Roles and Responsibilities Workshop

OSBA Annual Convention
November 2015

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Roles and Responsibilities

Lighthouse Project/Research

Five Roles to Increase Student Achievement (Best Practices):

1. Learn as a board team
2. Set clear expectations
3. Provide support for success
4. Hold the system accountable
5. Create the public will to succeed

See appendix for additional details about the early research or check out:
http://ccsdut.granicus.com/MetaViewer.php?view_id=2&clip_id=64&meta_id=2619

For additional OSBA information:
http://www.osba.org/Resources/Article/Improving_Education/Lighthouse_project.aspx

BEST PRACTICE ROLES:

Learning ___________________________________________________________________________
Setting Expectations __________________________________________________________________
Providing Resources ___________________________________________________________________
Holding the system accountable _________________________________________________________
Creating the will to succeed ____________________________________________________________

Three Legal Roles/Authority:

1. Legislative
2. Executive
3. Judicial

LEGAL ROLES:

Legislative __________________________________________________________________________
Executive ____________________________________________________________________________
Judicial ______________________________________________________________________________
## DIVISION OF DUTIES

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**WHAT NEEDS DONE**

**THE ENDS**

**NOTES:**

Board Work: ____________________________________________________________
______________________________________________________________________
______________________________________________________________________
______________________________________________________________________

Superintendent Work: ________________________________________________
______________________________________________________________________
______________________________________________________________________
______________________________________________________________________
COMMON ISSUES BOARDS FACE

Complaints:

- Policy KL, KL-AR
- Be familiar with the policy, direct others to it. Stick to it.
- Let the superintendent know so that there are no surprises.

Board Communication and Public Meeting Law:

- Avoiding “parking lot” conversations
- Less than a quorum can also be problematic
- Email among board members (see separate page in this handout.)

Public Participation at Board Meetings:

- Policy BDDH
- It is the board’s meeting being held in public, not the public’s meeting.
- Stick to your policy.

Board – Staff Communications:

- Policy BG
- Board to staff goes through the superintendent.
- Staff to Board goes through the superintendent.
- Visits to schools arranged through the superintendent with full board knowledge.

Board’s Role in Hiring

- The law is not crystal clear.
- It is generally accepted that the Board is not approving the individual but rather the contract for that individual.
- If the board rejects the superintendent’s recommendation then what is the reason(s) for the non-approval? If the reasons were outside the board’s hiring process then legal issues could arise.

Superintendent Evaluation:

- Policy CBG
- Plan in advance and determine the timing and criteria for the evaluation. (District goals, AASA Superintendent Standards, job description, other?)
- Determine where to gather information from and how to receive it (superintendent self-evaluation, board member ratings, 360 evaluation).
- Schedule a meeting for the board and superintendent to discuss and clarify the results the evaluation documents.
• Come to conclusion of the board’s evaluation and create a written document to place in the superintendent’s personnel folder.
• Share with the community the results of the evaluation and progress toward the district goals.

**Ethics & Nepotism:**

• Policies BBF, BBFA, & BBFB
• See separate page in this handout for summary.

**No Surprises:**

• Board-superintendent agreements or board protocols.
• Call the superintendent before the meeting with questions.
• Ask your questions again in public.

**Speak with one voice:**

• Board protocols (see sample section, if interested.)
• The board is a single entity therefore it can only have one voice.
• Individual board members have a right to free expression, just make sure that the listeners know that the individual is speaking for him or herself not on behalf of the board.
• Be united, not uniform.

**NOTES:**

________________________________________________________________________________
________________________________________________________________________________
________________________________________________________________________________
________________________________________________________________________________
________________________________________________________________________________
________________________________________________________________________________
ETHICS

ORS 244.010(1) — The Legislative Assembly declares that service as a public official is a public trust and that, as one safeguard for that trust, the people require all public officials to comply with the applicable provisions of this chapter.

3 Intents:

1. Not designed to prevent “conflicts of interest” but instead require disclosure of conflicts for the benefit of members of the public body and the public.
2. Prohibits gifts and financial gain except in limited circumstances.
3. Applies to a very narrow set of activities dealing exclusively with financial disclosure, use of office for personal gain, conflicts of interest and other areas that might financially affect public official in public role.

244.020(1) — “Actual conflict of interest” means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person’s relative or any business with which the person or a relative of the person is associated…”

244.020(6)(a) — “Gift” means something of economic value given to a public official, a candidate or a relative or member of the household of the public official or candidate…”

244.020(15) — “Relative” means:

(a) The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the public official or candidate;
(b) The parent, stepparent, child, sibling, stepsibling, son-in-law or daughter-in-law of the spouse of the public official or candidate;
(c) Any individual for whom the public official or candidate has a legal support obligation;
(d) Any individual for whom the public official provides benefits arising from the public official’s public employment or from whom the public official receives benefits arising from that individual’s employment; or
(e) Any individual from whom the candidate receives benefits arising from that individual’s employment.

