

# **Sample Governance Policies**

## **About Board Member Behavior**

### **Communication Between Board Members & Community Members**

1. For general comments or feedback, the Board Member will:
  - a. Listen politely and respectfully.
  - b. Relay information about the District in a positive and truthful manner.
  - c. Refer the community member to take questions about specific District activities/issues to the appropriate staff person or spokesperson when they do not know the answers.
  - d. Board Members will listen respectfully and remain impartial.
2. For specific comments or complaints, the Board Member will:
  - a. Ask if the commentator/complainant has followed the District's procedures and/or chain of command.
  - b. If the commentator/complainant does not know the procedures or chain of command, the Board Member will assist the commentator/complainant in identifying the appropriate staff member or, if they are uncertain about the appropriate staff member, refer the commentator/complainant to the Board's administrative office to direct them further. Board members will not contact District staff on behalf of the commentator/complainant.
  - c. Where appropriate, Board Members will provide the commentator/complainant with information about the District's complaint procedures and the online system for filing complaints.
3. The Board Member will inform the Superintendent if an issue has advanced to or beyond Step 2, and will include the nature of the comment/complaint, the commentator/complainant and to whom the commentator/complainant has been referred.
4. The Superintendent will inform the Board Member of the resolution of any referred comment/complaint.
5. The Board should create, maintain, and implement an annual community engagement calendar.
6. In their communication with community members, Board Members recognize that they may not commit board or staff to any particular action and that, unless authorized to do so, they may not speak on behalf of the Board.
7. This policy shall not be construed to apply to comments/complaints alleging criminal activity.

### **Communication Between Board Members & Board Members**

1. In their communication with each other, Board Members will:
  - a. Follow all applicable laws, including the open meetings laws.
  - b. Will be professional and assume best intentions.

### **Communication Between Board Members & Staff Who Report Directly To The Board**

1. In their communication with staff who report to the Board, Board Members will honor that the staff report to the Board and not to any individual Board Member including the Board Chair.
  - a. All requests made by Board Members should be made to the Direct Report or their designee.

- b. If a Board Member makes a request that the Direct Report believes will take more than 15 minutes of staff time to complete or create, the Direct Report is required to:
    - i. Notify the Board Chair; and
    - ii. With the Board Chair's approval, add the request to the next Board Meeting agenda for the full Board to decide on.
2. Any response to a question or request that is submitted by a Board Member to a Direct Report of the Board must be shared with all Board Members.
3. Board Members understand that nearly all information requests to staff will be addressed in a weekly written update that is emailed to all Board Members each Friday unless the Direct Reports sees a need for a more immediate response.
4. Because the Superintendent is an employee of the Board and not of any individual Board Member, only the Board as a whole may make obligations on the Superintendent's time or delegate authority to individual Board Members to do so.

#### **Communication Between Board Members & Staff Who Do Not Report To The Board**

1. Board Members will refrain from initiating discussion of matters on the Board Meeting Agenda with any District staff except for the Superintendent or their designee.
2. If Board Members are contacted by District staff about District business without the direction of the Superintendent, Board Members will follow the procedure, "Communication Between Board Members & Community Members" and then notify the Superintendent of the contact.
3. Board Members are encouraged to visit any school, however, the Board forbids such visits to cause harm to or disruption to the student learning environment. As such, in conducting school visits Board Members will:
  - a. Notify the Superintendent of any visit 24 hours in advance of the visit unless the Board Member is attending a function to which they have been invited by the Superintendent or designee.
  - b. Board Members must check in at the Principal's office, follow district guidelines, and have their identification badge visible.
  - c. Be escorted during their visit by the Principal or their designee.
  - d. Refrain from behaving in any manner that staff could interpret as providing directions to staff or assuming a supervisory role.
  - e. This procedure does not apply to visits as a parent or for events that are open to the general public.

