials that are best for your district's students.

## Relationships with District Staff

Develop personnel and administrative policies that give district staff members the responsibility and authority they need to work effectively in their assigned positions. In addition, be careful to establish fair and equitable terms and conditions of employment and evaluation for all school employees.

Your own success and effectiveness will depend, to a large extent, on the knowledge, skills, and abilities of those charged with implementing board policies. For that reason, it is important that your board develop a hiring system and policies that will identify the most competent job applicants. Afterwards, be willing to step back

## CODE OF ETHICS FOR SCHOOL BOARD MEMBERS

*The NSBA Board of Directors endorses the following code for local school board members:*

As a member of my local board of education, I will strive to improve public education, and to that end I will:

- Attend all regularly scheduled board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;
- Recognize that I should endeavor to make policy decisions only after full discussion at publicly held board meetings;
- Render all decisions based on the available facts and my independent judgment, and refuse to surrender that judgment to individuals or special interest groups;
- Encourage the free expression of opinion by all board members, and seek systematic communications between the board and students, staff, and all elements of the community;
- Work with other board members to establish effective board policies and to delegate authority for the administration of the schools to the superintendent;

- Communicate to other board members and the superintendent expression of public reaction to board policies and school programs;

- Inform myself about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by my state and national school boards association;

- Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff;

- Avoid being placed in a position of conflict of interest;

- Take no private action that will compromise the board or administration, and respect the confidentiality of information that is privileged under applicable law; and

- Remember always that my first and greatest concern must be the educational welfare of the students attending the public schools.

Approved by the NSBA Board of Directors April 19, 1979; reviewed and approved by the board Feb. 2, 1996; reviewed and approved by the board Nov. 10, 1999.

and let staff members do their jobs without intervening inappropriately.

### Relationship with the Superintendent

Work with your colleagues on the board to establish effective policies by which the superintendent can administer the school. Maintain clear lines of com-

munication with him or her and provide unambiguous directives. Remember, your role is that of planner and policy maker; the superintendent is responsible for implementation.

Do not undermine the superintendent's authority or intrude into spheres of responsibility that properly belong to the school administration. Demonstrate civility and respect at all times, especially in the midst of conflict and disagreement. Recognize that it is in the board's best interest to promote public confidence in the superintendent and to support his or her efforts to become a strong educational leader.

### Relationships with the Community

Be a cheerleader for the public schools in your community, and encourage the public to support your schools by giving of their time and resources. Communicate the goals of the board clearly, and be ready to explain the rationale—legal, educational, financial, and otherwise—for all the decisions you make.

Base those decisions on the available facts and your independent judgment, and refuse to surrender that judgment to individuals or special-interest groups. Do not compromise your convictions or avoid confrontation merely to improve your chances for re-election; remember, your most important goal is to do what is best for children.

### Relationships with Board Members

The types of relationships you foster with fellow members, particularly those with whom you disagree, will affect your effectiveness as a board member. It is very

important to earn respect and show respect. Fortunately, both can be accomplished by adhering to many of the same basic principles:

- **Be prepared.** Increase your knowledge and understanding of substantive and procedural issues and topics that are relevant to your job—especially local, state, and national laws; trends and devel-

meetings, and devote sufficient time, thought, and study to proposed actions.

- **Be professional.** Do not shirk your professional responsibilities as a board member. Make every attempt to attend all board meetings and events. Although you may be busy, give each issue the attention it deserves, and try not to focus on a limited agenda, no matter how compelling or important it is to you personally.

Put everything of importance in writing: the board's mission statement, goals, bylaws, code of conduct, and administrative and operational procedures. Treat these written documents as benchmarks against which you will evaluate how you spend your time and resources, and use them to assess your progress.

Work to build bridges among your colleagues on the board and between the board and other groups in the community. Your colleagues will be more likely to consider your opinion, or be persuaded by your arguments, if they admire your attitude, tone, and behavior.

