

Boardmanship

101

~ The Refresher Course ~

Dr. Tiffany N. Richardson, Esquire

General Counsel and Director of Policy and Legal Services
South Carolina School Boards Association

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Hot Mail

Chairperson Digital Age is reviewing the documents from the recent expulsion hearing to prepare for the meeting in which a decision will be rendered. She realizes that she is missing some information. Chairperson Digital Age e-mails the board asking for the information. Some board members reply, and a discussion commences going over the details of the hearing. However, a decision is never discussed.

Is this a meeting?

To Meet or Not to Meet

The board gathers for a retreat to assess and evaluate the board and how it functions. District business will not be discussed.

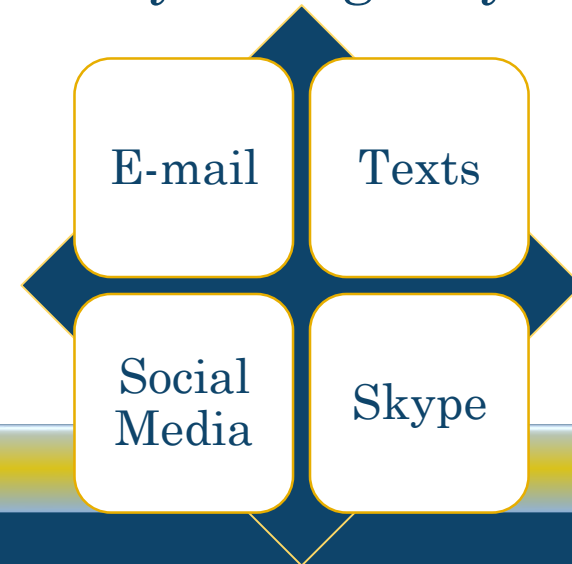
Is this a meeting?

The Freedom of Information Act (FOIA)

The convening of a quorum of the constituent membership of a public body, whether corporal or by means of electronic equipment, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power.

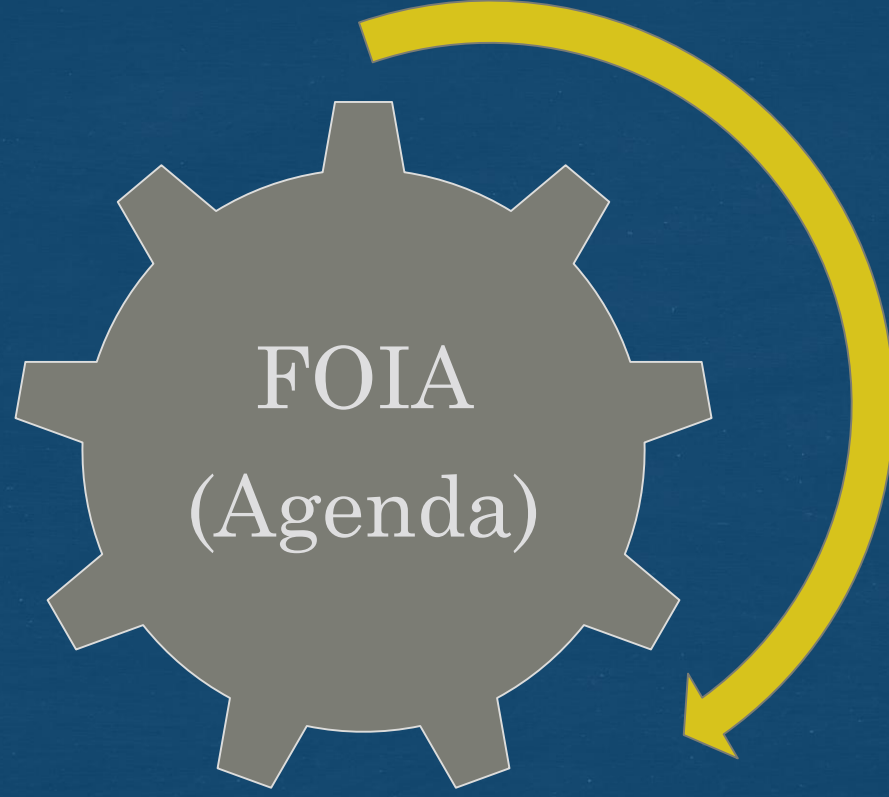
The Freedom of Information Act (FOIA)

FOIA applies to both in-person and electronic gatherings, so boards should be very careful about chatting electronically using any medium even if they are using personal devices.



