Lozano Smith
ATTORNEYS AT LAW

2024 WORKSHOP SERIES for School Board Candidates

Board Governance Part II – Working Effectively as a Board and as a Board Member

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Marin County Office of Education

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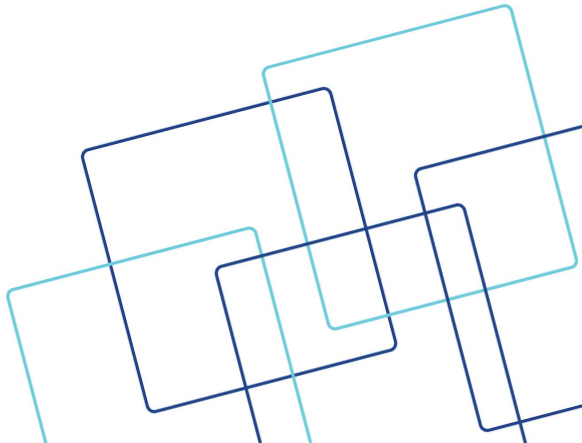

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Topics

- Working Effectively Together as a Board
- The Do's & Don'ts of Effective Trustees
- Board Meeting Procedures

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Working Effectively Together as a Board

Working Together

"Coming together is a beginning; keeping together is progress; working together is success."

- Henry Ford

Working Together

- “But Congress doesn’t have to agree on everything…”
- Is that an effective governance model?

Working Together

- How do you disagree agreeably?
- How do you implement decisions?

Eight Characteristics of Effective School Boards

- Center for Public Education, January 28, 2011
- Reviewed research on school board effectiveness since mid-1990's
- Different studies examined districts of various sizes in a variety of communities across the country
- Significant conclusion: Board members in high-performing districts have ***attitudes, knowledge,*** and ***approaches*** that separate them from their counterparts in lower-achieving districts.

The Eight Characteristics

1. A vision of high expectations for **student achievement** and quality instruction with **clearly-defined goals** toward that vision.
2. Strong **shared beliefs** about what is possible for students and their ability to learn and of the district's ability to teach all children at high levels.
3. Accountability-driven, spending **less time on operational issues and more time on policies** to improve student achievement.

The Eight Characteristics

4. **Collaborative relationship** with staff and community supported by strong communication plan to reach both internal and external stakeholders.
5. **Embrace and use data**, even when negative, to monitor and improve programs.
6. Align and sustain resources, such as **professional development**, to meet district goals.

The Eight Characteristics

7. Lead as a **united team with the Superintendent**, each from their respective roles, with strong **collaboration** and mutual **trust**.
8. Participate in **team development** and training to build shared knowledge, values, and commitments for their improvement efforts.

How are you doing as a Board?

Watch for mission drift

CSBA Model Bylaw 9005

"The Board expects its members to work with each other and the Superintendent to ensure that a high-quality education is provided to each student. Each individual Board member shall . . . ."

CSBA Model Bylaw 9005

1. “Keep learning and achievement for all students as the primary focus.”

2. “Value, support and advocate for public education.”

3. “Recognize and respect differences of perspective and style on the Board. . . .”

CSBA Model Bylaw 9005

4. “Act with dignity, and understand the implications of demeanor and behavior.”

5. “Keep confidential matters confidential.”

6. “Participate in professional development...”

CSBA Model Bylaw 9005

7. “Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff.”

8. “Understand that authority rests with the Board as a whole and not with individuals.”

CSBA Model Bylaw 9005

"Board members also shall assume collective responsibility for building unity and creating a positive organizational culture. To operate effectively, the Board shall have a unity of purpose and. . . ."