- **Be fair and objective.** Your students depend on you to do the right thing, so have an open mind. Accept and fairly

**The types of relationships you foster with fellow members, particularly those with whom you disagree, will affect your effectiveness as a board member.**

opments in education; and parliamentary, budgetary, and policy-related procedures and processes. This can be accomplished by participating in workshops and seminars and reading books, journals, and other materials on specific subjects. Always do your homework before board

## ETHICS ONLINE

Training in school board ethics is going online. One state school boards association already offers such a course, and another will do so within a few months.

The **Oregon School Boards Association** offers a course titled "School Board Ethics: Know the Standards." This course is designed to help board members understand:

1. How the statutory and regulatory rules govern school board member conduct.
2. The penalties for violation of those rules.
3. How school board members can adopt policies regulating their conduct and the conduct of the staff.

The course introduces the various laws and policies regulating school board member conduct in the governance of the district. The primary focus is on government ethics; however, the course also examines other types of ethical dilemmas frequently encountered in everyday life.

Beginning in 2005, the **Texas Association of School Boards** will begin

offering "School Board Ethics," a course exploring the concept of ethics in the context of actions performed by the school board and superintendent team. The distinction between ethical and unethical behaviors will be addressed in video vignettes of real-life situations and activities that reflect upon them.

This course is designed for use by board-superintendent teams as well as individual board members. It will be divided into three modules exploring (1) the generic concept of ethics, (2) ethical behaviors in the context of the board-superintendent team, and (3) the distinction between ethical and unethical board member behaviors and how board-superintendent teams can prevent many unethical board member behaviors.

More information about these courses can be found at their respective Online Learning Center campuses:

- Oregon: [www.nsba.org/olc/olc.cfm?assn=8](http://www.nsba.org/olc/olc.cfm?assn=8)
- Texas: [www.nsba.org/olc/olc.cfm?assn=5](http://www.nsba.org/olc/olc.cfm?assn=5)



evaluate new concepts, really listen to what people have to say, and be willing to consider alternative solutions to problems. Know the difference between personal influence and factual persuasion. Be willing to listen to constructive criticism. At all times, support and protect the civil and human rights of all members of the school community. Maintain a sense of perspective and a sense of humor.

- **Be honest and open.** Do not use your office for personal or partisan gain or for the benefit of your family, friends, church, or special-interest group. Reveal all business or social relationships that you have with organizations or individuals with whom the school district does business.

Do not make promises to citizens that you lack the authority to make, and take no private action that will compromise the school system, the board, or the administration. Avoid being placed in a position of conflict of interest. If you disagree with particular decisions or regulations, do not take actions in secret; instead, try to bring about change through legally established procedures.

Handle public matters in a public forum and private matters in closed sessions. Respect the confidentiality of information that is privileged, and do not make unauthorized revelations to the public or the press.

- **Be a team player.** As an individual board member you lack both power and authority. However, as a member of the board team, you have the ability to affect change and bring about important improvements. Strive for teamwork. Even when you vote with the minority on a particular issue, support the majority and share responsibility for the majority's decision. Recognize that a divided board is usually a weaker, less-effective board.

Finally, unless it is absolutely necessary, do not criticize or air dirty laundry in public. Your district and your students stand to lose when you undermine those in the public school system with whom you work.

If your school district's written policies don't include a code of conduct for board members, check with your state school boards association or the National School Boards Association for guidance in developing one.

*Karen Walking Eagle is an attorney and former teacher who conducts evaluations of education programs and initiatives on behalf of various government agencies, private foundations, and other youth-serving organizations.*

## Ethics in New Jersey

### State legislation covers school board ethics, training, and financial disclosure

By Elaine Kille

New Jersey has been in the vanguard when it comes to legislating ethical behavior for school board members. The School Ethics Act was enacted in 1992. It applies to "school officials," who are defined as board members, charter school trustees, and administrators who make decisions regarding hiring or acquiring services by the district. In 1995, the law was amended to also apply to professional employees and officers of the New Jersey School Boards Association.

