



Excellence. For each and every student.

## **BOARD OF EDUCATION**

Working Meeting - December 6, 2021 - 4:30 PM  
Wayzata Public Schools District Office  
210 County Road 101 North  
Plymouth, Minnesota 55447

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**Board of Education**  
Organizational Meeting – December 6, 2021

**AGENDA SECTION:** Call to Order

**ITEM:** Roll Call Attendance

**COMMENTS BY:** Sarah Johansen

	<b>PRESENT</b>	<b>ABSENT</b>
Linda Cohen	_____	_____
Jay Hesby	_____	_____
Sarah Johansen	_____	_____
Milind Sohoni	_____	_____
Cheryl Polzin	_____	_____
Bonita Lucky	_____	_____
Heidi Kader	_____	_____

# Wayzata Public Schools Equity Commitment

Systemic racism and many inequities exist in our society. This is not a reflection of who we aspire to be in Wayzata Public Schools. It is essential that we address this to fulfill our mission for each and every member of our community.



## We commit to:

- Evaluating and expanding our mindsets
- Embracing productive discomfort
- Transforming our core values from words to policies and actions that improve equity

We will facilitate the efforts of staff, students and families to act on our six core values.

<b>Achievement</b> <ul style="list-style-type: none"><li>• Create a system for learning, teaching and measuring success that honors cultural differences.</li><li>• Give each other space to understand our implicit biases as we seek to free ourselves of them.</li></ul>	<b>Collaboration</b> <ul style="list-style-type: none"><li>• Share collective responsibility for empowering all learners to thrive and be their authentic selves.</li><li>• Build on the strengths we each bring so that together we are more than the sum of our parts.</li></ul>	<b>Community</b> <ul style="list-style-type: none"><li>• Understand that we all belong here and are critical to each other's success and well-being.</li><li>• Being accountable to each other in the pursuit of being our best selves.</li></ul>
<b>Equity</b> <ul style="list-style-type: none"><li>• Work to increase our awareness of inequities so we can grow our capacity to become who we aspire to be.</li><li>• Study and practice anti-racist behavior so that we can continuously learn and improve.</li></ul>	<b>Integrity</b> <ul style="list-style-type: none"><li>• Continually live our shared values, especially when those values are challenged.</li><li>• Infuse our daily work and planning with equity-thinking through self-reflection and data.</li></ul>	<b>Respect</b> <ul style="list-style-type: none"><li>• Learn from and through our differences.</li><li>• Acknowledge that the lives of Black, Indigenous and people of color matter and this is reflected in our actions.</li></ul>

We will find ways to create more equitable systems that honor each person's unique mix of overlapping identities, including but not limited to:

- age
- beliefs/religion
- class
- disability/special needs
- ethnicity
- family status
- gender
- gender expression/identity
- height/weight
- home language
- immigration status
- issues specific to women/girls
- mental health
- national origin
- poverty
- race
- sexual orientation

**Our mission is to ensure a world-class education that prepares each and every student to thrive today and excel tomorrow in an ever-changing global society.**

## Mission

The Mission of Wayzata Public Schools is to ensure a world-class education that prepares each and every student to thrive today and excel tomorrow in an ever-changing global society.

## Our Core Purpose

## Core Values

Achievement:  
Collaboration:  
Community:  
Equity:  
Integrity:  
Respect:

## Drivers of Our Words and Actions

Challenging oneself and others for excellence in all we do  
Working together to maximize opportunities and eliminate barriers to learning for all  
Maintaining a sense of belonging to and responsibility for the broader community  
Meeting the specific needs of all students  
Doing the right thing in the right way at the right time, even when no one is aware  
Valuing others for their diverse talents, backgrounds, cultures and viewpoints

## Vision

## What We Intend to Create and Experience

### By Realizing our Vision, We Achieve Our Mission

The Vision of Wayzata Public Schools is to be a model of excellence where students of all ages discover their unique talents, develop a love and tenacity for learning and demonstrate confidence and capacity for success through:

### Exceptional Student Learning, Experiences and Relationships:

- High achievement by each and every student;
- Content-rich, rigorous and personalized education;
- Meaningful relationships with teachers, staff, mentors and peers in a welcoming, nurturing and safe environment where all are valued for who they are and the contributions they make.

### Community Trust, Confidence and Partnership:

- Comprehensive learning opportunities meeting diverse learner needs and community aspirations;
- Culture of continuous improvement and responsive innovation;
- Committed to being the first choice for students and families;
- Maintaining the highest levels of satisfaction and pride by staff, parents and community.

### Operational Excellence:

- Attraction, development and retention of exemplary, creative and engaged employees;
- Accountability by all staff and clarity in all operations to maximize individual and collective performance;
- Effective and efficient use of time, human, financial and physical resources;
- High performing district governance, management and partnerships.

## Strategic Directions (2019-2022)

## Focused Allocation of Resources

Through Focus on Priorities and Strategy Execution,  
We Achieve Excellence and Realize Our Vision

1. **Achievement:** By the end of third grade, all students will achieve at or beyond grade level expectations for reading, writing, and mathematics.
2. **Each and Every:** Student achievement will not be predictable by any demographic classification, i.e. race, socioeconomic status, gender, or disability.
3. **Personalization:** All students will know and understand their unique talents, have a voice in their educational experiences, and take ownership for their learning, career aspirations, and future success.
4. **Health and Well-Being:** All students will feel a sense of belonging and connection to their school where social-emotional, physical and mental health is nurtured and valued.

Approved by WPS School Board: July 8, 2019



## Eight characteristics of effective school boards: At a glance

What makes an effective school board – one that positively impacts student achievement? From a research perspective, it's a complex question. It involves evaluating virtually all functions of a board, from internal governance and policy formulation to communication with teachers, building administrators, and the public.

But the research that exists is clear: boards in high-achieving districts exhibit habits and characteristics that are markedly different from boards in low-achieving districts. So what do these boards do? Here are eight characteristics:

**1. Effective school boards commit to a vision of high expectations for student achievement and quality instruction and define clear goals toward that vision.** Effective boards make sure these goals remain the district's top priorities and that nothing else detracts from them. In contrast, low-achieving boards "were only vaguely aware of school improvement initiatives" (Lighthouse I). "There was little evidence of a pervasive focus on school renewal at any level when it was not present at the board level," researchers said. (Lighthouse I)

**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.** In high-achieving districts, poverty, lack of parental involvement and other factors were described as challenges to be overcome, not as excuses. Board members expected to see improvements in student achievement quickly as a result of initiatives. In low-achieving districts, board members frequently referred to external pressures as the main reasons for lack of student success. (Lighthouse I)

**3. Effective school boards are accountability driven, spending less time on operational issues and more time focused on policies to improve student achievement.** In interviews with hundreds of board members and staff across districts, researchers Goodman, Fulbright, and Zimmerman found that high-performing boards focused on establishing a vision supported by policies that targeted student achievement. Poor governance was characterized by factors such as micro-management by the board.

**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.** In high-achieving districts, school board members could provide specific examples of how they connected and listened to the community, and school board members received information from many different sources, including the superintendent, curriculum director, principals and teachers. Findings and research were shared among all board members. (Lighthouse I; Waters and Marzano) By comparison, school boards in low-achieving districts were likely to cite communication and outreach barriers. Staff members from low-achieving districts often said they didn't know the board members at all.

**5. Effective school boards are data savvy: they embrace and monitor data, even when the information is negative, and use it to drive continuous improvement.** The Lighthouse I study showed that board members in high-achieving districts identified specific student needs through data, and justified decisions based on that data. Board members regularly sought such data and were not shy about discussing it, even if it was negative. By comparison, board members in low-achieving districts tended to greet data with a "blaming" perspective, describing teachers, students and families as major causes for low performance. In these districts, board members frequently discussed their decisions through anecdotes and personal experiences rather than by citing data. They left it to the superintendent to interpret the data and recommend solutions.

**6. Effective school boards align and sustain resources, such as professional development, to meet district goals. According to researchers LaRocque and Coleman, effective boards saw a responsibility to maintain high standards even in the midst of budget challenges.** "To this end, the successful boards supported extensive professional development programs for administrators and teachers, even during times of [fiscal] restraint." In low-achieving districts, however, board members said teachers made their own decisions on staff development based on perceived needs in the classroom or for certification.

**7. Effective school boards lead as a united team with the superintendent, each from their respective roles, with strong collaboration and mutual trust.** In successful districts, boards defined an initial vision for the district and sought a superintendent who matched this vision. In contrast, in stagnant districts, boards were slow to define a vision and often recruited a superintendent with his or her own ideas and platform, leading the board and superintendent to not be in

alignment. (MDRC/Council of Great City Schools)

**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.** High-achieving districts had formal, deliberate training for new board members. They also often gathered to discuss specific topics. Low-achieving districts had board members who said they did not learn together except when the superintendent or other staff members made presentations of data. (Lighthouse I; LFA; LaRocque and Coleman)

Though the research on school board effectiveness is in the beginning stages, the studies included in this report make it clear that school boards in high-achieving districts have attitudes, knowledge and approaches that separate them from their counterparts in lower-achieving districts. In this era of fiscal constraints and a national environment focused on accountability, boards in high-performing districts can provide an important blueprint for success. In the process, they can offer a road map for school districts nationwide.

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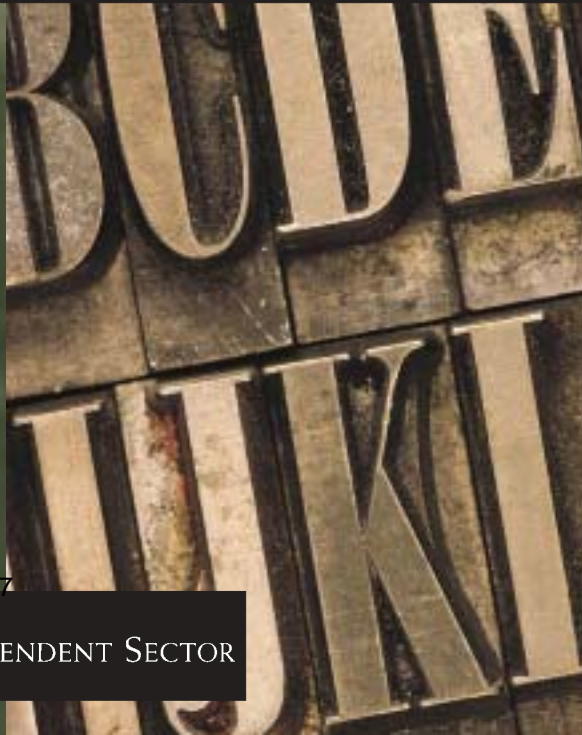
This summary is based on a report written for the Center for Public Education by Chuck Dervarics and Eileen O'Brien. O'Brien is an independent education researcher and consultant in Alexandria, Virginia. Much of her work has focused on access to quality education for disadvantaged and minority populations. O'Brien has a Master of Public Administration from George Washington University and a Bachelor of Science degree in psychology from Loyola University, Chicago. Chuck Dervarics is an education writer and former editor of Report on Preschool Programs, a national independent newsletter on pre-k, Head Start, and child care policy. As a writer and researcher, he has contributed to case studies and research projects of the Southern Education Foundation, the American Council on Education, and the Massachusetts Board of Higher Education, often focusing on issues facing disadvantaged populations. Dervarics has a Bachelors degree from George Washington University.





# GOVERNANCE is GOVERNANCE

KENNETH N. DAYTON



INDEPENDENT SECTOR

## About the Author

Kenneth N. Dayton is the former chairman and chief executive officer of the Dayton Hudson Corporation and is currently president of the Oakleaf Foundation in Minneapolis. He has served on the boards of a number of nonprofit organizations including major institutions such as the Rockefeller Foundation, the Mayo Foundation, Carnegie Hall, and the J. Paul Getty Trust, and as chairman of American Public Radio. He was also a founding trustee, and later vice chairperson of INDEPENDENT SECTOR. As chairperson of INDEPENDENT SECTOR'S Task Force on Measurable Growth in Giving and Volunteering, he presided over the deliberations that resulted in a campaign to boost giving and volunteering nationwide.

## INDEPENDENT SECTOR

INDEPENDENT SECTOR is a nonprofit, nonpartisan coalition of more than 700 national nonprofit organizations, foundations, and corporate philanthropy programs, collectively representing tens of thousands of charitable groups in every state across the nation. Our mission is to promote, strengthen, and advance the nonprofit and philanthropic community to foster private initiative for the public good.

*This timeless commentary was originally a speech by Kenneth N. Dayton to an INDEPENDENT SECTOR Leadership/Management Forum in 1986. It was first published as a monograph in 1987, then updated in 1998 and again in 2001. **Governance Is Governance** is one of the most popular INDEPENDENT SECTOR publications to date.*

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# GOVERNANCE

IS

# GOVERNANCE

There are throughout the independent sector examples of superb, professional management. There are more than 1 million nonprofit institutions in this country. It has long been my conviction that too many of those institutions have underemphasized the importance of good management and good governance.

As a corporate executive, I spent a disproportionate amount of my time trying to develop and perfect an ideal system of governance for a publicly held corporation—a system of governance which embraces the optimum relationship between board and management.

In my role as CEO and later chair of the board, and in my role as a corporate director and public trustee with almost 40 years of experience in business, religious, civic, health, educational, cultural and philanthropic organizations, I have developed some very strong concepts of governance of institutions—public and private, for-profit and not-for-profit. I want to share those concepts with you.

I began writing this as a director of INDEPENDENT SECTOR at the request of its CEO. That is a very important statement and I want to come back to it later. Just let me say now that, to me, trusteeship involves helping the CEO in whatever way is requested of you and

that you possibly can do. Here I am talking about the volunteer side of my directorship, and it has nothing to do with the governance responsibility I hold as a director. Throughout my remarks, I hope you will keep those two roles of a trustee—governing and volunteering—very separate in your minds. When I was asked to undertake this volunteer assignment, my concepts of trusteeship forced me to accept it whether I wanted to or not. So here I am.

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*It's a conviction first of all that governance is not management.*

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Governance is governance. That's more than a title—it's a deeply held conviction. It's a conviction first of all that governance is not management and, second, that governance in the not-for-profit sector is absolutely identical to governance in the for-profit sector—with that one added dimension that I will come back to. I want now to discuss what governance or trusteeship (I use the two terms completely interchangeably) is and what it is not. First, what it is not. Governance is not management. In my opinion, one of the worst sins of charitable or-

ganizations is that too often they do not distinguish between the two. Rather, they confuse the two responsibilities and in the process hamper the mission of the institution.

In all cases I am referring to institutions that have at least one full-time professional staff executive.

To my mind, this executive is the CEO of the institution. It matters not what the actual title is—president, executive vice president, general manager, executive director, or whatever. In my view, these professionals are the CEOs and they should consider themselves

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*A weak CEO can often protect his or her hide by delegating management's responsibilities to the board.*

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that, and should be so viewed by the entire board. A position description should clearly state that fact—and everyone on the board should accept that fact, particularly the chair. But how many boards can each of us think of where the paid executive is only the administrative officer carrying out the routine caretaking functions which the board or its chair delegates?

I regret to tell you that I have known volunteer chairs of the board who clearly think they are the CEO. And, I regret even more to tell you, I have known paid executives who ought to be the CEO but who are not and who are perfectly willing to let the board or its chair call all the shots. A weak CEO can often protect his or her hide by delegating management's responsibilities to the board. And lots of boards and individual board members (particularly those who have a special vested interest in a particular aspect of the enterprise) are just delighted to take over some or all of management's responsibilities.

Why is it that so many corporate directors grow horns when they become trustees? Why do they assume that they can do things as trustees that they would never think of doing as directors, such as interfering with management's role and making decisions or requests that no corporate director would think of making?

Then too, I have been utterly amazed over the years to observe how boards always tend to fill management voids. If management is weak in an aspect of its operation, a strong board or board member will move in and take over. The trick for management is to leave no voids, and the trick for the board is to see to it that management has a plan to fill any voids that occur, rather than to leap in and fill them itself.

Any institution—for-profit or not-for-profit—that has an all-powerful chair or a weak CEO is an institution in trouble, or surely is one headed for trouble. How can we prevent that from happening? Harder still, how can we change course, install professional management practices and board practices, and then develop the optimum relationship between the board of trustees and the CEO? Between the governors and the managers?

## The Right Foundation

The foundation is laid by developing clearly defined and mutually agreed-to position descriptions for the CEO, the board and the chair. I wonder how many nonprofit organizations have such position descriptions, and, if they do, how many update them annually, or ever bother to check whether they are living by them. How many boards or board chairs annually review their position descriptions and assure themselves that they have fulfilled all their responsibilities of trusteeship? My guess is very,

10 very few.

# President and CEO

## Function

- Serve as chief executive officer of the institution, reporting to the board of trustees, accepting responsibility for the success or failure of the enterprise.
- With the chair of the board, enable the board of trustees to fulfill its governance function, and facilitate the optimum interaction between management and the board of trustees.
- Give direction to the formulation and leadership to the achievement of the institution's philosophy, mission, strategy, and annual objectives and goals.