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What Can We Learn

The board has elected to have a retreat to evaluate how the board is functioning. The board wants to strengthen the relationships between board members and the superintendent. They elect to have a two-day retreat. The first day will be the board evaluation. The second day will be sessions on the budget, FOIA, ethics, etc.

Can they have an executive session to get an update on all pending legal matters as part of the training?

Model Policy BEDB (Board Agenda)

The board will follow the order of business set by the agenda, unless the order is altered by a majority vote of the members present. The board may amend the agenda during any meeting by a two-thirds vote of the members present if the matter is a discussion item. If the matter is one in which final action will be taken without prior notice to the public, the agenda may only be amended by a two-thirds vote and a finding via a vote that an emergency or exigent circumstance exists.

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Up For Discussion

Board member Bud I. Insist continues to ask for an item to be placed on the agenda. He makes a motion to add it to the agenda and the motion fails due to the lack of a second.

Can board member Insist make another motion at the next meeting to add the item?

Robert's Rules of Order

Section 8:15, page 79

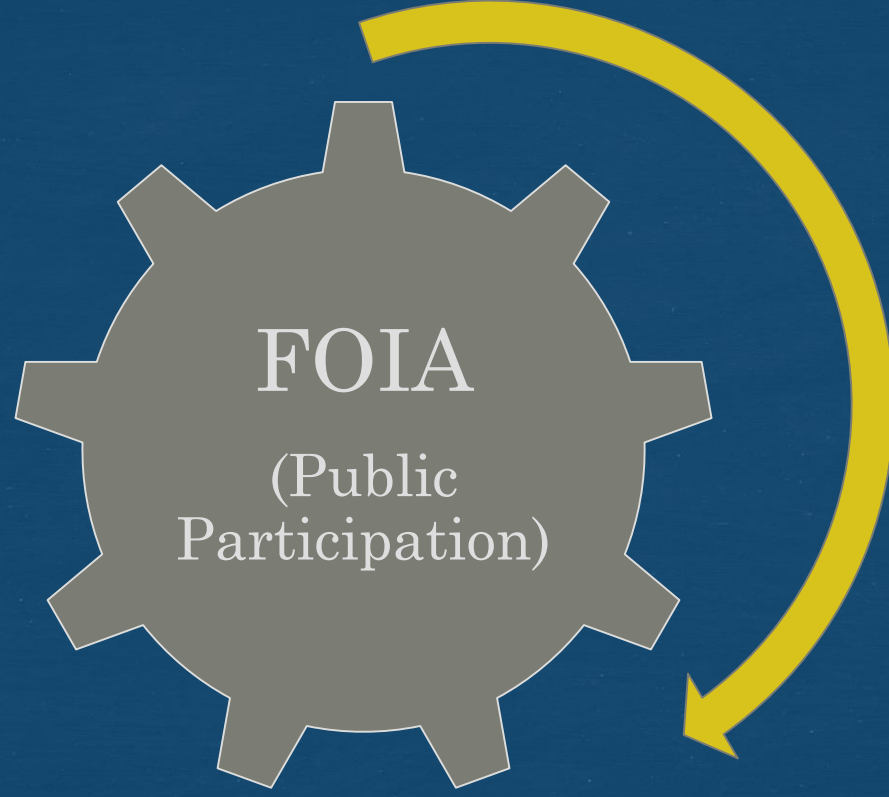
- At any later session, any motion that is still applicable can be renewed.