The law grew out of proposed legislation that would have covered all local government officials in the state. NJSBA lobbied mightily and successfully to remove school board members from the bill. Our position was that board members were already prohibited by law from participating in situations that created a conflict of interest; moreover, many of the bill's provisions did not apply to boards of education.

To clarify that we were not opposed to ethical standards for school board members, and in support of our own policies, we crafted legislation to apply specifically to board members.

After the political battles over both proposals had been waged, two almost identical laws were left standing, one for school board members and one for other local government officials. The law for school board members has been invoked early and often; the law for local government officials much less so.

The main thrust of the School Ethics Act is to describe prohibited conduct and activities for school officials and their immediate family members (spouses or dependent children living in the same household), mandate training in board member responsibilities to be provided by NJSBA, and establish procedures for filing annual financial statements.

#### Enforcing the Law

The law includes a mechanism for enforcement by establishing the School Ethics Commission, a body of nine unpaid members appointed by the governor. They are to consist of two board members, two school administrators, and five members of the general public. Not more than five

commission members may be of the same political party.

Complaints may be brought to the commission by anyone alleging violation of the act, including commission members themselves. The commission deliberates and determines by majority vote of six out of nine whether the act has been violated or if the complaint should be dismissed. To discourage school officials from using the act against each other for spurious or political purposes, a fine of as much as \$500 can be levied for frivolous complaints.

If the commission decides that a violation of the act has occurred, it can recommend sanctions of reprimand, censure, suspension, or removal from the board. The commission recommends a penalty to the commissioner of education, who actually determines the sanction but cannot tamper with the violation determination. Appeals proceed to the state board of education.

School officials may also petition the commission for advisory opinions to determine if a proposed activity would constitute a violation. Advisory opinions are confidential, except when the commission deems the opinion to be of sufficient general interest to warrant making it public. When advisory opinions are published, the identities of the individuals and boards involved are removed to maintain confidentiality.

#### Adding a Code of Ethics

In 2001, the act was amended to require that all school board members adhere to a Code of Ethics for School Board Members. This is essentially the same code adopted by the NJSBA Delegate Assembly in 1975, which has been a part of many boards' policy manuals ever since. Here is the code specified in the act (NJSA 18A:12-24.1):

- I will uphold and enforce all laws, rules, and regulations of the State Board of Education, and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.

- I will make decisions in terms of the educational welfare of children and will seek to develop and maintain public

schools that meet the individual needs of all children regardless of their ability, race, creed, sex, or social standing.

- I will confine my board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.

- I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.

- I will recognize that authority rests with the board of education and will make no personal promises nor take any private action that may compromise the board.

- I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.

- I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. In all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its schools.

- I will vote to appoint the best-quali-

fied personnel available after consideration of the recommendation of the chief administrative officer.

- I will support and protect school personnel in proper performance of their duties.

I will refer all complaints at public meetings only after failure of an administrative solution.

To emphasize how seriously boards should regard this code of ethics, the state board of education adopted further requirements. Local boards must now:

- Discuss the School Ethics Act and the Code of Ethics for School Board Members annually at a regularly scheduled public meeting;

- Adopt policies and procedures regarding training in understanding the code of ethics;

- Ensure that each member of the board receives, reads, and familiarizes himself/herself with the code;

- Ensure that each member signs an acknowledgement of receipt of the code; and

- Provide documentation that each member has received and reviewed the code.

The state's monitoring of district oper-

ations now includes reviewing board policy on training board members on the code of ethics.

## The Legislation at Work

Since its inception 13 years ago, the School Ethics Commission has heard cases on every aspect of the act, including such violations as failing to attend training within required time limits and failing to file financial disclosure information or filing false statements.