## Responsibilities

- With the chair of the board, develop agendas for meetings, so that the board can fulfill all its responsibilities effectively. Develop an annual calendar to cover all crucial issues in a timely fashion.
- See that the board and the chair are kept fully informed of the condition of the institution on all important factors influencing it.
- Get the best thinking and involvement of each board member. Stimulate all members to give their best.
- Work with the chair to make the committee structure of the board function effectively.
- With the chair, recommend the composition of the board and its committees.
- Be responsible to and report to the board of trustees.
- Be responsible for the institution's consistent achievement of its mission and financial objectives.
- Make certain that the institution's philosophy and mission statements are pertinent and practiced throughout the organization.
- Make certain that the flow of funds permits the institution to make steady progress towards the achievement of its mission and that those funds are allocated properly to reflect present needs and future potential.
- See that there is an effective management team with provision for succession.
- Ensure the development and implementation of personnel training and development plans and programs that will provide the human resources necessary for the achievement of the institution's mission.
- Maintain a climate that attracts, keeps and motivates top quality people—professional and volunteer.
- Formulate and administer all major policies.
- Serve as the chief spokesperson for the institution and, thereby, see that the institution is properly presented to its various publics.
- Assure that the institution has a long-range strategy that achieves its mission, and toward which it makes consistent and timely progress.

Every institution is different and each, of course, must develop a set of position descriptions that covers fully the unique character of that institution. Acknowledging that, I would like to take a crack at outlining a minimum common denominator position description for the three positions in order to make clear my convictions about the proper division of labor between the CEO, the board, and its chair.

Let's take the CEO first. Here is the kind of position description I would like to have if I were the executive director of any nonprofit organization (*see page 5*).

Now I'd like to let you in on a secret. That position description is almost verbatim the same as the one I wrote as the CEO of a multi-billion-dollar corporation. I changed "Dayton Hudson Corporation" to "American Charitable Institution" throughout—and very little else—to make it apply to the CEO of a typical not-for-profit organization.

Now, if I were the CEO of the American Charitable Institution (or for that matter of your organization) with that kind of a position description, I would want to be very sure that my board had an equally well-articulated position description describing its functions and responsibilities. And if I was brand new in that job, I would want to present my concepts of the board's role and its relation to management at my very first board meeting. (Pretty gutsy, eh? But I'm a firm believer in getting my principles and convictions out on the table right from the very start.) So here is the position description I would write for consideration and adoption by the board.

Hopefully when I present that position description, the board will debate it thoroughly, change it somewhat, and then adopt it as its own. In the process, they just might come together as a board in a more effective way than ever before. This exercise will clarify and optimize the relationship between the trustees and me,

between the board and management, between the governors and managers. I would then want to see to it that the board every year reviews its position description, modifies it if necessary, and satisfies itself that I as the CEO have enabled it to fulfill all of its responsibilities.

Let me quickly add that the position description I have shown you may not be the perfect one for your institution's board of trustees. After all, it was written for Dayton Hudson Corporation's board of directors and I have changed very little other than substituting "public" for "shareholders" and "institution" for "corporation." The point I am trying to make is that governance is governance, management is management, and every organization must clearly distinguish between them if it wants the two to work in harmony to achieve the institution's mission.

## Don't Leave Composition to Chance

There is one other document which every board of trustees and, for that matter, every corporate board of directors ought to have: a policy on composition and tenure of the board. A board has to think intensely about its size, its balance, its diversity, its committee structure, its average age, its rotation plan, any potential conflicts of interest, and other factors. In addition, at Dayton Hudson Corporation we had a board model indicating the ideal size and makeup of the board—how many and what kinds of corporate executives, how many and what kinds of other inputs, what kind of geographic and demographic mix, and other considerations. Then we would compare our current status (and our status a year or two hence in view of the known retirements) to the model.

In that way we could begin our search for future directors with the needed qualifications well in advance of the need to fill a position. I wonder how many corporations or nonprofit agencies do that.

Frankly it seems to me that in some respects the independent sector is ahead of the corporate sector in regard to board policies on balance and rotation. Many nonprofits are very sensitive to all their constituencies and want their boards to reflect them. Few corporations are that sensitive. On the other hand, independent sector agencies are often less sensitive to whether the individual selected can and will make a positive contribution. After all, once a board member, you are no longer the representative of any constituency. Your primary loyalty must be to the institution of which you are a trustee.

The same is true of rotation. When we instituted a 12-year rotation policy for outside Dayton Hudson directors, we could find no other American corporation with a similar policy. Yet many nonprofits have even more stringent policies. I am a great believer in rotation for board members, for committee assignments, and for committee chairs. In philanthropic organizations I also strongly believe in a strict rotation policy for the chair of the board. No public institution with a public purpose should be too closely tied to one individual, no matter how good he or she may be. There is no such thing as the indispensable person, particularly the indispensable volunteer.

## Expectations of the Chair

Having said that about the chair, I would like now to turn to the chair's role, his or her relationship to management, and particularly his or her partnership with the CEO.

Once again, I have to tell you that I have used my own former position description as a model even though I have made more changes in it than in the previous two.

All my experience and study have convinced me that the chair of the board should not be the CEO—not in an American public corporation and certainly not in a philanthropic institution. Why? There are three reasons. First, a chair/CEO wears two hats at the same time and you just can't do that and look good in both roles. A chair is responsible to chair the meetings of the board, enhance the full discussion of important issues, and bring out the ideas and thoughts of all board members and management. This leader is in a delicate position between the CEO and the board, letting the CEO make necessary reports and recommendations, supporting the CEO, and sometimes even protecting the CEO. But at the same time, a chair must make certain that suggestions, challenges, even criticisms are heard and considered. In my view no one can do all that and be the CEO as well. I know. I tried it.

## Chair of the Board

### Function

- As chair of the board, assure that the board of trustees fulfills its responsibilities for the governance of the institution.
- Be a partner to the CEO, helping to achieve the mission of the institution.
- Optimize the relationship between the board and management.

### Responsibilities

- Chair meetings of the board. See that it functions effectively, interacts with management optimally, and fulfills all of its duties. Develop agendas in conjunction with the CEO.
- With the CEO, recommend composition of the board committees. Recommend committee chairs with an eye to future succession.
- Assist the CEO in recruiting board and other talent for volunteer assignments that are needed.
- Reflect any concerns management has in regard to the role of the board of trustees or individual trustees. Reflect to the CEO the concerns of the board of trustees and other constituencies.
- Present to the board an evaluation of the pace, direction, and organizational strength of the institution.
- Prepare a review of the CEO and recommend salary for consideration by the appropriate committee.
- Annually focus the board's attention on matters of institutional governance that relate to its own structure, role, and relationship to management. Make sure the board is satisfied that it has fulfilled all of its responsibilities.
- Act as another set of eyes and ears.
- Serve as an alternate spokesperson.
- Fulfill such other assignments as the chair and CEO agree are appropriate and desirable for the chair to perform.

A chair who is also the CEO makes the agenda, conducts the meeting, presents management's recommendations, controls the discussion, and asks for support of his or her own recommendations. When one does all that and picks fellow board members as well, you have, in my opinion, a dictatorship. It may be benign and it may even be enlightened, but it is nonetheless a dictatorship. In my view, any chair/CEO inevitably wears primarily the CEO hat and only occasionally takes on the far more neutral and impartial role of the chair of the board.

Second, it is my opinion that, where the chair is the CEO of a nonprofit organization, you will inevitably have only a functionary as the chief administrative officer. You will always have to settle for a second-rater; you will never get and certainly never keep an imaginative and creative innovator, leader and motivator.

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*As trustees we are there to support, encourage, challenge, stimulate, and help that professional whom we pick to lead our endeavor.*

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Third, I submit that the most crucial relationship in the entire enterprise is that between the CEO and the chair. In my view it will be a far better relationship if both clearly recognize that the CEO, not the chair, is indeed the CEO. Then the chair becomes the CEO's partner in making a great board, in enhancing its ability to carry out all of its responsibilities, and in encouraging it to support the CEO in every reasonable way. As a director of the Minnesota Orchestral Association, I came to the conclusion that the only role of a trustee of an orchestra is the care and feeding of the music director. By that I mean everything the board



does is done to enhance and support the vision and mission of the music director. Well, so it is with all trusteeship. As trustees we are there, it seems to me, to support, encourage, challenge, stimulate, and help that professional whom we pick to lead our endeavor. If every board could see its role as that, I am convinced we would have far more dynamic institutions, far stronger professional executives, far more attractive independent sector careers, far better relationships between board and management, and a far greater willingness on the part of board members to undertake whatever volunteer assignments are requested of them.

## Governance Is Not Management

That statement concludes my case that governance is governance, management is management, and the difference between the two must be clearly understood and accepted. In making that case, I hope that I have also convinced you that governance is governance no matter what the institution—be it government, corporation, or nonprofit (be it health agency, organized religious group, arts institution, foundation, or advocacy group).

The role of the board of the American Charitable Institution is in my opinion identical to that of the board of directors of Dayton Hudson Corporation. Dayton Hudson Corporation's board position description clearly states that it is its primary function "as representatives of the shareholders, to be the primary force pressing the corporation to the realization of its opportunities and the fulfillment of its obligations to its shareholders, customers, employees and the communities in which it operates."

As I indicated in my hypothetical position description of the American Charitable

Institution, the board's function is, "As representatives of the public, be the primary force pressing the institution to the realization of its opportunities for service and the fulfillment of its obligations to all its constituencies."

To do this, each board (for-profit or not-for-profit) must organize itself and conduct its affairs in such a way that it can attract, keep, motivate, evaluate, and reward—and if

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*So when we sign on as trustees we also sign on as volunteers agreeing in essence to undertake any assignment reasonably asked of us.*

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necessary change—a CEO who, with the chair's help and the board's support, will lead the institution to fulfillment of its mission and enable the board to fulfill all of its responsibilities.

## Trustees as Volunteers

I want to make just one more point to which I alluded at the beginning. I wrote this essay at the request of the CEO of INDEPENDENT SECTOR. You see, in addition to being one of the CEO's bosses, I am also the CEO's volunteer. Our CEO is our leader, our inspiration, our coordinator, our expeditor, our doer. But because we are a voluntary organization, I recognize that no CEO can ever do it alone or even do it with an excellent staff.

To be effective, the CEO needs hundreds, thousands, perhaps millions of volunteers to carry out the work of INDEPENDENT SECTOR or any other organization. So when we sign on

# Board of Trustees

## Function

- As representatives of the public, be the primary force pressing the institution to the realization of its opportunities for service and the fulfillment of its obligations to all its constituencies.

## Duties

### *Planning*

- Approve the institution's philosophy and review management's performance in achieving it.
- Annually assess the ever-changing environment and approve the institution's strategy in relation to it.
- Annually review and approve the institution's plans for funding its strategy. Review and approve the institution's five-year financial goals.
- Annually review and approve the institution's budget.
- Approve major policies.

### *Organizations*

- Elect, monitor, appraise, advise, stimulate, support, reward and, if deemed necessary or desirable, change top management. Regularly discuss with the CEO matters that are of concern to him or her or to the board.
- Be assured that management succession is properly being provided.
- Be assured that the status of organizational strength and human resources planning is equal to the requirements of the long-range goals.
- Approve appropriate compensation and benefit policies and practices. Propose a slate of directors to members and fill vacancies as needed.
- Annually approve the performance review of the CEO and establish his or her compensation based on recommendations of the personnel committee and chair of the board.
- Determine eligibility for and appoint board committees in response to recommendations of the nominating committee.
- Annually review the performance of the board and take steps (including its composition, organization, and responsibilities) to improve its performance.

### *Operations*

- Review the results achieved by management as compared with the institution's philosophy, annual and long-range goals, and the performance of similar institutions.
- Confirm that the financial structure of the institution is adequate for its current needs and its long-range strategy.
- Provide candid and constructive criticism, advice and comments. Approve major actions of the institution, such as capital expenditures on all projects over authorized limits and major changes in programs and services.

### *Audit*

- Ensure that the board and its committees are adequately and currently informed—through reports and other methods—of the condition of the institution and its operations.
- Confirm that published reports properly reflect the operating results and financial condition of the institution.
- Ascertain that management has established appropriate policies to define and identify conflicts of interest throughout the institution, and is diligently administering and enforcing those policies.
- Appoint independent auditors subject to approval by members.
- Review compliance with relevant material laws affecting the institution.

as trustees we also sign on as volunteers agreeing in essence to undertake any assignment reasonably asked of us. That's the only difference between a corporate board and a not-for-profit board. The corporate board will usually only be asked to undertake this additional role when the corporation is in real trouble. But our kinds of boards are asked to play this double role all the time. Individuals should not be invited to serve on such a board unless they are totally willing to undertake the volunteer side as well as the governance side of a trustee's responsibility. So a CEO is a CEO, but a trustee is a governor and a volunteer.

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*A trustee of a not-for-profit organization has an obligation to be a volunteer in addition to governing, but otherwise the responsibility of a trustee and the responsibility of a corporate director are absolutely identical.*

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Let's never forget then that the board of trustees of the American Charitable Institution (and your board as well) has two roles—governance and volunteering. They are complementary but very different roles.

Governance is not management and it surely is not volunteering. Furthermore, it is the same no matter what the institution. Governance is governance.

## A Follow-Up Interview with Ken Dayton

*You have said that the responsibility for governance of an organization rests with the board and the responsibility for management rests with the CEO or executive director—the full-time, paid executive. Would you explain what you mean by “governance?”*

DAYTON: First of all, governance is not management. Second, governance is recognizing the responsibility that, as a board member, you have to protect the long-range future of your organization and see to it that it fulfills its obligations to its constituencies, however defined. And by governance I mean that as a board member you have to see to it that the organization is well managed, rather than managing it yourself.

*How do you compare the responsibilities of a corporate director with those of a nonprofit trustee?*

DAYTON: A trustee of a not-for-profit organization has an obligation to be a volunteer in addition to governing, but otherwise the responsibility of a trustee and the responsibility of a corporate director are absolutely identical. In both cases the individual is selected as a guardian of the constituencies that are affected by that organization and the responsibility of the board, in either case, is to protect the long-range future of the organization and the long-range interests of all its constituencies. In both cases they go about fulfilling those responsibilities in almost the same way—by seeing to it that the board of directors or the board of trustees is enabled to fulfill its responsibilities to the organization.

*And the CEO is the enabler and the manager not just of the organization but also of the board?*

DAYTON: Exactly.

*What are some of the things a CEO can do to enable a board?*

DAYTON: I think number one is to make certain that the board understands what its responsibilities are.

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*A review helps to perfect the methods and systems by which the board operates and fulfills its responsibilities.*

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Then, no matter how often the board meets over the course of a year, the CEO must make certain that he or she has enabled the board to fulfill all those responsibilities.

If the board has a responsibility, as I maintain it does, to review performance, then the CEO must give it a report of performance and must let it question, challenge, criticize, or praise that performance. If its responsibility is to approve a long-range strategy, the CEO has to present the plan and then let the board make it its own. Again, let it question, challenge, criticize, amend, and finally approve the plan. In every single case, if the board is to do its job, the CEO must enable it to do so.

I think every board should annually look at its role and its relationship with management and discuss with management the degree to which the board feels it has been enabled to fulfill its responsibilities. Several things can happen with such a review. For example, if the CEO hasn't done an adequate job of reviewing performance or allocating capital or whatever, then the board has an opportunity to say, "We wish you'd do more of that for us."

Also, when such a review occurs, the board tends to look at itself as it would not otherwise and say, "Hey, you gave us that opportunity but we really missed it." A review helps to perfect the methods and systems by which the board operates and fulfills its responsibilities.

The third thing a review triggers is a greatly improved relationship between the board members and the managers, between the board and the CEO. I think that the most important dynamic in any organization is just such a relationship. The review process gets it all on a very discussible basis of "how can we do a better job together?" That's the secret of running an institution.

*How does a CEO see to it that his or her organization has a good board?*

DAYTON: I think it's clearly a shared responsibility. The chair of the board has a major responsibility to build a good board. But I think that any CEO who leaves the building of the board entirely to the board itself will probably find that the board becomes weakened over time. I think that you have to work hard on the composition of your board.

Previously I was talking about the way in which you use the board and help train, educate, and involve it, but the way in which you constitute a board is equally important. I believe strongly that you have to go about it in a thoughtful, well-organized way.

The worst way to find board members is to say at a board meeting, "My gosh, we're short of trustees. Does anybody know anyone who would like to come on the board?" And someone says, "Well, I know old Joe or Suzy and he or she would be just wonderful." That's the kind of casual, buddy-boy, old-school system that results in a relatively complacent, compatible, and ingrown board.

### *What's the best alternative?*

DAYTON: I think the only way to go about building a model board is to say, "What kind of a board do we really need for this organization?" Consider how many executives you want, what kind of executives you want, what other kind of talent you want, and what kind of balance you want regarding age, sex, or ethnic background. If you know what you would like your board to look like, then you know what kinds of directors or trustees you need to seek out. You should always be building towards the future composition of the board.

### *How does a CEO begin achieving a good balance on the board?*

DAYTON: Each organization has to sit down and decide what characteristics it needs its board members to have. If you say, "We just want balance"—so many female and so many minority and so many of this or that—then you end up with a constructed, patched-together board that probably won't work very well. Diversity should be the goal, not representation.