Know your policy: Policy BBF—Board Member Ethics, Policy BBFA—Board Member Ethics and Conflicts of Interest, Policy BBFB—Board Member Ethics and Nepotism
Email has the potential to lead to improper (illegal) meetings under Oregon’s Public Meeting Laws. All email are also subject to Oregon’s Public Records Laws. Therefore, it’s necessary to ensure that email is used properly to take care of necessary business and avoid its use when it could lead to a violation of Public Meeting Law.

Appropriate uses for email by board members:

- Dissemination of information by a board member to other board members with NO discussion. One-way – no reply! (However, if the board ever discusses this topic at a board meeting, the material should later be included in that meeting’s packet.)
- Dissemination of information where the reply is not a matter or matters over which the board has supervision, control, jurisdiction or advisory power, i.e. availability for a meeting.
- Polling of board members by a member of the administration or press or public. The results of the polling of the members is not shared with the other members.

Avoid using email in these instances:

- Discussions between more than two board members on a matter over which the board has authority even though the number of school board members involved does not constitute a quorum.
- Forwarding of a school board member’s comments to another board member on a matter over which the board has authority.
- Polling the board members by a board member.
- Play it safe and don’t ever hit “reply” or “reply all” unless it is an email of the type in the 2nd bullet above.
- Keep in mind that whatever is put in an email can end up on the front page of the newspaper.
Board Powers and Duties

The Legislature of the state of Oregon delegates to the Board responsibility for the conduct and governance of programs and services in the district. The general powers granted to the Board are:

1. **Legislative or Rule-Making Authority**

   In regular or special public meetings, after open discussion and after members’ votes are recorded, the Board will establish rules or policy to govern the conduct of its members and the proceedings of the Board.

   The Board shall establish policies and regulations for governing the programs and services of the district consistent with State Board of Education rules and with local, state and federal laws.

   The Board is responsible for providing adequate and direct means for keeping informed about the needs and wishes of the public and for keeping local citizens informed about the schools.

2. **Judicial Authority**

   As provided by law, policy or contract, the Board acts as a fact-finding body or a court of appeal for staff members, students and the public when issues involve Board policies or agreements and their implementation, and when the Board must determine the rights, duties or obligations of those who address the Board.

3. **Executive/Administrative Authority**

   The Board will appoint a superintendent delegated to establish administrative regulations to implement Board policy and goals. The Board will evaluate the superintendent’s performance.

   The Board may establish academic and financial goals for the district and evaluate the superintendent’s implementation of those goals.

   The Board will oversee the district’s financial affairs by authorizing, appropriating and adopting budgets and by proposing local option or bond elections, when appropriate and as allowed by law, to provide for program operation and maintenance or acquisition of district property.

   The Board will authorize the superintendent to approve payment on all contracts and business transactions of the district in accordance with Board policies on purchasing and budget requirements. The Board will provide for an annual audit of the district’s assets.
The Board will employ the staff necessary to carry out the educational program and will provide for regular evaluation of staff.

The Board will direct the collective bargaining process to establish collective bargaining agreements with the district’s personnel. The Board will establish, through the collective bargaining process where appropriate, salaries and salary schedules, other terms and conditions of employment, and personnel policies for districtwide application.

The Board will establish the days of the year and the hours of the day when school will be in session.

END OF POLICY

Legal Reference(s):

ORS 192.630
ORS 243.656
ORS Chapters 279A, 279B and 279C
ORS 294.305 to -294.565
ORS 328.205 to -328.304
ORS 332.072
ORS 332.075
ORS 332.105
ORS 332.107
ORS Chapter 339
ORS 342.805 to -342.937
ORS Chapter 343
Individual Board Member’s Authority and Responsibilities

An individual Board member exercises the authority and responsibility of his/her position when the Board is in legal session only.

A Board member has the authority to act in the name of the Board when authorized by a specific Board motion. When authorized to act as the district’s designated representative in collective bargaining, a Board member may make and accept proposals in bargaining subject to subsequent approval by the Board.

A Board member has the right to express personal opinions. When expressing such opinions in public, the Board member must clearly identify the opinions as his/her own.

Members will be knowledgeable of information requested through Board action, supplied by the superintendent, gained through attendance at district activities and through professional Board activities.

Members of the Board will adhere to the following in carrying out the responsibilities of membership:

1. Request for Information

   Any individual Board member who desires a copy of an existing written report or survey prepared by the administrative staff will make such a request to the superintendent. A copy of the material may be made available to each member of the Board. Requests for the generation of reports or information which require additional expense to the district must be submitted to the Board for consideration.

2. Requests for Legal Opinions

   Any Board member may request a legal opinion. Such request, however, shall be made through the Board chair to the superintendent. If the legal opinion sought involves the superintendent’s employment or performance, the request should be made to the Board chair. Legal counsel is responsible to the Board.

3. Action on Complaints or Requests Made to Board Members

   When Board members receive complaints or requests for action from staff, students or members of the public, the Board members will direct the staff, students, members of the public to the appropriate complaint policy (Board policy KL – Public Complaints). Such information will be conveyed to the superintendent.
4. Board Member’s Relationship to Administration

Individual Board members will be informed about the district’s educational program, may visit schools or other facilities to gain information, and may request information from the superintendent. Board members will not intervene in the administration of the district or its schools.

5. Contracts or Agreements Made By Individual Board Members

Contracts or agreements made by individual Board members without the Board’s authority are invalid.

END OF POLICY

Legal Reference(s):

ORS 332.045
ORS 332.055
ORS 332.057
ORS 332.075

38 OR. ATTY. GEN. OP. 1995 (1978)
Board Member Standards of Conduct (Version 2)

A Board member should:

1. Comply with ethics laws for public officials;

2. Understand that the Board sets the standards for the district through Board policy. Board members do not manage the district on a day-to-day basis;

3. Understand that the Board makes decisions as a team. Individual Board members may not commit the Board to any action;

4. Respect the right of other Board members to have opinions and ideas which differ;

5. Recognize that decisions are made by a majority vote and should be supported by all Board members;

6. Make decisions only after the facts are presented and discussed;

7. Understand the chain of command and refer problems or complaints to the proper administrative office;

8. Recognize that the Board must comply with the Public Meetings Law and only has authority to make decisions at official Board meetings;

9. Insist that all Board and district business is ethical and honest;

10. Be open, fair and honest — no hidden agendas;

11. Understand that Board members will receive information that is confidential and cannot be shared;

12. Recognize that the superintendent is the Board’s adviser;

13. Take action only after hearing the superintendent’s recommendations;

14. Refuse to bring personal or family problems into Board considerations;

15. Give the staff the respect and consideration due skilled, professional employees;

16. Present personal criticism of district operations to the superintendent, when appropriate, not to district staff;
17. Respect the right of the public to attend and observe Board meetings;

18. Respect the right of the public to be informed about district decisions and school operations as allowed by law;

19. Remember that content discussed in executive session is confidential;

20. Use social media websites judiciously in a manner that does not violate Oregon’s Public Meetings Laws;

21. When using social media websites, Board members will treat and refer to other Board members, staff, students and the public with respect;

22. Never post confidential information about students, staff or district business on any websites.

END OF POLICY

Legal Reference(s):

ORS 162.015 - 162.035
ORS 162.405 - 162.425
ORS 192.630
ORS 244.040
ORS 244.120
ORS 332.055
Board Member Ethics and Conflicts of Interest

No Board member will use his/her official position or office to obtain personal financial benefit or to avoid financial detriment for him or herself, relatives or household members, or for any business with which the Board member, a household member or a relative is associated.

This prohibition does not apply to any part of an official compensation package, honorarium allowed by ORS 244.042, reimbursement of expenses, or unsolicited awards of professional achievement. Further, this prohibition does not apply to gifts from one without a legislative or administrative interest. Nor does it apply if the gift is under the annual $50 gift limit from one who has a legislative or administrative interest in any matter subject to the decision or vote of the Board member. District-provided meals at board meetings are acceptable under the reimbursement of expenses exception.

I. Conflicts of Interest

“Business” means any corporation, partnership, proprietorship, enterprise, association, franchise, firm, organization, self-employed individual or any legal entity operated for economic gain. This definition excludes any income-producing tax exempt 501(c) not-for-profit corporation with which a public official or a relative of the public official is associated only as a member or board director or in a nonremunerative capacity.

“Business with which a Board member or relative is associated” means any private business or closely held corporation of which a Board member or relative is a director, officer, owner, employee or agent or any private business or closely held corporation in which a Board member or relative owns or has owned stock, another form of equity interest, stock options or debt instruments worth $1,000 or more at any point in the preceding year; any publicly held corporation in which a Board member or relative owns or has owned $100,000 or more in stock or another form of equity interest, stock options or debt instruments at any point in the preceding calendar year; or any publicly held corporation of which a Board member or relative is a director or officer.

“Relative” means: 1) the Board member’s or candidate’s spouse¹, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law; 2) the spouse of the Board member’s or candidate’s parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law.

“Member of the household” means any person who resides with the public official.

No Board member will solicit or receive, either directly or indirectly, any pledge or promise of future employment based on any understanding that the Board member’s vote, official action or judgment would be thereby influenced.

¹The term spouse includes domestic partner.
No Board member will attempt to use or use for personal gain any confidential information gained through his/her official position or association with the district. A Board member will respect individuals’ privacy rights when dealing with confidential information gained through association with the district.

If a Board member participates in the authorization of a public contract, the Board member may not have a direct beneficial financial interest in that public contract for two years after the date the contract was authorized.

Individual Board members and the Board as a public entity are bound by the ethics laws for public officials as stated in Oregon law.

**Potential Conflict of Interest**

“Potential conflict of interest” means any action or any decision or recommendation by a Board member that could result in a financial benefit or detriment for self or relatives or for a business with which the Board member or relatives are associated, unless otherwise provided by law.

