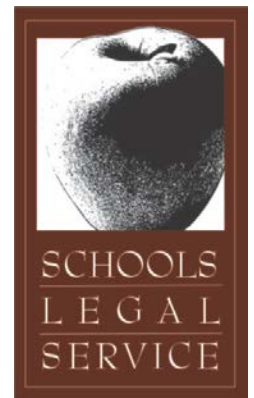


Kern County Trustees Workshop

1

LEGAL ASPECTS OF GOVERNANCE AND BOARDSMANSHIP ISSUES

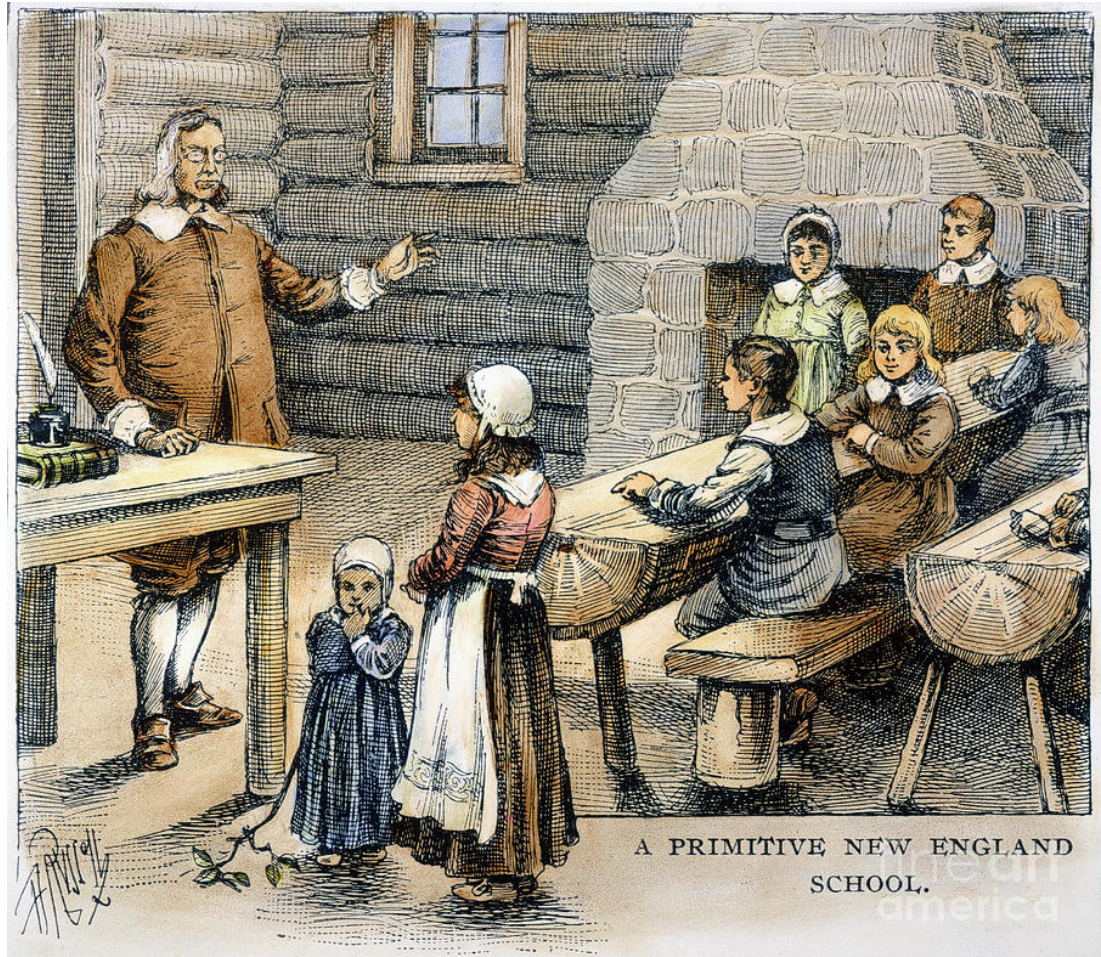
DoubleTree Hotel
February 25, 2013



Kern County Trustees Workshop

2

- Local control of school districts has roots dating back to colonial school committees
- There were 89,000 school districts in 1948 (less than 15,000 now)