If you have a board that is solely composed of CEOs of the 10 major corporations in your community, you don't have a very diverse board. If you have a board that's all male, you don't have a very diverse board. I don't think there's any set number of male and female board members you have to have, but you certainly do want a board of diverse background, experience, and success. Going after diversity and specific kinds of input will solve the balance problem.

### *Are there any other considerations?*

DAYTON: The other thing you need to think out clearly is what characteristics you want on a board. When I was a CEO, we listed the qualities that we were looking for in individual directors. Each director didn't have to have all of

those qualities, but the board in total needs to have all of those various characteristics.

There are 11 *necessary* characteristics: integrity, wisdom, independence, a valid business or professional knowledge and experience that could bear on our own problems and deliberations, a track record of accomplishment with excellent organizations,

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### *Diversity should be the goal, not representation.*

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an understanding and a general acceptance of our philosophy (which applies equally to nonprofits and corporations), an inquiring mind, a willingness to speak one's mind, the ability to challenge and stimulate management (a lot of people on boards don't want management to be better—they're perfectly comfortable with a hack because then they can take over their particular part of the operation and exercise their own pet hobby), a future orientation (I want people on the board who are looking ahead), and, last, the willingness to commit time and energy.

Accomplishing these goals is not hard to do. You've just got to work at it. If you're trying to hire a CEO, you're probably using a search firm, getting all kinds of input from the field, and taking action to find the best CEO you can. So why don't organizations use the same care and thought, the same degree of professionalism in selecting trustees as they do in selecting executives?

Trustees are ultimately responsible for an organization's welfare. CEOs come and go, but the organization and the board go on and on. No one should be asked to accept a board position unless you are confident that he or she can and will fulfill all the responsibilities of a trustee.

*Do you think board members should have a set term of service?*

DAYTON: I'm a strong believer in rotation, in bringing in a steady flow of new people, new talents, and new ideas. I think every director or trustee has a certain bell-shaped curve of contribution to make. It usually takes a year or two to really understand an organization and its needs, problems, and opportunities. After gaining that understanding, a board member then provides several years of ideas, input, and productivity.

But after a certain period of time, the organization would be better off with fresh, new ideas. I even more strongly believe in rotation for the chair. In nonprofits, it's important that a board never be dominated by any one person or even by a small clique.

*What qualities should a CEO look for in the chair of the board?*

DAYTON: I think the chair ought to love the organization more than anyone else does. Too many take this leadership role because it's their turn or because they like the prestige, rather than because they're determined to make the organization even better.

I think the chair should have two important qualifications. First, the chair ought to be a good partner to the CEO. The chair should spend time trying to help that person do his or her job well. The chair, as the alternate spokesperson of the organization, should try to build the CEO and bask in the reflected glory.

Second, the chair should have the competence to handle the job of heading the board. The board needs the CEO to come up with programs, ideas, recommendations, and so forth, but then the chair must make certain that management has built an agenda that will help the board understand the situation and fulfill its responsibilities.

*You have said that boards always tend to fill management voids. Why?*

DAYTON: Over long experience I've found that for any void that management leaves there will always be some board member who either knows how to do that job, make that decision, or perform it better than management does, or there will be a board member who has a particular, specialized expertise and interest in a particular subject. I once saw a corporation in which the CEO and the top financial officer disagreed about how to go about doing some financing until one of the directors, who had expertise in that area, stepped in and told them how to do it.

It can work exactly the same way with nonprofits. If management is floundering or hasn't covered certain bases, you'll find somebody on the board who is an expert in that field who'll tell management how to do it.

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*Trustees are ultimately responsible for an organization's welfare. CEOs come and go, but the organization and the board go on and on.*

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That person is very capable of taking over the management of that function. To me the trick, if you're the CEO, is to make sure you don't leave any management voids. Every time the board gives you trouble about something it's probably because you haven't figured out how to handle that responsibility. So when your board gives you trouble, the problem usually is with management, not the board.



*How does a CEO keep the board from taking over responsibilities that properly belong to management?*

DAYTON: I'm all for going to the board and saying, "We'd like your thoughts about this problem that we haven't been able to solve." But once you get the board's idea on that subject, you should say, "We'll come back to you next month with a recommendation."

Then the ball is back in your court, and the board is put back into its position of governing rather than managing. It's a matter of benefitting from the board's expertise and connections while maintaining the responsibility and control necessary to keep you in the driver's seat.

*What happens if the board insists on interfering?*

DAYTON: Anytime you've got a board that is, in essence, managing the institution, the CEO is merely a figurehead and the organization is inevitably headed for trouble. A CEO should never say, "Well, the reason this failed was that so-and-so on the board did that. I knew at the time it wasn't right, but who am I to say anything?" In my opinion, a person who says that is a very weak executive.

*How about the reverse of that problem, where the CEO is a person of great vision who dominates the organization's board and staff, but is not a terribly effective manager?*

DAYTON: Not everything has to be institutionalized. Sometimes a dynamic person can accomplish a lot of good in society all by himself or herself or with a small band of people, but then everyone should recognize that when that person is gone the organization ought to fold up because it hasn't been institutionalized.

The role of the board is to institutionalize the concept, the genius that created it. It shouldn't make any difference whether the person who started it is there or retires or is hit by a car. Part of the board's responsibility is to see to it that the future of the institution is protected. This means you must have backups, you must have successors, you must have people in training, you must have the institutional capacity to carry on. A CEO who cannot develop a successor team that will do better than he or she is doing has no business being a CEO.

*What if a CEO would like to involve the board in more decisions, but finds that board members are reluctant to be active?*

DAYTON: CEOs who have that type of board have no one to blame but themselves. Now, you may have walked into that situation. But no one should accept a CEO position unless he or she has got a good board or knows how to build a good board, and has a chair who is willing to work to build one.

I think that too many CEOs in the nonprofit sector don't even want a good board. They say, "I don't want anyone looking over my shoulder. I don't want anyone second-guessing me. I don't want anyone reviewing my performance."

But if they really want to be good, if they really want to grow, if they really want to build that institution into a dynamic factor in society, then they will soon discover that they can do it so much more effectively if they have a dynamic, effective board. Not only will it help them do their jobs better but it will make them better individuals because of that challenge and stimulation.



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# Standards for School Board Leadership

## The Role of the School Board

As the entity legally charged with governing a school district, each school board is responsible to its community for governing efficiently and leading effectively to provide for equitable education, resulting in high student achievement.

*The following five standards are essential to being an effective, high-performing school board team.*

### Standard 1: Conduct and Ethics

The school board, as a whole, provides leadership to the community on behalf of the school district by conducting its business in a fair, respectful, legal, and responsible manner.

*An effective, high-performing school board strives to meet the following benchmarks:*

- A. Recognize the school board team consists of school board members and the superintendent and evaluates its performance at least annually.
- B. Take full responsibility for its activity and behavior at and away from the school board table.
- C. Encourage its members to express their individual opinions, respect others' opinions, and vote according to their convictions.
- D. Speak with one voice after reaching a decision.
- E. Spend time on board governance work rather than staff work - focuses on the ends not the means.
- F. Provide for orientation and ongoing training for all school board members.
- G. Follow established policies, including the chain-of-command, by directing people with concerns to the appropriate staff.
- H. Set an example of respectful and civil leadership.

### Standard 2: Vision

The school board, with community input, envisions the educational future of the community and then formulates the goals, defines the outcomes, and sets the course for the school district.

*An effective, high-performing school board strives to meet the following benchmarks:*

- A. Use clear, focused, attainable, and measurable goals and outcomes to support gains in student achievement.
- B. Develop a strategic plan which includes well crafted school district belief statements, mission statement, vision statement, goals, and objectives that enable the school board to evaluate school district performance.
- C. Regularly monitor the strategic plan to evaluate progress toward goal achievement and school district success.
- D. Ensure that the school district belief statements, mission statement, vision statement, goals, and objectives are reflected in school board policies, mirrored in the budget planning and implementation efforts, and is supported district-wide.
- E. Communicate the strategic plan and the progress to the community.

### Standard 3: Structure

The school board, to achieve its vision, establishes organizational and physical structures for student and staff success.

*An effective, high-performing school board strives to meet the following benchmarks:*

- A. Create organizational and physical structures based on equity in which all students and staff have the resources and supports to maximize achievement.
- B. Advocate and provide for learning through rigorous curriculum, effective technology, and a safe and secure environment.
- C. Select and employ one person – the superintendent – as the school district’s chief executive officer to lead and manage the school district.
- D. Hold the superintendent accountable for school district performance and compliance with written school board policy.
- E. Delegate the authority to the superintendent to recommend and evaluate all school district staff within the standards established through written school board policies.
- F. Accept ultimate responsibility for the care, management, fiscal oversight, and control of the school district while understanding that the day-to-day operations will be conducted by the staff.

### Standard 4: Accountability

The school board is accountable to the community for constantly monitoring the conditions affecting the school district as a whole.

*An effective, high-performing school board strives to meet the following benchmarks:*

- A. Recognize the duty to itself and the community to determine whether the authority delegated to the superintendent is being used as intended.
- B. Evaluate the superintendent’s performance at least annually.
- C. Use student achievement data and other indicators when available as the basis for assessing progress toward school district goals and compliance with school board policies and state and federal laws.
- D. Recognize the distinction between “monitoring data” (data used by the school board to address accountability) and “management data” (data used by the staff for operations).

### Standard 5: Advocacy and Communication

The school board advances its vision at the local, regional, state, and national levels.

*An effective, high-performing school board strives to meet the following benchmarks:*

- A. Focus on community-wide concerns and values that best support equity and student achievement rather than being influenced by special interests.
- B. Develop communication strategies to build trust between the school board and the superintendent, staff, students, and community.
- C. Utilize a public relations strategy that supports the flow of information into and out of the school district.
- D. Engage and build relationships with both public and private stakeholders.
- E. Advocate on local, state, and national levels.

## The Role of the School Board

As the entity legally charged with governing a school district, each school board is responsible to its community to govern efficiently and effectively. This obligation imposes some fundamental duties on the board.

### *Vision*

The board, with community input, envisions the educational future of its community and then formulates the goals, defines the outcomes, and sets the course for its district. An effective board:

- Provides direction through its planning and goal-setting efforts and by evaluating progress toward goal achievement.
- Develops a well-crafted district vision statement, goals, and outcomes that enable the board to monitor district performance and evaluate success.
- Ensures that the district vision, goals, and outcomes are articulated in written board policy, reflected in every part of the organization, and mirrored in the budget planning and implementation efforts.
- Uses clear, focused, attainable, and measurable goals and outcomes to make sure gains in student achievement are being made.

### *Structure*

To achieve its vision, the board establishes a structure and hires a superintendent to accomplish that vision. An effective board:

- Creates an organizational structure and environment in which all students are provided the opportunity to attain their maximum potential.
- Selects and employs one person – the superintendent – as the district’s chief executive officer to lead and manage the district and holds the superintendent accountable for district performance and compliance with written board policy.
- Evaluates the superintendent’s performance and its own performance annually.
- Delegates the authority to the superintendent to recommend and evaluate all district staff within the standards established by written board policy and subsequently acts on the superintendent’s recommendation(s) at its meeting(s) as required in statute.
- Accepts ultimate responsibility for the care, management, and control of the district.
- Understands that the day-to-day operations of the district will be conducted by the staff.



### ***Accountability***

The board is accountable to the community for constantly monitoring the conditions affecting the district as a whole. An effective board:

- Has a duty to itself and the community to determine whether the authority delegated to the superintendent is being used as intended.
- Uses data and other indicators as the basis for assessing progress toward district goals and compliance with written board policy.
- Recognizes the distinction between “monitoring data” (data used by the board to address accountability) and “management data” (data used by the staff for operations).

### ***Advocacy***

The board advances its vision by focusing on student achievement, partnering with the community, and being proactive in addressing issues that affect education on local, state, and national levels. An effective board:

- Uses ongoing, two-way communications to build trust and support among community, board, superintendent, staff, and students.
- Focuses on community-wide concerns and values that best support student achievement rather than being overly influenced by special interests.
- Utilizes a system of public relations that allows it to formalize the flow of information into and out of the district.

### ***Conduct and Ethics***

The board, as a whole, provides leadership to the community on behalf of the district by conducting its business in a fair, respectful, legal, and responsible manner. An effective board:

- Takes full responsibility for its activity and behavior.
- Encourages its members to express their individual opinions, respect others’ opinions, and vote their conscience.
- Speaks with one voice after reaching a decision.
- Spends its time on board work rather than staff work.
- Provides for orientation and ongoing training for all board members.
- Follows its established policies, including the chain-of-command, by directing people with concerns to the appropriate staff.
- Sets an example of respectful and civil leadership.





## Responsibilities of the School Board

### Board Duties

- Hire superintendent, who is an ex-officio member of the board, and delegate authority
- Oversight of human, financial, and facility resources
- Set policy and judicial review
- Collective bargaining
- Community relations and advocacy

### Chair Duties

#### Per MN Statute

- Preside at all meetings (Minn. Stat. 123B.14, sub. 2)
- Represent district in all actions (Minn. Stat. 123B.14, sub. 2)
- Countersign orders (Minn. Stat. 123B.14, sub. 2)
- Is a voting member (Minn. Stat. 123B.14, sub. 4)
- Responsible for all duties usually incumbent on such officer (Minn. Stat. 123B.14, sub. 2)
- Draw orders in absence of clerk (Minn. Stat. 123B.14, sub. 2)

#### Per Best Practice

- Guide board process
- Develop agenda with superintendent
- First point of contact with superintendent

### Vice Chair Duties

#### Per Best Practice

- Exists per district policy
- Performs “chair duties” during absence of the chair
- Additional duties as assigned by the chair or board

### Clerk Duties

#### Per MN Statute

- School district elections (notice, candidate filing, ballots, absentees, returns, results) (See MSBA Election Manual)
- Keep records, make, and issue reports (Minn. Stat. 123b.14, sub. 7)
- Draw orders for payments (Minn. Stat. 123b.14, sub. 7)

### Treasurer Duties

#### Per MN Statute

- Make deposits (Minn. Stat. 123B.14)
- Pay bills (Minn. Stat. 123B.12, 123B.26)
- Promptly pay bills (Minn. Stat. 471.425)
- Make requested reports (Minn. Stat. 123B.14)
- Responsible for all duties usually incumbent on such officer (Minn. Stat. 123B.14, sub. 2)

#### Per Best Practice

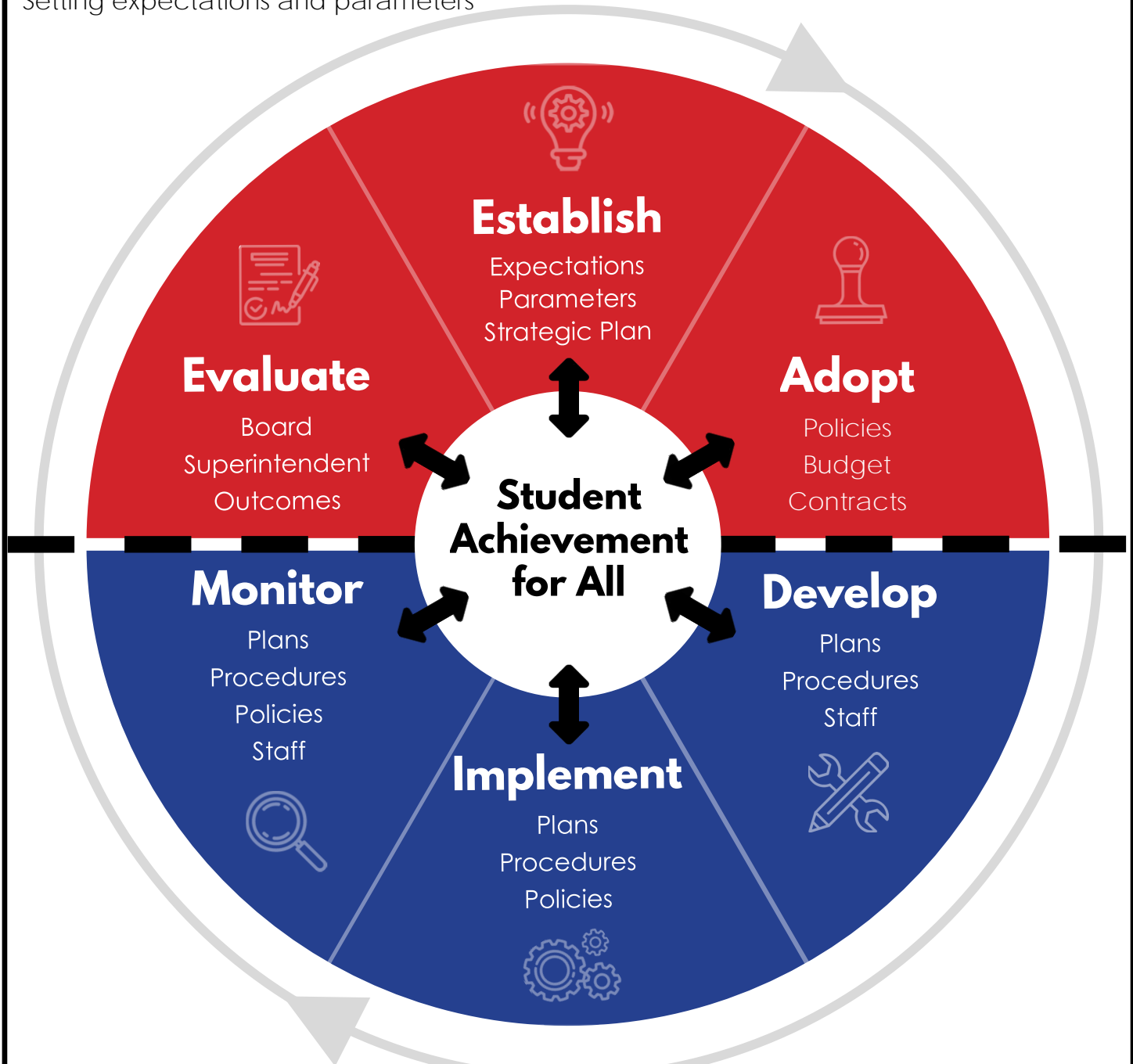
- Financial reporting oversight
- Financial procedure and controls oversight

“The persons who perform the duties of the clerk and treasurer need not be members of the board and the board by resolution may combine the duties of the offices of clerk and treasurer in a single person in the Office of Business Affairs.” (Minn. Stat. 123B.14, sub. 1) In practice, when a single person performs the duties of clerk and treasurer, that person often delegates at least some of the duties to others.

# Board Governance Model

## The School Board Governs

Setting expectations and parameters



## The Superintendent Manages

Providing leadership and supervision

# Nothing Could Possibly Go Wrong At Our Meeting Tonight. Think Again.

by Katie Klanderud, MSBA Director of Board Development

The following is an excerpt of a presentation given by Dr. Paul Krohne of the South Carolina School Boards Association at the 2012 NSBA Annual Convention. The language indicated by an asterisk (\*), however, is provided by MSBA staff.

## Boards in conflict

*The two most common reasons for boards to be in constant conflict are:*

- Board members not “staying on their page” — \* Board members and the superintendent sometimes need to remind themselves and their community what “board work” is.
- Ineffective and chaotic board meetings — \* Board members should adhere to the agenda and be consistent and respectful when dealing with staff, community, and fellow board members.

## News flash #1 . . .

**As a school board member, it is not your job to run the schools.**

- School boards govern through policy.
- Superintendents manage through administration.
- It can be difficult at times; however, it is critical that you stay on your page . . . and “Robert’s Rules of Order” can help you stay there — \* However, Minnesota statutes do not require the use of “Robert’s Rules of Order.”
- First, you must have a firm understanding of what authority you do have as a board member.

## News flash #2 . . .

**As an individual school board member . . . you have no authority.**

*Board member authority simply stated . . .*

The authority of individual board members exists exclusively in their action as a group, unless . . .

- Individual members, including the chair, are given such authority by board vote or provisions within the policy manual — \* Board members should be familiar with their board policies. (*MSBA/MASA Model Policies - “200 Series”*)
- That’s why it is important to make sure the board meetings are running properly — \* While board members should pay attention to “past practice,” doing so should not stop the board from making a decision to change the practice and move forward.



## Basic principles of “Robert’s Rules of Order”

- Everyone is equal — \* A board member is 1 vote of 6 or 7. No matter what an individual member’s expertise is, his/her vote is equal to that of every other board member.
- Right to know what will be discussed in advance — \* Whenever possible, board members should receive their board packets ahead of time and take time to review them before the meeting.
- Right to speak without interruptions — \* Board members need to be considerate. If members aren’t respectful at the board table, why would they expect anything different from the public?
- Determination of the collective will of the board is the goal of all meetings — \* Building consensus is hard work.
- One thing at a time, one person at a time, one time per meeting.
- Over or under dedication to “Robert’s Rules” can be disastrous — \* Most importantly, board members need to agree as to what “rules of order” they will use and how they will use them.
- Majority rules — \* Members need to support the decision of the board and move on.
- The primary purpose of “Robert’s” is to maintain the balance between democracy and efficiency.

## **201 SCHOOL BOARD POWERS AND DUTIES**

### **I. PURPOSE**

The purpose of this policy is to set forth the expected responsibilities of the School Board.

### **II. GENERAL STATEMENT OF POLICY**

The School Board is a representative body elected by the citizens of the district to provide for and oversee the operation of the public schools as mandated by Minnesota state law. It intends to exercise this authority in a manner responsive to the best interest of the community in general and the district students in particular.

In carrying out this function, the School Board recognizes the following general responsibilities as paramount:

1. Employing, working with and evaluating a Superintendent of Schools;
2. Formulating and interpreting policies;
3. Delegating administrative responsibilities;
4. Making decisions on educational and fiscal matters; and
5. Making appraisals of the educational and administrative processes.

**ADOPTED:** September 9, 1985

**AMENDED:** November 8, 2004

**AMENDED:** January 14, 2008

**AMENDED:** May 8, 2017

**LAST REVIEWED:** May 8, 2017

## **204 SCHOOL BOARD MEMBER CODE OF ETHICS**

### **I. PURPOSE**

The purpose of this policy is to assist the individual school board member in understanding his or her role as part of a school board and in recognizing the contribution that each member must make to develop an effective and responsible school board.

### **II. GENERAL STATEMENT OF POLICY**

Each school board member shall follow the code of ethics stated in this policy.

#### **A. AS A MEMBER OF THE SCHOOL BOARD, I WILL:**

1. Attend school board meetings.
2. Come to the meetings prepared for discussion of the agenda items.
3. Listen to the opinions and views of others (including, but not limited to, other school board members, administration, staff, students, and community members).
4. Vote my conscience after informed discussion, unless I abstain because a conflict of interest exists.
5. Support the decision of the school board, even if my position concerning the issue was different.
6. Recognize the integrity of my predecessors and associates and appreciate their work.
7. Be primarily motivated by a desire to provide the best possible education for the students of my school district.
8. Inform myself about the proper duties and functions of a school board member.

#### **B. IN PERFORMING THE PROPER FUNCTIONS OF A SCHOOL BOARD MEMBER, I WILL:**

1. Focus on education policy as much as possible.
2. Remember my responsibility is to set policy – not to implement policy.



3. Consider myself a trustee of public education and do my best to protect, conserve, and advance its progress.
4. Recognize that my responsibility, exercised through the actions of the school board as a whole, is to see that the schools are properly run – not to run them myself.
5. Work through the superintendent – not over or around the superintendent.
6. Delegate the implementation of school board decisions to the superintendent.

**C. TO MAINTAIN RELATIONS WITH OTHER MEMBERS OF THE SCHOOL BOARD, I WILL:**

1. Respect the rights of others to have and express opinions.
2. Recognize that authority rests with the school board in legal session – not with the individual members of the school board except as authorized by law.
3. Make no disparaging remarks, in or out of school board meetings, about other members of the school board or their opinions.
4. Keep an open mind about how I will vote on any proposition until the board has met and fully discussed the issue.
5. Make decisions by voting in school board meetings after all sides of debatable questions have been presented.
6. Insist that committees be appointed to serve only in an advisory capacity to the school board.

**D. IN MEETING MY RESPONSIBILITIES TO MY COMMUNITY, I WILL:**

1. Attempt to appraise and plan for both the present and future educational needs of the school district and community.
2. Attempt to obtain adequate financial support for the school district's programs.
3. Insist that business transactions of the school district be ethical and open.
4. Strive to uphold my responsibilities and accountability to the taxpayers in my school district.

E. **IN WORKING WITH THE SUPERINTENDENT OF SCHOOLS AND STAFF, I WILL:**

1. Hold the superintendent responsible for the administration of the school district.
2. Give the superintendent authority commensurate with his or her responsibilities.
3. Assure that the school district will be administered by the best professional personnel available.
4. Consider the recommendation of the superintendent in hiring all employees.
5. Participate in school board action after considering the recommendation of the superintendent and only after the superintendent has furnished adequate information supporting the recommendation.
6. Insist the superintendent keep the school board adequately informed at all times.
7. Offer the superintendent counsel and advice.
8. Recognize the status of the superintendent as the chief executive officer and a non-voting, ex officio member of the school board.
9. Refer all complaints to the proper administrative officer or insist that they be presented in writing to the whole school board for proper referral according to the chain of command.
10. Present any personal criticisms of employees to the superintendent.
11. Provide support for the superintendent and employees of the school district so they may perform their proper functions on a professional level.

F. **IN FULFILLING MY LEGAL OBLIGATIONS AS A SCHOOL BOARD MEMBER, I WILL:**

1. Comply with all federal, state, and local laws relating to my work as a school board member.
2. Comply with all school district policies as adopted by the school board.
3. Abide by all rules and regulations as promulgated by the Minnesota Department of Education and other state and federal agencies with jurisdiction over school districts.

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4. Recognize that school district business may be legally transacted only in an open meeting of the school board.
5. Avoid conflicts of interest and refrain from using my school board position for personal gain.
6. Take no private action that will compromise the school board or administration.
7. Guard the confidentiality of information that is protected under applicable law.

***Legal References:*** Minn. Stat. § 123B.02, Subd. 1 (School District Powers)  
Minn. Stat. § 123B.09 (School Board Powers)  
Minn. Stat. § 123B.143, Subd. 1 (Superintendent)

**ADOPTED:** October 14, 1985

**AMENDED:** December 13, 2004

**AMENDED:** May 8, 2017

**LAST REVIEWED:** May 8, 2017

## 210 SCHOOL BOARD MEETINGS – OPEN AND CLOSED

### I. PURPOSE

- A. The school board embraces the philosophy of openness in the conduct of its business, in the belief that openness produces better programs, more efficiency in administration of programs, and an organization more responsive to public interest and less susceptible to private interest. The school board shall conduct its business under a presumption of openness. At the same time, the school board recognizes and respects the privacy rights of individuals as provided by law. The school board also recognizes that there are certain exceptions to the Minnesota Open Meeting Law as recognized in statute where it has been determined that, in limited circumstances, the public interest is best served by closing a meeting of the school board.

### II. GENERAL STATEMENT OF POLICY

- A. Except as otherwise expressly provided by statute, all meetings of the school board, including executive sessions, shall be open to the public.
- B. Meetings shall be closed only when expressly authorized by law.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. Ch. 13D (Open Meeting Law)  
Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing)  
Minn. Stat. § 122A.33, Subd. 3 (Coaches; Opportunity to Respond)  
Minn. Stat. § 122A.40, Subd. 14 (Teacher Discharge Hearing)  
Minn. Stat. § 179A.14, Subd. 3 (Labor Negotiations)  
Minn. Rules Part 5510.2810 (Bureau of Mediation Services)  
*Brown v. Cannon Falls Township*, 723 N.W.2d 31 (Minn. App. 2006)  
*Brainerd Daily Dispatch v. Dehen*, 693 N.W.2d 435 (Minn. App. 2005)  
*The Free Press v. County of Blue Earth*, 677 N.W.2d 471 (Minn. App. 2004)  
*Prior Lake American v. Mader*, 642 N.W.2d 729 (Minn. 2002)  
*Star Tribune v. Board of Education, Special School District No. 1*, 507 N.W.2d 869 (Minn. App. 1993)  
*Minnesota Daily v. University of Minnesota*, 432 N.W.2d 189 (Minn. App. 1988)  
*Moberg v. Independent School District No. 281*, 336 N.W.2d 510 (Minn. 1983)  
*Sovereign v. Dunn*, 498 N.W.2d 62 (Minn. App. 1993), *rev. denied*. (Minn. 1993)  
Dept. of Admin. Advisory Op. No. 12-004 (March 8, 2012)  
Dept. of Admin. Advisory Op. No. 11-004 (April 18, 2011)  
Dept. of Admin. Advisory Op. No. 10-020 (September 23, 2010)

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Dept. of Admin. Advisory Op. No. 09-020 (September 8, 2009)

Dept. of Admin. Advisory Op. No. 08-015 (July 9, 2008)

Dept. of Admin. Advisory Op. No. 06-027 (September 28, 2006)

Dept. of Admin. Advisory Op. No. 04-004 (February 3, 2004)

**ADOPTED:** May 12, 1986

**AMENDED:** December 13, 2004

**AMENDED:** February 11, 2008

**AMENDED:** November 13, 2017

**LAST REVIEWED:** November 13, 2017

## **212 PUBLIC PARTICIPATION IN SCHOOL BOARD MEETINGS**

### **I. PURPOSE**

The purpose of this policy is to ensure open and orderly public discussion as well as to protect the due processes and privacy rights of individuals under the law.

### **II. GENERAL STATEMENT OF POLICY**

- A. The School Board recognizes the value of participation by the public in deliberations and decisions on School District matters. At the same time, the School Board recognizes the importance of conducting orderly and efficient proceedings, with opportunity for expression of all participants' respective views.
- B. All citizens, including students, of the school district have a right to an opportunity to be heard by the School Board. The School Board may adopt reasonable time, place, and manner restrictions on public expression in order to facilitate input by all interested parties. The School Board shall, as a matter of policy, protect the rights to privacy and due process of employees and students, as provided by Minnesota State law.
- C. The School Board may decide to hold certain types of public meetings where the public will not be invited to address the School Board. Possible examples are work sessions and Board retreats. The public is entitled to notice of these meetings and will be allowed to attend these meetings, but the public will not be allotted time during the meeting to address the Board.

**ADOPTED:** March 18, 1996

**AMENDED:** November 8, 2004

**AMENDED:** February 11, 2008

**AMENDED:** September 14, 2015

**LAST REVIEWED:** November 13, 2017

## 210-R SCHOOL BOARD MEETINGS – OPEN AND CLOSED REGULATIONS

### I. PURPOSE

The purpose of these regulations is to provide guidelines to assure the rights of the public to be present at school board meetings, while also protecting the individual's rights to privacy under law, and to close meetings when the public interest so requires as recognized by law.

### II. DEFINITION

“Meeting” means a gathering of at least a quorum or more members of the school board, or quorum of a committee or subcommittee of school board members, at which members discuss, decide, or receive information as a group on issues relating to the official business of the school board. The term does not include a chance or social gathering or the use of social media by members of a public body so long as the social media use is limited to exchanges with all members of the general public. For purposes of the Open Meeting Law, social media does not include e-mail.

### III. PROCEDURES

#### A. Meetings

##### 1. Regular Meetings

A schedule of the regular meetings of the school board shall be kept on file at its primary offices. If the school board decides to hold a regular meeting at a time or place different from the time or place stated in its schedule, it shall give the same notice of the meeting as for a special meeting.

##### 2. Special Meetings

- a. For a special meeting, the school board shall post written notice of the date, time, place, and purpose of the meeting on the principal bulletin board of the school district or on the door of the school board's usual meeting room if there is no principal bulletin board. The school board's actions at the special meeting are limited to those topics included in the notice.
- b. The notice shall also be emailed or otherwise delivered to each person who has filed a written request for notice of special meetings.



- c. This notice shall be posted and mailed or delivered at least three days before the date of the meeting. As an alternative to emailing or otherwise delivering notice to persons who have filed a written request, the school board may publish the notice once, at least three days before the meeting, in the official newspaper of the school district or, if none, in a qualified newspaper of general circulation within the area of the school district.
  - d. A person filing a request for notice of special meetings may limit the request to particular subjects, in which case the school board is required to send notice to that person only concerning those particular subjects.
  - e. The school board will establish an expiration date on requests for notice of special meetings and require refiling once each year. Not more than 60 days before the expiration date of request for notice, the school board shall send notice of the refiling requirement to each person who filed during the preceding year.
3. Emergency Meetings
- a. An emergency meeting is a special meeting called because of circumstances that, in the judgment of the school board, require immediate consideration.
  - b. If matters not directly related to the emergency are discussed or acted upon, the minutes of the meeting shall include a specific description of those matters.
  - c. The school board shall make good faith efforts to provide notice of the emergency meeting to each news medium that has filed a written request for notice if the request includes the news medium's telephone number.
  - d. Notice of the emergency meeting shall be given by telephone or any other method used to notify the members of the school board.
  - e. Notice shall be provided to each news medium which has filed a written request for notice as soon as reasonably practicable after notice has been given to the school board members.
  - f. Notice shall include the subject of the meeting.
  - g. Posted or published notice of an emergency meeting shall not be required.
  - h. The notice requirements for an emergency meeting as set forth in this policy shall supersede any other statutory notice requirement for a special meeting that is an emergency meeting.

4. Recessed or Continued Meetings

If a meeting is a recessed or continued session of a previous meeting, and the time and place of the meeting was established during the previous meeting and recorded in the minutes of that meeting, then no further published or mailed notice is necessary.

5. Closed Meetings

The notice requirements of the Minnesota Open Meeting Law apply to closed meetings.

6. Actual Notice

If a person receives actual notice of a meeting of the school board at least 24 hours before the meeting, all notice requirements are satisfied with respect to that person, regardless of the method of receipt of notice.

7. Health Pandemic or Declared Emergency

In the event of a health pandemic or an emergency declared under Minn. Stat. Ch. 12, a meeting may be conducted by telephone or other electronic means in compliance with Minn. Stat. § 13D.021.

B. Votes

The votes of school board members shall be recorded in meeting minutes, and the minutes shall be available to the public during all normal business hours at the administrative offices of the school district.

C. Written Materials

1. In any open meeting, a copy of any printed materials, including electronic communications, relating to the agenda items prepared or distributed by the school board or its employees and distributed to or available to all school board members shall be available in the meeting room for inspection by the public while the school board considers their subject matter.
2. This provision does not apply to materials not classified by law as public, or to materials relating to the agenda items of a closed meeting.

D. Data

1. Meetings may not be closed merely because the data to be discussed are not public data.

2. Data that are not public data may be discussed at an open meeting if the disclosure relates to a matter within the scope of the school board's authority and is reasonably necessary to conduct the business or agenda item before the school board.
3. Data discussed at an open meeting retain the data's original classification; however, a record of the meeting, regardless of form, shall be public.

E. Closed Meetings

1. Labor Negotiations Strategy

- a. The school board may, by a majority vote in a public meeting, decide to hold a closed meeting to consider strategy for labor negotiations, including negotiation strategies or developments or discussion and review of labor negotiation proposals.
- b. A written roll of school board members and all other persons present at the closed meeting shall be made available to the public after the closed meeting. The proceedings shall be tape recorded, and the tape recording shall be preserved for two years after the contract discussed at the meeting is signed. The recording shall be made available to the public after all labor contracts are signed by the school board for the current budget period.

2. Sessions Closed by Bureau of Mediation Services

All negotiations, mediation sessions, and hearings between the school board and its employees or their respective representatives are public meetings. These meetings may be closed only by the Commissioner of the Bureau of Mediation Services (BMS). The use of recording devices, stenographic records, or other recording methods is prohibited in mediation meetings closed by the BMS.

3. Preliminary Consideration of Charges

The school board shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the school board members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

4. Performance Evaluations

The school board may close a meeting to evaluate the performance of an individual who is subject to its authority. The school board shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the school board shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

5. Attorney-Client Meeting

A meeting may be closed if permitted by the attorney-client privilege. Attorney-client privilege applies when litigation is imminent or threatened, or when the school board needs advice above the level of general legal advice, i.e., regarding specific acts and their legal consequences. A meeting may be closed to seek legal advice concerning litigation strategy, but the mere threat that litigation might be a consequence of deciding a matter one way or another does not, by itself, justify closing the meeting. The motion to close the meeting must specifically describe the matter to be discussed at the closed meeting, subject to relevant privacy and confidentiality considerations under state and federal law. The law does not require that such a meeting be recorded.

6. Dismissal Hearing

- a. A hearing on the dismissal of a licensed teacher shall be public or private at the teacher's discretion. A hearing regarding placement of teachers on unrequested leave of absence shall be public.
- b. A hearing on dismissal of a student pursuant to the Pupil Fair Dismissal Act shall be closed unless the pupil, parent or guardian requests an open hearing.
- c. To the extent a teacher or student dismissal hearing is held before the school board and is closed, the closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

7. Coaches; Opportunity to Respond

- a. If the school board has declined to renew the coaching contract of a licensed or nonlicensed head varsity coach, it must notify the coach within 14 days of that decision.

- b. If the coach requests the reasons for the nonrenewal, the school board must give the coach the reasons in writing within 10 days of receiving the request.
- c. On the request of the coach, the school board must provide the coach with a reasonable opportunity to respond to the reasons at a school board meeting.
- d. The meeting may be open or closed at the election of the coach unless the meeting is closed as required by Minn. Stat. § 13D.05, Subd. 2, to discuss educational or certain other nonpublic data.
- e. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

8. Meetings to Discuss Certain Not Public Data

Any portion of a meeting must be closed if the following types of data are discussed:

- a. data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;
- b. active investigative data collected or created by a law enforcement agency;
- c. educational data, health data, medical data, welfare data, or mental health data that are not public data; or
- d. an individual's personal medical records.
- e. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

9. Purchase and Sale of Property

- a. The school board may close a meeting:
  - (1) to determine the asking price for real or personal property to be sold by the school district;
  - (2) to review confidential or nonpublic appraisal data; and
  - (3) to develop or consider offers or counteroffers for the purchase or sale of real or personal property.

- b. Before closing the meeting, the school board must identify on the record the particular real or personal property that is the subject of the closed meeting.
- c. The closed meeting must be tape recorded at the expense of the school district. The tape must be preserved for eight years after the date of the meeting and be made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the school board has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape. A list of school board members and all other persons present at the closed meeting must be made available to the public after the closed meeting.
- d. An agreement reached that is based on an offer considered at a closed meeting is contingent on its approval by the school board at an open meeting. The actual purchase or sale must be approved at an open meeting and the purchase price or sale price is public data.

10. Security Matters

- a. The school board may close a meeting to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures, and to discuss security deficiencies in or recommendations regarding public services, infrastructure, and facilities, if disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses.
- b. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.
- c. Before closing a meeting, the school board must refer to the facilities, systems, procedures, services, or infrastructures to be considered during the closed meeting.
- d. The closed meeting must be tape recorded at the expense of the school district and the recording must be preserved for at least four years.

11. Other Meetings

Other meetings shall be closed as provided by law, except as provided above. A closed meeting must be electronically recorded at the expense of the school district, and the recording must be preserved for at least three years after the date of the meeting. The recording is not available to the public.

F. Procedures for Closing a Meeting

The school board shall provide notice of a closed meeting just as for an open meeting. Before closing a meeting, the school board shall state on the record the specific authority permitting the meeting to be closed and shall describe the subject to be discussed.

**IV. RECORDS AND MINUTES**

- A. The Board Clerk is legally responsible for the official Board records; however, the Board delegates to the Superintendent the responsibility for providing the personnel and equipment for Board meeting record keeping.
- B. Published minutes will list a summary of Board Action and other business items. Individual gifts will not be published, but the official packets available in the District Administration Building will be retained with complete information.
- C. Minutes of all Regular, Special and Closed Board Meetings will be kept on file in the Administration Building. Official minutes will be bound in some manner, and/or digitally filed on the district network, and maintained as a permanent record in the Administration Building.

**Legal References:** Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
Minn. Stat. Ch. 13D (Open Meeting Law)  
Minn. Stat. § 121A.47, Subd. 5 (Student Dismissal Hearing)  
Minn. Stat. § 122A.33, Subd. 3 (Coaches; Opportunity to Respond)  
Minn. Stat. § 122A.40, Subd. 14 (Teacher Discharge Hearing)  
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*Brown v. Cannon Falls Township*, 723 N.W.2d 31 (Minn. App. 2006)  
*Brainerd Daily Dispatch v. Dehen*, 693 N.W.2d 435 (Minn. App. 2005)  
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*Prior Lake American v. Mader*, 642 N.W.2d 729 (Minn. 2002)  
*Star Tribune v. Board of Education, Special School District No. 1*, 507 N.W.2d 869 (Minn. App. 1993)  
*Minnesota Daily v. University of Minnesota*, 432 N.W.2d 189 (Minn. App. 1988)  
*Moberg v. Independent School District No. 281*, 336 N.W.2d 510 (Minn. 1983)  
*Sovereign v. Dunn*, 498 N.W.2d 62 (Minn. App. 1993), *rev. denied*. (Minn. 1993)  
Dept. of Admin. Advisory Op. No. 12-004 (March 8, 2012)  
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Dept. of Admin. Advisory Op. No. 06-027 (September 28, 2006)

Dept. of Admin. Advisory Op. No. 04-004 (February 3, 2004)

**ADOPTED:** May 12, 1986

**AMENDED:** December 13, 2004

**AMENDED:** February 11, 2008

**AMENDED:** November 13, 2017

**LAST REVIEWED:** November 13, 2017

## **212-R PUBLIC PARTICIPATION IN SCHOOL BOARD MEETINGS REGULATIONS**

### **I. REGULATIONS**

The following procedures will be utilized to facilitate public participation in regular School Board meetings. The School Board will provide a specified period of time at the Board's regular monthly meeting where citizens may address the School Board on any topic, subject to right to privacy or private subject data concerns as provided by Minnesota State law.

- A. The School Board reserves the right to allocate a specific period of time for this purpose and limit time for speakers accordingly.
- B. Citizens who wish to speak at a public School Board meeting may do so in one of the following ways: 1) notify the Superintendent's office in advance of the School Board meeting; 2) notify a member of the board or staff prior to the start of the meeting; or 3) stand and state their wish to address the board when the Board Chair extends the invitation to speak to the audience at the appropriate time on the agenda. All speakers will be asked to complete a form indicating the topic or agenda item to which their comments relate, their name, address, and affiliation with a group (if applicable).
- C. Citizens who address the School Board should open their comments by stating the subject or agenda item(s) to which their comments pertain, their name, address, and affiliation with a group (if applicable).
- D. The School Board Chair will recognize one speaker at a time and will rule out of order other speakers who are not recognized. Only those speakers recognized by the Chair are allowed to speak. Comments by others are out of order. Individuals who interfere with or interrupt speakers, the School Board, or the proceedings may be directed to leave.
- E. It is the practice of the School Board not to engage in discussion or debate with the speaker during the Board meeting. The School Board may follow up with the speaker at a later date, or may designate staff members to follow up with the speaker.
- F. Comments by individual speakers are normally limited to a maximum of three to five minutes. The School Board retains the discretion to limit comments on any agenda item or topic to a reasonable period of time. If a group or organization wishes to address the School Board on a topic, the School Board reserves the right to require designation of one or more representatives or spokespersons to speak on behalf of the group or organization.

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- G. Matters raised by a public speaker which may involve data privacy concerns and/or preliminary allegations, or which may be potentially libelous or slanderous in nature, shall not be considered in public but shall be processed as determined by the School Board in accordance with governing law.
- H. The School Board Chair shall promptly rule out of order any discussion by any person, including School Board members, that would violate the provisions of state or federal law, this policy or the statutory rights of privacy of an individual.
- I. Personal attacks by anyone addressing the School Board are unacceptable. Persistence in such remarks by an individual shall terminate that person's privilege to address the School Board.
- J. Depending upon the number of persons in attendance seeking to be heard, the School Board reserves the right to impose such other limitations and restrictions as necessary in order to provide an orderly, efficient and fair opportunity for those present to be heard.
- K. Public speakers at the Regular Board Meeting may be identified in the formal minutes and the remarks will be televised as part of the proceedings.

**ADOPTED:** February 11, 2008

**AMENDED:** August 12, 2013

**AMENDED:** September 14, 2015

**LAST REVIEWED:** November 13, 2017

## **Wayzata Board of Education Guidelines for Interaction**

1. Board members will keep one another and the Superintendent informed about issues that arise. There will be no surprises in Board Meetings or Board Work Sessions.
2. Board members will go to the Superintendent for information.
  - a. The Superintendent may:
    - i. Provide the information directly to Board member(s)
    - ii. Act as a conduit for Board members to obtain information from staff.
  - b. When a Board member is detailed to a specific task, the Board member may obtain information from an executive director involved in the task.
  - c. Board members will not ask staff to do work for them. They will refer those requests to the Superintendent.
3. The Superintendent will take issues he has with other Board members to the Board Chair. The Board members will address the issue with the Board member. If there are unresolved issues between the Superintendent and the Board Chair, the Superintendent will address the issues with the Board Vice-Chair.
4. Board members commit to one another that they will discuss directly with specific Board members any problems or issues that they have with that person.
5. Board members and the Board Chair will ensure that there is communication with all Board members about assignments, committees, etc. that arise.
6. The Board asserts and will ensure that School District interests will always have priority ahead of any political party interests.

### Elaborations

1. Partisan Politics- The Board agrees to the following principles regarding partisan or party politics:
  - a. It is important to subordinate partisan or party politics to the school districts interests.
  - b. There is a difference between the work of the Legislative Action Committee and party politics. The former promotes the School District's interests with the state legislature.
  - c. It is important that Board members not be partisan or be seen as partisan.
  - d. One of the Board's strengths is that it is not partisan.
2. Sensitivity to Role- The Board acknowledges the difficulty of separating their job as Board members from their role as parents or community members. Board members agree that they need to remind constituents or staff when they are speaking as Board members and when they are addressing issues as parents or community members  
In addition, Board members agreed they need to remind constituents and staff that when they are speaking to an issue or listening to feedback, they are speaking as one member of the Board. They are not speaking for the Board.

*Established February 7, 2004 and re-established on January 18, 2006*

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**BOARD OF EDUCATION**

**STANDARD OPERATING PROCEDURES**

The Standard Operating Procedures have been developed in accordance with Board of Education policies and reflect past and present practice according to the guidelines established under Board Policies 207, 207-R, 208, 209, 210, 210-R, 212, 212-R. It is intended that these procedures be reviewed annually, modified as necessary, and approved at the Board's Organizational Meeting within the month of December, but no later than the second Monday in January.

Should anything in these Standard Operating Procedures be found to be in conflict with state or federal law or regulations, these procedures shall be modified accordingly.

**A. BOARD ORGANIZATION**

1. The officers of the Board of Education, as established by law, are the Chair, the Clerk, and the Treasurer.
2. It is the practice of the Wayzata Board of Education to also elect a Vice-Chair.
3. All officers shall be elected at the Organizational Meeting held annually on or as close to January 1 as practical, but no later than the second Monday of January.
4. A Board of Education member not elected to an office shall be designated as "Director."
5. Annually the Board of Education may establish "Standing Committees" and further designate the membership and charge of such committees according to the guidelines established under Board Policy 208.
6. The Board of Education may, for specific purposes, establish "Ad Hoc Committees." The Board shall set a charge, membership specifications, and timeline for such committees.
7. Annually it is necessary to name Board representatives to other organizations. The Board Chair shall appoint such representatives, subject to ratification by the Board of Education.

**B. BOARD MEETINGS**

1. Schedule
  - a. Within the month of December, but no later than the second Monday in January, the Board of Education shall conduct an Organizational Work Session. The purposes of such work session shall include:
    - 1) Discussion of officers

**B. BOARD MEETINGS – Schedule (continued)**

- 2) Designation of Board committee structure
  - 3) Appointment of Board representatives to other bodies
  - 4) Such other action as may be deemed necessary
- b. Election of officers and formal action for the organizational structure will be taken at the January Regular Board Meeting and Organizational Meeting no later than the second Monday in January.
- c. At the first meeting of each new school year in July, the Board will:
- 1) Designate official relationships
  - 2) Approve membership in professional organizations
  - 3) Designation of Official Cash Depositories
  - 4) Designation of Official Investment Brokers

2. Agendas

- a. Board agendas will be prepared according to a schedule established by the Superintendent. The following is a one-month example:

**SEPTEMBER 12 REGULAR BOARD MEETING**

Tuesday,	Aug. 30 – First draft at Strategy Leadership Team Meeting
Tuesday,	Sept. 6 – Reviewed at Strategy Leadership Team Meeting
Tuesday,	Sept. 6 – Finalized by Board Chair, Vice Chair and Superintendent
Thursday,	Sept. 8 – Public Agenda Posted
Friday,	Sept. 9 – Board packets released to Board
Friday,	Sept. 9 – Board packets released to public
Monday,	Sept. 12 – Regular Board Meeting

- b. Board members may place items on the agenda for Regular Board Meetings or Work Sessions by contacting the Board Chair, Vice Chair or the Superintendent. After the agenda has been prepared and posted, new items may be considered for placement on the agenda at the Regular Board Meeting under the “Approval of Agenda” item.
- c. The Board shall annually review and establish its Regular Board Meeting agenda format. The format shall include a “Consent Agenda” which provides for routine items to be enacted with one motion. There will be no separate discussion of these items unless a Board member or citizen so requests, in which event the item will be removed from the Consent Agenda and addressed in sequence. Changes in agenda format may be approved by the Board during the school year.
- 5) Board packets will be prepared in BoardBook and released to Board members so that they can be downloaded no later than three (3) days prior to a Regular Board Meeting.



**B. BOARD MEETINGS** – Agenda (continued)

- 6) All Board meeting agendas and notices shall be posted on the District web site, and the official bulletin board at the Administration Building, at least three (3) days in advance of the meeting.

**3. Conduct of Meetings**

- a. The rules of parliamentary procedure in the latest edition of Robert’s Rules of Order shall prevail if there is any question concerning the conduct of any meeting.
- b. Voting on Motions/Resolutions
  - 1) When calling for a vote on a motion, the Board Chair will use the following procedure:
    - All in favor say “Aye.”
    - All against say “No.”
    - Any abstentions?
  - 2) In the event of a divided voice vote, the Board Chair may request a roll call vote.
  - 3) The Board Chair will vote last on all motions and resolutions and will summarize the vote tally.
  - 4) The Clerk will record all votes on the “Clerk’s Record of Motions” sheets.
  - 5) Finance actions and resolutions will have a roll call vote.
- c. Public hearings may be established by Board action for specific purposes.

**4. Public Participation in School Board Meetings and Work Sessions****a. Audience Opportunity to Address Board**

The School Board shall normally provide a specified period of time during a Regular Board Meeting where citizens may address the School Board on any topic, subject to the limitations of policy. The School Board reserves the right to allocate a specific period of time for this purpose and limit time for speakers accordingly.