#### **Board Agenda Preparation**

The Board intends for at least 50% of its total public meeting time per month to be focused on student outcomes -- time spent either setting student outcome goals or monitoring progress toward them. To accomplish this, the Board will exercise very intentional design and control over meeting agendas.

The Board Chair, Vice Chair, Superintendent, and/or designee(s) shall review the agenda before it is printed and the Board Chair shall have final authority over whether each item on the agenda is placed in accordance with Board policy. At his/her discretion the Chair may delay placing a resolution for first reading on the agenda for not more than one (1) meeting if there are more agenda items than are manageable. In making this determination, the Board Chair will sort all potential agenda items into one of three categories:

**Yes** it automatically is eligible to go on the Board meeting agenda,

**No** it is not allowed on the Board meeting agenda, and

**Maybe** it is eligible if it meets additional scrutiny.

#### Yes

- **Goals:** If the item is directly related to the setting or monitoring of the Board's adopted goals for student outcomes, then it may be placed on a Board meeting agenda.
- **Guardrails:** If the item is directly related to the setting or monitoring of the Board's adopted Guardrails, then it may be placed on a Board meeting agenda.
- **Requirements:** If the Board is legally required to take action on an item that is explicitly legally required of the Board (this is distinct from merely being an item related to legal matters or an item legally required of the District), then it may be placed on a Board meeting agenda.

#### No

- **Personnel Who Are Not Direct Reports:** If, in the Chair's judgment, the item is related to the Superintendent's duties related to personnel and the item has not gone through the proper administration procedures that would elevate it to being on a Board agenda, then it may not be placed on the Board's agenda.
- **Vendors:** If, in the Chair's judgment, the item is related to the Superintendent's duties related to vendors and/or vendor contracts and the item has not gone through the proper administrative procedures that would elevate it to being on a Board agenda, then it may not be placed on the Board's agenda.
- **Board Member Resolutions:** This is not a wise method of governance.
- **Privacy:** If the item violates an individual's legally protected right to privacy as defined by state or federal law, then it may not be placed on a public Board meeting agenda.

#### Maybe

Generally, if an item does not meet the "Yes" criteria above, the Board Chair should decline to place it on the agenda.

- If the item is a matter that has been delegated to the Superintendent but the Superintendent agrees that it should be considered by the full Board, then the item may be considered for placement on the agenda.
- If the item is a matter that has been delegated to the Board Chair but the Board Chair agrees that it should be considered by the full Board, then the item may be considered for placement on the agenda.
- All other matters should be declined for placement on the Board agenda.

#### **Board Agenda Timeline For Regular Meetings**

- **12 Days Before Board Meeting:** For each Board meeting the Superintendent will provide all items to be considered -- including contracts, legal documents, support materials including costs and sources, staff presentations, etc -- to Board Members at least 12 days prior to the Board meeting during which the items will be considered. The Superintendent will always provide recommendations for items that require Board approval. All consent-eligible items will be placed, by default, on the consent agenda. Once Board Members receive the materials, they may immediately begin submitting questions to the Superintendent. Any items not provided to the Board at least 12 days in advance will not be eligible for consideration and will be moved to the subsequent meeting agenda.
  - *For example, if the Board meeting is at 5pm on the 12th day of the month, the completed agenda and all documents associated with items on the agenda must be provided to Board Members no later than 5pm on the 1st day of the month.*