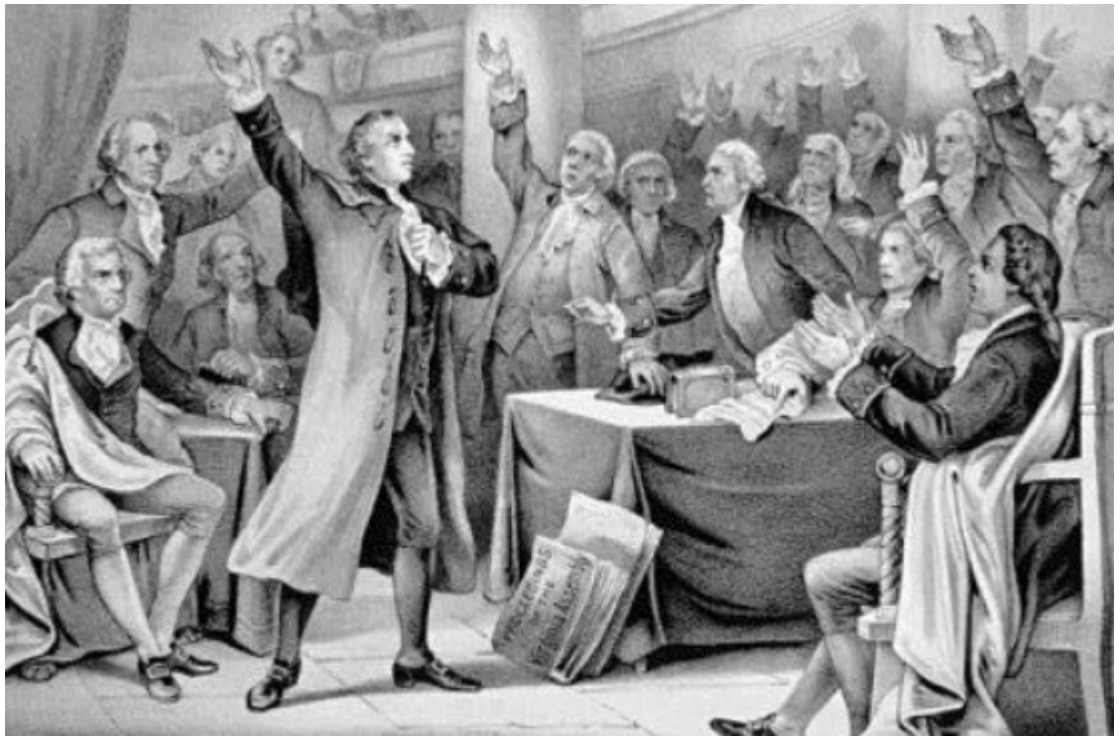
CSBA Model Bylaw 9005

1. “Keep the district focused on learning and achievement for all students.”
2. “Communicate a common vision”
3. “Operate openly, with trust and integrity”
4. “Govern in a dignified and professional manner, treating everyone with civility and respect.”

CSBA Model Bylaw 9005

5. “Govern within Board-adopted policies and procedures.”
6. “Take collective responsibility for the Board’s performance.”
7. Evaluate effectiveness
8. Ensure opportunities for the “diverse range of views”

Does that sound like today's Congress?



The Board Establishes the Vision

The vision:

- Is inspirational
- Includes desired outcomes, benefits, and goals
- Is supported by a strategic plan, with benchmarks to monitor progress

Organizational Structure

Responsibilities of the Board and Superintendent are different, but complementary:

- The Board focuses on **Governance** concerns
- The Superintendent focuses on **Operational** concerns

CSBA Model Bylaw 9000

The Board's role is to "work with the Superintendent to fulfill its major responsibilities."

A Strong Governance Team Is a Partnership – Board & Superintendent

- Schools operate best when there is a strong partnership between the Board and the Superintendent.
- Such a partnership does not develop by chance. It must be carefully cultivated by both the Superintendent and the Board members.

A Strong Governance Team Is a Partnership – The Board Members

The Board must work <u>together</u>

Again, cultivation is required

A Strong Governance Team Is a Partnership – The Board Members

"An ongoing part of your job as a board member is to cultivate an atmosphere of mutual respect. This cultivation must be renewed at each board meeting, as reflected in the way you listen and speak."

--R. Mayer, How Not to Be a Terrible School Board Member

CSBA Model Bylaw 9200

- "[A] Board member has no individual authority."
- "[I]ndividual members of the Board shall not exercise any administrative responsibility with respect to the schools or command the services of any school employee."

Realities of Life as a School Board Member

1. You have no power and authority as an individual; only the Board collectively can make policies and decisions for the district.

2. Your role is to “see the big picture” and is not the day-to-day management of the district.

More Realities of Life as a School Board Member

3. You must represent the needs of **ALL** students. Your decisions must be made in the interest of the total school system and not for special groups or interest.

4. You must support the decision of the majority after voicing and voting your different opinion.

5. Sometimes your decisions may alienate your friends.

More Realities of Life as a School Board Member

6. Casual comments to community members regarding school district business could be interpreted as the entire Board's position when it is not.

7. Effective Board meetings are businesslike, follow established procedures, and require Board members to be prepared.

More Realities of Life as a School Board Member

8. Privileged and confidential information must remain confidential. If it does not, district operations may be compromised, rights to privacy could be violated, and legal difficulties are probably on the horizon.

More Realities of Life as a School Board Member

9. After all these years, you discover that you really don't like surprises!

10. To be a successful school Board member, you must work as a team – with your fellow Board members and the Superintendent.

Working Together

- Back to Congress…
- How can we do better?

How do you act after the vote?

- How the Board votes and acts after the vote is a litmus test.
- When is a unanimous vote important?
- How does the minority act following a 3-2 vote?
- How does the majority act following a 3-2 vote?

How do You Act After the Vote?

"The time to sound the warning bell is before the vote. All your negative predictions belong before a decision is made. After the final vote, the Board should come together to support what is now the district's policy. Now is the time for you to turn from negative to positive."

--R. Mayer, How Not to Be a Terrible School Board Member

And if you don’t row together…

CSBA Model Bylaw 9010

"When speaking to community groups, members of the public, or the media, individual Board members should recognize that their statements may be perceived as reflecting the views and positions of the Board. Board members have a responsibility to identify personal viewpoints as such and not as the viewpoint of the Board."

"You may be asking yourself, 'Do I have to watch every word I say?' The answer is yes when you are standing before the public as a representative of the district."

--R. Mayer, How Not to Be a Terrible School Board Member

Do's & Don'ts of Effective Trustees

Do's & Don'ts

- Avoid surprises.

- Avoiding surprises means: Board members will contact the Superintendent with information before they hear it from someone else or for the first time at a Board meeting.

Do's & Don'ts

- The Board is the last stop, not the first. "We agree to follow the chain of command and insist that others do so."
- Board members will wear only their Board member "hat" when conducting school district business.
- Question: is that "hat" removable?

Do's & Don'ts

- The Board will reserve judgment on all matters until hearing the recommendation of the Superintendent and discussing the matter in a duly authorized meeting.

- "Board members will not act as individuals in school district matters; we are a team and have authority only as a team."

Do's & Don'ts

- The Superintendent will seek Board input on major decisions.

- The Board and Superintendent will keep confidential information confidential.

Tips for Handling Concerns/Complaints

- Listen, but remember you are hearing only one side of an issue.
- Direct the person to staff and follow procedures – honor the process.
- Treat everyone fairly and equally
- Treat complaints consistently whether against a Board member, Superintendent, or anyone else.

A Word on "Whistle Blowing"

Do:

- Take appropriate action – don't stay silent
- Follow the appropriate chain of command/action
- About staff: go to Superintendent
- About Superintendent: go to Board President
- About Board member: go to Board President or Superintendent
- About Board President: go to Superintendent or District legal counsel

A Word on "Whistle Blowing"

Don't:

- Jump to conclusions
- Violate the Brown Act
- Prematurely go to the press
- Open the door to District or personal liability

Board Meeting Procedures

Board Meeting Procedures

"Well-run, efficient meetings model leadership, promote trust and confidence, and provide opportunities to demonstrate wise decisions and planning for the future."

- Governance Handbook Example

Board Meeting Procedures

What is the purpose of a meeting?

- A Board meeting is the Board's meeting, held in public, not a public meeting attended by the Board.

Board Meeting Procedures

What is the purpose of a meeting?

– "Meetings have only two purposes: to inform and to make decisions. Everything else – call it socializing or whatever takes up your meeting time – is not board business."

- E. Stoesz, Doing Good Even Better

Board Meeting Procedures

What contributes to inefficient meetings?

- Lack of protocol
- Repetition
- Failure of the audience to respect your time
- Failure to respect the time of the audience

Board Meeting Procedures

A strategic agenda

> "The most common complaint I hear from boards is that they don't have enough meeting time to cover their agenda. 'If we only had more time!' Well, you don't. And you won't. Time will always be in short supply. . . . The issue is not so much time, but agenda – how the limited time is used."
>
> - E. Stoesz, Doing Good Even Better

Board Meeting Procedures

"**Stay focused.** It is important to stay focused on the agenda in order to effectively and efficiently complete the agenda items. Too often, a board can get off-track if conversations are allowed to begin about personal agenda items or stories. If an item needs additional discussion to continue, tabling it to the next meeting is an option. An effective school board meeting should typically not run past two hours. If it does, there are either too many agenda items and/or discussions that may not be related to true governance. These items should be reviewed for relevance."

- Kara Coglianese, Illinois Association of School Boards,
10 Do's for Effective Board Meetings

Board Meeting Procedures

The Board President's Role

> "The Board president shall conduct Board meetings in accordance with Board bylaws and procedures that enable the Board to efficiently consider issues and carry out the will of the majority."
>
> - CSBA Model Board Bylaw 9323

Board Meeting Procedures

The Board President's Role

> "The Chair is responsible to keep a discussion focused and moving toward a consensus. This goes better when the Chair is not directly involved in making presentations or overtly insistent on getting his/her way. The Chair's part in conducting meetings is critically important."
>
> - E. Stoesz, Doing Good Even Better

Board Meeting Procedures

It also comes back to the Board/management roles . . . .

> "When this governance/management distinction is understood and practiced, board work is more effective. Meetings are shorter, more productive, and enjoyable. When boards are clear about their role, the rest falls in line."
>
> - E. Stoesz, Doing Good Even Better

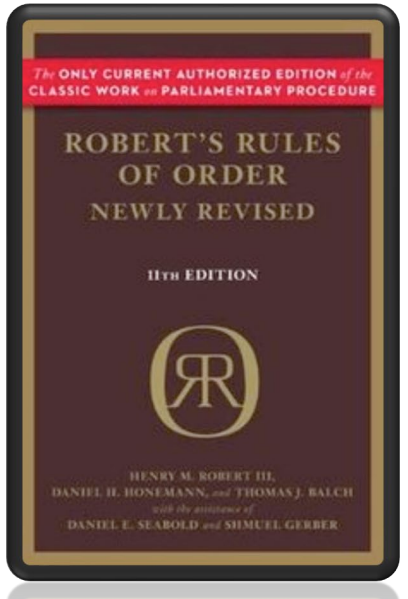
Board Meeting Procedures

Parliamentary Rules

Board Meeting Procedures

There are various options:

- Robert's Rules
- Rosenberg's Rules
- District's own rules

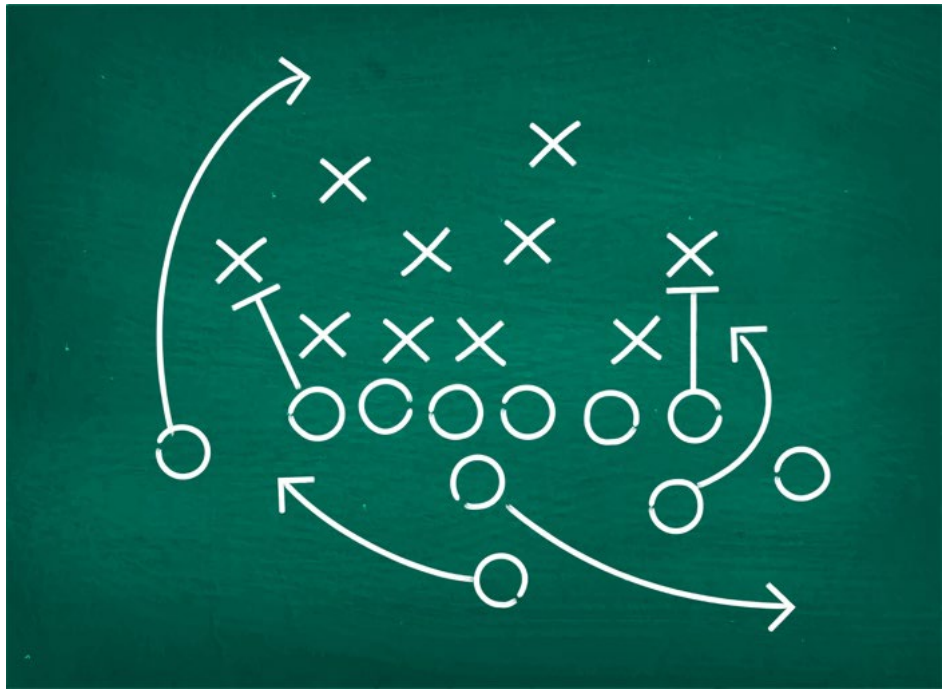


Board Meeting Procedures

Procedural rules **are** tools to Support An Orderly Meeting…

Board Meeting Procedures

Procedural rules are **not** to gain advantages or engage in gamesmanship.



Board Meeting Procedures

Don’t get hung up on the rules!

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