Organization of California School Districts

- Today, California school boards are organized as arms of the State (political subdivisions) but remain under the control of locally elected Boards of Trustees
 - ▣ Every school district shall be under the control of a board of school trustees or a board of education. (Educ. Code section 35010)
 - ▣ The governing board of any school district employing eight or more teachers may employ district superintendent for one or more schools (Educ. Code section 35026)

How Boards Take Action

- The governing board shall act by majority vote of all of the membership constituting the governing board (Education Code section 35165)
- Boards act on items properly described on a timely posted school board meeting agenda

Duties and Powers of the Governing Board

5

- General powers and duties of the Board
 - ▣ Execute any powers delegated by law
 - ▣ Discharge any duty imposed on the Board by law
 - ▣ Delegate to an officer or employee any of those powers or duties
 - ▣ Board retains ultimate responsibility for performance of delegated powers and duties
 - (Educ. Code section 35161)

Duties and Powers of the Superintendent

6

- Chief executive officer of the governing board of the district
- Prepare and submit a budget
- Assign all certificated employees of the district subject to Board approval, and transfer when in the district's best interest
- Enter into contracts on behalf of the district under delegated authority

- Educ. Code section 35035

Typical Board Functions

7

- Governance and policy setting
- Implementation of Board policy through a CEO selected by the Board
- Approval of budget and allocation of resources
- Adjudication of certain types of issues (student expulsions, bid protests, etc.)

Governance Issues That Flow From The Legal Structure

8

- Board policy role versus involvement in the day to day operations
- So what happens when you're not in the majority?
- Board-Supt Relations
- Implementing Board policy
- Relations with the Community
- A Board member's role as an individual

Difficult Lessons for New Board Members

9

- Recognizing the difference between setting policy and administering the schools
- Learning how to respond to complaints and concerns of citizens and staff
- Learning that change comes slowly
- Learning to acknowledge publicly that you have no power and authority as an individual

-From NSBA, nationwide survey of experienced board members, in *Becoming a Better Board Member*

Dilemma 1: Micromanagement

10

- Board members are talented, energetic community members who want to help and get things done
- There are a lot of frustrating constraints and complexities to contend with as a Board member
- Remember that setting policy and allocating resources based on community priorities is extremely valuable. It may not be hands-on work, but setting direction and choosing a CEO to implement the vision can be very satisfying work

The Micromanagement Dilemma

“One problem I faced was getting away from micromanaging the district. I got bogged down with little things: the politics, the hidden agendas. I learned that there are certain things you should do and certain things you shouldn’t do. You have to see the whole picture. Then you can make better decisions.”

-From Smoley, *Effective School Boards*

Micromanagement Issue: Personnel

12

“I don’t read administrative evaluations . . . I put the responsibility on administrators to do this. Several other board members agree with my approach; others don’t agree. They want to read evaluations.”

-From Smoley, *Effective School Boards*



Micromanagement Issue: Personnel

13

- ❑ Disrupts authority of Superintendent and staff chain of command
- ❑ Sends signals to staff regarding fairness, perception of bias
- ❑ Superintendent is trained and legally competent to evaluate teachers



Dilemma 2: So What Happens When You're Not in the Majority?

14

- Learning to voice your opinion while respecting fellow board members and minimizing your resentment for the majority's action
- If not professionally handled, negative consequences can include public acrimony (how is that good for kids?), mistrust and even unlawful behavior like closed session leaks
- Can impact Board-Superintendent relations
- Minority's attitude can be greatly impacted by the respect the entire Board has for one another and willingness to listen to one another

Dilemma 3: Authority as an Individual – Responsiveness to Community

15

- ❑ Difficult lesson: power as a board member is collective, not individual – majority vote on agenda items at a public meeting
- ❑ The grocery store complaint: community members want action from you, especially if they are acquaintances
- ❑ The law requires districts to establish specific policies for handling complaints
- ❑ Learn to graciously point people to District processes rather than getting personally involved in disputes
- ❑ Failure to do so can create liability, foreclose needed action, etc.

Dilemma 4: Implementing Board Policy – Board/Superintendent Relations

16

- Mutual respect despite differences – how do you handle differences?
- Superintendent recognition of Board's right to set policy and direction
- Board recognition of the Superintendent's role as a professional educator/chief instructional officer and CEO
- Letting the Superintendent execute your vision and then hold him/her accountable for that
- Communication, communication, communication!