Welcoming New Members to the Work of a Board

Presented by:
Charlene Peterson, NJSBA Field Services Representative
Welcome to New Board Members

Every time a new member joins the Board, it is a new Board. The purposeful inclusion and well-thought-out approach to the onboarding of new members is an important way for a Board to sustain its governance culture.
Why you are Here

STUDENT ACHIEVEMENT

• A relentless commitment to the learning of all students, no exceptions – must drive the work of the Board and its members.
How Governance Works

A Board represents:

**The state**
Board members are state officials empowered by state law to govern public schools at a local level.

**The entire community** – listen to all citizens and explain the needs of the school system as a whole.

**All students** – every policy and action should be based on what is best for the education of all students.
The Three Realities of Governance

1. You are elected as an individual, but you must govern as a member of a team. You didn't get to pick the team; you may not even like everyone on the team, but it's your team.

2. You do not have authority as an individual trustee to fix the problems you promised to fix in your campaign. Only the board has authority to take action.

3. Your success as a trustee is completely dependent on the success of your board. The public, appropriately, tends to judge the success of the board by the board's accomplishments, not by what individuals do.

The Governance Core, Davis Campbell and Michael Fullan, 2019
The Four Functions of a Board of Education

1. Provide guidance through policy.  *(Policy)*

2. Provide for a program of quality instruction to advance student achievement. *(Planning)*

3. Provide for the effective management of the district by employing and evaluating the chief school administrator (CSA). *(Appraisal)*

4. Provide for two-way communication between the community and board. *(Communication)*
# Superintendent’s Role

The superintendent is the implementer-in-chief of the district.

## Chief Advisor to Board
- Consultant – background info, alternatives, recommendations.
- Staff’s liaison to the Board.
- Provides briefings on things that require board action or attention.
- Keeps board briefed on district operations.
- Evaluates and assesses policy implementation.

## Executive Officer
- Administers policies.
- Runs the school district.
- Provides progress updates including emergent issues.
- Accountable to the Board for how well the district is run.
- Directs staff members though personal action, delegation, and supervisory activities.

## Educational Leader
- Remains active in professional organizations.
- Familiar with current ideas in education.
- Brings worthwhile ideas to the attention of the board and community.

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The Superintendent’s Role

The superintendent is the implementer-in-chief of the district.

Recipe for success – a good relationship between the Board and superintendent.

<table>
<thead>
<tr>
<th>Board</th>
<th>Superintendent</th>
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<tbody>
<tr>
<td>Trust the superintendent</td>
<td>Give board loyalty and best advice.</td>
</tr>
<tr>
<td>Respect professional training and experience.</td>
<td>Provide competent management of schools.</td>
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<tr>
<td>Confidence in CSA’s ability to administer district.</td>
<td>See that Board’s policies are implemented.</td>
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</tbody>
</table>
Overview of Roles – Board/Superintendent

**BOARD**
Oversees that schools are well run.

**WHAT**

**CSA**
Runs the schools.

**HOW**
Overview of Roles

Proper Board Perspective

Administration Perspective
The BOE is a Policy-Making Body

- To ensure the schools are well run, the board makes **Policies** - broad statements of the goals of the Board and the direction it wishes to take

- Defines, guides, and aligns administrative responsibilities

- Establishes oversight and evaluation procedures

- Authority rests with the **body**, not the individual. *N.J.S.A. 18A: 12-24.1 (d)*
Policies are Supported by Regulations

- “Regs” are designed by Administration to support & implement the BOE’s policies.

- Typically don’t require BOE approval.

- Provide direction of administrative decisions and district procedures.
Board Bylaws

- Bylaws are policies that guide the Board in its own **conduct and operations**.
- Bylaws are the board’s **internal rules**.
  - Identify laws that grant and limit Board authority.
  - Prevent arbitrary and capricious actions.
  - Impacted by Open Public Meetings Act, School Ethics Act, and case law.
Appraisal: Evaluating your Superintendent

Provides for Accountability

- Drives school improvement & student achievement
- Recognizes accomplishments
- Highlights focus areas
- Sets annual priorities
As representatives of the community, the Board has a duty to see the community’s educational expectations and desires for its children are realized.

The Board’s role is to:
1. Approve what is being taught.
2. Monitor the process to ensure that what is being taught is being learned.
3. Ensure resources needed for learning are available and used effectively.
What Must be Approved?

