

# **School Board Member Roles and Responsibilities (including as a Charter Authorizer)**



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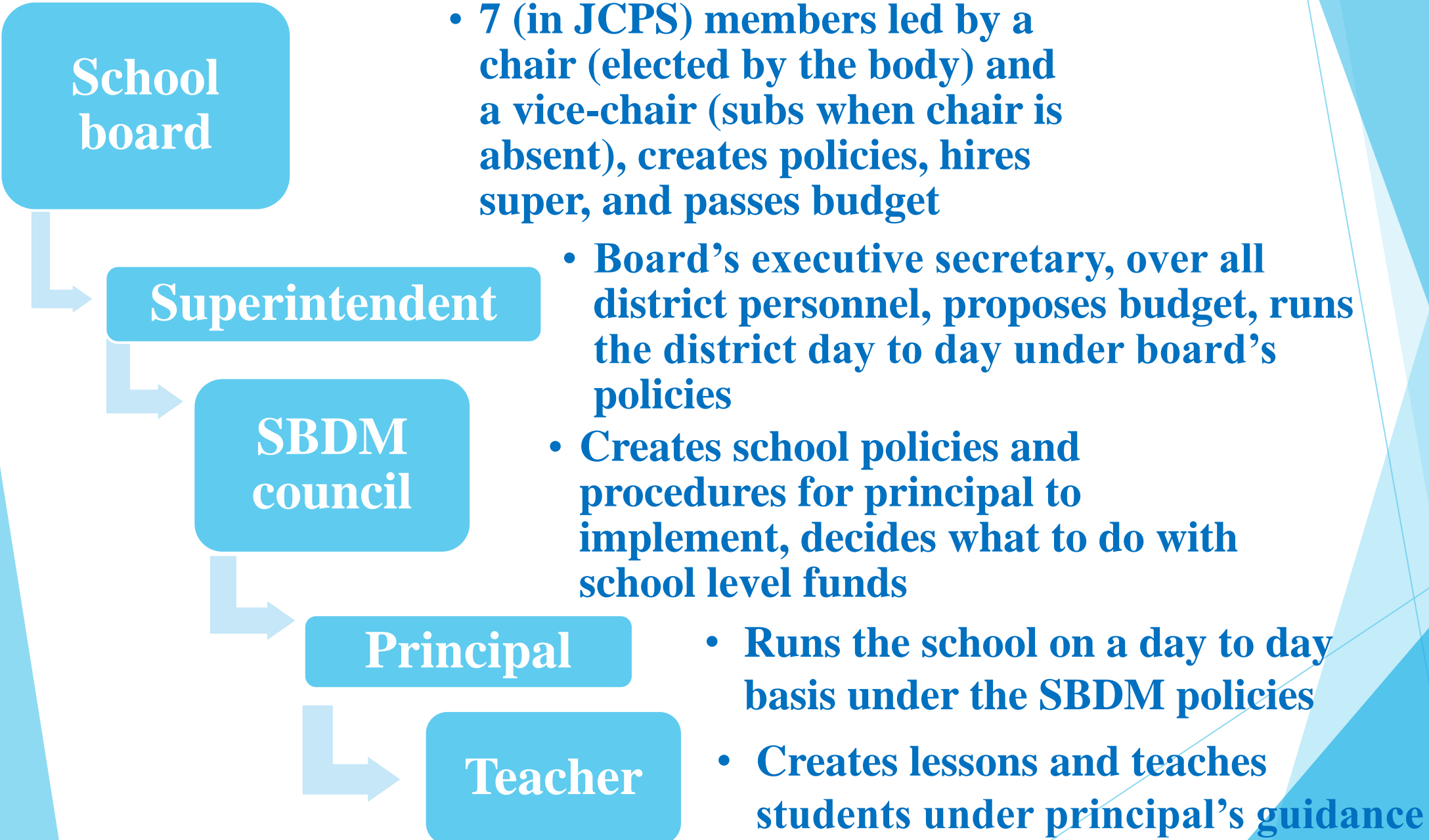


**KSBA**

# **What we will talk about today**

- ▶ **Who does what in a district**
- ▶ **Role of board and individual members**
- ▶ **Role of board as charter authorizer**
- ▶ **What do I do if...?**

# Who's who in a district?



# Deeper dive into principal authority

- ▶ Exercises all SBDM authority if there is no council
- ▶ Chairs and works with the SBDM council
- ▶ Implements school policies and procedures
- ▶ Evaluates and supervises the teachers
- ▶ Selects, with council consultation, the school staff
- ▶ Decides on staff transfers to and from the school
- ▶ Supervises students and implements student code of conduct and discipline (including extra-curricular eligibility)
- ▶ Reports student assaults and other student victim crimes
- ▶ Discusses the school emergency plan with all staff

# Deeper dive into SBDM council authority

- ▶ Create policies for principal to implement for:
  - Curriculum
  - Staff assignment
  - Student assignment
  - School day/week schedule, within district's school day/year calendar
  - School space's educational use within school day
  - Instructional practices issue management
  - Student discipline/classroom management, part of school safety plan
  - Extracurriculars and student participation requirements
  - Emergency plan (KRS 158.162)
  - Academic standards alignment, technology usage, program review procedures
  - Hiring consultation procedures

# Deeper dive into SBDM council authority

- ▶ Choose school's textbooks, instructional materials, student support services
- ▶ Determine staffing at school, based on board's staffing guidelines
- ▶ Plan school staff's professional development
- ▶ Hire principal, with superintendent, or hire superintendent's confidentially recommended candidate
- ▶ Serve in consultation role in all other school staff hiring
- ▶ Create wellness policy (for K-5 schools) including moderate to vigorous physical activity and assessment tool to judge each student's physical activity level annually
- ▶ Review school student assessment data
- ▶ Create CSIP
- ▶ Review school safety and student discipline data (aid district in district safety plan) and adopt an emergency plan for the school
- ▶ Exercise authority of board given by board to councils (e.g., setting the school's student dress code)

# **Exceptions to principal/SBDM authority over SBDM school personnel**

- ▶ **Generally, where the circumstances requiring the placement of an individual in an SBDM school are outside the control of the superintendent and the principal, the superintendent may, in consultation with the principal, unilaterally place an individual in a position in an SBDM school.**

# Deeper dive into superintendent authority

- ▶ **Is board's executive agent and professional adviser**
- ▶ **Prepares all policies for board approval**
- ▶ **Hires and transfers all district-level staff (central office and itinerant)**
- ▶ **Begins and completes the school staff hiring process**
- ▶ **Disciplines and terminates all school district staff and may transfer an employee charged with a felony**
- ▶ **Has general supervision of all schools, courses, student discipline, and business affair management in the district**
- ▶ **Proposes a budget and salary schedule to the school board**
- ▶ **Acts as the board secretary, unless board chooses otherwise**
- ▶ **Recommends and presents evidence at a hearing to the board for student suspension/expulsion**



# Deeper dive into superintendent authority

- ▶ **Reports certified employee misconduct to EPSB**
- ▶ **Decides whether to require criminal background checks for those persons appearing on school grounds who are not absolutely required by law to have these done**
- ▶ **Hires each school's principal, with SBDM, or successfully makes confidential candidate recommendation to SBDM for school principal hire**
- ▶ **Leads the district safety assessment process and reports the emergency management response plan and practices of the district to the state**
- ▶ **Decides and implements any reduction in force of staff**

# Deeper dive into board authority

- ▶ **School boards have authority over the “control and management of all school funds and all public school property of its district and may use its funds and property to promote public education.” KRS 160.290.**
- ▶ **School boards create policies and procedures under the law to govern the operation of the district. KRS 160.290.**
- ▶ **School boards sue/are sued, enter contracts/leases, spend school funds for liability insurance for official capacity defense, own school property, issue bonds, “and do all things necessary to accomplish the purposes for which [they are] created.” KRS 160.160.**

# Deeper dive into board authority

- ▶ **School boards appoint and evaluate the superintendent. KRS 156.557, 160.290, 160.450.**
- ▶ **School boards elect/appoint/contract for attorney, board treasurer (may be board secretary), and board secretary (usually superintendent is the board secretary). KRS 160.160, 160.440, 160.560.**
- ▶ **School boards create and abolish positions in the district and set the employee salary schedule. KRS 160.290.**
- ▶ **School boards set student codes of conduct and discipline. KRS 158.148, 158.153.**
- ▶ **School boards rule on student expulsions/suspensions, after due process provided to the student. KRS 158.150.**

# Deeper dive into board authority

- ▶ School boards set the district's school year calendar. KRS 158.070.
- ▶ School boards pass the district's budget, including only “educational purpose” expenditures. Kentucky Constitution §186; KRS 160.470.
- ▶ School boards set tax rates. KRS 157.621, 160.450-160.648.
- ▶ School boards create policies to implement SBDM. KRS 160.345(3).
- ▶ School boards annually review the CDIP and biennially review each school's CSIP. KRS 158.649, 160.340; 703 KAR 5:225.
- ▶ School boards only act as a body and in a public meeting governed by the Open Meetings Act. KRS 61.800-61.850.
- ▶ School boards require school leaders to establish and follow best safety practices for each school. KRS 158.162.
- ▶ Individual school board members do not act alone without the board's authorization.

# Governance vs. management: the decision-making balancing act

## **-Governance:**

- Vision and Mission**
- Overseeing role**
- Inspire progress**
- Boundaries of authority**

## **-Management:**

- Plan and budget**
- Organize and staff**
- Control and solve problems**
- Fish or cut bait**

# Where do I, one board member, fit in all this?

- ▶ **Work with other board members for the best decisions for all students of your district.**
- ▶ **Advocate for what you believe is the best decision for all students of your district.**
- ▶ **Respect the boundaries of the authority of the board and the other district roles.**
- ▶ **Responsible, ethical service includes supporting the majority of the board's decision after the decision has been made.**
- ▶ **Individual school board members do not act alone without the board's authorization.**
- ▶ **Boards only act through public meetings and as a body.**
- ▶ **Rogue action only detracts from the board's work and creates controversy in your community.**

# Board member ethics

## Jefferson County School Board Policy 01.53:

### ► School board members shall:

- Govern effectively with integrity
- Participate in all board meetings in a prepared manner
- Staunchly advocate for high quality schools, curricula, and staff for all students
- Follow the laws
- Educate and engage constituents in your school district's work and needs
- Listen and lead, respect all opinions, act only as a body corporate, and support final board decisions
- Assist and evaluate the superintendent's community outreach, create policies to support the administration in their work, model respect for the district professionals, and avoid actions that appear to be the administration directly running the schools
- Avoid even the appearance of conflict of interest

# Board member training requirements

Board member as of 12-31-14	Total hours	Finance hours	Ethics hours	Super eval hours
0-3 years experience	12	3	1	1
4-7 years	8	2	1	1
8 or more years	4	1	1	1 every 2 years