- b. During a Special Meeting, the School Board may provide a specified period of time for citizens who wish to address the school board. During a Special Meeting, a citizen may speak only when their public comments are related to a Special Meeting agenda item. The School Board reserves the right to allocate a specific period of time for this purpose and limit time for speakers accordingly

**c. Agenda Items**

- 1) Citizens who wish to address the School Board on a particular subject may speak during the discussion of that item only at the discretion of the Board Chair.

- 2) The School Board Chair will recognize one speaker at a time and only those speakers recognized by the Chair will be allowed to speak. Each speaker must fill out a form that discloses their name, address, and the issue they would like to speak on.
- 3) The School Board retains the discretion to limit discussion of any agenda item to a reasonable period of time as determined by the School Board.
- 4) The School Board Chair shall promptly rule out of order any discussion by any person, including School Board members, that would violate the provision of state or federal law, Board Policy as specified, or the statutory rights or privacy of an individual.
- 5) It is the practice of the School Board not to engage in discussion or debate with the speaker during the Board meetings. The School Board may follow up with the speaker at a later date, or may designate staff members to follow-up with the speaker.

5. Record of Meetings

- a. The Board Clerk is legally responsible for the official Board records; however, the Board delegates to the Superintendent the responsibility for providing the personnel and equipment for Board meeting record keeping.

- b. The Board minutes will record votes as follows (samples):

Unanimous voice vote: “The motion carried unanimously.”

Roll call vote on a motion: “The motion carried unanimously with a roll call vote,” or, “A roll call vote was taken and the following voted in favor thereof: (names will be listed); and the following voted against the same: (names will be listed); whereupon said motion carried (or failed) on a (numbers to be inserted) vote.”

Standard resolution roll call vote: “Board member (name) introduced the (title of resolution) and moved its adoption. The motion was seconded by Board member (name).” The vote will be recorded either with “The resolution carried unanimously with a roll call vote,” or “The following voted in favor thereof: (names will be listed); and the following voted against the same: (names will be listed); whereupon said resolution was declared duly passed or adopted (or failed) on (numbers to be inserted) vote.”

- c. Regular Board Meetings will be recorded and may be broadcast live; Special Board Meetings will be audio recorded.
- d. All Board Work Sessions will be audio recorded and tapes will be kept on file for a period of ninety (90) days.
- e. Published minutes will list a summary of Board Action and Other Business items. Individual gifts will not be published, but the information available in the District Administration Building will be retained with complete information.
- f. Complete minutes of all Regular and Special Board Meetings will be kept on file in the Superintendent’s Office. Official minutes will be bound in some manner, and/or digitally filed on the district network, and maintained as a permanent record in the Administration Building.

**C. OTHER BOARD PROCEDURES**

1. Access to Administrative Support

- a. Board members should direct requests for information to the following:
  - 1) Superintendent of Schools
  - 2) Executive Director of Human Resources
  - 3) Executive Director of Teaching and Learning

**C. OTHER BOARD PROCEDURES – Access to Administrative Support (continued)**

- 4) Executive Director of Finance and Business Services
- 5) Executive / Administrative Assistant

- b. The Administration will furnish all Board members with information prepared at the request of an individual Board member.

2. Legal Advice

- a. The Superintendent is empowered to seek legal counsel as required during the normal course of business and within the limits of the budget.
- b. If there are legal concerns involving the Board and the Superintendent, the Board chair is empowered to seek legal counsel.

3. Attendance at State and National Meetings of School Board Organizations

- a. The School Board feels it is beneficial to have representation at state and national meetings of School Board organizations with consideration given to timely issues and the established budget.

4. New Media/Board Relations

- a. When the Board issues news releases and/or responds to questions from the media, the “official” spokesperson for the School Board will be the Board Chair.
- b. Board agenda materials will be available to the public at the same time they are released to School Board members. Items of new Board business should not be given to the public other than through release of Board agenda materials.
- c. When individual Board members speak to the news media, they should issue a standard disclaimer that emphasizes: “These are my personal views and do not necessarily reflect the views of the full School Board.”
- d. The Superintendent will administer the District Public Information Program according to the guidelines established under Board Policy 901 and 901-R.

**AGENDA EXAMPLE**  
**WAYZATA PUBLIC SCHOOLS**  
**INDEPENDENT SCHOOL DISTRICT 284**  
**Wayzata, Minnesota**  
**BOARD OF EDUCATION**  
**Regular Meeting – (Date) – (Time)**  
**(Place)**

**AGENDA**

**1. CALL TO ORDER**

**2. APPROVAL OF AGENDA AND CONSENT AGENDA ITEMS**

Consent Agenda items are considered to be routine in nature and will be enacted by one motion. There will be no separate discussion of these items unless a Board members or citizen so requests, in which event the item will be removed as a Consent Agenda item and addressed. Consent Agenda Items are as follows:

- A. Approval of Minutes
- B. Finance and Business Recommendations
- C. Human Resource Recommendations
- D. Others

**3. REPORTS FROM ORGANIZATIONS**

**4. RECOGNITIONS**

- A. Employee of the Month
- B. Others
- C. Retiree Recognition

**5. AUDIENCE OPPORTUNITY TO ADDRESS SCHOOL BOARD**

This section of the agenda provides an opportunity for those who have called in and placed their names on the list and for members of the audience who wish to address the School Board

**6. STUDENT CURRICULUM PRESENTATION**

**7. SUPERINTENDENT’S REPORTS AND RECOMMENDATIONS**

- A. Superintendent  
(Items will be listed as 1., 2., etc.)
- B. Teaching and Learning  
(Items will be listed as 1., 2., etc.)
- C. Finance and Business Services  
(Items will be listed as 1., 2., etc.)
- D. Human Resource Services  
(Items will be listed as 1., 2., etc.)

**8. OTHER BOARD ACTION**

(Items will be listed as 1., 2., etc.)

**9. BOARD REPORTS**

**10. ADJOURN**

**RUPP, ANDERSON, SQUIRES  
& WALDSPURGER, P.A.**



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**EFFECTIVE GOVERNANCE: UNDERSTANDING THE RIGHTS,  
RESPONSIBILITIES, AND RISKS OF BEING A SCHOOL BOARD MEMBER**

**Independent School District No. 833,  
South Washington County Schools**

January 7, 2020

by

Michael (Mick) Waldspurger  
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**I. OPEN MEETING LAW**

**A. PURPOSE**

The Open Meeting Law (“OML”) creates a presumption that all meetings of governing bodies are to be open to the public. The primary purpose of the law is to allow interested members of the public to be fully informed. Toward that end, the OML states that it is to be broadly construed in favor of public access.

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NOTE: These materials and the corresponding presentation are meant to inform you of interesting and important legal developments. While current as of the date of presentation, the information that is provided may be superseded by court decisions, legislative amendments, rule changes, and opinions issued by bodies interpreting the area of law. We cannot render legal advice without an awareness and analysis of the facts of a particular situation. If you have questions about the application of concepts addressed in this outline or discussed<sup>57</sup> in the presentation, you should consult with your legal counsel.  
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**B. “MEETINGS” THAT ARE SUBJECT TO THE OPEN MEETING LAW**

1. **School Board Meetings.** Whenever a school board meets, it must comply with the OML. For purposes of the OML, a “meeting” is “a gathering of a quorum or more members of the governing body . . . at which members discuss, decide, or receive information as a group on issues relating to the official business of that governing body.” *Moberg v. Independent School District No. 281*, 336 N.W.2d 510 (Minn. 1983).
  - a. **Telephone conference calls.** A meeting occurs if a majority of the school board members participate in a conference call or other virtual communication, such as Skype.
  - b. **Serial meetings.** Serial meetings, each consisting of less than a quorum of the school board, may violate the law depending on the facts and circumstances of the case.
  - c. **Email and Text Messages.** A meeting arguably occurs if a majority of the school board members use email or text messages to discuss, express approval, or express disapproval of a matter that is before the board or is likely to come before the board. *See* Advisory Op. 09-20 (Sept. 8, 2009).
    - (1) Electronic communications that involve a back-and-forth exchange of viewpoints are analogous to a telephone conference call.
    - (2) Avoid use of “reply all.”
    - (3) If two board members correspond by email with each other, they should consider a “no forwarding” and a “no copying” rule so there is less risk of an OML violation.
    - (4) The risk of a violation is reduced if the superintendent sends the email to board members and then has board members respond directly to the superintendent without copying other board members.
2. **Exceptions to the Definition of a “Meeting”**
  - a. **Chance social gathering.** Even if a quorum of the board is present, “chance social gatherings” are not a “meeting” for purposes of the OML *St. Cloud Newspapers, Inc. v. District 742 Community Schools*, 332 N.W.2d 1 (Minn. 1983).
  - b. **General training programs.** A training program that is attended by a quorum of a school board to develop skills and a better understanding of

board responsibilities, and is directed toward general municipal matters rather than specific problems, is not a meeting for purposes of the OML. Op. Minn. Atty. Gen., 63a-5 (Feb, 5, 1975).

- c. **Meeting to improve trust, relationships, and communications.** The Commissioner of the Department of Administration has opined that a school board may meet privately in sessions that are designed to improve trust, relationships, communications, and collaborative problem solving, as long as the school board does not discuss, decide, or receive information as a group relating to the official business of the school board.
3. **Committee Meetings.** The OML applies to committee meetings if the committee has decision-making authority on behalf of the school board. *Minnesota Daily v. University of Minnesota*, 432 N.W.2d 189 (Minn. App. 1988); *Sovereign v. Dunn*, 498 N.W.2d 62 (Minn. App. 1993).
    - a. Courts will presume that a committee has decision-making authority (i.e. the ability to act on behalf of a school board) if a quorum of the school board members are on the committee. Courts will also presume that a committee has the capacity to act on behalf of a school board if the board has delegated decision-making authority or power to a committee.
    - b. The Department of Administration has opined that standing committees are subject to the OML. However, the Department’s opinion is contrary to existing case law.
    - c. Some MSBA policies do not recognize the nuances created by case law.

## C. NOTICE OF MEETINGS

1. **Regular Meetings.** A schedule of the regular meetings of a school board must be kept on file at the District’s primary office. If a school board decides to hold a regular meeting at a time or place different from that stated in its schedule of meetings, it must comply with the notice requirements for special meetings.
2. **Special Meetings.** Notice must be posted three calendar days (72 hours) before a special meeting. The notice must state the date, time, place, and purpose of the special meeting.
  - a. **Posted on bulletin board or meeting room door.** The district must post notice on its principal bulletin board or, if there is no bulletin board, the door of the regular school board meeting room. The principal bulletin board must be located in a place that is “reasonably accessible to the public.” *Rupp v. Mayasich*, 533 N.W.2d 893 (Minn. App. 1995).

- b. **Mailed or delivered to those who request notice.** The district must mail or deliver notice to each person who has filed a written request for notice of special meetings. Alternatively, the district may publish notice in its official newspaper three days before a special meeting.
  - (1) A school board may establish an expiration date for requests for notices of special meetings and may require refiling of the request once a year.
  - (2) Not more than 60 days before the expiration date of a request for notice, the school board must send notice of the refiling requirement to each person who filed during the preceding year.
  
- 3. **Emergency Meetings.** An “emergency meeting” is a meeting that is called because of circumstances that, in the judgment of the school board, require immediate consideration by the school board. Floods, fires, tornado damage, and similar events would qualify as an emergency.
  - a. A good faith effort must be made to provide notice to news media that have filed a request for notice of special meetings. The notice must include an explanation of the subject matter of the meeting.
  - b. Notice must also be given by telephone or any other reasonable method to board members.
  - c. If matters not directly related to the emergency are discussed or acted upon at an emergency meeting, the minutes of the meeting must include a specific description of that discussion or action.
  
- 4. **Continued Meetings.** No published or mailed notice is required for a continued meeting so long as the time and place of the meeting was established during the previous meeting and was recorded in that meeting’s minutes.
  
- 5. **Closed Meetings.** The notice requirements apply to closed meetings, as well as open meetings.
  
- 6. **Actual Notice Exception.** If a person receives actual notice of a school board meeting at least 24 hours before the meeting, all notice requirements of the OML have been satisfied with respect to that person, regardless of the method or receipt of notice.

**D. VIRTUAL MEETINGS**

- 1. **Interactive Technology.** A school board may use interactive technology with an audio and visual link to conduct a meeting if the school board complies with the following requirements:

- a. All members of the board must be able to hear and see one another and hear and see all discussion and testimony presented at any location at which at least one member is present.
  - b. Members of the public who are present at the regular meeting location must be able to hear and see all discussion and all votes of board members.
  - c. At least one member of the board must be physically present at the regular meeting location.
  - d. Each location at which a member of the board is present must be open and accessible to the public.
  - e. To the extent practical, the board must allow a person to monitor the meeting electronically from a remote location. The board may require the person to pay for any “documented marginal costs” the board incurs as a result of the additional connection.
  - f. The board must provide notice of the regular meeting location and notice of any site where a member of the board will be participating in the meeting.
2. **Health Pandemic/Emergency.** A school board may conduct a meeting by telephone or other electronic means so long as the following conditions are met:
- a. The presiding officer, chief legal counsel, or chief administrative officer for the school board must determine that an in-person meeting or an open meeting conducted in accordance with the OML is not practical or prudent **because of a health pandemic or an emergency** declared under Minnesota Statutes Chapter 12.
  - b. All members of the school board participating in the meeting, wherever their physical location, must be able to hear one another and hear all discussion and testimony.
  - c. All members of the public present at the regular meeting location of the body must be able to hear all discussion and testimony and all votes of the members of the school board, unless attendance at the regular meeting location is not feasible due to the health pandemic or emergency declaration.
  - d. At least one member of the school board, chief legal counsel, or chief administrative officer must be physically present at the regular meeting

location, unless unfeasible due to the health pandemic or emergency declaration.

- e. All votes must be conducted by roll call, so each member's vote on each issue can be identified and recorded.
- f. To the extent practical, the school board must allow a person to monitor the meeting electronically from a remote location and provide notice of this right.
- g. The school board must provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means.

#### **E. MATERIALS REVIEWED AT AN OPEN MEETING**

- 1. **Materials Available to the Public.** At least one copy of any printed materials related to agenda items must be available in the meeting room for public inspection during an open meeting if the materials are distributed to all school board members at or before the meeting, or are available in the meeting room to all school board members during the open meeting.
- 2. **Materials Not Available to the Public.** The following materials are not available to the public even if they are distributed to all members of the board at or before the meeting: (a) data classified as non-public under the Minnesota Government Data Practices Act; and (b) data relating to matters discussed at a closed meeting.
- 3. **Emails Related to Agenda Items.** The Department of Administration has opined that an email from a city manager to council members one week before a city council meeting should have been printed and made available to the public at the meeting pursuant to Minn. Stat. § 13D.01, subd. 6. The Department concluded that the emails were "printed material relating to the agenda" that had been distributed to all the members before the meeting. *See* Advisory Opinion 08-015. The emails did not contain private data.

#### **F. PUBLIC ACCESS TO ELECTRONIC COMMUNICATIONS**

- 1. **Disclosure of Emails and Texts.** Emails and text messages between two school board members, between a superintendent and a school board member, or between another employee and a school board member do not enjoy any special protections under the Minnesota Government Data Practices Act ("MGDPA"). All government data are presumed to be public and may be subject to a data practices request. Assume the data may be read by the subject of the data or the public.
- 2. **Record Retention Requirements.** Most email and text messages that are sent or received by a school district fall under the category of "Administration" and the

subcategory of “Correspondence.” The Retention Schedule generally requires that correspondence be retained for a minimum of three years “unless otherwise specifically addressed” in the Retention Schedule. If the content of a particular text message, email, or email attachment causes the text or email to fall under another category or subcategory on the Retention Schedule, a school district may be required to retain the email for longer than three years.

- a. Because of retention requirements, a school district may require board members to send and receive all board-related emails through an email account maintained by the school district.
  - b. In the event of litigation against the district, a school board member’s personal email account may be subject to search if the board member uses the personal account to conduct any school-related business. The same is true of text messages.
3. **Disclosure of Electronic Calendars, Task Lists, and Text Messages.** In IPAD Advisory Opinion 02-003, the Department of Administration opined that a city was required to provide data that documented public business and were contained in an employee’s electronic appointment calendar, even if the data were commingled with not private data. In that particular case, the public data related to discussions between a library director and a contractor about a possible library expansion project, which the employee had noted into his appointment calendar.

## G. GROUNDS FOR CLOSING A MEETING

1. **Statutory Exception Required.** Meetings may not be closed simply because private or confidential data will be discussed, unless a statutory exception applies.
  - a. If the meeting is not permitted to be closed, private data may be discussed in public without liability or penalty if the disclosure relates to a matter within the scope of the board’s authority and is reasonably necessary to conduct the board’s business. Specifically, the OML states:

“Data that are not public data may be discussed at a meeting subject to this chapter without liability or penalty, if the disclosure relates to a matter within the scope of the school board’s authority and is reasonably necessary to conduct the business or agenda item before the school board.”
  - b. Data discussed at an open meeting retain the data’s original classification; however, a record of the meeting, regardless of form, is public.
2. **Labor Negotiations Strategy and Developments.** A school board *may* close a meeting to discuss strategy for labor negotiations, including developments or the



discussion and review of proposals. To utilize this exception, a school board must do the following:

- a. vote to close the meeting to discuss strategy for labor negotiations;
- b. announce the time and place of the closed meeting before going into closed session;
- c. record the names of the board members and other persons who are present at the closed meeting; and
- d. record the closed meeting and retain the recording for two years after the contract is signed. The tape must be available to the public after all contracts have been settled for the current budget period.