A Board member must publicly declare a potential conflict of interest. A Board member may, after declaring his/her potential conflict of interest, either vote or abstain on the issue. Abstaining from a vote does not meet the legal requirement of publicly stating a potential conflict.

**Actual Conflict of Interest**

“Actual conflict of interest” means any action or any decision or recommendation taken by a Board member that would result in a financial benefit or detriment to self or relatives or for any business with which the Board member or relatives are associated, unless otherwise provided by law.

A Board member must publicly declare an actual conflict of interest. The Board member may not vote lawfully if an actual conflict of interest exists unless a vote is needed to meet a minimum requirement of votes to take official action. Such a vote does not allow the Board member to participate in any discussion or debate on the issue out of which an actual conflict arises.

**Class Exception**

It will not be a conflict of interest if the Board member’s action would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person’s relative or business with which the person or the person’s relative is associated, is a member or is engaged. For example, if a Board member’s spouse is a member of the collective bargaining unit, the Board member may vote to approve the contract, as it will affect all members of that class to the same degree. However, if the collective bargaining unit is very small, the class exception may not apply. Similarly, if the contract contains special provisions that might apply only to particular persons, then the class exception may not apply. For example, if a Board member’s spouse is the only one in the bargaining unit that has a doctorate and there is a pay differential for employees with doctorates in the collective bargaining agreement, the Board member should not vote on the contract.
II. Gifts

Board members are public officials and therefore will not solicit or accept a gift or gifts with an aggregate value in excess of $50 from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the Board member. All gift related provisions apply to the Board member, their relatives, and members of their household. The $50 gift limit applies separately to the Board member and to the Board member’s relatives or members of household, meaning that the Board member, each member of their household and relative can accept up to $50 each from the same source/gift giver.

1. “Gift” means something of economic value given to a Board member without valuable consideration of equivalent value, which is not extended to others who are not public officials on the same terms and conditions.

2. “Relative” means: a) the Board member’s or candidate’s spouse\(^1\), parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law; b) the spouse of the Board member’s or candidate’s parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law.

3. “Member of the household” means any person who resides with the Board member.

Determining the Source of Gifts

Board members should not accept gifts in any amount without obtaining information from the gift giver as to who is the source of the gift. It is the Board member’s personal responsibility to ensure that no single source provides gifts exceeding an aggregate value of $50 in a calendar year, if the source has a legislative or administrative interest in any matter subject to the decision or vote of the Board member. If the giver does not have a legislative/administrative interest, the ethics rules on gifts do not apply and the Board member need not keep track of it, although they are advised to do so anyway in case of a later dispute.

Determining Legislative and Administrative Interest

A legislative or administrative interest means an economic interest distinct from that of the general public, in any action subject to the decision or vote of a person acting in the capacity of a Board member. For example, everyone within a county has a general interest in the fire department, but the person who sells the uniforms to the fire department has a legislative/administrative interest in the fire department that is distinct from the general public.

Determining the Value of Gifts

The fair market value of the merchandise, goods, or services received will be used to determine benefit or value.

“Fair market value” is the dollar amount goods or services would bring if offered for sale by a person who desired, but was not obligated, to sell and purchased by one who is willing, but not obligated, to buy. Any portion of the price that was donated to charity, however, does not count toward the fair market value of the gift if the Board member does not claim the charitable contribution on personal tax returns. Below are acceptable ways to calculate the fair market value of a gift:

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\(^1\) The Board member or candidate's spouse.
1. In calculating the per person cost at receptions or meals the payor of the Board member’s admission or meal will include all costs other than any amount donated to a charity.

For example, a person with a legislative or administrative interest buys a table for a charitable dinner at $100 per person. If the cost of the meal was $25 and the amount donated to charity was $75, the benefit conferred on the Board member is $25. This example requires that the Board member does not claim the charitable contribution on personal tax returns.

2. For receptions and meals with multiple attendees, but with no price established to attend, the source of the Board member’s meal or reception will use reasonable methods to determine the per person value or benefit conferred. The following examples are deemed reasonable methods of calculating value or benefit conferred:

   a. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons whom the payor reasonably expects to attend the reception or dinner;
   b. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons who actually attend the reception or dinner; or
   c. The source calculates the actual amount spent on the Board member.

3. Upon request by the Board member, the source will give notice of the value of the merchandise, goods, or services received.

4. Attendance at receptions where the food or beverage is provided as an incidental part of the reception is permitted without regard to the fair market value of the food and beverage provided.

Value of Unsolicited Tokens or Awards: Resale value

Board members may accept unsolicited tokens or awards that are engraved or are otherwise personalized items. Such items are deemed to have a resale value under $25 (even if the personalized item cost the source more than $50), unless the personalized item is made from gold or some other valuable material that would have value over $25 as a raw material.