N.J.S.A. 18A: 34-1: Textbooks shall be selected by recorded roll call majority vote of the full membership of the Board.

Law only applies to required reading. Does not apply to research materials or free reading. For example, if teacher assigns the students to read *Tale of Two Cities* - must be approved. If the assignment is student self-section of books – approval not needed.

Law passed in 1967 did not envision all digital options but spirit of law applies to any media if required by staff for use by students.
Board’s Role in Budget Process

The school **Budget** = District’s financial plan reflects all program needs

<table>
<thead>
<tr>
<th>Set Priorities</th>
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<tbody>
<tr>
<td>• What must be funded</td>
</tr>
<tr>
<td>• District goals</td>
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<tr>
<td>• Student achievement needs</td>
</tr>
<tr>
<td>• What community can afford</td>
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<table>
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<tr>
<th>Develop Budget Calendar</th>
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<tbody>
<tr>
<td>• Monitor progress toward deadlines</td>
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<table>
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<tr>
<th>Communicate to Community</th>
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</thead>
<tbody>
<tr>
<td>• Important community relations effort</td>
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<thead>
<tr>
<th>Oversight</th>
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<tr>
<td>• Ensure final budget supports student achievement and standards</td>
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</table>

The school **Budget** = District’s financial plan reflects all program needs

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Budget Flow Process

District Chain of Command input

Teachers
Principals
Supervisors
Chief School Admin
Board (parameters)

Ensures budget supports
Student achievement & standards

Board: Tentative Approval

Executive
County Superintendent
Reviews and approves budget

Community
Keep informed and request input

Board Adoption

Consider community input. Adopt budget as advertised or modify Roll call vote majority of full Board

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School Ethics Act

It is essential that the conduct of members of local boards of education and local administrators hold the respect and confidence of the people.

These board members and administrators must avoid conduct which is in violation of their public trust or which creates a justifiable impression among the public that such trust is being violated.
School Ethics Commission (SEC)

- **5** Non-school Officials
- **2** School Board Members
- **9** members appointed by the governor for a 3-year term (maximum 5 from any one political party)
- **2** School Administrators

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Mandated Training To Be Provided by NJSBA N.J.S.A. 18A:12-33

**Governance I**
New Board Member – Year 1 - First Term
- Skills and knowledge necessary to serve.
- NJQSAC and its five areas of effectiveness
- Harassment, intimidation and bullying in schools
- Chief School Administrator evaluation process - within 6 months of taking office (N.J.A.C. 6A:10-8.1(j))

**Governance II & III**
Years 2 & 3 of First Term
- Governance II – School finance, labor relations
- Governance III – Student Achievement

**Governance IV**
- Within 1 Year After Each Re-election
  - Advanced training to include updates on relevant school law and other appropriate information.
School Ethics Commission Jurisdiction

Advisory Opinions

• A school official may request an advisory opinion to determine if any proposed activity or conduct by a school official would constitute a violation of the Act.

Ethics Complaints

• Acts upon complaints filed by anyone alleging a violation of the School Ethics Act or Code of Ethics took place.
Code of Ethics for School Board Members


I will uphold and enforce all laws, rules and regulations of the State Board of Education, and court orders pertaining to schools. Desired changes shall be brought about only through legal and ethical procedures.

Standards

Factual evidence shall include a copy of a final decision from any court of law or administrative agency of this State demonstrating that the respondent(s) failed to enforce all laws, rules and regulations of the State Board of Education, and/or court orders pertaining to schools or that the respondent brought about changes through illegal or unethical procedures.
I will make decisions in terms of the educational welfare of children and will seek to develop and maintain public schools that meet the individual needs of all children regardless of their ability, race, creed, sex, or social standing.

**Standards**

A decision was willfully made contrary to the educational welfare of children, or deliberate action was taken to obstruct the programs and policies designed to meet the individual needs of all children, regardless of their ability, race, color, creed or social standing.
I will confine my board action to policy making, planning, and appraisal, and I will help to frame policies and plans only after the board has consulted those who will be affected by them.

**Standards**

Board action was taken to effectuate policies and plans without consulting those affected by such policies and plans, or action was taken that was unrelated to the respondent's duty to: i. Develop the general rules and principles that guide the management of the school district or charter school; ii. Formulate the programs and methods to effectuate the goals of the school district or charter school; or iii. Ascertain the value or liability of a policy.
I will carry out my responsibility, not to administer the schools, but, together with my fellow board members, to see that they are well run.