Sanctions have run the gamut. Most commonly, the recommended punishment is public censure, reprimand, or suspension from the board for a limited time, but some board members have been removed from office.

Interestingly, in the three years since the Code of Ethics for School Board Members was enacted, the commission has decided only 11 cases concerning it. In all cases, the board members were found not to have violated the code.

*Elaine Kille was a policy analyst for the New Jersey School Boards Association for the past 15 years. She is now a partner in Kille and Petracco, an educational and policy consulting group in New Jersey.*

## Doing Right

*Continued from page 1*

coached for years in the district.

To help him make sense of this ethical requirement, I asked him to envision this scenario: The superintendent thinks the football coach/board member should be terminated from coaching because of a lack of skill or some other reason. Consider how awkward it would be for the superintendent to tell this to "the boss" (that is, the board member) and how awkward it would be for the football coach/board member to vote on the status of his own job. While the new board member could see my point, at least theoretically, he still had a hard time seeing how it applied to him, considering his years of successful coaching for the district.

## Staying Ethical

So, given these challenges, what can school board members do to remain ethical? I recommend taking the following steps:

1. **Learn the ethical requirements of your state.** Find out what topics are covered by the sources of ethics law in your state. Then learn the "black letter law"

and familiarize yourself with the "gray areas" also. Determine the reasoning behind ethical requirements so that if you have to make a decision about a gray area, you'll understand the spirit of the law.

### 2. Determine where to go for help.

Many ethical dilemmas have no clear answers, so find some people you trust who can help you work through ethical challenges. For example, your board may consult legal counsel employed by the state school boards association, or you may ask for advice from your district's legal counsel. In some states, you may also be able to ask a state ethics board or the attorney general for an opinion about a specific ethical question.

3. **Consider the outcome.** When a clear answer is not forthcoming, ask yourself, "If the local media found out I did X, would a story about it appear in the newspaper?" When there is no statute, case, or attorney general opinion addressing a particular ethical issue, a board member will not be tried in a judicial court for an ethical breach but may be tried in the court of public opinion.

Ultimately, when pondering unclear ethical dilemmas, it's important to make choices that are in line with the values of

the community you represent. Of course, this is not easy. Reasonable minds may disagree on what is right, and community members may lack the information and experience to judge board members' decisions fairly.

For example, it may be difficult for a small-town board member to convince community members that spending \$25 for lunch in San Francisco while attending the NSBA annual conference was reasonable, given the city's high cost of living and the need to select a restaurant near the convention hall so the board member would be back in time for the next session.

This issue of *Leadership Insider* provides legal and ethical guidance for school board members nationwide and describes how the school boards associations in four states are addressing the issue through legislation, an advisory council, and online training.

Also included in this issue is the NSBA code of ethics for school board members and a chart of state ethics laws.

*Lisa Soronen (lsoronen@nsba.org) is a staff attorney for the National School Boards Association.*

## ETHICS LAWS, STATE BY STATE

Some state laws establish ethics standards that apply to school board members in the performance of their official responsibilities and duties. In some states, the statutes apply generally to all elected or other public officials. Other states have specific ethics laws for school board members. The following quick-reference chart indicates whether each state's law is general (G) or specific (S) and what types of conduct it addresses. An expanded chart, including comments and statutory references, is online on the *Insider* page of the NSBA National Affiliate website, [www.nsba.org/na](http://www.nsba.org/na).