- **8 Days Before Board Meeting:** Board Members will have 4 days to submit questions about the agenda items to the Superintendent.
  - *For example, if the Board meeting is at 5pm on the 12th day of the month, Board Members must submit their questions about agenda items no later than 5pm on the 4th day of the month.*
- **5 Days Before Board Meeting:** The Superintendent will have 3 days to create a Q&A document of responses to Board Member questions. This document may not indicate who asked which questions so as to avoid creating a serial meeting.
  - *For example, if the Board meeting is at 5pm on the 12th day of the month, the Superintendent must provide responses to Board Member questions about agenda items no later than 5pm on the 7th day of the month.*
- **4 Days Before Board Meeting:** Board members will have the following 1 day to request items be removed from the “consent” agenda and placed on the “regular” agenda for discussion and consideration. If at least three board members request an item to be moved from the consent agenda to the separate vote agenda by 3 working days prior to the board meeting, the Superintendent will immediately make the change. This is the only time before or during Board meetings that items will be able to be moved from the consent agenda to the separate vote agenda.
  - If Board members need to recuse themselves from participation in an item on the agenda because of a conflict of interests, they must declare that in writing to the Superintendent and copy the Board Chair. If the Superintendent receives a declaration, they will create a second consent agenda item -- a “recusal consent” agenda -- to place items on that are subject to a conflict of interests so that Board members can vote on the standard consent agenda without voting on an item on the conflicted consent agenda.
  - In situations where Board Members have not identified conflicts in advance, they may still vote, “Aye, with the exception of contract x as to which I recuse myself” to remain in legal compliance.
  - *For example, if the Board meeting is at 5pm on the 12th day of the month, Board Members must request items be moved from the consent agenda no later than 5pm on the 8th day of the month.*
- **3 Days Before Board Meeting:** The Superintendent will post the final agenda 72 hours in advance of the meeting. The Board meeting agenda must include a copy of the Q&A document. No additional changes will be made to the Board agenda during the 72 hour period prior to the Board meeting.
  - *For example, if the Board meeting is at 5pm on the 12th day of the month, The Superintendent must post the agenda no later than 5pm on the 9th day of the month.*
- **Day of Board Meeting:** No items may be added or removed from any part of the agenda by Board members during the Board meeting. Motions to that effect will be ruled out of order by the Board Chair. Items may be tabled to a future meeting.

## **Board Committees**

The Board may create committees to help the Board with board work. The role of the Board’s committees is to advise and support the work of the Board, not to advise or direct district staff. All recommendations of a committee must be submitted to the Board for action.

Before a committee meeting may occur:

1. The public must be given notice of the time, place, and agenda of the meeting. The committee agenda may only include items directly related to the clear scope of work and deliverables specified in the committee’s charter.
2. The Board Chair must approve a charter for the committee prior to appointing members to the committee. The charter must contain the committee’s purpose and responsibilities, the exact deliverable that the committee must produce and return to the full board, and the exact date by which the deliverable must be returned to the full board.

Committees exist until their deliverable is completed or their due date arrives, whichever comes first. Once the committee has returned the deliverable to the full board, the committee is dissolved. Once the exact date by which the deliverable must be returned has arrived, the committee is dissolved. If a committee does not return the completed deliverable to the full board by the exact date the deliverable is due, the committee is dissolved and is indicated to have failed.

- If a committee is indicated to have failed, the chair of the committee is no longer eligible to serve on that committee or future committees serving the same function for the remainder of their current term as a board member.

### **Board Member Concerns About The Performance Of Staff Who Report Directly To The Board**

1. If, at any time, a Board Member becomes concerned that the Superintendent may have (1) breached any term of the Superintendent's contract; (2) violated a state or federal statute; (3) violated a Board Policy or Operating Procedure; or (4) failed within a reasonable amount of time to address a specific issue identified by the Board, the following process will be used:
  - a. The concerned Board Member will meet privately with the Superintendent to discuss their concerns in order to resolve the issue(s). The concerned Board Member may elect to bring their concerns to the Board Chair instead who will assist in resolving the issue(s).
  - b. If the concerned Board Member does not feel that the resolution is satisfactory the Board Member may request, through the Board Chair, that an item be placed on the next regular meeting agenda as a Closed Meeting item, posted in accordance with Texas Government Code. The concerned Board Member must inform the Board Chair in writing of the specific nature of any concern(s) which prompted the request for a Closed Meeting.
  - c. In addition the Board Chair may, of their own accord, place an item on a regularly scheduled meeting agenda as a Closed Meeting item to discuss concerns about the professional performance of the Superintendent.
2. In the event that a Closed Meeting is called, the Board must listen to the concern(s) and make a determination if the issue raised is truly cause for concern. Failure to make such a determination shall end the Board Meeting.
3. If the majority of the Board determines that there is a violation or breach of one of the items listed, the following process will be followed:
  - a. The exact nature of the deficiency will be documented and discussed with the Superintendent.
  - b. A plan for remediation will be written, to include action(s) to be taken and timelines.
  - c. The Board Chair shall monitor the plan for compliance and the results will be made part of the Superintendent's annual performance evaluation.
  - d. It shall be the responsibility of the Board Chair to ensure that all documentation relating to performance deficiencies shall be appropriately placed in the Superintendent's personnel file.