Entertainment

Board members may not solicit or accept any gifts of entertainment over $50 in value from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the Board member unless:

1. The entertainment is incidental to the main purpose of another event (i.e., a band playing at a reception). Entertainment that involves personal participation is not incidental to another event (such as a golf tournament at a conference); or

2. The Board member is acting in their official capacity for a ceremonial purpose.

Entertainment is ceremonial when a Board member appears at an entertainment event for a “ceremonial purpose” at the invitation of the source of the entertainment who requests the presence of the Board member at a special occasion associated with the entertainment. Examples of an
appearance by a Board member at an entertainment event for a ceremonial purpose include throwing the first pitch at a baseball game, appearing in a parade and ribbon cutting for an opening ceremony.

Exceptions

The following are exceptions to the ethics rules on gifts:

1. Campaign contributions are not considered gifts under the ethics rules;

2. Gifts from “relatives” and “members of the household” are permitted in an unlimited amount; they are not considered gifts under the ethics rules;

3. Informational or program material, publications, or subscriptions related to the recipient’s performance of official duties;

4. Contributions made to a legal expense trust fund if certain requirements are met;

5. Food, lodging, and travel generally count toward the $50 aggregate amount per year from a single source with a legislative/administrative interest, with the following exceptions:

   a. Organized Planned Events. Board members are permitted to accept payment for travel conducted in the Board member’s official capacity, for certain limited purposes:

      (1) Reasonable expenses (i.e., food, lodging, travel, fees) for attendance at a convention, fact-finding mission or trip, or other meeting do not count toward the $50 aggregate amount IF:

         (a) The Board member is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the district; AND

         i) The giver is a unit of a:

            a) Federal, state, or local government;
            b) An Oregon or federally recognized Native American Tribe; OR
            c) Nonprofit corporation.

         (b) The Board member is representing the district:

            i) On an officially sanctioned trade-promotion or fact-finding mission; OR
            ii) Officially designated negotiations or economic development activities where receipt of the expenses is approved in advance by the Board.

      (2) The purpose of this exception is to allow Board members to attend organized, planned events and engage with the members of organizations by speaking or answering questions, participating in panel discussions or otherwise formally discussing matters in their official capacity. This exception to the gift definition does not authorize private meals where the participants engage in discussion.
6. Food or beverage, consumed at a reception, meal, or meeting IF held by an organization and IF the Board member is representing the district. Again, this exception does not authorize private meals where the participants engage in discussion;

“Reception” means a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal;

7. Food or beverage consumed by Board member acting in an official capacity in the course of financial transactions between the public body and another entity described in ORS 244.020(6)(b)(I)(i);

8. Waiver or discount of registration expenses or materials provided to Board member at a continuing education event that the Board member may attend to satisfy a professional licensing requirement;

9. A gift received by the Board member as part of the usual or customary practice of the Board member’s private business, employment or position as a volunteer that bears no relationship to the Board member’s holding of public office.

**Honoraria**

A Board member may not solicit or receive, whether directly or indirectly, honoraria for the Board member or any relative or member of the household of the Board member if the honoraria are solicited or received in connection with the official duties of the Board member.

The honoraria rules do not prohibit the solicitation or receipt of an honorarium or a certificate, plaque, commemorative token or other item with a value of $50 or less; or the solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation or expertise of the Board member or candidate.

END OF POLICY

**Legal Reference(s):**

ORS 162.015 to -162.035  
ORS 162.405 to -162.425  
ORS 244.010 to -244.400  
ORS 332.055  
OAR 199-005-0003 to -199-020-0020

38 OR. ATTY. GEN. OP. 1995 (1978)  
**OR. ETHICS COMM’N, OR. GOV’T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS.**
Board Member Ethics and Nepotism

In order to avoid both potential and actual conflicts of interests, Board members will abide by the following rules when a Board member’s relative or member of the household is seeking and/or holds a position with the district:

1. A Board member may not appoint, employ, promote, discharge, fire, or demote or advocate for such an employment decision for a relative or member of the household, unless the Board member complies with the conflict of interest requirements of ORS Chapter 244;

2. This policy does not apply to decisions regarding unpaid volunteer positions unless it is a Board member position or another Board-related unpaid volunteer position (i.e. a Board committee position);

3. A Board member may not participate as a public official in any interview, discussion, or debate regarding the appointment, employment, promotion, discharge, firing, or demotion of a relative or member of the household. A Board member may still serve as a reference or provide a recommendation.

For the purposes of this policy, a “member of the household” means any person who resides with the Board member and “relative” means:

1. The Board member’s spouse¹, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law;


Class Exception

It will not be a conflict of interest if the Board member’s action would affect to the same degree a class including the Board member’s relative or household member. For example, if a Board member’s spouse is a member of the collective bargaining unit, the Board member may vote to approve the contract, as it will affect all members of that class to the same degree. However, if the collective bargaining unit is very small, the class exception may not apply. Similarly, if the contract contains special provisions that might apply only to particular persons, then the class exception may not apply. For example, if a Board

¹The term spouse includes domestic partner.
member’s spouse is the only one in the bargaining unit that has a doctorate and there is a pay differential for employees with doctorates in the collective bargaining agreement, the Board member should not vote on the contract.