Board Policy BEDB (Agenda)

Items of business may be suggested by board members, staff members, or citizens of the district. Individual members requesting items to be included on the agenda should make such request to the board chairman no later than 2:00 p.m. on the Monday one week prior to the next Monday board meeting. The inclusion of such items will be at the discretion of the superintendent, board chairman, and the board officers. The agenda will, however, allow time for the remarks of persons who have requested to appear before the board.

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Do I Have to Turn Over My Apple Device

At the last board meeting, Board member Steve Jobs exchanged several email messages with community members who are his close friends. He used his personal cell and email account to discuss comments made during the public comment period by Concerned Citizen regarding favoritism shown toward certain community members when they request to use school facilities for church events. Concerned Citizen learned of the emails and submitted a Freedom of Information Act (FOIA) request to the district for board member emails sent during the last board meeting.

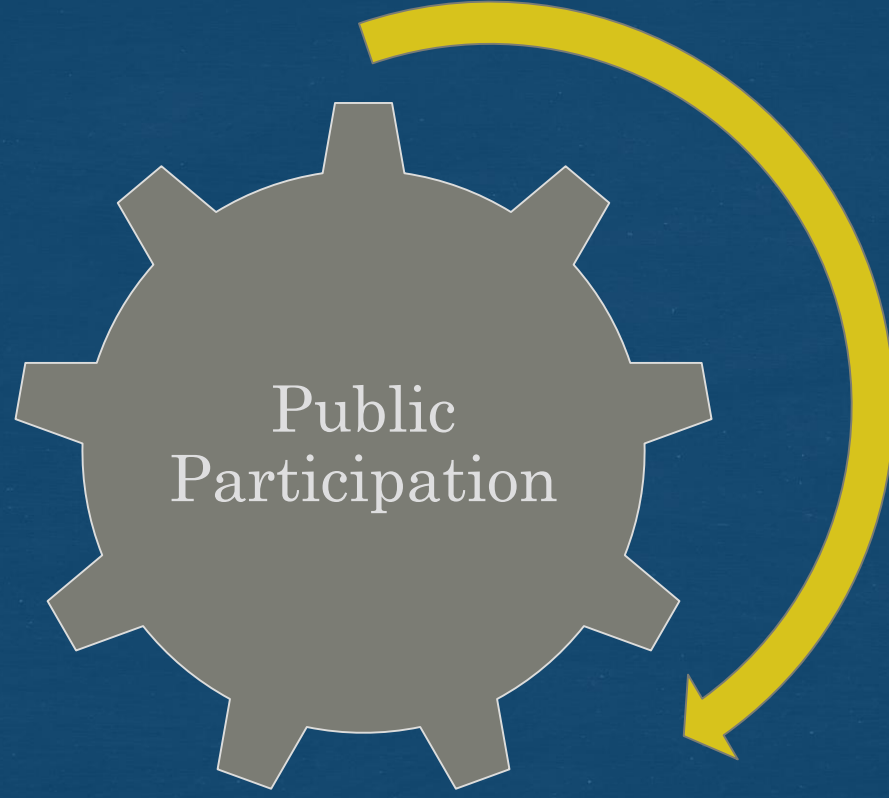
Are the emails sent during the board meeting subject to FOIA?

The Freedom of Information Act (FOIA)

Any means by which a board member uses to discuss or act upon district business is subject to FOIA.

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Can You Hear Me Now

During the board's special called meeting, citizen Free Speech wants to discuss the horrible traffic congestion in front of the high school. Citizen Free Speech realizes that public participation is not included on the agenda and angrily leaves the board meeting. He later files a complaint with the district.

Should public participation have been included on the agenda?

Remember...

- Board meetings are not public forum meetings but are meetings held in public.
- Public participation is not required by state law. It is a means to gain community input.

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Tired of the Games

Board member Carolina Gamecocks did not like what board member Clemson Tigers said at the last board meeting. Carolina feels like Clemson's comments are always directed at her and that Clemson thinks his number of board awards gives him the right to talk down to her. Board member Carolina discusses her concerns with the board chair who thinks they need to come together on one accord. The board chair says they will discuss this at the next board meeting during executive session.