Standards
A direct order was given to school personnel or there was direct involvement in activities or functions that are the responsibility of school personnel or the day-to-day administration of the school district or charter school.
I will recognize that authority rests with the board of education and will make no personal promises nor take any private action that may compromise the board.

**Standards**

Personal promises were made or action taken beyond the scope of his or her duties such that, by its nature, had the potential to compromise the Board.
I will refuse to surrender my independent judgment to special interest or partisan political groups or to use the schools for personal gain or for the gain of friends.

**Standards**
Action was taken on behalf of, or at the request of, a special interest group or persons organized and voluntarily united in opinion and who adhere to a particular political party or cause; or the schools were used in order to acquire some benefit for the respondent(s), a member of his or her immediate family or a friend.
I will hold confidential all matters pertaining to the schools which, if disclosed, would needlessly injure individuals or the schools. In all other matters, I will provide accurate information and, in concert with my fellow board members, interpret to the staff the aspirations of the community for its school.

**Standards**
Took action to make public, reveal or disclose information that was not public under any laws, regulations or court orders of this State, or information that was otherwise confidential in accordance with board policies, procedures or practices. Inaccuracy of information and evidence that establishes that the inaccuracy was other than reasonable mistake or personal opinion or was not attributable to developing circumstances must be substantiated.
I will vote to appoint the best qualified personnel available after consideration of the recommendation of the chief administrative officer.

**Standards**
A personnel matter was acted upon without a recommendation of the chief administrative officer.
I will support and protect school personnel in proper performance of their duties.

Standards
Deliberate action was taken which resulted in undermining, opposing, compromising or harming school personnel in the proper performance of their duties.
I will refer all complaints to the chief administrative officer and will act on the complaints at public meetings only after failure of an administrative solution.

**Standards**
Acted on or attempted to resolve a complaint, or conducted an investigation or inquiry related to a complaint: i. Prior to referral to the chief administrative officer; or ii. At a time or place other than a public meeting and prior to the failure of an administrative solution.
Social Media

SEC Recommended Disclaimer

“The following statements are made in my capacity as a private citizen, and not in my capacity as a board member. These statements are also not representative of the board or its individual members, and solely represent my own personal opinions.”

- SEC noted that even if an appropriate disclaimer is used, the substance of a post/statement can, nevertheless, render the disclaimer meaningless.... It is the substance of the writing, and not the disclaimer itself, that will dictate whether the school official has rendered a disclaimer meaningless.

- **Recuse yourself** if there is a benefit to you as a school official or a member of your **immediate family** (or others) due to a:
  - Business interest
  - Use of the position to secure unwarranted privileges
  - Financial involvement
  - Gift, favor, etc. that was offered with the intent to influence
  - Personal involvement that creates a benefit
  - Service or employment that may prejudice independent judgment

SEC definition of Immediate Family (18A:12-23): spouse or dependent child residing in same household
Who Qualifies as a Relative?

N.J.A.C. 6A:23A-1.2

Accountability Regulation Definition*

- Spouse/civil union or domestic partner
- Parent/stepparent
- Child/stepchild and son/daughter-in-law
- Grandparent, grandchild
- Siblings, stepbrother/sister, half brother/sister
- Aunt/uncle, niece/nephew

* Whether related to school official or spouse/partner by blood, marriage or adoption.
Hiring/Personnel

May not hire a relative of a board member or chief school administrator.
(May be exceptions)

If the relative already works in the district:

An administrator may not exercise direct or indirect authority over a relative of the administrator.

A board member may not take part in employment matters concerning the CSA or supervisors in the chain of command between the relative and the CSA.

A board member may not take part in the search, selection, or vote to hire a new CSA, and post-hire evaluations and contract discussions.
## Collective Bargaining

**A24-17**

<table>
<thead>
<tr>
<th>Relationship to Board Member</th>
<th>Current Member of a Statewide Public Teachers’ Union</th>
<th>Participate in Negotiations</th>
<th>Vote to Ratify the Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Spouse</td>
<td>Works in the District</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>• Dependent Child</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Child (not dependent)</td>
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</tr>
<tr>
<td>• Relative</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Self</td>
<td>Works Out-of-District</td>
<td>No</td>
<td>Yes*</td>
</tr>
<tr>
<td>• Spouse</td>
<td></td>
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<td>**</td>
</tr>
<tr>
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<td>Yes*</td>
<td>Yes*</td>
</tr>
<tr>
<td>• Relative</td>
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</table>