### **Board Member Concerns About The Performance Of Staff Who Do Not Report Directly To The Board**

1. When a Board Member becomes concerned about the performance of District employees they must bring their concerns directly to the Superintendent and inform the Board Chair. Such concerns must be limited to:
  - a. Actions which are illegal
  - b. Egregious violations of Board policy
  - c. Actions which are harmful to the District's or Board's reputation.
2. Board Members must remain cognizant that District personnel are the responsibility of the Superintendent, not the Board.
3. The Superintendent is obligated to listen to such concerns, review the matter and notify the Board of the resolution of the matter to the extent allowed by policy.

4. When a Board Member has concerns about the performance of District employees which relate to employee, Student, Board or community safety, the Board Member will notify the Superintendent and, when appropriate, the police department.

### **Staff Who Report Directly To The Board Concerns About Board Member Behavior**

1. When a staff member who reports directly to the board has concerns about Board Member behavior they must bring their concerns directly to the Board Member in question.
2. If, after the staff member has privately discussed the concern with the other Board Member, the concerned staff member remains unsatisfied that the concern has been addressed, the concerned staff member should bring their concern to the Board Chair (or the Vice Chair if the Board Chair is party to the concern).
3. Every effort should be taken to avoid concerns escalating beyond this point.
4. If, after the staff member has privately discussed the concern with the Board Chair, the concerned staff member remains unsatisfied that the concern has been addressed, the concerned staff member should provide their concern in writing to the Board Chair and request the matter be addressed by the full Board.

### **Board Member Concerns About Board Member Behaviors**

- **Step 1: One-on-One Communication:** If a Board Member believes that another Board Member has violated the Board Norms, Board Code of Ethics, Board Operating Procedures, Board Policy, State or Federal law, it is the responsibility of the concerned Board Member to discuss the alleged violation with the other Board Member in private prior to taking any other action, unless the nature of the allegation requires immediate escalation to the Board Chair or legal authorities (for example, if a child is in imminent physical danger at that exact moment). Notably, the Board Member should not first go to other Board Members, social media, or anywhere else other than the Board Member who they believe has committed a violation. The Board Member is, however, strongly encouraged to provide a written follow-up after the one-on-one communication or to document that the other Board Member declined to meet one-on-one (which then allows for immediate escalation).
  - If the Board Member facing allegation does not participate in a meeting -- in person, via phone, or via video -- within 7 days of it being scheduled, the concerned Board Member may proceed to the next step.
- **Step 2: Two-on-One Communication:** If, after the concerned Board Member has privately discussed the alleged violation with the other Board Member, the concerned Board Member remains unsatisfied that the alleged violation has been addressed, the concerned Board Member may submit, in writing, the allegation to the Board Chair (arbiter). If the Board Chair is involved in the allegation, the concerned Board Member may instead submit the allegation, in writing, to the Board Vice-Chair or the next most senior Board Member not involved in the allegation who is then obligated to serve as arbiter instead.
  - The Board Members involved will conference to discuss the alleged violation. All parties are strongly encouraged not to allow any further escalation of these procedures and the arbiter's duty is to work to avoid such escalation.
  - If the Board Member facing allegation does not participate in a meeting -- in person, via phone, or via video -- within 7 days of it being scheduled, the concerned Board Member may proceed to the next step.
- **Step 3: Full Board Communication:** If, after the conference, the concerned Board Member remains unsatisfied that the alleged violation has been addressed, the Board Chair will call a special meeting of

the Board to discuss the alleged violation. The Board Chair may call upon the District's General Counsel or an external legal advisor to investigate the nature of the allegations. The findings of this investigation will be presented at the special meeting of the Board.