Is this an executive session topic?

Freedom of Information Act (FOIA)

Prior to going into executive session, the board must state the specific reason, which can only fall under one of the following:

- Personnel or student matters
- Contract negotiations
- Legal matters related to a pending, threatened, or potential claim; settlement of a claim; or the position of the district in other adversary situations
- Security and safety measures
- Investigative proceedings related to criminal conduct

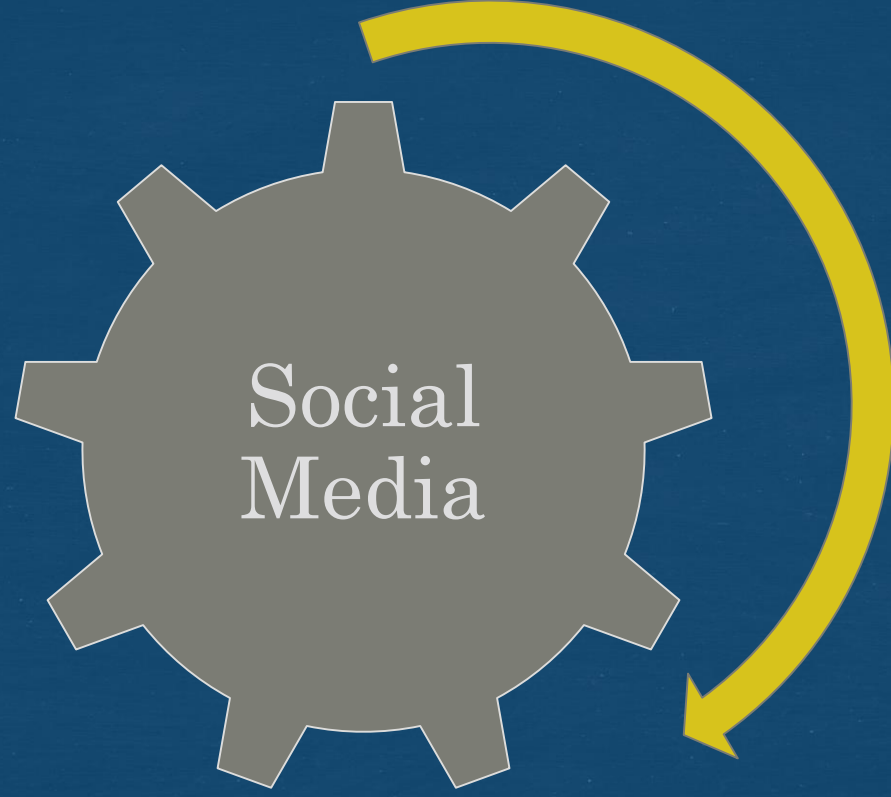
Board Policy BCA (Board Code of Ethics)

A board member should respect his/her relationships with other members of the board by doing the following:

- recognizing that authority rests only with the board in official meetings and that the individual member has no legal status to bind the board outside of such meetings
- recognizing the integrity of his/her predecessors and associates and the merit of their work
- refusing to make statements or promises as to how he/she will vote on any matter which should properly come before the board as a whole
- making decisions only after all facts bearing on a question have been presented and discussed
- respecting the opinion of others and graciously conforming to the principle of majority rule
- refusing to participate in irregular meetings such as secret or "star chamber" meetings which are not official and which all members do not have the opportunity to attend
- maintaining the confidentiality of matters discussed in executive session

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The Truth of the Matter

We Are Parents of Palmetto School District advocacy group is not happy with the plan for reopening schools. They began a public Facebook group and are constantly posting information about the district. Board members see the posts and began providing factual information about the decisions that were made in an attempt to clear up any misunderstandings.

What are the issues here?

A circular image featuring Elsa from Disney's Frozen. She is on the left, wearing her iconic blue ice dress with a long braid, looking towards the right. The background is a snowy landscape with a large ice castle in the distance under a blue sky with falling snowflakes.