* Absent another conflict

** After Memorandum of Agreement, salary guides, total compensation package attained.
### Volunteerism

<table>
<thead>
<tr>
<th>Acceptable</th>
<th>Probable Violations</th>
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<tbody>
<tr>
<td>• One-time, infrequent, non-executive in-district volunteer activities, e.g. Dr. Seuss Day or chaperoning a trip.</td>
<td>• Supervision, management and direction of school personnel and funds</td>
</tr>
<tr>
<td>• Volunteer activities in outside organizations that are self-governing, wholly independent of board member’s role and board of education oversight - e.g. education foundations, PTAs, student activity booster clubs, local recreation organizations</td>
<td>• Regular contact with students, parents and staff</td>
</tr>
<tr>
<td>• <em>(Do have to recuse on voting)</em></td>
<td>• Active day-to-day presence</td>
</tr>
<tr>
<td></td>
<td>• Enmeshed in the building</td>
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<td></td>
<td>• E.g. volunteer coaches, volunteer club advisors, volunteer playground aides</td>
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Recent Advisory Opinions: A32-14, A10-15, A17-15 do not ban in-district volunteering but do place restrictions on contact with students, staff, and parents that is inconsistent with the role of a Board member.
A meeting is only lawful means for the Board to perform its duties and exercise power.

Meetings should:

- Encourage open expression of opinions by extending fairness and courtesy to all
- Be conducted in a climate of mutual trust and support
Use of Parliamentary Procedure

1. Discuss one subject at a time.
2. Allows for free and full discussion of each item presented.
3. Every board member has equal rights.
4. Carries out the rule of the majority and respects the rights of the minority.
5. Merges the personality and desires of individuals into the larger unit of the organization.
OPMA, or Sunshine Law, enacted in 1975, requires that the public have:

- advance notice of,
- and the right to attend

all meetings of public bodies at which any business affecting the public is discussed or acted upon,

except in certain specified circumstances where the public interest or individual rights would be jeopardized.
Requirements for Compliance

The Sunshine Law requires public bodies to provide the public with:

• Adequate notice of all of its meetings.
• The right to attend its public meetings.
• The right to speak at its public meetings.
• Reasonable comprehensive minutes of all its meetings.
Closed Session

Circumstances can exist where the public’s interest or personal privacy interests of individuals could be endangered by public disclosure at a particular time.
Closed Session Topics
N.J.S.A. 10:4-12

- Matters confidential by law
- Matters which could impair right to receive federal funds
- Matters of individual privacy
- Collective bargaining
- Lease/purchase of property, bank rates, if public interest could be adversely affected.
- Tactics/techniques for protecting safety and public property
- Contract negotiation other than collective bargaining
- Pending/anticipated litigation, attorney-client privilege
- Deliberations of public body after public hearing
OPMA & Technology

• Avoid real time communications of more than a quorum.
• One-way email/text to a quorum of the board, no reply, OK.
• Communications are a public record.
• Adhere to the district’s policies.
• Avoid reference to confidential information. If you can’t say it in public, don’t put it in email or text.
Why Have Committees?

- Committees are formed to enable in-depth discussion on a set of related issues.
- They allow the board to explore, ideate, and drill-down in a way that would be too time consuming at a regular board meeting.
Types of Committees

- **Standing Committees**: Committees approved annually to assist the Board in its work. Less than a quorum of the Board.

- **Temporary Committees**: Ad Hoc Committee appointments by the Board for a specific purpose and time.

- **Committee of the Whole**: Committee meeting open to the full Board. Advertised as a public meeting with public comment.

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Established in Policy/Bylaws

- Your committee format is designated in your bylaws.
- Typically describes how they are formed, staffed, their scope, and role in relation to the whole board.
- Regulations provide greater detail on responsibilities, resources, and procedures.

NJSBA POLICY SERVICES

Sample Discretionary Regulation

*Sample discretionary policies compiled and distributed by NJSBA are not model district policies or suggested best practices and should not be adopted without district revisions and consultation with your board attorney. (Based on a Sample from Mainland Regional High School)*

STANDING COMMITTEES OF THE BOARD

The standing committees of the board shall be: education, finance and facilities, negotiations, personnel, and policy. The standing committees of the board exist to perform the following general functions, within their given area of responsibility:

A. Gather and assess information;
B. Investigate, study and prepare recommendations for board review and action;
C. Monitor compliance with board policies and regulations and ensure that administrative regulations are in compliance with and in furtherance of board policies, regulations and directives;
D. Standing committees do not have authority to take binding action on the board’s behalf nor to expend funds unless specifically authorized to do so by action of the board;
E. Standing committees contain less than an effective majority of the board;

The board may create additional standing committees should the need arise.