3. **Preliminary Consideration of Allegations Against an Employee.** A school board *must* close one or more of its meetings to give preliminary consideration to allegations or charges against an employee, unless the employee requests that the meeting be open to the public. The meeting must be open at the employee's request.

- a. The language giving an employee the right to request an open meeting suggests that a school district must notify an employee if the school board is going to move into closed session for preliminary consideration of allegations against the employee.
- b. If the board decides that discipline may be warranted as a result of the charges, further meetings relating to those charges held after that conclusion is reached must be public.

4. **Performance Evaluations.** A school board *may* close a meeting to evaluate an employee's performance. However, the meeting must be open if the employee so requests. Before the meeting is closed, the board must identify the employee. At its next open meeting, the board must summarize its conclusions regarding the evaluation.

5. **Discussion of Certain Types of Data.** A school board *must* close a meeting to discuss the following types of data:

- a. Data identifying victims or reporters of criminal sexual conduct, domestic abuse, maltreatment of minors or vulnerable adults.
- b. Active investigation *data relating to child abuse or neglect*, as defined in Minn. Stat. § 13.82.

- c. Internal affairs data relating to allegations of law enforcement personnel misconduct.
  - d. *Education data, health data, medical data, welfare data and/or mental health data* defined as not public data under the Minnesota Government Data Practices Act.
6. **Attorney-Client Privilege.** A meeting *may* be closed if permitted by the attorney-client privilege. The attorney-client privilege allows closure of the meeting to discuss matters pertaining to pending or threatened litigation. A board may not close a meeting to seek general legal advice. A board does not need to record a meeting that is closed to pursuant to the attorney-client privilege.
7. **Competitive Reasons Relating to Purchase or Sale of Property.** A school board *may* close a meeting to: (1) determine the asking price for real or personal property to be sold by the school district; (2) to review an appraisal of real property that is classified as confidential or nonpublic; or (3) to develop or consider offers or counteroffers for the purchase or sale of real or personal property.
- a. Before holding a closed meeting for competitive reasons relating to the purchase or sale of property, the school board must identify on the record the particular real or personal property that is the subject of the closed meeting.
  - b. The proceedings of a meeting closed under this provision must be tape recorded at the expense of the school board. The recording must be preserved for eight years after the date of the meeting and made available to the public after all real or personal property discussed at the meeting has been purchased or sold or the school board has abandoned the purchase or sale. The real or personal property that is the subject of the closed meeting must be specifically identified on the tape.
  - c. A list of members and all other persons present at the closed meeting must be made available to the public after the closed meeting.
  - d. An agreement reached that is based on an offer considered at a closed meeting is contingent upon approval of the school board at an open meeting. The actual purchase or sale must be approved at an open meeting.
8. **Security Briefings and Reports.** Meetings may be closed to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures, and to discuss security deficiencies in or recommendations regarding public services, infrastructure, and facilities—but

only if disclosure of the information would pose a danger to the public safety or compromise security procedures or responses.

- a. A meeting closed for this purpose must be tape recorded at the expense of the school board, and the recording must be preserved for at least four years.
- b. Financial issues related to security matters must be discussed and all related financial decisions must be made at an open meeting.

9. **Hypothetical Scenario.** The agenda for a regular meeting states that the board will be going into closed session for preliminary consideration of allegations against an employee, who is not named. A local newspaper reporter approaches you and asks the following questions: (1) What is the name of the employee who is the subject of a closed session? (2) Can you confirm that the allegations have to do with statements that were made to students? (3) Did the school district conduct an investigation? (4) Were the allegations substantiated? Assume you are the Board Chair and you know that teacher Onna Bender is the subject of the closed session; that Onna was allegedly under the influence of alcohol at work and made inappropriate comments to students; and that the allegations against Onna were substantiated after an investigation. Which of the following is an appropriate response?

- a. "Mind your own business."
- b. "The employee's name is Onna Bender. I cannot confirm or deny that allegations have been made against Ms. Bender, or that an investigation has been conducted."
- c. "I cannot disclose the employee's name, but I can confirm that the allegations relate to drinking and inappropriate comments that were made to students. I can also confirm that an investigation was completed and that the allegations were substantiated."
- d. "The employee's name is Onna Bender. I can confirm that allegations have been made against Ms. Bender, but I cannot comment on the nature of the allegations. I can also confirm that an investigation has been completed, but I cannot discuss the results of the investigation."
- e. "I cannot disclose the employee's name, or the nature of the allegations, but I can tell you that an investigation was completed and that the allegations were substantiated."

## H. BASIC PROCEDURES FOR CLOSING A MEETING

1. Before going into closed session, the school board must state on the record the specific ground permitting the meeting to be closed and must describe the subject to be discussed. The specific ground should *not* include private or non-public data.
2. Materials reviewed in a closed meeting should *not* be distributed to the public. The meeting minutes should simply state that a closed meeting was held, the statutory grounds for closing the meeting, and a generic description of the subject that was discussed.

## **I. RECORDING CLOSED MEETINGS**

1. **Closed Meetings.** All closed meetings, except those that are closed pursuant to the attorney-client privilege, must be electronically recorded at the expense of the school board. Unless a longer period is prescribed by law, the recordings must be preserved for at least three years after the date of the meeting.
2. **Open Meetings.** The votes of board members on any action taken in a meeting required to be open to the public must be recorded in a journal kept for that purpose. This journal must be open to the public during normal business hours. The vote of each member must be recorded on each appropriation of money, except for payments on judgments, claims and amounts fixed by statute.
3. **No Voting in Closed Session.** The law does not authorize school board members to vote in closed session. However, the law does allow school board members to reach consensus in closed session.

## **J. PENALTIES FOR VIOLATING OPEN MEETING LAW**

1. A civil penalty not to exceed \$300 for each violation may be imposed upon each person who intentionally violates the Open Meeting Law. This penalty may not be paid by the school board.
2. A board member may be removed if found to have been involved in three separate and unrelated violations of the Open Meeting Law.
3. The court may award up to \$13,000 for costs and attorneys' fees to each plaintiff. This amount *may* be paid by the school board.
4. The Open Meeting Law provides that a school board may pay any costs and disbursements or attorneys' fees incurred by any of its members under this section. However, such claims are not actions for damages and thus a municipality is not required to reimburse members for such expenses under the Municipal Tort Liability Act, Minn. Stat. § 466.07.

## **II. BOARD MEMBER RESPONSIBILITIES, RIGHTS, AND ROLES**

**A. RESPONSIBILITIES.** “The board must have the general charge of the business of the district, the school houses, and the interests of the schools thereof.” Minn. Stat. § 123B.02. “The board must superintend and manage the schools of the district.” Minn. Stat. § 123B.09, subd. 8. In order to fulfill its responsibility to “superintend and manage the schools of the district,” a school board must perform specific statutory duties. For example, every school board must:

- furnish school facilities;
- arrange for transportation of pupils living at least two miles from school;
- prescribe textbooks and courses of study;
- provide a testing program for the purpose of measuring student growth and curriculum evaluation;
- keep accurate and complete individual, permanent, cumulative personal records for all students;
- levy for necessary funds for the conduct of schools, the payment of indebtedness, and all proper expenses of the District;
- pay all just claims against the district;
- keep registers; and
- prosecute and defend actions by or against the district.

**B. AUTHORITY.** “The board’s authority to govern, manage and control the district; to carry out its duties and responsibilities; and to conduct the business of the district includes implied powers in addition to any specific powers granted by the legislature.” Minn. Stat. § 123B.02. For example, every school board *may*:

- enter into agreements with a term less than four fiscal years;
- employ and discharge necessary employees;
- contract for goods and services;
- procure insurance against liability;
- receive bequests, donations, or gifts for the benefit of the district;
- establish and maintain summer school programs;
- provide a program of co-curricular and extracurricular activities; and
- expel students.

**C. POLICYMAKING ROLE.** “The board shall make, and when deemed advisable, change or repeal rules relating to the organization and management of the board and the duties of its officers.” Minn. Stat. 123B.09, subd. 7. The board must “adopt rules” for the “organization, government, and instruction” of schools in the district.” Minn. Stat. § 123B.09, subd. 8.

**D. MACRO-MANAGEMENT, NOT MICRO-MANAGEMENT.** After the school board sets the policy or general direction that will be taken by the district, the superintendent should oversee the implementation of that policy or direction. In other

words, the school board identifies the destination on the roadmap, but the superintendent drives the car to the destination and, in most cases, picks the route that will be taken.

1. For example, when it comes to employment matters, the board is responsible is responsible for big-picture decisions such as:
  - the overall budget;
  - organizational structure;
  - creation and elimination of positions;
  - employment policies;
  - efficiency of school district operations;
  - hiring and firing; and
  - salary and benefits.
2. In contrast, the Superintendent, or his/her designee, is responsible for day-to-day personnel matters such as:
  - selecting and assigning personnel;
  - supervising and evaluating personnel;
  - directing personnel and ensuring compliance with directives;
  - enforcing work rules;
  - transferring personnel;
  - disciplining personnel (except teacher and administrator terminations); and
  - making recommendations to the board for hiring and firing.

**E. THE BOARD MUST ACT AS A BODY AND NOT THROUGH INDIVIDUAL MEMBERS.** The school board acts as a perpetual body. As a body, the board is responsible for fulfilling the school district’s duties under the law and for lawfully exercising its powers.

1. **Individual members have a limited role.** The most important role of an individual board member is to prepare for and participate fully at board meetings so that the board, as a body, can fulfill its statutory duties.
2. **Individual board members have no authority to act on their own.** Unless the board has delegated authority to an individual board member, the individual board member has no power to give orders, to supervise or evaluate an employee, to investigate a complaint, to formulate policies, or to take any other action for or on behalf of the board.

**F. FOLLOWING THE PROPER CHAIN OF COMMAND**

1. **Responding to citizen complaints.**
  - a. Document the complaint and provide the documentation to the superintendent.

- b. Direct the citizen to the superintendent or building principal (depending on the nature of the complaint).
  - (1) Provide appropriate contact information.
  - (2) Inform the citizen you will be informing the superintendent.
- c. Explain that the school district has a written complaint form, if one exists, and that the superintendent or building principal may ask the citizen to complete the form.

2. **Responding to anonymous complaints.**

- a. The same basic process should be followed as with other complaints.
- b. The district's obligation to investigate depends on the nature of the anonymous complaint and whether the information that is provided is sufficient to allow an investigation.
- c. The district can investigate only reasonable leads and should not participate in a fishing expedition.

3. **Responding to citizen concerns.** Inform the superintendent of all concerns.

- a. The superintendent needs to know about all employee performance concerns so the concerns can be addressed promptly and properly.
- b. The superintendent needs to know about all concerns so that the superintendent can discuss them, as appropriate, with other members of the administrative team and can follow up with the appropriate employee(s) to ensure that the concern was addressed.
- c. The superintendent generally should inform the building principal of building specific concerns.
- d. The superintendent generally should inform the appropriate director of concerns that fall under his/her jurisdiction (e.g. Human Resources Director or Special Education Director).

4. **Why is a proper order of contacts (chain of command) important?** Board members should never investigate on their own for the following reasons:

- a. Board members are not properly trained to conduct investigations and may create legal liability by doing so.



- b. Board members who investigate on their own may impair the integrity of an existing investigation or a future investigation.
- c. An individual board member (and even the board as a body) might not know the full story, what has been done in the past, or what is happening right now with respect to the issue.
- d. The district needs to ensure that a clear, consistent, and lawful message is delivered to the complainant, the witnesses, and the alleged offender.
- e. Board members who investigate on their own often place employees in an untenable situation and create undue stress for employees.
- f. Board members who investigate on their own may be deemed to be biased if a student or personnel issue later comes before the board.
- g. Board members have no authority to investigate on their own.
- h. Investigating directly with employees undermines the authority of administrators in the chain of command.
- i. It is not the proper role of any Board member to engage in personal investigation of such matters.

5. **What *NOT* to do.**

- a. Do not investigate yourself.
- b. Do not promise a particular outcome or course of action.
- c. Do not promise confidentiality.
- d. Do not pick sides.
- e. Do not act outside the process or act as *the* decision-maker.
- f. Do not offer to personally address the concern (hero/villain syndrome).
- g. Do not go directly to employees below the superintendent or members of the superintendent's cabinet.

**G. AFTER THE VOTE IS OVER, THE BOARD ACTS WITH ONE VOICE.** Regardless of which side of a vote an individual board member was on, a school board acts as a body and it speaks as a body with one voice once the vote has been taken.

1. **Board members should not undermine board action.** Board members are entitled to have their own view, and they are encouraged to share that view publicly when debating a motion. However, once a vote has been taken, the body has spoken and no board member should act to undermine implementation of the board's vote. For example, it is inappropriate to publicly campaign against an action that has already been voted upon by the board.
  
2. **Motions to reconsider.** On occasion a school board member will be in the minority when voting for or against a motion. Unhappy with the result, the board member will move to have the board reconsider the motion. The school board is not required to entertain such a motion. Under Robert's Rules of Order, a motion to reconsider may only be made by a member who voted on the winning side.
  - a. If a board member who was not on the winning side of a motion moves to have the board reconsider the motion, the board chair should rule the motion out of order. Ideally, the chair would state that under parliamentary procedure and the operating rules adopted by the board, a motion to reconsider may only be made by a member who voted in favor of the motion (if it was passed) or against the motion (if it was defeated).
  
  - b. If a motion to reconsider passes by majority vote, then the board must vote again on the original motion. Voting in favor of a motion to reconsider does not, itself, constitute a vote on the underlying motion.
  
3. **Fiduciary Duties.** Individual board members owe a fiduciary duty to the board as a whole. There are many ways in which a board member can intentionally or inadvertently violate this duty. In other states, the law has developed to hold that a board member who intentionally violates a fiduciary duty is guilty of malfeasance and may be criminally prosecuted. For example:
  - a. Disclosing private or confidential information to the plaintiff in a lawsuit against the district, regardless of whether the disclosure is direct or indirect;
  
  - b. Disclosing confidential information about labor negotiations to a union representative or any other person, including but not limited to a teacher who is a friend or a spouse;
  
  - c. Disclosing confidential information, which was discussed in closed session, to a newspaper, television reporter, friend, or spouse;
  
  - d. Obtaining the services of a contractor on behalf of the board without any authority to do so from the board; or
  
  - e. Accessing or disclosing private educational data because of your position as a board member.

5. **Engaging Legal Counsel.** Does an individual board member have the authority to engage services of legal counsel or any other vendor?

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6. **Attorney-Client Privilege.** The attorney-client privilege is held by the board as a body. Individual board members do not have the legal right to waive the privilege or to disclose confidential legal advice or other information protected by the attorney-client privilege.

7. **No Right to Record Attorney-Client Closed Session.** Members of a school board and members of a committee of the school board have no right to record a session that is closed pursuant to the attorney-client privilege.

**H. HYPOTHETICAL SCENARIO NO. 1.** You are on the school board. Two high school students, Les Payne and Jack Hammer, get into a fight at school. Jack is your neighbor's son and is a model student. The fight begins when Les sucker punches Jack in the face. Jack punches back and knocks Les unconscious. Jack is subsequently suspended from school and is arrested by the police. Meanwhile, Les is taken to the hospital in an ambulance. The following day, your neighbor approaches you and begins telling you about the fight between Jack and Les. Your neighbor then asks whether you think it was appropriate for the principal to suspend Jack and whether the District will be seeking to expel either Jack or Les. How should you respond?

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**I. HYPOTHETICAL SCENARIO NO. 2.** Same facts as above, except that your neighbor shares that he is very frustrated because he had repeatedly told the principal that Les was bullying Jack, but the principal failed to take any action. Your neighbor also asks whether you knew that Les had been in two other fights at school and whether you knew that he received special education services at school for a serious emotional behavioral disorder. Your neighbor then asks whether you would be willing to look into the matter. How should you respond to your neighbor?

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**J. HYPOTHETICAL SCENARIO NO. 3.** Same facts as above, except Jack is your son and you would like to access Les' education records in order to see whether they contain any information that would be helpful in defending Jack against the criminal charges. If the administration refuses your request for Les' records, would it be appropriate to ask the board to vote to give you access to Les' records?