END OF POLICY

Legal Reference(s):

ORS 244.010 to -244.400
ORS 659A.309

OAR 199-005-0003 to -199-020-0020

OR. ETHICS COMM’N, OR. GOV’T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS.
Public Participation in Board Meetings

All Board meetings, with the exception of executive sessions, will be open to the public. The Board invites district citizens to attend Board meetings to become acquainted with the program and operation of the district. Members of the public also are encouraged to share their ideas and opinions with the Board when appropriate.

It is the intent of the Board to ensure communications with individuals with disabilities are as effective as communications with others. Individuals with hearing, vision or speech impairments will be given an equal opportunity to participate in Board meetings. Primary consideration will be given to requests of qualified individuals with disabilities in selecting appropriate auxiliary aids and services.

Auxiliary aids and services for persons with disabilities will be available at no charge to the individual.

All auxiliary aids and/or service requests must be made with appropriate advance notice. Should the Board demonstrate such requests would result in a fundamental alteration in the service, program or activity or in undue financial and administrative burdens, alternative, equally effective means of communication will be used.

Audience

During an open session of a Board meeting, members of the public are specifically invited to present concerns during the designated portion of the agenda. At the discretion of the chair, further public participation may be allowed.

Request for an Item on the Agenda

A member of the public may request the superintendent place an item of concern on the agenda of a regular Board meeting. This request should be made in writing and presented to the [superintendent] [Board chair] for consideration at least [five working days] prior to the scheduled meeting.

Procedures for Public Participation in Meetings

The Board will establish procedures for public participation in open meetings. The purpose of these procedures will be to inform the public how to effectively participate in Board meetings for the best interests of the individual, the district and the patrons. The information will be easily accessible and available to all patrons attending a public Board meeting.

Discussion or presentation concerning a published agenda item is limited to its designated place on the agenda, unless otherwise authorized by the chair.

1Auxiliary aids include, but are not limited to, such services and devices as qualified interpreters, assistive listening systems, note takers, readers, taped texts, Brailled materials and large print.
A visitor speaking during the meeting may introduce a topic not on the published agenda. The Board, at its discretion, may require that a proposal, inquiry or request be submitted in writing, and reserves the right to refer the matter to the administration for action or study.

Any person who is invited by the chair to speak to the Board during a meeting should state his/her name and address and, if speaking for an organization, the name and identity of the organization. A spokesperson should be designated to represent a group with a common purpose.

Statements by members of the public should be brief and concise. The chair may use discretion to establish a time limit on discussion or oral presentation by visitors.

Questions asked by the public, when possible, will be answered immediately by the chair or referred to staff members for reply. Questions requiring investigation may, at the discretion of the chair, be referred to the superintendent for response at a later time.

At the discretion of the Board chair, anyone wishing to speak before the Board, either as an individual or as a member of a group, on any agenda item or other topic, may do so by providing the Board secretary with a completed registration card prior to the Board meeting in order to allow the chair to provide adequate time for each agenda item.

The Board chair should be alert to see that all visitors have been acknowledged and thanked for their presence and especially for any contributed comments on agenda issues. Similar courtesy should be extended to members of staff who have been in attendance. Their return for future meetings should be welcomed.

**Petitions**

Petitions may be accepted at any Board meeting. No action will be taken in response to a petition before the next regular meeting. Petitions will be referred to the superintendent for consideration and recommendation.

**Criticisms of Staff Members**

Speakers may offer objective criticism of district operations and programs, but the Board will not hear complaints concerning individual district personnel. The chair will direct the visitor to the appropriate means for Board consideration and disposition of legitimate complaints involving individuals.

END OF POLICY

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**Legal Reference(s):**

- ORS 165.535
- ORS 165.540
- ORS 192.610 - 192.690
- ORS 332.057


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Board-Staff Communications

The Board desires to maintain open channels of communication between itself and the staff. The basic line of communication will, however, be through the superintendent.

Staff Communications to the Board

All formal communications or reports to the Board or any Board committee from staff members will be submitted through the superintendent. This procedure will not be construed as denying the right of any employee to address the Board about issues which are neither part of an active administrative procedure, nor disruptive to the operation of the district. In addition, this procedure does not restrict protected labor relations communications of bargaining unit members. Staff members are invited to Board meetings, which provide an opportunity to observe the Board’s deliberations on matters of staff concern.

Board Communications to Staff

All official Board communications, policies and directives of staff interest and concern will be communicated to staff members through the superintendent. The superintendent will provide appropriate communication to keep staff fully informed of the Board’s priorities, concerns and actions.

Visits to Schools

School visits by Board members will be regarded as informal expressions of interest in school affairs and not as “inspections” or visits for supervisory or administrative purposes. Official visits by Board members will be carried on only under Board authorization and with the full knowledge of staff, including the superintendent, principals and other supervisors.

END OF POLICY

Legal Reference(s):

OAR 581-022-1720

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).
Public Complaints* (Version 4)

(This version of sample policy KL does not need an accompanying administrative regulation, it is a stand-alone policy. If this policy is chosen by the Board, delete any existing KL-AR.)