LET IT GO

*Let it go! Let it go!
Can't hold it back anymore
Let it go! Let it go!
Turn away and slam the door
I don't care
What they're going to say
Let the storm rage on
The cold never bothered me any*

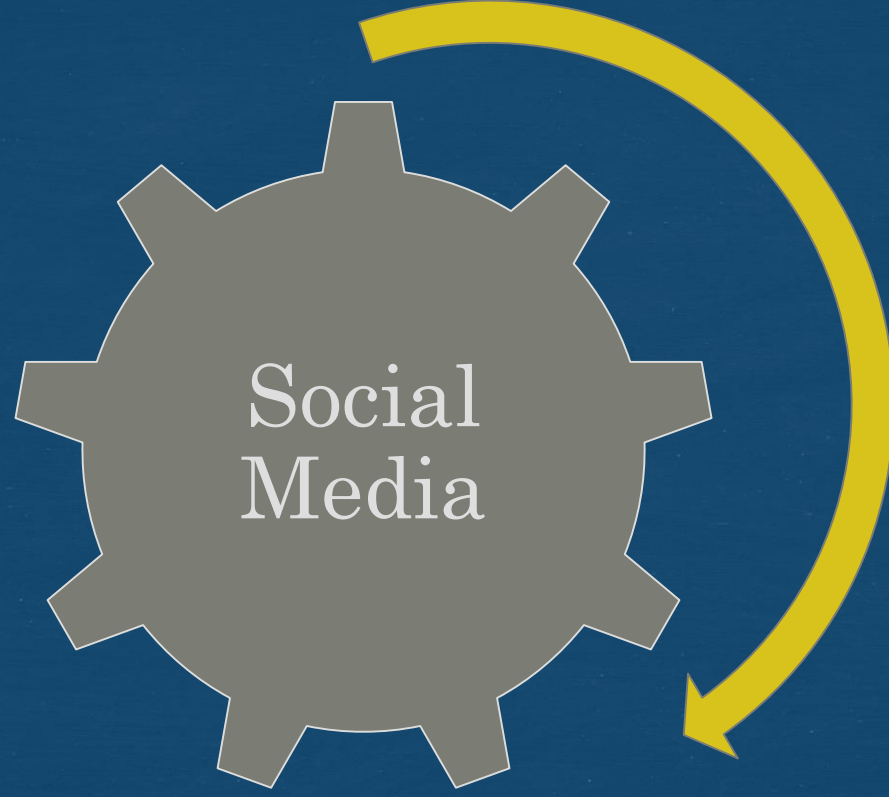
Disney
FROZEN

The Freedom of Information Act (FOIA)

The **convening of a quorum** of the constituent membership of a public body, whether corporal or by means of electronic equipment, **to discuss or act upon a matter** over which the public body has supervision, control, jurisdiction, or advisory power.

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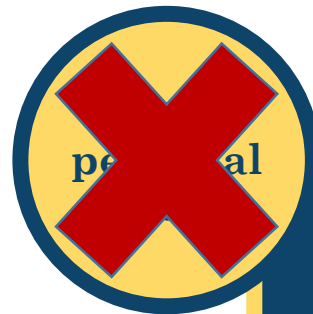
#BoardBusiness

Board member Lex Rich News creates a personal Facebook page for promoting his work on the board. The page does not have any district logos and it is not an official page of the district. It does include the activities of the district, the board, and events and activities attended by Mr. News. The page is open for anyone to comment and post. One irate parent begins complaining about the board and the district in an ugly manner. Mr. News deletes the comments and blocks the parent from his personal page. The parent files a lawsuit against Mr. News and the board alleging his First Amendment rights have been violated.

What are the issues here?

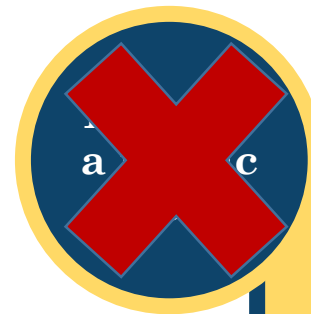
Davison v. Randall

No. 17-2002, 2019 WL 114012 (4th Cir. Jan. 7, 2019), as amended (Jan. 9, 2019).



Is it used to inform the public about official activities?

Does it solicit input from the public?



Is it interactive and does it encourage the exchange of views?

Is an individual's viewpoint being silenced?

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Surprise, Surprise

Board member Wonder Woman has been told by the teachers in her neighborhood middle school that the principal is not following the COVID-19 plan that the district has established. Wonder Woman tells the teachers she will take care of their concerns. At the board meeting, Wonder Woman informs the superintendent that she is aware of the lack of safeguards at the middle school and asks what is he going to do about it?

What are the issues here?

Board Policy BCA (Board Member Code of Ethics)

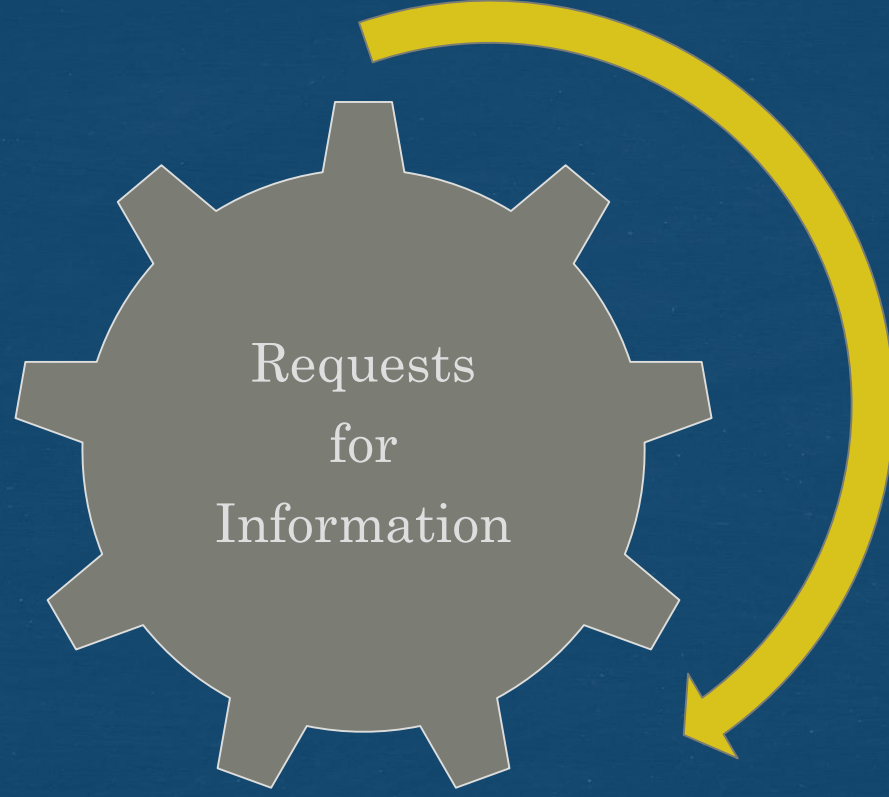
Referring all complaints to the superintendent and discussing them only at a regular meeting if a failure to arrive at an administrative solution occurs.

Board Policy BDD (Board-Superintendent Relationships)

The relationship that exists between a board and its superintendent is an intrinsic part of the educational process within a community. A knowledge of what each can reasonably expect of the other can help substantially in promoting sound working relationships.

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Information Please

Board member Neads Tuknow has asked the superintendent to provide all the information on any field trips taken in the district for the last five years. This information is not readily available and will take time for staff to compile. Board member Tuknow insists on having the information.

What are the issues here?

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Know Your Role

Board member Doothe Wright-Thing has questions about the policy manual revision process. She has listened over the years to all the training about board roles and responsibilities. The board's main responsibility is to establish policy. However, as the board is revising policies, it does not seem like the board is playing a significant role in the process.

Let's Discuss...

