

Jefferson County Board of Education Jefferson County, Kentucky

School Board Governance



November 26, 2012

1: The Players

- ▶ **The Authority for and Structure of Public Education in Kentucky**
- ▶ The Kentucky Constitution: requires an “efficient” system of common schools throughout the state.
- ▶ The Kentucky General Assembly created a system for elementary and secondary education.
- ▶ Local boards of education represent the community and provide local oversight.

Legal Environment of Local Boards

- ▶ Local boards of education: Must comply with federal and state constitutions, statutes and regulations.
- ▶ Are subject to constitutional, statutory and regulatory provisions that do not apply to private industry.
- ▶ Have the discretion to make choices and decisions in the district's best interest.

The State Educational Hierarchy

The Kentucky Constitution

- ▶ KY constitution limits how funding may be used.
- ▶ Prohibits acting in an “arbitrary” manner– all actions must be for educational purposes and not be unconstitutional or discriminatory.
- ▶ Examples of unconstitutional spending: crossing guards, donating unneeded school building for less than FMV.

The State Educational Hierarchy

- ▶ The Governor
- ▶ The General Assembly
- ▶ The State Board of Education
- ▶ The Commissioner of Education
- ▶ The Department of Education
- ▶ Local Boards of Education

The State Educational Hierarchy

- ▶ Office of Education Accountability
- ▶ School Councils

2:The Local Board of Education

- ▶ Duties of the Local Board of Education
- ▶ The general powers and duties of the local board are outlined in KRS 160.160 and 160.290.
- ▶ Additional responsibilities of a local board are detailed in other statutes.

Duties of the Board

- ▶ 1. Establish schools, acquire sites and erect buildings.
- ▶ 2. Adopt courses of study.
- ▶ 3. Provide necessary services to pupils.
- ▶ 4. Manage all funds and property.
- ▶ 5. Make appropriate rules, regulations, and bylaws. (KRS 160.350)

Duties of the Board (continued)

- ▶ 6. Appoint a superintendent of schools.
- ▶ 7. Adopt a budget. (KRS 160.470)
- ▶ 8. Take necessary action to levy needed taxes. (KRS 160.460–160.500)
- ▶ 9. Assess individual student progress. (KRS 160.345)

Duties of the Board (continued)

- ▶ 10. Adopt a plan for immediate and long-term strategies to address school safety and discipline. (KRS 158)
- ▶ 11. Formulate a code of acceptable student behavior and discipline that applies to each school in the district.

Board Member Qualifications

- ▶ Partial list of qualifications (KRS 160.180):
 - ▶ Have been a citizen of Kentucky for at least three years and be a voter of the district she is elected to represent.
 - ▶ Does not hold a state office requiring the constitutional oath and is not a member of the General Assembly.
 - ▶ Does not hold any civil or political office, deputyship, or agency under city or county government.
 - ▶ Is not directly or indirectly involved in the sale to the board of anything, including services, paid for with school funds.
 - ▶ Does not have a relative employed by the school district.

Board Member Election

- ▶ Seven board members
 - ▶ Elected for four-year terms
 - ▶ Nonpartisan ballot
 - ▶ Terms are staggered
 - ▶ Elected from divisions.
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- ▶ School board candidates cannot solicit or accept any political assessment, subscription, contribution, or service of any employee of the school district. (KRS 161.164)

Board Member In-service Training

- ▶ Annual in-service training requirements are based on length of service:
- ▶ 0–3 years 12 hours of annual training
- ▶ 4–7 years 8 hours of annual training
- ▶ 8–plus years 4 hours of annual training

Board Member Meeting Attendance

- ▶ Failure to attend three consecutive regular meetings
- ▶ Subject to removal from his office
- ▶ Unless excused by the board
- ▶ Excusal should be reflected in the minutes

The Board as a Corporate Body

- ▶ Per KRS 160.160, “Each Board of Education shall be a Body Politic and Corporate with perpetual succession.”
- ▶ No authority outside of legally called board meetings
- ▶ Only actions recorded in the minutes of a board meeting reflect the official acts of the board.

Personal Liability

- ▶ Board members generally enjoy immunity from personal liability for actions taken by the board, providing they act in good faith, and without illegal motive, fraud, collusion or gross negligence.
- ▶ State law allows school boards to purchase insurance to protect members when they act in their official capacity.