STATE	GENERAL OR SPECIFIC STATUTE	CONFLICTS OF INTEREST	USE OF OFFICE FOR PERSONAL GAIN	SOLICITATION/ ACCEPTANCE OF GIFTS	CONFIDENTIAL INFORMATION FOR PERSONAL GAIN
ALABAMA	G	X	X	X	X
ALASKA	G	X			
ARIZONA	G	X			
CALIFORNIA	G/S	X		X	
COLORADO	G	X	X	X	X
CONNECTICUT	None				
DISTRICT OF COLUMBIA	G	X	X	X	X
DELAWARE	G	X		X	
FLORIDA	G	X		X	
GEORGIA	G/S	X			
HAWAII	G	X		X	
IDAHO	G				
ILLINOIS	G			X	
INDIANA	G	X		X	
IOWA	G/S			X	
KANSAS	G	X			
KENTUCKY	G	X			
LOUISIANA	G/S	X		X	
MAINE	G/S	X			
MARYLAND	G/S	X		X	
MASSACHUSETTS	G	X		X	
MICHIGAN	G	X	X	X	X
MINNESOTA	G	X		X	X
MISSISSIPPI			X		X
MISSOURI	G	X	X	X	X
MONTANA	G	X	X		X
NEBRASKA		X		X	
NEVADA	G	X	X	X	X
NEW HAMPSHIRE	G	X	X	X	
NEW JERSEY	S	X	X	X	X
NEW MEXICO	S	X			
NEW YORK	G	X	X	X	X
NORTH CAROLINA	G	X	X	X	X
NORTH DAKOTA	S	X		X	
OHIO	G/S	X	X	X	
OKLAHOMA	S	X			
OREGON	G	X	X	X	X
PENNSYLVANIA	G	X		X	
RHODE ISLAND	G	X	X	X	X
SOUTH CAROLINA		X	X	X	
SOUTH DAKOTA	G	X		X	
TENNESSEE	G	X			
TEXAS	G/S	X		X	
UTAH	G/S	X	X	X	X
VERMONT	G				
VIRGIN ISLANDS	G	X	X		X
VIRGINIA		X		X	X
WASHINGTON	G	X	X	X	X
WEST VIRGINIA	G		X	X	
WISCONSIN	G	X	X	X	
WYOMING	G	X			

# Tennessee's Ethics Advisory Council

## *Educating board members about ethical behavior*

**M**any school boards, and some states, have codes of conduct or ethics that guide their members' actions. But enforcement remains a major stumbling block to ensuring ethical board behavior. After all, few board members relish the idea of turning in colleagues—and where would a board member who has concerns go, anyway?

In Tennessee, some school board members are trying a new approach. The Tennessee School Boards Association (TSBA) established an Ethics Advisory Council in 2002. The council's primary functions are to educate board members about appropriate ethical behavior and to serve as a resource to them on ethical issues.

According to Tammy Grissom, TSBA executive director, the Ethics Advisory Council was established "to encourage ethical behavior among school board members through education and awareness."

The council's stated goals are to:

1. Encourage a high standard of ethical behavior among school board members;
2. Raise school board member awareness of the TSBA Code of Ethics;
3. Provide ongoing education and training on ethics; and
4. Answer board members' inquiries regarding specific ethical issues and concerns.

TSBA's Board of Directors also serves as the association's Ethics Advisory Council. The council members do not constitute a governing body, however.

Advice from the council is available to board members, superintendents, and

for school board members to make an initial inquiry about a potential ethics violations," Grissom says, "and then the inquiry will be referred to the council. To date we have not had any board member inquiries."

TSBA expects that will change, however, given the council's plans. On the drawing board are:

- Including more discussion on ethical issues and appropriate ethical behavior in



**Enforcement remains a major stumbling block to ensuring ethical board behavior**



board secretaries through a link on the TSBA website ([www.tsba.net](http://www.tsba.net); click on "About TSBA").

All questions about potential ethics violations are kept confidential, and the board member or members involved do not need to be identified. The TSBA board believes the council will be used more often if board members can make inquiries without having to identify themselves or the board member in question.

### Looking Ahead

So how is it working? "We have a staff person listed on our website as a contact

school board academics.

- Regularly featuring an ethics question and opinion in one of TSBA's publications.
- Requiring that any board seeking TSBA Board of Distinction status adopt the association's code of ethics (also on the website). Each member of these boards must sign a pledge attesting to the board's intention to adhere to the code.