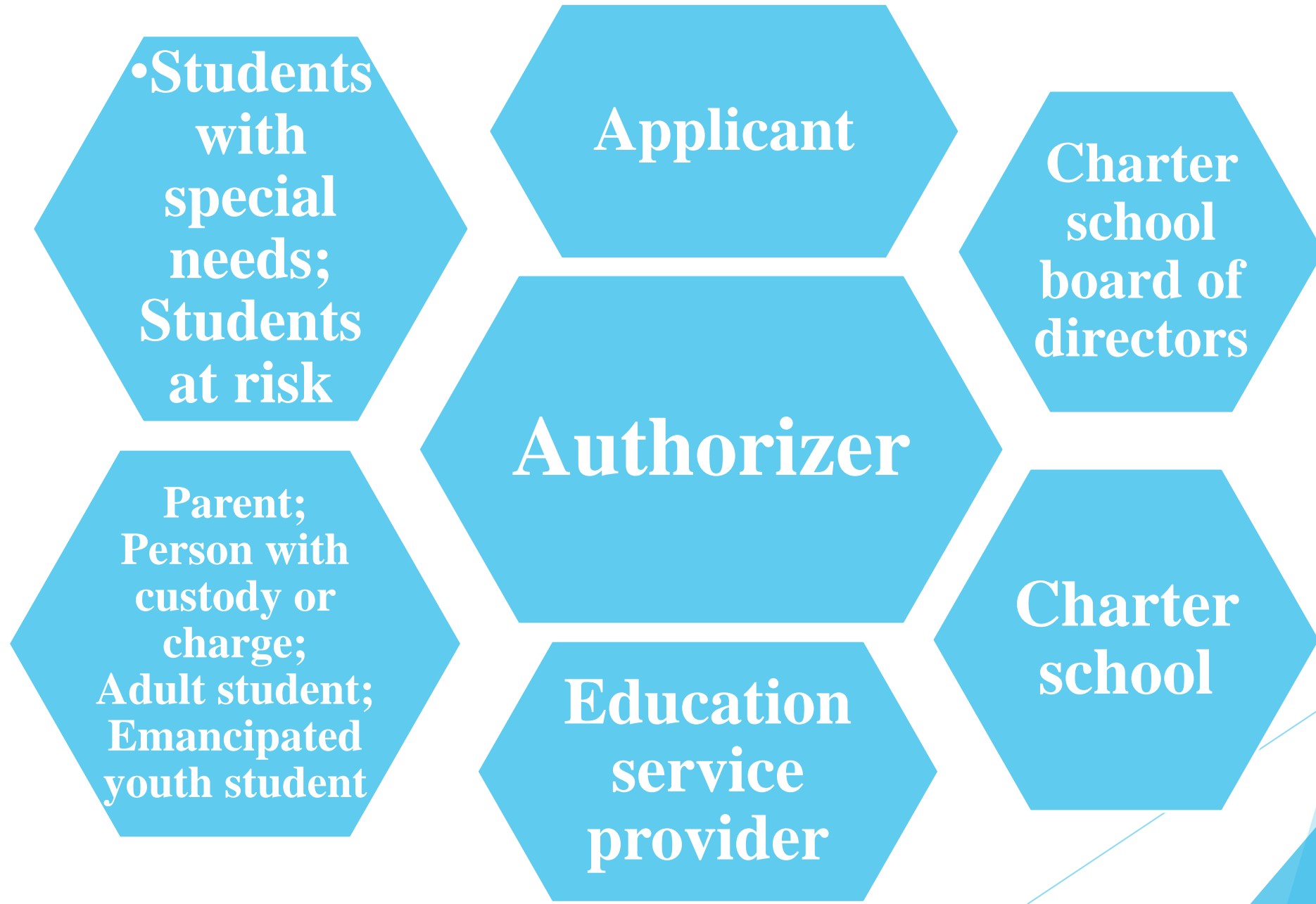
# Board member training requirements

Board member as of 1-1-15	Total hours	Finance hours	Ethics hours	Super eval hours
0-3 years experience	12	3	1	1
4-7 years	12	2	1	1
8 years	12	1	1	1 every 2 years
More than 8 years experience	8	1	1	1 every 2 years

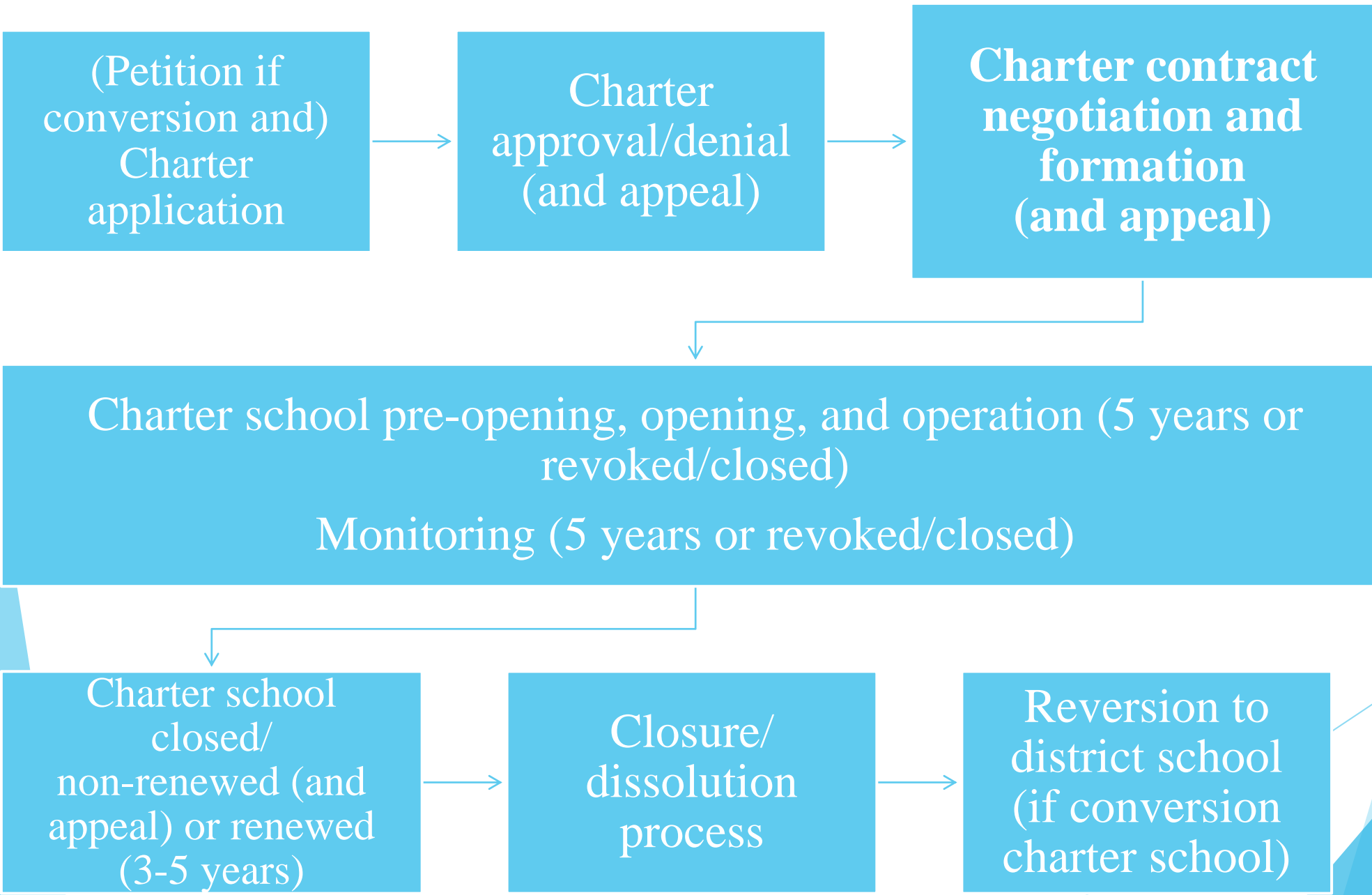
# Charter authorizer training requirements