General Committee Responsibilities

Committee responsibilities shall include:

A. Conducting periodic reviews and updates;
B. Making appropriate reports to the whole board concerning these reviews and updates;
C. Recommending any changes to existing bylaws, policies, regulations and other procedures;
D. Research and draft new policies and procedures for board review;
**Standing Committees**

<table>
<thead>
<tr>
<th>Standing Committees Approved at Reorg</th>
<th>Functions</th>
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<tbody>
<tr>
<td></td>
<td>Empowered by Board to make recommendations, conduct studies and act in</td>
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<td></td>
<td>an advisory capacity</td>
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<tr>
<td>Climate and Culture</td>
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<tr>
<td>Communication</td>
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<tr>
<td>Curriculum/Spec Ed/Technology</td>
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<tr>
<td>Finance and Facilities</td>
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<tr>
<td>Policy</td>
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<tr>
<td>Personnel</td>
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</table>

| Members:                             |                                                                           |
|                                      | Up to 4 board members, appointed by President. President appoints chair.   |
|                                      | Members may request or refuse appointment.                                |

| Call a Meeting                       | Chairperson or majority of committee                                       |

| Established                          | By action of Board and dissolved at reorg. meeting.                         |

Based on Montclair’s Bylaw 0155
Committee System Flow Chart

Idea Surfaces: Preliminary Discussion
administration / professional staff, board member, community

Given to Appropriate Committee / Administrator
Research / recommendations / alternatives; fit mission, goals, long-range plan, budget, time-lines

Discussed by Appropriate Committee
Report / information / questions / clarification / alternatives / discussion / committee recommendation

Brought by Committee to the Full Board for Discussion and Action
Report / information / back-up sent prior to meeting / questions / clarification / alternatives

Board Approves Committee Recommendation
Administration develops implementation plan, evaluation. Board provides oversight.

Board Denies Committee Recommendation
Does not pass; may refer back to committee for researching alternatives to bring back to full board

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10 Tips for New Board Members: Some words of wisdom from a Board veteran

By: Lee Lusardi Connor, former Morris Plains Board Member
1. **Just listen for a while**

Understand the local dialect” before weighing in with a proposed solution – consider local history, personality, negotiated agreements, etc.

Ask questions – no matter how basic. No need to fake it – just ask! Everyone was new once.
2. Take off your “private sector” hat.

Accept that education has a different set of rules than your work experience. Taking action requires lengthy discussion and buy-in from various stakeholders. Staff are managed under the terms of a negotiated agreement.
10 Tips for New Board Members

3. Take the new board member training ASAP.

NJSBA training will help eliminate some of the question marks floating above your head and provide you with relevant materials for later use.
4. Your role is different now.

Stay away from drama – you are now a policy maker for all students.

Careless and negative remarks now carry a greater weight.

Sharing confidential information causes real harm.
5. No surprises at the Board table.

**PLEASE DO NOT**

- Blindside fellow board members or administrators with tough questions or controversial issues.
- Grandstand as the one member who feels the pain of the audience.
- Try to get things done alone as one member.
6. The key to success is learning to say the same thing a thousand times.

The wheels to your fabulous idea will not start turning the first time you mention it, or the 12th time. Keep it on the radar and build consensus.
10 Tips for New Board Members

7. Read the negotiated labor agreement thoroughly.

8. Read up on your district’s policies.

The wording of the contract and policies

along with relevant state and federal laws

are the keys to most of the issues the board faces.
9. You don’t have to be the hero.

Your job is not to run the schools but to see that they are well run.

When an upset parent or staff member approaches you, do not try to resolve the problem. Listen, empathize, and thank the person for sharing, then advise them of the chain of command. Should the issue rise to the board level, you will address it then – as one vote.
10. Being a school board member is both a job and an adventure.

**The Job**
- Hours of meetings and reading
- Not paid and rarely thanked

**The Adventure**
- Public education is fascinating
- Over time will feel that you made a positive difference

**Always Remember**
- Get energized by the students