By adhering to the code of ethics, school board members will make decisions that are in the best interest of our students, ensuring that they will receive the best education possible. ■



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Contact Tom Hutton at NSBA at [thutton@nsba.org](mailto:thutton@nsba.org)  
or (703) 838-6703.





Draft 2

## The President Moderates Discussions

When conducting a meeting, it is the Board President who is responsible for keeping to the agenda, making sure the meeting is concluded on time, and most importantly, ensuring that every member is heard during discussions. It is the purpose of these rules of order to provide a structure that enables the President to conduct the meeting in such a way that every member has his or her say, the public is heard from, and both the Board members and the public know at all times what is being discussed and what decisions have been reached.

Although all members of the governing Board should know and understand the rules of order, it is the Board President who is charged with applying the rules.

Because the President conducts the meeting, it is common courtesy for the President to take a less active role than other members in debates and discussions. This does not mean that the President should not participate in the debate or discussion. On the contrary, as a member of the Board, the President has full rights to participate in debates, discussions, and decision-making. The President should, however, strive to be the last to speak at the discussion and debate stage, and should not make or second a motion unless he or she is convinced that no other member of the Board will do so.

## The Basic Format for an Agenda Item Discussion

1. The President should clearly announce the agenda item number and should clearly state what the subject is.
2. The President should invite the appropriate people to report on the item, including any recommendation they might have.
3. The President should ask members of the Board if they have any questions for clarification. At this point, members of the Board may ask clarifying questions to the people who reported on the item, who should be given time to respond.
4. The President should ask members of the Board if they have comments to make on the item. At this point, the Board may have a free and open discussion of the item. As long as each member who wants to speak gets to do so, no one interrupts anyone else, and no two people attempt to talk at the same time, the President need not interfere with the exchange of ideas. However, if any member is having trouble getting a chance to speak, he or she should raise a hand and the President should interrupt the discussion at an appropriate time to give that member a chance to speak. Also, if anyone interrupts another speaker or speaks while another is already speaking, the President should intervene to return order to the discussion.
5. The President should invite public comments. If numerous members of the public indicate a desire to speak to the subject, the President may limit the time allotted to each public speaker. At the conclusion of the public comments, the President should announce that public input has concluded (or that the public hearing, as the case may be, is closed).
6. The President should determine when the Board has reached a consensus on the issue. A consensus in this case means that a majority of the Board seems ready to proceed to a vote or action, not that there is a unanimity of opinion.

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<sup>\*</sup> This material is based on, and in many cases directly quotes, *Rosenberg's Rules of Order* by Dave Rosenberg, copyright 2003, League of California Cities.

7. If the item is not an action item but the Board has reached a consensus that amounts to a Board action as defined by Ed Code, the President should announce what the decision is and what the action consists of.
8. If the item is an action item, and there has been no discussion or a very brief discussion, the President should invite a motion from the governing Board members. If there has been substantial discussion, the President should sum up his or her understanding of what the issue is under discussion and what the consensus is that has been reached; then invite a motion from the Board.

The motion may be the original proposal under discussion, the proposal amended as proposed by one or more Board members, or a substitute proposal. The motion may also be to table the item, either indefinitely or until a specific future date.

Motions are made in a simple two-step process. First, the President recognizes the member. Second, the member makes a motion by preceding the member's desired approach with the words: "I move". A typical motion might be: "I move that we give 10 days' notice in the future for all our meetings."

The President usually initiates the motion by either inviting the members to make a motion: "A motion at this time would be in order" or suggesting a motion to the members: "A motion would be in order that we give 10-days' notice in the future for all our meetings."

If no other member of the Board wishes to make a motion, the president may do so. If there is no motion, the item is considered to have been tabled and the President should report that fact for memorialization in the minutes.