Board members recognize that complaints about schools will be voiced by employees, students and patrons from time-to-time. When such complaints are made to a Board member, the Board member shall refer the person making the complaint to the superintendent or designee. A Board member shall not attempt to respond, review, handle or resolve such complaints as the individual board member has no authority to do so.

If the person making the complaint discusses the matter with the appropriate administrator, that administrator shall attempt to resolve the complaint or identify the reasons for not resolving the issue. In the event a complaint is not resolved within [10] working days at the building level, the complainant may file a written complaint with the superintendent. The superintendent will attempt to resolve the complaint. If the complaint remains unresolved within [10] working days of receipt by the superintendent, the complainant may request to place the complaint on the Board agenda at the next regularly scheduled or special Board meeting. Any written complaint bearing the signature of a district patron, which is presented to the Board, may be considered by the entire Board. A final decision shall be made by the Board within [20] working days from receipt of the complaint. The written decision of the Board will include the legal basis for the decision, findings of facts and conclusions of law.

Complaints against the principal may be filed with the superintendent. Complaints against the superintendent should be referred to the Board chair. [The Board may refer the investigation to a third party.]

Complaints against the Board as a whole or individual Board members should be made to the Board chair and may be referred to district counsel. Complaints against the Board chair may be made directly to the [district counsel] [Board vice chair].

Complaints alleging violation of state standards for public elementary and secondary schools shall be made in writing and presented to the superintendent. If a complaint alleging a violation of state standards is not resolved at the Board level, then the district will supply the complainant with appropriate information in order to file a direct appeal to the State Superintendent of Public Instruction as outlined in Oregon Administrative Rules (OAR 581-022-1940).

END OF POLICY
Legal Reference(s):

ORS 192.610 to -192.690  OAR 581-022-1940
ORS 332.107  OAR 581-022-1941

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).
The Lighthouse Research: Past, Present, and Future
School Board Leadership
for Improving Student Achievement

The history of education reform in the U.S. shows some evidence of success in improving education at the classroom and school levels but little evidence that those successes were able to extend or sustain beyond the individual classroom or the school involved in the improvement effort. If the United States is to achieve the excellence and equity in public education that is our promised goal, it is essential that we find the keys to broadening excellence to the district and state level and identify the key leaders for this level of impact.

The Lighthouse Research focuses on the role of local school boards and superintendents in leading and sustaining districtwide high and equitable student achievement. School boards are charged with decisions that impact what students learn, how students are taught, how learning is measured, how teachers are supported with professional development, how funds are focused on district priorities, and how effectively the community is engaged around student learning. While, by their nature school boards are removed from the day-to-day work of teaching and learning, they control the conditions that can allow successful teaching and learning to occur throughout the system.

This document summarizes the three phases of Lighthouse research to date, providing an overview of the purpose, the process, and the findings specific to each phase. The Lighthouse Multi-State Project: School Board Leadership for Student Achievement is Phase 3 of the overall Lighthouse Research, currently underway.

Original Lighthouse Study (1998 – 2000): (LH 1) An ethnographic study of school districts generating unusually high levels of student achievement and school districts with similar characteristics but generating significantly lower levels of student achievement.

- **Purpose:** Research has repeatedly shown that some teachers, some schools, some curricula, and some instructional methods generate higher achievement than others. The question this study attempted to answer was, “Do some school boards generate higher achievement than others? If so, do they do so through patterns of organizational behavior that can be described and learned by others?”

- **Process:** Researchers looked first for districts with extremely different levels of student achievement but similar in other characteristics such as socio-economic status, size, location, etc; and then conducted individual interviews with board members, superintendents, district level administrators, principals, and teachers to learn about their school improvement efforts (what they were trying to improve, how they were trying to improve it, and what was influencing the change).
• **Findings** showed that school boards in districts with a history of higher student achievement were significantly different in knowledge, beliefs and actions from the boards in the lower achieving districts. This study became one of the first and only studies that made a credible research-based connection between the work of the school board and levels of student achievement.

**The Iowa Lighthouse Project (2002 – 2007):** (LH 2) A five-year, federally funded inquiry into the role of the local governance team in districtwide efforts to improve student achievement.

• **Purpose:** To build upon the findings of the first Lighthouse study and identify the ways in which local school boards influence the conditions for success that are necessary to improve student achievement. This project also identified the types of development and supports school boards need in order to have a positive impact on district efforts to improve student achievement.

• **Process:** Researchers worked with the boards and superintendents in five pilot school districts in Iowa over a period of 5 years while studying the changes in specific conditions that support improvement, changes in beliefs, and changes in student achievement.