Board Policy BBA (Board Powers and Duties)

Legislative/Polycymaking

The legislative authority includes polycymaking action and the review of rules and regulations established to put policies into operation. The board is responsible for the adoption of policy. The policies will be put in written form and continually re-evaluated in terms of the changing needs and functions of public education.

Board Policy BG/BGD (School Board Policy Process...)

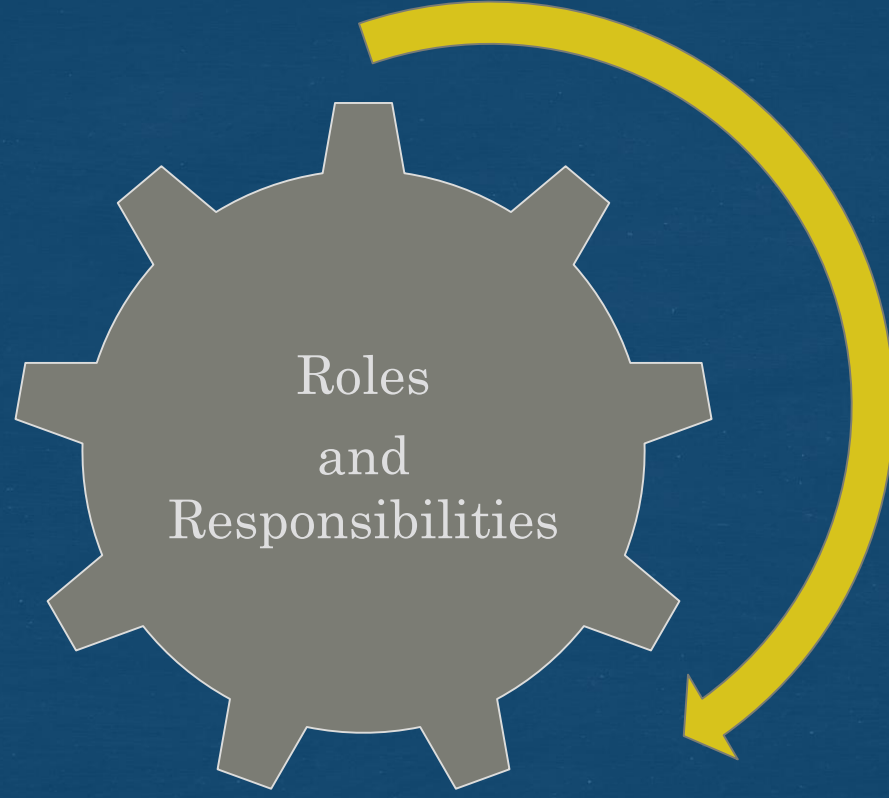
The board considers policy development one of its chief functions. The board will develop written policies to serve as guidelines for its own operations and for the successful and efficient functioning of the public schools. Written policies are guides for the discretionary action of those to whom the board delegates authority and are a source of information and guidance for all those who are interested in and affected by the district schools.

Proposals regarding policies may originate with a member of the board, the superintendent, a staff member, parent/legal guardian, student, consultant, civic group, advisory committee, or any resident of the district. The board will use a careful and orderly process in examining such proposals prior to action upon them by the board.

The board will continually study and evaluate the written policies and the reports concerning the execution of those written policies to determine their adequacy and effectiveness. Changes in needs, conditions, purposes and objectives will require revisions, deletions, and additions to the policies of present and future boards.

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Eye of the Tiger

Board member Rocky Balboa was once a guidance counselor in the Apollo Creed School District. He accepted a position in a neighboring district when he was not selected as the director of counseling services. Now that board member Rocky Balboa is on the Apollo Creed School District board, he is determined to question every decision of the superintendent, and he is disrespectful to the director of counseling.

Why is this problematic?

Board Policy BCA (Board Member Code of Ethics)

- Thinking always in terms of "children first"
- Presenting personal criticisms of any employee directly to the superintendent
- Consider revising to add: vote and act impartially for the good of the district

QUESTIONS