Authorizer years of experience	Total hours (have to include the following subjects: Financial governance and transparency Conflict of interest Charter application Charter school contracting Charter school monitoring Charter school renewal, nonrenewal, and revocation Charter school closure Ethics Curriculum and instruction Physical restraint and seclusion of students Educational services provided for special needs, at risk, English learner, gifted, and other special population students):
0-8 years experience	12 or competency-based training in all these subjects
More than 8 years	8 or competency-based training in all these subjects

# Charter school law vocabulary: the “who”



# Charter school lifetime timeline



# What's my role, as a charter authorizer?

- ▶ **Create charter policies**
- ▶ **Solicit charter applications (no deadline or annual requirement)**
- ▶ **Review applications received and interview applicants**
- ▶ **Approve or deny applications within 60 days of receipt**
- ▶ **Negotiate and enter charter contract with charter board of directors**
- ▶ **Monitor the charter school during pre-opening, opening, and operation (5 years or until earlier revoked/closed) for compliance with charter law and charter contract (including whether charter school makes significant progress toward contract's academic, operational, and financial performance goals)**
- ▶ **Consider and rule on renewal applications**
- ▶ **Make closure decisions (charter contract termination decision)**
- ▶ **Oversee closure/dissolution of a charter school and return resources and students to district schools**

# **Conflicts of interest: School boards as charter authorizers**

- ▶ **School board members/authorizers:**
  - **Cannot be a shareholder/owner of ESP company**
  - **Cannot have a personal/financial relationship with ESP owners/shareholders creating a conflict of interest with authorizer membership**
  - **Cannot be on charter school board of directors**
  - **Cannot be an employee of charter school**
  - **Cannot have a personal contract with charter board (just school board's contracts with charter)**

# What do I do if ...

- ▶ A friend of yours is a parent of a JCPS student. The parent says the math teacher at the school has been picking on this student. The parent wants you, as a good friend and as a board member, to throw your weight around and get to the bottom of this.
- ▶ A. Show up at the school, walk into the classroom, and confront the math teacher. You knew her from high school and know she's a bully who would do exactly this. Tell her you will see to it she is fired.
- ▶ B. Start a Facebook discussion about this.
- ▶ C. Email the rest of the board and advocate for the board to let you look into this personally and then let you recommend to the board the termination of this teacher.
- ▶ D. Tell the friend that the safety of her child, and every student in the district, is a top priority for you and for the district leadership and that the parent needs to report any information on this to the school principal immediately for investigation and remedy, if substantiated. The parent may also want to request a meeting with the school principal, if the student continues to tell the parent that this is still happening.

# What do I do if ...

- ▶ A neighbor sees you over the fence and asks how it's going being a board member. The neighbor, an architect, says he's heard the central office building needs a renovation and asks you to get the district to pay him to assess and design the renovation needs. (He owes you \$1K so you'd like to see him pay you back.)
- ▶ A. "You couldn't design your way out of a paper bag. Plus, I'm an architect too and want the business. I'm telling the superintendent to hire me right now."
- ▶ B. "I like you and agree this is district money well spent (and you could pay me back finally!). I'll write you a check and have the superintendent reimburse me that amount plus the \$1K you owe me. Get started on that dump!"
- ▶ C. Tell the neighbor nothing but then start emailing the rest of the board about the issue and advocating for the renovation by the neighbor.
- ▶ D. Tell the neighbor that you, as a single board member, have no control over district spending or facilities work or contractor hiring. Tell the neighbor that you also cannot adjudicate the building's renovation needs and that this goes through the DFP process. Tell the neighbor: board has to follow the DFP and spend according to the board's budget and approved expenditures, you cannot personally gain from any contract, and contracts are under the procurement laws. Abstain from discussing this or any other board business outside an Open Meeting. Tell your neighbor to pay you back directly.



# What do I do if ...

- ▶ A neighbor sees you walking (get those steps!) and says he's heard all over town that the board is going to expel a high school student for vandalism of the central office building, wants you to swear you will vote to expel this kid, and wants you to confirm that the kid is Joe Smith's oldest son.
- ▶ A. "We all know Joe's son is a punk and he did it. He's been a rotten apple since he was in preschool. Good riddance."
- ▶ B. "School councils expel kids – not the board."
- ▶ C. Tell the neighbor nothing but then start emailing the rest of the board about the issue and asking questions and stating your opinion on whether to expel the student.
- ▶ D. Tell the neighbor that you cannot disclose any individual student information, including the identity of any student that may be coming before the board for disciplinary hearing, because this is all protected by federal law (FERPA). Tell the neighbor that you also cannot comment or prejudge any issue that is coming before your entire board and you will vote on a matter like this based on the evidence presented to you in the hearing. Abstain from discussing this or any other board business outside an Open Meeting.

## **What do I do if ...**

- ▶ **Your district needs to find a vendor to supply additional maintenance for the school buses. Your spouse and son are in that business and need work.**
- ▶ **A. Recommend your spouse bid on the contract. No one is better.**
- ▶ **B. As an individual board member, advertise for bids, open a P.O. box to receive bids, interview bidders (including spouse/son) over lunch, and seek reimbursement for these expenses (without board approval for any of it).**
- ▶ **C. Your son bids on the project and you are free to vote in favor of your son getting the contract. This doesn't look bad at all.**
- ▶ **D. Tell your spouse (after bid is advertised) this contract is not available since you are a board member restricted from a direct or indirect financial benefit from a district contract or any district spending (other than the per diem). Tell your son (after bid is advertised) if he bids on the contract you will have to abstain from voting on this since this would have the appearance of impropriety/conflict of interest. Remember "educational purpose" restriction on district spending. Abstain from discussing any board business with board members outside an Open Meeting and abstain from this vote if your son bids on the contract. Take your spouse/son to lunch on your own dime.**

# What do I do if ...

- ▶ Your alma mater high school (in JCPS) needs to hire a new basketball coach. You know someone who would be great. You want your alma mater to win the boys basketball championship and the coach will of course be key. Go Cougars!
- ▶ A. You meet with other board members privately to discuss your person and then drive together to his house to ask him to coach the team. Tell him he's got the job.
- ▶ B. You are the someone you know who would be great so you apply for the job. It's just a coaching job.
- ▶ C. Announce at a board meeting the person you want hired for this coaching job and what he will bring to that role.
- ▶ D. A coaching position is not something the board hires. You let the process play out, under the superintendent and the school principal (since it's a part-time school position tied exclusively to that school). If you hear any allegations that the selected candidate did not meet the law's requirements for coaches (over 21, high school graduate, background check, certified employee preference), then you refer those allegations to the superintendent for investigation and handling.

# What do I do if ...

- ▶ Your spouse is president of a local chapter for a non-profit supporting “community improvement.” The non-profit is hosting a conference in D.C. and you want to go with your spouse and have the district pay for both of you. Schools are part of the community, right?
- ▶ A. Just go and then tell the district to reimburse expenses for both of you.
- ▶ B. Email the superintendent and tell him to go too and you’ll get reimbursement for all 3 of you from the district. See you in D.C.!
- ▶ C. Email the rest of the board, tell them this is an “educational purpose”, and ask them to approve you going as a board member. The conference is next week so there’s no time to vote in a public meeting.
- ▶ D. Tell your spouse that district funds can only be spent on board approved expenses under the adopted budget and that this would have to be approved by the board, part of the budget, and allowed by a board vote in a public meeting. Also, the district can only expend funds on “educational purposes” which might not include this conference for you and definitely doesn’t include paying for your spouse. Remember to draw the line between personal and board interests/expenses to avoid even the appearance of impropriety. Seek legal advice from the board attorney on whether this is an “educational purpose” and, if it is, then seek board approval in a public meeting prior to the trip or pay personally or don’t go.

# Questions?

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