School boards…
  Govern!

Superintendents…
  Manage!

The Board’s Responsibilities

1. We set the direction – Goals
2. We establish the structure – Policy
3. We provide support – Budget
4. We ensure accountability – Communication
5. We are community leaders – Evaluation

Community engagement
Who Does What?

The Board
- Superintendent
- Vision and Goals
- Policies
- Budget
- Approves contracts
- Monitors progress
- Advocacy
- Decides what

= End results (Ends)

The Superintendent
- Staff
- Action plans
- Regulations
- Expenditures
- Employee relations
- Reports progress
- Advocacy
- Decides how

= Methods (Means)

Division of Labor

Goals
- Accountability /Advocacy
- Operations
- Personnel

Policies

Board’s Work

Administrative Work

Not everything that is required is required to be in policy!
How Do You know if policy is required?
Code in the lower left-hand corner, following the legal references of each policy:

- **R2/26/09|PH:** “R” Means policy is required

- **CR2/26/09|PH:** “CR” means policy is conditionally required

- **HR2/26/09|PH:** “HR” means policy is highly recommended
How Do You know if policy is required?
Code in the lower left-hand corner, following the legal references of each policy:
• R/2/26/09|PH: “R” Means policy is required
• CR/2/26/09|PH: “CR” means policy is conditionally required
• HR/2/26/09|PH: “HR” means policy is highly recommended
• 2/26/09|PH: No letter preceding the number means policy is optional

What is Policy?
• A guideline adopted by the board to chart a course of action
• Broad enough to allow administrative discretion -- specific enough to give clear guidance
• What and why

What Policy is Not
• Detailed direction
• Restatements or paraphrases of state or federal law
• Forms, job descriptions, etc.
Importance of Policy

• Provides consistency, stability and continuity to board work
  • Is it board work, or administrative work?
  • Do we have a policy?

Importance of Policy

• Provides direction for the superintendent, staff and students
  • Informs the public
  • Establishes a legal record as well as a legal basis for board actions

Importance of Policy

• Aids orientation of new board members and staff
  • Provides a sound basis for appraisal and accountability
  • May be required by state or federal law
What is an Administrative Regulation (AR)?
• Detailed directions
• Developed by administration
• Reviewed by the board

What is an Administrative Regulation (AR)?
• Puts policy in practice
• Tells how, by whom, where and when things are to be done

What an AR is Not
• A handbook (employee, student, parent, athlete, etc.)
• A plan (technology, school improvement, crisis, pest management, etc.)
• Job descriptions
Why is an AR Important?

• Assigns detail needed to implement policy for staff; allows board to focus on broader issues
• Provides the superintendent flexibility to make timely changes to effectively implement policy
• Informs staff, students and public

Why is an AR Important?

• Provides detailed requirements, procedures and prohibitions under which the district will be operated
• May satisfy state/federal requirements or serve as a compliance indicator

Policy Legal Foundations

• U.S. Supreme Court
• Federal Appeals Court – 9th Circuit
• Federal District Court (Oregon)
Policy Legal Foundations

• Federal law
• Federal Agency Rules, Regulations
• Oregon Supreme Court
• Oregon Court of Appeals
• District Court

Policy Legal Foundations

• Oregon Revised Statutes (ORS)
• Oregon Administrative Rules (OAR)
• Attorney General Opinions
• Board Policy –
  • District: ORS 332.107
  • ESD: ORS 334.125
  • Charter school: ORS 338.115
  • Community colleges: ORS 341.290

Before Board Decisions are Made...

Review:
• Policy manual
• Collective bargaining agreements or contracts
• Parent and student handbooks
• Staff and employee handbooks
When Reviewing Policy...

Ask:
• Is it legal?
• Does it reflect current practice?
• Is it working? If not, what needs to be changed?
• Do we need it? (Don’t be afraid of repealing policies that are no longer relevant.)

*Sometimes “less is more!”*

Policy Adoption

• No statutory requirement for first or second reading
  • Purpose: Notice and opportunity for review and give input
  • Policies are required to be board adopted

Policy Adoption

• Most ARs only require board review
• Some federal and/or state laws require ARs to be board adopted
Remember!

- Policies are legal documents, not a Nobel prize in literature
- Phrases and words have legal meaning which may not create the perfect sentence -- be careful of word-smithing
- Policy is legally binding and creates legal liability

Word of Caution

- Be wary of special interest groups or grass root movements that are recommending (pushing) a policy for board adoption.
- They do not realize that a board policy is legally binding and that language in their “policy” may increase the district’s liability

“Policy”

The “catch all” term used by many institutions that does not apply to school boards
Frequently misused/misunderstood “Policy”

- GASB (General Accounting Standards Board)
- Banking/Lending Institutions
- Bonds
- Investment Institutions

Policy Manual Structure

- AB: Board Governance
- C: Administration
- D: Fiscal Management
- E: Support Services
- F: Facilities
- G: Personnel
- H: Negotiations
- I: Instructions
- J: Students
- KL: Community Relations

Policies – Quick References

- **Single Asterisk**
  - Next to the policy title (e.g., GAA – Personnel Definitions *)
    - The policy may be subject to collective bargaining.
Policies – Quick References

• **Double Asterisk**
  • Next to the policy title (e.g., IKAA – Final Exams **)
  • The term parent includes legal guardian or person in a parental relationship. For special education students, this includes surrogate parent.
  • Definitions in ORS 125.005 (4), 125.300-125.325, 419B.373, 109.056 and OAR 581-015-0005 (18)

Policies – Quick References

**Brackets** occur in sample policies to indicate the need for a district to select or tailor information specific to their particular situations

Policy BDDC – Board Meeting Agenda: “Items of business may be suggested by any board member, staff member, student or citizen of the district by notifying the superintendent at least [five] working days prior to the meeting.”

Policy Services Overview

• Policy manual rewrite
• Desk rewrite
• Subscription services
  • Policy Update
  • Manual maintenance
  • Online policy manual
  • Policy Plus
Policy Services Overview

- Handbooks
  - Staff (also available for charter schools)
  - Student (also available for charter schools)
  - Key dates for districts
  - Emergency procedures (update coming soon)
- Charter school policy
- Special projects
- General information and workshops

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