- If, after the special meeting of the Board to discuss the alleged violation, the Board determines that the allegations are substantiated, the Board should inform the Board Member in question that the allegations have been substantiated and that the Board Member is to refrain from any further such behavior.
- If the Board Member facing allegation does not participate in a conference -- in person, via phone, or via video -- within 7 days of it being scheduled, the concerned Board Member may proceed to the next step.
- **Step 4: Full Board Action:** If, after the Board Member has been informed that their behavior has been substantiated as being a violation, any Board Member is concerned that the behavior has continued, they must bring this concern to the Board Chair who will call a special meeting of the Board to consider the allegation. During the special meeting, in order for the alleged violation to be considered, one of the following three motions must be made and seconded: a motion to dismiss allegations, a motion to admonish, or a motion to censure.
  - In order to protect the overriding principle of freedom of speech, the Board shall not impose admonition or censure on any of its members solely for the exercise of their First Amendment rights. In order to ensure the right to a fair jury trial, the Board shall not impose admonition or censure on any of its members for the violation of any law while civil or criminal charges are pending. However, when the civil or criminal proceedings are final, the Board need not be bound by the conclusions of the Court and may again pursue admonition or censure.
  - **Dismissal:** A motion to dismiss allegations concludes these procedures and exonerates the accused Board Member. Once a motion to dismiss allegations has passed concerning a given alleged violation, no other motions concerning that alleged violation are in order. A motion to dismiss allegations requires a majority vote to pass.
  - **Admonition:** An admonition is a one-time punitive action which serves as a penalty imposed for wrongdoing but carries no fine or suspension of the rights of the Board Member as an elected official. A motion to admonish must be presented in writing and must contain the exact language of the alleged violation and the proposed admonition. A copy of the motion to admonish must be provided to the accused Board Member at least seventy-two (72) hours prior to discussion of the motion. A motion to admonish requires a majority vote to pass.
  - **Censure:** A censure is an action that is a permanent change in status until lifted by the Board via a majority vote of the Board. A censure serves as a penalty imposed for wrongdoing but carries no fine or suspension of the rights of the Board Member as an elected official. A motion to censure must be presented in writing and must contain the exact language of the alleged violation and the proposed censure. A copy of the motion to censure must be provided to the accused Board Member at least seventy-two (72) hours prior to discussion of the motion. A motion to censure requires a 2/3 majority vote to pass. A motion to censure can only be lifted by a motion to dismiss allegations that occurs at least one (1) meeting after the motion to censure was passed. If the censure is imposed by the Board, it carries two key enforcement elements:
    - **Status:** The social status of the Board Member shall change from "Board Member" to "Censured Board Member". In all official meetings, oral or written records, and communication, this is the only title or status that the district or district officials may use

when referring to them. This change in social status remains in effect until the censure is lifted.

- **Privileges:** All privileges that have been extended to the Censured Board Member are immediately revoked and must remain revoked until the censure is lifted. This in no way harms or alters the statutory rights of an elected official — to be in meetings, to participate/vote, and to make special public information requests (PIR) as provided by law. Anything that is not a statutorily protected right of elected officials, however, is revoked. This includes, but is not limited to, officer roles, committee roles, access to district staff, access to district facilities, access to district events, access to district athletics, access to district graduation, access to travel reimbursements, and access to any requests not covered by special PIR rights. In effect, they have the same privileges that a member of the general public would have except for the aforementioned rights afforded to school board members by law.