Board Officers

The board appoints officers:

Chair, Vice Chair, Superintendent, Secretary,
Treasurer, Attorney.

Board Officers

▶ Board Chair

- ▶ Presides over board meetings
- ▶ Facilitates discussion at board meetings
- ▶ Votes and makes motions
- ▶ Signs most official board documents
- ▶ Serves a term of no more than two years
- ▶ Jefferson County elects a Chair and Vice-Chair at its first meeting in January (one-year term)

▶ Vice Chair

- ▶ Presides in the absence of the chair.

Board Officers

Board secretary

- ▶ Per KRS 160.440 is–
- ▶ Appointed by the Board for a term of 1–4 yrs
- ▶ Cannot be a member of the board
- ▶ Attends all meetings (with one exception)
- ▶ Records all official proceedings
- ▶ Keeps the board's minutes according to law
- ▶ Calls a special meeting when requested by the chair or by three board members
- ▶ JCBE: Superintendent serves as secretary

Board Officers

Treasurer

- ▶ Per KRS 160.560 is–Elected by the Board
- ▶ Pays all bills of the Board
- ▶ Receives all money due the district
- ▶ Deposits it in a Board–designated depository
- ▶ Responsible for all funds belonging to the district
- ▶ Keeps accurate record of receipts/disbursements
- ▶ Prepares periodic reports/financial statements

Board attorney

Board Member Expenses

- ▶ No salary for board service
- ▶ Per diem of \$75 for each board meeting attended, not exceed \$3,000 per calendar year.
- ▶ Expenses reimbursed for attending each board meeting– not to exceed \$3,000 per calendar year for in-district meetings.
- ▶ Per diem for attending required in-service training up to the hours required by statute.

Board Member Expenses (continued)

Outside the district:

- ▶ Reimbursed for actual and necessary expenses incurred while performing district duties as long as it is authorized by the board.
- ▶ Expenses incurred outside the district are not calculated in the \$3,000 calendar-year limitation for in-district expenses.

Conflicts of Interest and Consequences

- ▶ Financial conflict of interest where a board member receives, directly or indirectly, any financial benefit from the district other than permitted per diems and expenses. Other examples--
- ▶ Member who rented a building to the board for superintendent's office.
- ▶ Candidate elected to the board who had interest in the sale of bus services.

Conflicts of Interest and Consequences

- ▶ Member–president of a company that sold merchandise to the school board.
- ▶ Member who was sales representative of a company that sold paint to the district and received a commission on the sales.
- ▶ Member who owned a firm selling insurance or supplies to the district

Conflicts of Interest and Consequences

- ▶ Financial benefit may be Indirect ---
Spouse or minor child
- ▶ Teacher employed in the district not eligible to serve on the school board that employs him.
- ▶ Teacher is eligible to serve as a school board member in a district where he is not under contract.
- ▶ Retired teacher is eligible to become a member of the board of education, if other qualifications are met.

Conflict of Interest and Incompatible Office

- ▶ Kentucky Constitution provides that no person shall, at the same time, be a state officer and an officer or employee of any county, city, town, or other municipality.
- ▶ School board members are state officers.
- ▶ Not permitted:
 - ▶ Member of a county board of health
 - ▶ City council member
 - ▶ County election or tax commissioner
 - ▶ Magistrate or Deputy sheriff

Conflict of Interest and Incompatible Office

- ▶ School board member—state e'ee permissible
- ▶ (Inspector in the state DMV, state parole officer, and state maintenance supervisor)
- ▶ Cannot hold another office that requires taking the state constitutional oath.
- ▶ Can be a candidate for another political office but upon election, must resign from the board.
- ▶ Additional reasons for removal from office

Removal Process

- ▶ Attorney General may file an action in circuit court to remove the board member from office.
- ▶ Commissioner (KRS 156.132) may recommend removal to the state Board of Education when the commissioner has reason to believe the board member is guilty of immorality, misconduct in office, incompetence, willful neglect of duty, or nonfeasance.
- ▶ State Board affords a hearing and its decision can be appealed to the courts.

4:In the Trenches

- ▶ **Board meeting parameters**
- ▶ A board of education must meet at least once a month in a regular board meeting at a place and time set by the board.
- ▶ Whenever a quorum (four board members) gathers to discuss board business, it is subject to the Kentucky Open Meetings Act.