• **Findings:** Results from 4 years of work in 5 pilot districts reveal significant learning about key behaviors of the board/superintendent team that influence district effort to improve achievement. As a result of this phase, the research team was able to describe five main roles of the board, seven key areas of performance boards demonstrate as they play these roles, the knowledge, skills and beliefs necessary to perform in these ways, and effective strategies for board development related to the board roles. Areas such as creating a sense of urgency, developing a districtwide focus for improvement, creating conditions within the system for success, monitoring progress, deliberative policy development, and developing a leadership continuum have influenced board behaviors and the practices and beliefs of district staff in these pilot districts. Evidence of impact includes:

  - All sites participating in this project have shown significant improvement in one or more indicators of specific conditions necessary for improving student achievement;
  - On average, 91% of all staff and board members across all sites say that there is a clear and focused goal in their district for improving student achievement;
  - In 4 of the 5 sites, data show an increase of 48-90% of all staff and the board who could consistently describe the district’s school improvement goals;
  - In all sites, 83-100% of all staff and the board indicate that there is a clear district-wide focus on improving literacy;
  - In 3 of the 5 sites, the amount of time spent in regular board meetings on policy and student achievement issues increased from an average of 16% to an average of 37%;
  - The boards in all 5 districts are regularly allocating additional board work session time to focus exclusively on student achievement issues;
  - By year 3, all districts indicate strong agreement that frequently monitoring student achievement, ensuring children’s earliest school success, and partnering with the community are critical for improving teaching and learning;
  - By year 3, all districts indicate strong agreement that local school boards can positively impact student achievement;
  - In year 3, significant gains on a measure of reading comprehension were seen at every grade level in one district with an average of 94% of the students K-12 scoring average or above;
  - In year 4, 4 of the 5 sites showed significant gains in student reading and/or math at least 2 grade levels over the course of 5 years.
The Lighthouse Multi-State Project: School Board Leadership for Student Achievement: (LH 3) A 5-year national expansion of the Lighthouse research, accompanied by a study of best practices of state school board associations and board/superintendent teams in 8 states for developing board leadership for improving student learning.

- **Purpose:** To build on and scale the learning from the Iowa Lighthouse Project across districts and states and to clearly define best practices for school boards and for the state associations in supporting them. By working with the other states in this project, Iowa will learn from an expanded implementation of the Lighthouse work how and when the interventions are most effective and what state school boards associations can do to scale up the Lighthouse implementation efficiently and effectively to large numbers of school districts.

- **Key questions include:** How can state school boards associations efficiently and effectively scale the Lighthouse interventions to large numbers of districts across a state? What does it take to create a state-wide focus on improving student achievement and what supports are necessary to sustain that focus (state school boards association, state education association, state administrators’ association, etc.)? What kinds of effort does it take to support and sustain that focus and to build the effectiveness of boards and superintendents?

- **Process:** California, Idaho, Illinois, Iowa, Kentucky and Wisconsin will replicate the Lighthouse interventions from the Iowa project in districts across those states. State association staff from these state school boards associations are training the Lighthouse staff on a quarterly basis to learn the interventions and practice implementing them before taking them to the districts in their states. In addition, Illinois, Missouri and Oregon are trying different interventions, but collecting the same data each year to measure impact. This will allow us to use data to identify where the work of the state association staff is having an impact on the boards, districts, and student achievement, and to analyze what was done with those districts where the impact was greatest in order to identify best practices in board leadership and development.

- **Common data that all states will monitor (at a minimum):**
  - changes in the district conditions for student achievement,
  - beliefs about what is possible to expect and what impacts student learning, and
  - levels of student achievement.

- **8 participating states:**
  - California
  - Idaho
  - Illinois
  - Iowa
  - Kentucky
  - Missouri
  - Oregon
  - Wisconsin
Suggested Reading

**Becoming A Better Board Member: A Guide to Effective School Board Service (Third Edition),**
Newly expanded and updated for the 21st century, NSBA’s best-selling guide to school board service has been revised to incorporate Key Work of School Boards concepts and to reflect new governance realities, including the requirements of No Child Left Behind. Chapters address learning board service; exercising leadership; working with the superintendent and staff; understanding collective bargaining, education law, and school finance; communicating with your colleagues and the public; and contemporary issues in education. Published 2006, 326 pages.

**Key Work of School Boards Guidebook**
NSBA's newly revised guidebook provides a systems-thinking framework that gives educational leaders a blueprint to create quality, results-driven school systems. Published 2009, 98 pages.

**Boardsmanship for Oregon School Board Members**
A comprehensive look at what it takes to be an Oregon school, ESD or community college board member. Written by OSBA staff. Published 2006, 36 pages.

**Leadership for Student Learning The School Board's Role in Creating School Districts Where all Students Succeed**
Based on widely accepted practices of school improvement and original, objective research, this book identifies the key roles of school boards that can have a positive impact on student achievement. This book is a quick read that provides board members with expert guidance and fundamental information in easy-to-understand language. It is also a great reference for staff leadership teams and school improvement committees

http://www.ia-sb.org/publications.aspx?id=256

**Trying To Stay Ahead of the Game,**
http://www.publicagenda.org/research/pdfs/ahead_of_the_game.pdf

**The Roles and Responsibilities of School Boards and Superintendents,**