9. The President should determine if any member of the Board wishes to second the motion. If no one wishes to second the motion, the president may do so. If there is no second, the motion is considered to have been tabled and the President should report that fact for memorialization in the minutes.
10. If the motion is made and seconded, the President should make sure everyone understands the motion. This is done in one of three ways:
  - The President can ask the maker of the motion to repeat it;
  - The President can repeat the motion; or
  - The President can ask the secretary or the clerk of the Board to repeat the motion.
11. The President takes a vote. Simply asking for the "ayes" and then the "nays" is normally sufficient. Unless Ed code requires a super-majority, a simple majority determines whether the motion passes or is defeated. Any member may request a roll-call vote, however a roll-call vote is not required to record a dissenting vote.
12. The President should announce the result of the vote and should announce what action (if any) the Board has taken. In announcing the result, the President should indicate the names of the members, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 4., with Smith dissenting. We have passed the motion requiring 10 days' notice for all future meetings of this Board."

## Motions

Motions are the vehicles for decision-making. The President has every right as a member of the Board to make a motion, but normally should do so only if he or she wishes a motion to be made but no other member seems willing to do so.

## Types of motions

**The basic motion.** The basic motion is the one that puts forward a decision. A basic motion might be: "I move that we approve the agenda" or "I move that we approve the agenda contingent on changing item 6 to be an action item."

**A motion to table.** This motion, if passed, requires the agenda item to be placed on "hold." The motion may contain a specific time in which the item can come back to the Board: "I move we table this item until our regular meeting in October." Or the motion may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the Board will have to be taken at a future meeting. A motion to table an item (or to bring it back to the Board) requires a simple majority vote.

**A request to recess.** If a member desires a recess, he or she may interrupt the discussion to request one. Normally, the President determines the length of the recess. No vote is required.

**A motion to fix the time to adjourn.** This motion, if passed, requires the Board to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we extend this meeting by 20 minutes." It requires a simple majority vote. This motion is often requested by the President when the meeting time extends past the time in the agenda.

**A motion to limit debate.** The most common form of this motion is to say: "I move the question" or "I call for the question." When a member of the Board makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the President should ask for a second to the motion, stop debate, and vote on the motion to limit debate.

The motion to limit debate requires a two-thirds vote of the Board. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion requires a 2/3 vote.

**The Motion to Reconsider.** A tenet of parliamentary procedure is finality. After vigorous discussion, debate, and a vote, there must be some closure to the issue. And so, after a vote is held, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the Board.

Second, a motion to reconsider may be made only by a member who voted in the *majority* on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the Board may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the Board again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the Board. The matter may be discussed and debated as if it were on the floor for the first time.

## Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the Board and the members of the public can attend to business efficiently, fairly, and with full participation. It is up to the President and the members of the Board to maintain courtesy and decorum.

It is always best for only one person at a time to have the floor.

The President should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not on irrelevant matters such as the personalities of the members of the Board. The President has the right to cut off discussion that is too personal, too loud, too rude, or too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the President may, however, limit the time allotted to speakers, including members of the Board.

Can a member of the Board interrupt the speaker? The general rule is no. There are, however, exceptions. A speaker may be interrupted for the following reasons:

- A member cannot hear the speaker or cannot see an exhibit or graphic being discussed.
- The President makes a mistake in procedure, such as calling for a vote on a motion that permits debate without allowing the debate .
- A member believes that the Board has drifted from the agreed-upon agenda. The member may call on the president to return to the agenda. If the President discovers that the agenda has not been followed, the President simply reminds the Board to return to the agenda item properly before them.

## Note on Communicating with the Public

It is wise to remember three rules that apply to each agenda item:

1. Tell the public what the Board will be doing.
2. Keep the public informed while the Board is doing it.
3. When the Board has acted, tell the public what the Board did.

Public input is essential to a healthy democracy, and community participation in public meetings is an important element of that input. The challenge for anyone presiding over a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items.