Roles and Responsibilities – Best Practices
Summer Board Conference 2017

- **Comprehend the three legal roles of Oregon School Boards** (BBA)
  - Legislative
    - Example: Policy Development (BF/BFCA/BFD)
    - Example: Board communication and public meeting law (including email/social media) (BD/BDA)
    - Example: Executive sessions (BDC)
  - Executive
    - Example: Contracts/Ethics/Nepotism (BBFA/BBFB)
  - Judicial
    - Example: Complaint procedure (KL)

- **Know the limits of individual board member authority** (BBAA)
  - What is the authority of an individual board member
  - Stating your opinion or “How not to lose your first amendment rights”.
  - Requesting information from staff
  - Board-Staff Communications (BG)

- **Recognize the division of duties between the Superintendent and Board**
  - Governance (BBA) vs. Management (CA/CB)

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<th>MANAGE (Superintendent)</th>
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<td>Set Goals &amp; Vision (with help)</td>
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  - At the beginning of each annual evaluation cycle, …
    - adopt the standards/instrument. Include any additional goals that will be evaluated in the evaluation instrument as well. These standards, goals and/or evaluation instrument should be consistent with the board’s adopted policies.
    - adopt an evaluation timeline and process that adheres to the superintendent’s contract, board policy and/or other legal requirements. If the 360-degree process is to be used, it should be included in this document as how it will be administered and used.
  - Prior to the first executive session, the superintendent should be notified (in writing) of his/her right to have the evaluation process done in a public session.
Identify the five basic roles of Boardsmanship according to the Lighthouse Research

- Learn as a team
- Set clear expectations
- Hold the system accountable
- Support for success
- Create the public will to succeed

EMAIL

Email has the potential to lead to improper (illegal) meetings under Oregon’s Public Meeting Laws. All emails 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.

EXECUTIVE SESSION

ORS 192.660—Executive sessions permitted on certain matters; procedures; news media representatives’ attendance; limits.

ORS 332.061—Hearing to expel minor students or to examine confidential medical records; exceptions to public meetings law.

When Executive Session is allowed:

1. Employment of a public officer, employee, staff member or individual agent 192.660 (2)(a)
2. Employee discipline, dismissals unless requested an open hearing (b)
3. Deliberations with persons designated by the governing body to carry on labor negotiations (d)
4. Real Estate (e)
5. To consider information on records that are exempt by law from public inspection (f)
6. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed (h)
7. Evaluate the superintendent “Top Executive” (i)
8. School safety and evacuation plans (k) “to consider matters relating to school safety or a plan that responds to safety threats made toward a school”
9. Student Expulsions 332.061
10. Student Medical and Educational program records 332.061

Boards cannot call executive session for general personnel discussions.

Minutes—the same level as regular meeting minutes.

Media—allowed unless:
1. Labor negotiations strategy is being discussed
2. Student is being expelled
3. Student medical or educational records are being discussed
4. Reporter is involved in litigation against the district over the subject matter

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
COMMON ISSUES BOARDS FACE

Complaints: (Policy KL, KL-AR and for staff Policy GBD)
• Be familiar with the policy, direct others to it. Stick to it.
• Let the superintendent know so that there are no surprises.

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

Speak with one voice (Disagree then commit):
• Board Protocols
• The board is a single entity therefore it can only have one voice
• Individual board members have a right to free expression, disagree then commit, and 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.

No Surprises:
• Board-Superintendent Agreements or Board Protocols
• Call the superintendent before the meeting with questions
• Ask your questions again in public

Individual Board Members Requesting Information: (Policy BBAA)
• Request directly to the superintendent
• If additional expense is involved the request for information must go before the entire board

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’s Role in Hiring: (Policy CCC)
• The superintendent directs this process and may delegate as needed
• The superintendent names committee members (if a committee is used)
• The superintendent sends recommendation of appointment (hiring) to the board for approval

Notes: