

Establishing Reasonable Board Norms and Expectations

Presented to:
Espanola Public Schools Board of Education

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Goals

- Review aspects of board action/inaction that may be hampering the board's effectiveness
- Establish norms and expectations of one another
- Discuss policy and best practices

Role of Counsel

- Advice offered today is similar to how we train other boards
- Based on years of watching boards and superintendents do things well and do things poorly
- We are the board's counsel. That can mean talking about limitations and mistakes by the board.
- Superintendent. We work together but there is an understanding that we are still board counsel
- Board president: understanding that communication still needs to be made with the board
- Access to Counsel: President and Superintendent

Measures of Effectiveness

Effectiveness of the Board is Rooted in:

○ Efficiencies

- How we operate and how “functional” we are
- Whether we follow process

○ Communication

- How we communicate about our aims with one another and the public
- How we handle sensitive communications

○ Validation

- Whether our fellow board members and the public make our work feel important
- Whether others follow us.

○ Results

- Are we actually accomplishing the small and big goals?
- How do we measure that?

Does How You Conduct Your Work Matter for Student Achievement?

- From the research, it is clear that school boards in high-achieving districts exhibit habits and characteristics that are markedly different from boards in low-achieving districts.
- In the most dramatic examples from this research, scholars compared districts with similar levels of poverty and disadvantage to determine factors that separate high-performing districts from those with low performance.

What Makes a Board Effective?

Eight Characteristics of an Effective School Board

- 1. Effective school boards commit to **a vision of high expectations** for student achievement and quality instruction and define clear goals toward that vision
- 2. Effective school boards have **strong shared beliefs and values** about what is possible for students and their ability to learn, and of the system and its ability to teach all children at high levels.
- 3. Effective school boards are **accountability driven**, spending less time on operational issues and more time focused on policies to improve student achievement.

What Makes a Board Effective (continued)?

- 4. Effective school boards have a **collaborative relationship with staff and the community** and establish a strong communications structure to inform and engage both internal and external stakeholders in setting and achieving district goals.
- 5. Effective boards are **data savvy**; they embrace and monitor data, even when the information is negative, and use it to drive continuous improvement.
- 6. Effective school boards **align and sustain resources**, such as professional development, to meet district goals.
- 7. Effective school boards **lead as a united team with the superintendent**, each from their respective roles, with strong collaboration and mutual trust.
- 8. Effective school boards **take part in team development and training**, sometimes with their superintendents, to build shared knowledge, values and commitments for their improvement efforts.

Board Roles: What are the lawful and appropriate roles for the Superintendent?

- Section 22-5-14 of the New Mexico Statutes: Superintendent Authority
 - Chief Executive Officer
 - Administer and supervise the school district
 - Employ, fix salaries, assign, terminate and discharge
- * This also places limitations on the board.
- * Statute places general administrative and all employment functions in the hands of the administration (HB 212)

Board Roles: What are appropriate roles for board members?

- Section 22-5-4 of the New Mexico Statutes defines the scope of Board Authority:
 - Focuses on setting policy direction
 - Budgets
 - *Limited* role in employment matters as a reviewing body
 - Acquire, lease and dispose of property
 - Except for salaries, contract for expenditure of money
 - Acquire property by eminent domain
- *Places limitations on the role of the superintendent.

Board Roles: Supporting the Overall Direction of the Board

- Board members only have authority when acting with the board, not as individuals.
- In giving direction to the administration, the board must act as one body.
 - Speak to the superintendent with one voice, which is the majority on any one issue.
 - The superintendent cannot and should not have to pursue five agendas.
- Do not undermine the board majority decision or the administration's attempts to implement.
- What should be your norm/expectation on this?

Board Communication: General Norms

- Board:
 - Help the superintendent anticipate problems
 - Be the “ears and eyes” of the district, not the legs, hands, and mouth.
 - Do not directly communicate with employees or community members regarding confidential problems
 - Remember that the superintendent is your CEO; all information should flow through him/her.
- Norm:
 - Minimize contact on non-board issues
 - Know what issues don't belong to you
 - Avoid conflicts

Quiz Question on Board Roles: Student Discipline

- A parent calls to complain about the conduct of another child at his child's school.
- What questions should you be asking yourself?
 - Do I have the legal authority to be hearing or discussing identifiable student issues?
 - Should I be involved at early stage of this complaint?
 - What is the board's role in such matters?
 - To whom should the matter be referred?
 - How might early involvement by me impact my eventual role in the matter?
 - Small town: what if I am related or friends with the family?
 - Norm?

Quiz Question on Board Roles: Authority Over the Superintendent

- A board member wants the superintendent to adjust her handling of a school/policy issue.
- What questions does that board member need to ask?
 - Do I individually have the authority to request such a change?
 - Where do statute and regulation place the authority for accomplishing this change?
 - What might be the best way to raise this issue?
 - What will my actions mean for relationships?
 - Am I placing improper pressure on my superintendent?
 - Am I in danger of allegations of conflict of interest or violations of the Governmental Conduct Act?
 - Norm for handling?

Quiz Question on Board Roles:

Budget vs. Personnel

- The Board does not like a hire made by the superintendent and the pay outlined for the employee.
- What questions should you be asking yourself?
 - What is the board's power with regard to salaries?
 - Are there salary schedules that impact this outcome?
 - What options do you have to alter such a hire/salary?
 - Where does the Board exercise its greatest influence over such issues?
 - What is out of line for the Board?
 - Role of executive session?
 - Are you outside of your process? Grievance? Policy?
 - Norms for communicating concerns?

Board Communication: Personal Conflicts

- Any group of 5 is going to have conflicts.
- Challenge is not to personalize
- Challenge is not to air them in front of the public
 - What are the impacts for the board?
- Norms in this area?
 - Ideas: meet privately; resolve not to publicly address the other; mediation.

Brainstorming Other Norms

- Meetings: limiting presentations
 - Public Comment
 - Agendas
 - Board Comment
- Board Requests
- Site Visits
- Speaking to the press

Board Meeting Efficiencies

- Agenda
 - Who creates it?
 - Protocol? Policy?
 - Disagreements on whether to add?

Board Meeting Efficiencies: Board Discussion

- What is the purpose?
 - Indicating upcoming issues
 - Setting new agenda topics
- Are you in compliance with OMA?
- What norms do you want to establish for one another on this?
 - This should not be a “free for all”

Board Communication: Confidentiality Norms

- What norms would be wise for protecting confidentiality?
 - Carrying any documents out of executive session
 - Understanding legal access may mean more than IPRA or OMA issues
 - Others?
- Examples Where Confidentiality is Expected:
 - Employment Discharge Hearings
 - Review of student appeals, high profile conduct, FERPA
 - Leaking Executive Session Discussion
 - Sharing District negotiation positions or taking open positions against the District
- Possible Negative Consequences of Confidentiality Violations:
 - Civil Rights Claims
 - Undermining the Board/Superintendent/Programs
 - Causing Recusal from Your Participation in Issues/Hearings
 - Harming the District's legal or financial interests
 - Public Embarrassment for you and the Board
 - Unauthorized Statements and Personal Liability

Board Communication: Confidentiality

- The written decision of the Board is the final word on hearing matters. Comments about why a decision was made or what other board members thought may create problems if there is an appeal. Even seemingly harmless comments may damage the District's interests.
- A board member has no authority to speak publicly on behalf of the board unless designated to do so.
- Just because a public decision is made does not mean that you are now free to discuss executive session.
- Those invited to executive session may not be bound like you.
- Best practice: Let your superintendent or other designee answer inquiries.
- Norms for handling confidentiality concerns.
 - How to handle your disagreement with a board or superintendent decision should never involve sharing confidential information

Board Communication: Union Matters

- What are your obligations to the District?
- What are appropriate boundaries?
- Any risk of undermining the superintendent or HR?
- Risk of giving the unions the impression that you can control HR matters?
- Norms for communication with the unions?

Contracts

- Board has authority to contract
- However, most boards, delegate contracting authority to the superintendent (with consent approval)
- So how do you handle a situation where you a board disagrees?
 - Pull off consent
 - Make sure contracts say “subject to board approval”
 - Should you be communicating directly with contractors? Why/Why not?

Board Self-Governance: Volunteering

- Employment Barred: Section 22-5-5
 - A. The members of a local school board shall serve without compensation.
 - B. No member of a local school board shall be employed **in any capacity** by a school district governed by that local school board during the term of office for which the member was elected or appointed.
- Volunteering: New Rules Distinguish Between “Regular” and “Spontaneous” Volunteers
 - Regular Volunteers
 - Regulations require interviews, supervision, evaluation, and training
 - Enforcement of Code of Ethics and Professional Standards (including dismissal)
 - Spontaneous Volunteers: The same rules do not apply but such volunteers still are to be “supervised” by school staff.
- Potential Problems:
 - Supervisory problems
 - Improper use of influence
 - Public Perception of a Board Member using his/her influence
- Recommendation: No board members as regular volunteers or spontaneous volunteers. However, more flexibility about serving as spontaneous volunteers.
- Norms?

Board Self-Governance: In Practice

- How do we manage a board member whose behavior has them on the “outside”?
- Respond to an ethics concern about another board member?
- How do we ideally manage the concerns of a board member who believes the board or superintendent is violating the law/policy?

Questions?

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