The School Board Meeting

Per the Kentucky Open Meetings Act, meetings require timely notice and must be open to the public.

- ▶ Serial meetings are prohibited by the law.
- ▶ Failure to observe its requirements can result in board actions being set aside by a court and fines levied against individual board members.

Types of Board Meetings

Regular Meetings

- ▶ Board adopts calendar of regular meetings
- ▶ Agenda for a regular meeting may be amended at the meeting

Special meetings

- ▶ Meetings not listed on the adopted calendar
- ▶ Agenda must be delivered with the notice
- ▶ Action and discussion limited to the agenda which cannot be amended during the meeting

Types of Board Meetings

- ▶ Special board meetings–Notice–
- ▶ Each member must receive written notice of the meeting including agenda, date, time and place.
- ▶ Delivered as soon as possible in person, by fax or mail to each member, and all registered media organizations.
- ▶ May be by e–mail if so requested.
- ▶ Received at least 24 hours prior to the meeting. Notice must be posted in a conspicuous place in the building at the meeting location and in the central administration building.

Types of Board Meetings

Emergency meetings

- ▶ May be called by the chair or by secretary if requested by three members.
- ▶ Reasonable effort to notify members, media organizations and public of the meeting.
- ▶ Brief description at the meeting of circumstances that prevented compliance with normal notice.
- ▶ Discussion and action limited to the emergency.
- ▶ Called only when there is a threat to individuals' health or safety or there is a threat to the district.

Types of Board Meetings

Closed sessions (KRS 61.810)

- Meetings of a board are open to the public with limited exceptions.
- Example—a board may go into closed session for discussion of proposed or pending litigation.
- Personnel exception.
- Procedures followed when going into or coming out of closed sessions.

The Board Meeting Site

- ▶ The board meeting site should be as comfortable and pleasant as possible, both for the board and its visitors. Ample seating should be available. When possible, the board and superintendent should be seated facing the audience.
- ▶ If a board meeting attracts an audience larger than the meeting room can accommodate, the board must make a good-faith effort to handle the overflow crowd.

Receiving the Public's Comments

- ▶ Kentucky law does not require a school board to allow public comments at meetings—however, boards should establish guidelines for hearing comments from the public.
- ▶ Jefferson County Policy BDDH *Public Participation at Board Meetings*

Parliamentary Procedure

- ▶ Jefferson County follows *Robert's Rules of Order*

Voting

- ▶ A majority of the board constitutes a quorum for the transaction of business, but a concurring vote by a majority of the board is still needed to take action, no matter how many members are in the quorum.
- ▶ That means four

Board Members and Personnel

- ▶ Superintendent is responsible for personnel actions
- ▶ Board members may not influence the hiring or appointment of employees, except the superintendent, attorney, secretary and treasurer (KRS 160.170 and KRS 160.180)
- ▶ Violation may subject a board member to removal
- ▶ Demotion of certified employees
- ▶ Does not apply to independent contractors

Board Members and Personnel (continued)

- ▶ Not responsible for “who” is employed.
- ▶ Many decisions impact the personnel process. (Policies, benefits, collective bargaining agreements, budget.)
- ▶ Public employment grants District personnel certain rights that employees in private business may not hold.

Board Members and Personnel (continued)

- ▶ A board cannot direct the superintendent to remove a principal, but the board can hold the superintendent accountable for the failure of the school to progress.
- ▶ If a certified employee is tenured he will hold certain rights by statute, including a right of due process which may require a hearing before action is taken.

Board Members and Personnel (continued)

- ▶ Some positions are required by law:
- ▶ Superintendent, principal or head teacher of a school, school media librarian, finance officer and director of pupil personnel.
- ▶ Teaching positions are required.

5: What is a Policy?

- ▶ Policy making is one of the local board of education's three major areas of responsibility, the others being hiring a superintendent and adopting the district budget.
- ▶ A policy is a statement of the board's intent to guide present and future actions and decisions.

A Policy Should:

- ▶ Balance focus with broad applicability.
- ▶ Recognize limitations, such as legal constraints and available resources.
- ▶ Direct action by answering the questions of what is to be done, why and how much.
- ▶ Assign responsibility – who is responsible and to whom, in what manner and when?
- ▶ Provide information for stakeholders.
- ▶ Address accountability—monitoring, reporting and evaluating student achievement and reviewing and revising reports when necessary.
- ▶ Reflect the community's vision for its schools.

Legal Requirements

Policies are required in the following areas:

- Pupil transportation
 - Limitations or restrictions on use of school facilities
 - Conduct of board meetings
 - Personnel matters
 - Selection of textbooks and instructional materials
 - Expenditures and accounting for school funds
 - School based decision-making
 - School safety and student discipline
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- ▶ Board policies carry the force of law as long as they are within the board's authority and don't conflict with state or federal law.

Policy and Procedure: the Distinction

- ▶ A policy is a statement that describes an objective to be met.

Policy statements are often supplemented by administrative procedures. Administrative procedures specify particular courses of action within the framework of policy.

- ▶ Most boards review administrative procedures, but do not formally adopt or approve them.

The Board and Policy Development

- ▶ State law requires the superintendent to prepare, under the board's direction, all rules, regulations, bylaws, and statements of policy for approval and adoption by the board.
- ▶ The Jefferson County Board of Education has established a Policy Development Committee made up of three board members. The Committee reviews policy recommendations and, along with the Superintendent, makes recommendations to the full board.

Board Policy and School Council Policy

- ▶ *Board of Education of Boone County vs. Bushee* -- Board has no authority to require board approval of council policy in an area over which the council has responsibility by law.
- ▶ A council will often adopt the district's recommended policy.

Jefferson County Board of Education

Operating Principles

Preamble

- The Jefferson County Board of Education recognizes its role and responsibility to create and sustain a quality school district for the Louisville community, with the continuous improvement of student achievement as its primary goal. To develop and sustain high performance for Jefferson County Public Schools, the Board directs its work on policy making, planning, and evaluation of district performance.

Preamble

- As elected officials, we work together, aligned to a common mission and shared goals. We expect high standards of behavior and performance from ourselves and from others in the JCPS community. To ensure unity and effective leadership, we use these operating principles to guide our conduct, practices and performance.

Board and Superintendent Leadership

- To achieve our vision and best serve the students and community, the Jefferson County Board of Education and the Superintendent work as a leadership team. In complementary roles of policy governance and district management, we operate in collaborative partnership.
- Therefore,

Board and Superintendent Leadership

- 1. We understand that the Board derives its authority only when it operates as a body. We will not take unilateral action.
- 2. We build and maintain a culture of trust and team work. Each should be honest and forthright in dealing with one another.
- 3. We adhere to a practice of 'no surprises' for Board members or the Superintendent.

Decision-Making

- The Jefferson County Board of Education makes decisions that are first and foremost in the best interests of students and enhance the quality of programs and services in the Jefferson County Public Schools.
- Therefore,

Decision-Making

- 4. We ask for and expect recommendations to the Board are based on evidence data and best practices.
- 5. We engage in robust deliberations to debate issues with one another and with the superintendent prior to making decisions. We ask hard questions and critically evaluate all implications of our decisions.
- 6. We honor and support decisions of the majority while respecting the right of individual members to express opposing viewpoints and vote their convictions.

Communication

- The Jefferson County Board of Education understands that clear, consistent and frequent communication contributes to unity and synergy around shared goals for the district as a whole.
- Therefore,

Communication

- 7. We work through the superintendent to address concerns, complaints and need for information. The entire Board will then be informed.
- 8. We expect that all Board members will be uniformly informed of matters pertinent to the Board's work, issues, and pending recommendations.

Communication

- 9. We recognize an official voice of the Board and allow the Board Chair, and in his/her absence, the Vice-Chair, to speak for and about the Board, its decisions, positions, and work. Individual Board members may always share their individual viewpoint but must clarify that they are speaking for themselves, rather than the entire Board.
- 10. To interact in a way with the media and public to preserve the integrity of Board processes and decisions.

Community Relations

- The Jefferson County Board of Education recognizes that the community has aspirations for its school system. The Board, with the Superintendent, is the community's leading advocate for students, parents, staff, and the enterprise of the Jefferson County Public Schools.
- Therefore,

Community Relations

- 11. We champion the work of the schools and are public education ambassadors.
- 12. We engage the community by soliciting input, listening to perspectives, and providing regular and relevant feedback to the community on the needs, achievements, and challenges facing the school district.

Approved:

- December 12, 2011