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**K. HYPOTHETICAL SCENARIO NO. 4.** You are a member of the school board. A close family friend, Jane Nutt, who is a resident of the district, comes to you and tells you that she is upset because the district is refusing to provide her child, Hazel, with simple accommodations that she needs because of a severe peanut allergy. Your friend tells you that the Hazel’s teachers are being unreasonable and asks you to intervene on her behalf by calling her principal. Your friend describes the accommodations that she is seeking for Hazel, and you believe the accommodations sound quite reasonable. How should you respond? \_\_\_\_\_

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**L. HYPOTHETICAL SCENARIO NO. 6.** You are a member of the school board. At an upcoming meeting, the board is scheduled to vote on whether or not it will renew a probationary teacher’s annual contract. The probationary teacher is a long-term member of the community. Shortly before the board meeting at which the vote will be taken, another board member approaches you and “confidentially” shares her concern that the administration is proposing not to renew the teacher based on a personality conflict rather than on performance. The board member also tells you that she promised the probationary teacher she would vote against any motion not to renew her contract. The board member also tells you that she has convinced two other board members to vote against the motion as well. She then asks whether you are willing to join the motion so it will pass. How should you respond? \_\_\_\_\_

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**M. HYPOTHETICAL SCENARIO NO. 7.** Same facts as in Scenario 6, above, except the administration transferred the teacher rather than proposing her non-renewal. Another board member tells you that the administration acted unfairly in transferring the teacher and asks if you will join in a vote to overturn the administration’s decision to transfer the teacher. How should you respond? \_\_\_\_\_

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**N. HYPOTHETICAL SCENARIO NO. 8.** You are on the school board. Another board member sends you a text message complaining about a particular student’s misconduct at school. You reply by text and state that you have the same complaints and concerns based on discussions you have had friends who teach in the building, based on your own child’s experiences with the student, and based on the fact that the board was contemplating expelling the student the previous year. You also state in your reply that the student is not really to blame. You explain that the real problem is the parent’s lack

of intellect and parenting skills. You jokingly conclude your email by stating, “I guess the apple does not fall far from the tree.” What concerns would you have if this scenario really occurred? \_\_\_\_\_

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- O. HYPOTHETICAL SCENARIO NO. 9.** You are on the school board. A citizen approaches you and tells you that a high school principal in the district is showing favoritism to a couple of teachers and is allowing them to send some of their students home early. The citizen tells you the students leave school two hours early every day. The next day you drive by the high school and see four students leaving early. You see that one student, Lou Pole, is walking to his parent’s car. You have met Lou and his parent before and decide to approach her. After saying hello, you say to the parent: “I don’t mean to pry, but as you know I am on the school board, and I was wondering if you might be willing to tell me why Lou is leaving school early?” You immediately see that the parent and Lou become visibly flustered and embarrassed. The parent says, “I’d rather not say.” She then rolls up her window and drives off.

Concerned that the citizen’s allegations may be accurate, you walk into the school and ask a hall monitor who Lou Pole’s teacher is. You then go to the teacher’s room and state: “As a board member, I am wondering why you allowed Lou to leave school early today.” The teacher states that she cannot tell you. You become visibly angry and leave. The next day you send the following text message to the citizen: “Thank you for the heads up. Looks like you were right. Lou and three other kids are leaving early each day and the teacher, Ms. Jamison, could not give me a valid reason. When I get to the bottom of this heads will roll!” After being unable to sleep for several nights, Ms. Jamison tells the building principal about the matter. The principal then tells the Superintendent. Meanwhile, the citizen has forwarded your text message to dozens of parents.

1. What errors did the board member make? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Did the board member violate any laws? If so, which ones? \_\_\_\_\_  
\_\_\_\_\_
3. Can the district or the board member be held liable for any of the board member’s conduct? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- P. HYPOTHETICAL SCENARIO NO. 10.** You are a board member. The president of the teachers’ bargaining unit frequently emails you and other community members about potential grievances, staff issues, and negotiations issues. In addition, the president often

solicits feedback from community members on various issues. How should you respond if you receive such an email and why? \_\_\_\_\_

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**Q. POLITICAL ISSUES.** What are some of the factors a school board should consider before addressing the following?

1. **Student Protests** (e.g. walk-outs, sit-ins, fundraisers to go to Washington D.C., etc.) \_\_\_\_\_

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2. **Staff Protests** (e.g. walk-outs, discussion of personal views on political issues, rainbow signs in class stating that gay, lesbian, bi-sexual students are welcome; refusals to recite the pledge of allegiance, etc.)

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3. **Immigration Issues** (e.g. sanctuary schools, statements about burdens on the school system, etc.)

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### III. EFFICIENT GOVERNANCE

#### A. PROCEDURAL RULES GOVERNING BOARD MEETINGS

1. **Reason for Rules.**

- a. Efficiency: It is easier to work in a group that has rules.
- b. Focus: A group should only deal with one substantive matter at a time.
- c. Equality: Rules assure all members have a right to participate.
- d. Consensus: Rules allow discussion to lead to a decision reflective of the will of the majority.
- e. Fairness: Rules protect the rights of the minority.

- f. Information: Every voting member must understand what he/she is voting on, and the effect a decision will have.
2. **Parliamentary Procedure.** Many school districts have adopted *Robert's Rules of Order* as the primary rules which govern the participation of board members.

## B. MOTIONS

- 1. Proper motion procedure.
  - a. Member X presents a motion.
  - b. Member Y seconds the motion. If no member seconds the motion, it is not put before the board for discussion or consideration. A motion must be seconded in order to be considered by the board.
  - c. If there is a second, the Chair should then restate the motion. For example: "It is moved and seconded that the school district establish a varsity tennis team." Once the Chair states the motion, it is considered to be "pending."
  - d. Members then "debate" the motion. Debate means an opportunity for discussion on the merits. At this time, the member who made the motion should present the reasons for the motion if they are not obvious.
    - (1) Note that *not all motions are "debatable."* Examples of motions that are not debatable include a motion to adjourn, to limit debate, to recess, or to suspend the rules.
    - (2) Example: "I move to limit debate on the motion to four minutes per board member." Or "I move that debate on the pending motion be limited to ten minutes in total."
    - (3) A motion to limit debate generally requires a two-thirds vote.
  - e. The Chair puts the question to vote. The Chair states: Those in favor say "aye" or "yes." Those opposed say "no."
  - f. The Chair announces the result.
- 2. **One Substantive Matter at a Time – the "Main Motion."** A school board generally may consider only one substantive matter at a time. When a board member makes a motion concerning a substantive matter, the motion is considered a "Main Motion." When a Main Motion has been made and seconded and repeated by the Chair, the board should not consider any other substantive matters until the motion has been voted on. However, "Subsidiary," "Privileged," and "Incidental" motions may be considered while a Main Motion is pending.



3. **“Subsidiary Motions.”** Subsidiary Motions assist a body in disposing of a Main Motion. Subsidiary motions take precedence over a Main Motion. Subsidiary motions relate to the subject matter of the Main Motion and include, for example, a motion to postpone indefinitely, a motion to amend, a motion to refer, a motion to limit debate, and a motion to table.
4. **“Privileged Motions.”** Privileged Motions do not relate to pending business, but have to do with special matters of immediate importance. Examples include a motion to recess, a motion to adjourn, and a motion to fix the time to adjourn. A Privileged Motion takes precedence over other motions.
5. **“Incidental Motions.”** These are motions that relate to the transaction of business. Incidental motions must be decided immediately. One example of an Incidental Motion is when a board member raises a Point of Order.
6. **Point of Order!** A point of order should be handled in the following manner:
  - a. If a board member believes that a rule has not been followed, the board member states, “Point of order!”
  - b. The board Chair then states, “The member will state his/her point of order.”
  - c. The member then states how he/she thinks the rules are being violated.
  - d. The Chair then rules on the point of order by stating either, “The point of order is well taken” or “the point of order is not well taken.” The Chair should then *briefly* give the reason(s) for the ruling.
  - e. The Chair should refer to the specific rule that has been violated.
  - f. If a board member disagrees with the Chair’s ruling on a point of order, the board member may state, “I appeal from the decision of the chair.”
  - g. An appeal requires a second before debate may occur amongst the board members.
  - h. After receiving a second and any debate (which is initiated and concluded by the Chair), an appeal may be put to a majority vote. To do so, the Chair states, “Shall the decision of the Chair be sustained? Those in favor say ‘aye.’”
  - i. The board members then proceed to vote. The board as a whole has the final authority to determine whether a rule has been violated.

7. **Hypothetical Situation.** Board Member A makes a motion to reduce the District’s budget and its teaching staff. Member B seconds the motion. After restating the motion, the Chair asks the board members if they have any comments or points of discussion. Member D says nothing, but groans loudly and shifts in his seat. The Chair then puts the question to a vote. As a majority of the members say “aye,” Member D stands and loudly states: “Point of Order! Member A’s motion is nothing more than an attempt to fatten the wallets of administrators in this District at the expense of education in the classroom. I move that we look at firing administrators instead of teachers.” How should the board chair respond?
- a. Is the point of order is well taken?
  - b. Should the board consider any other substantive matters until Member A’s motion has been voted on?
  - c. Should the Chair rule that Member A’s motion is out of order?

**C. ADDRESSING INAPPROPRIATE CONDUCT**

- 1. **Comments Must Be Germane.** A board member’s remarks must be germane. This means that the remarks must be material to whether the pending motion is to be adopted. A board member who ventures off on irrelevant topics may be ruled out of order.
- 2. **Personal Attacks.** The motion, and not the board member who has made it, should be the subject of the “debate” or discussion. A board member who begins to personally attack another board member or an administrator should be ruled out of order. The board chair may remind the other board members that the debate should focus on the motion, and not the person who made the motion.
- 3. **Stick to the Formalities.** Complying with formalities helps avoid conflicts in personalities. Along these lines, board members should direct their comments to the Chair, and not to individual board members. A board member who directs personal comments to an individual member may be ruled out of order and instructed to direct his or her comments to the Chair or to the board as a whole.
- 4. **Closing “Debate.”** A school board can immediately end all debate on a pending motion. This can be helpful if the board has one member who is using the time to “debate” a pending motion to make comments that are not constructive or are unrelated to the matter before the board.
  - (a) To close debate immediately, a board member must first be recognized by the Chair. The member then states: “I move the previous question.”

- (1) By moving the previous question, a board member is moving to have the board vote the pending motion immediately and without further discussion.
  - (2) It is not appropriate to interrupt a fellow board to move the previous question. To move the previous question, a board member must first have the floor, meaning he or she has been recognized by the Chair.
- (b) A motion to move the previous question (i.e. to close debate or discussion) is itself not subject to debate or discussion. However, a *two-thirds vote is required* to pass a motion to move the previous question.
5. **Referring a Matter to a Committee.** Occasionally, a board member will make a motion out of left field. When this happens, the board as a whole may be caught off guard or may lack sufficient knowledge to vote on the motion. To address this problem, any board member may move to refer the motion to a committee and to instruct the committee to report back to the board. Alternatively, a board member may move to refer the matter to the superintendent to gather additional information and to report back to the board at a later date.
- (a) A “motion to refer” is amendable. This means, for example, that another board member may move to amend the motion to add additional conditions such as: “I amend the motion to state that the superintendent must report back to the board at the next meeting rather than two months from now.”
  - (b) A “motion to refer” is debatable. This means that the board members may discuss whether it is desirable to refer the matter to the superintendent or to a committee.
6. **Motion to Postpone Indefinitely.** When one board member makes an offensive or objectionable motion, another board member may move to postpone the motion indefinitely. A majority vote is required to adopt a motion to postpone indefinitely.

**D. WHAT OTHER STEPS CAN BE TAKEN IF A BOARD MEMBER ACTS INAPPROPRIATELY?**

- 1. **Reminder of penalties for violating Open Meeting Law.**
- 2. **Reminder of fiduciary duties.** Board members owe a fiduciary duty to the board as a whole.

3. **Responses to inappropriate conduct by a board member.** After conducting an investigation and consulting with legal counsel, a school board could consider the following options for addressing a board member's inappropriate behavior:
  - a. Inform the board member of the potential consequences, including potential loss of immunity for inappropriate acts. (Immunity is only available if a board member acts within the scope of official duties.)
  - b. Adopt new standards to address the situation.
  - c. Censure the board member.
  - d. Ask for the board member's resignation.
  - e. Disavow the board member's conduct (consult with legal counsel).
  - f. Seek to remove the board member in accordance with law (consult with legal counsel).

#### **IV. REGULATING PUBLIC PARTICIPATION AT MEETINGS**

##### **A. SIX SIGNIFICANT LEGAL PRINCIPLES**

1. The school board controls its own meetings, agendas, parliamentary procedure, and all other aspects of its own business and function. *See* Minn. Stat. § 123B.09, subd. 7.
2. The public has the right to receive notice of, and to attend, all regular, special, and emergency meetings of the full school board and its committees, unless the meeting is closed in accordance with the Open Meeting Law.
3. The Open Meeting Law permits but does not mandate an opportunity for public comment during school board meetings.
4. Speech on public issues and political matters lies at the heart of protected speech. *Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston*, 515 U.S. 557 (1995). Freedom of speech, however, is not absolute.
5. A designated public forum is created by a school board through an intentional decision to open a meeting to public comment.
6. Once a designated public forum is created by a school board, it still may restrict the time, place, and manner of speech, provided:
  - a. The restrictions are justified without reference to the content of the regulated speech (content neutral);

- b. The restrictions are narrowly tailored to serve a significant governmental interest; and
  - c. The restrictions leave open ample alternative channels for communication of the information from the public.
7. The School Board may recess in order to regain order.

**B. EXAMPLES OF PERMISSIBLE TIME, PLACE, & MANNER RESTRICTIONS**

- 1. Persons wishing to address the Board shall sign in prior to the meeting, listing their name, address, and the matter on which they will speak.
- 2. Persons addressing the Board shall speak in the order in which they sign in.
- 3. A person addressing the Board shall give his or her name and address and be recognized by the Presiding Officer.
- 4. The Presiding Officer shall limit the comments of each person addressing the Board to three (3) minutes.
- 5. Persons addressing the Board shall confine their comments to matters pertaining to the agenda or germane to matters of administrative concern.
- 6. There shall be no demonstrations during or at the conclusion of any speaker's presentation.
- 7. A person addressing the board shall refrain from the following:
  - a. attempting to engage individual Board members in conversation;
  - b. insults;
  - c. obscenity or profanity;
  - d. attacks against any person in his or her personal capacity;
  - e. physical violence or threats of violence;
  - f. comments that are not relevant to matters on the agenda or to matters of administrative concern;
  - g. comments that are unduly repetitious;

- h. comments that exceed the five-minute time limit, or other such comments or conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any Board meeting;
- 8. Any person who breaches these rules shall, at the discretion of the presiding officer or a majority of the Board, be given an oral warning by the presiding officer to refrain from disturbing or disrupting the meeting. If, after receiving such a warning, the person continues to breach these rules, he or she will be barred from further audience before the Board at that meeting.
- 9. If, after receiving an oral warning from the presiding officer and being barred from further audience before the Board at a meeting, a person persists in disturbing or disrupting that meeting, the Presiding Officer may order him to leave the meeting. If such person does not remove him- or herself, the presiding officer may request that a law enforcement officer remove the person from the meeting.

**V. CONFLICTS OF INTEREST**

**A. Statutory Conflicts.** Minnesota Statutes Section 471.87 states:

Except as authorized in section 123B.195 or 471.88, a public officer who is authorized to take part in any manner in making any sale, lease, or contract in official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially therefrom. Every public officer who violates this provision is guilty of a gross misdemeanor.

- 1. **Key Inquiry.** The key inquiry is whether a public officer would derive a personal financial interest or financial benefit from a proposed sale, lease, or contract.
- 2. **Statutory Conflicts Cannot Be Cured by Abstaining.** A statutory conflict of interest cannot be cured by abstaining from participation. Any contract that is made while such a conflict exists would be void. A violation of the statute on conflicts of interest is also a gross misdemeanor for the public official involved.
- 3. **Exceptions.** The law establishes various exceptions to the general rule prohibiting conflicts, including an exception for contracts that do not require bids. The law also contains an exception for allowing school board members to be employed by the school district provided the board member will not earn more than \$8,000 in a fiscal year. The statute specifically states:

A school board member may be newly employed or may continue to be employed by a school district as an employee only if there is a reasonable expectation at the beginning of the fiscal year or at the time the contract is entered into or extended that the amount to be earned by that officer under that contract or employment

relationship will not exceed \$8,000 in that fiscal year. Notwithstanding section 122A.40 or 122A.41 or other law, if the officer does not receive majority approval to be initially employed or to continue in employment at a meeting at which all board members are present, that employment is immediately terminated and that officer has no further rights to employment while serving as a school board member in the district.

**B. Common Law Conflicts of Interest.** Minnesota courts have developed a separate common law conflict of interest analysis that is broader than the statutory analysis.

1. **Direct Interest Gives Rise to a Common Law Conflict.** A common law conflict of interest exists when a public official has any “direct interest” in the outcome of a matter before the governing body. *See, e.g., Lenz v. Coon Creek Watershed Dist.*, 153 N.W.2d 209, 219 (Minn. 1967); *E.T.O. v. Town of Marion*, 375 N.W.2d 815 (Minn. 1985). A “direct interest” generally means some kind of financial interest. *See, e.g., Twp. Bd. of Lake Valley Twp. Traverse County v. Lewis*, 234 N.W.2d 815, 819 (1975). Courts determine whether a conflict of interest exists by considering the following factors:

- a. the nature of the decision being made;
- b. the nature of the pecuniary interest;
- c. the number of officials making the decision who are interested;
- d. the need, if any, to have interested persons make the decision; and
- e. the other means available, if any, such as the opportunity for review, that serve to ensure that the officials will not act arbitrarily to serve their own interests.

2. **Common Law Conflicts Can Be Cured by Abstaining.** Unlike a statutory conflict of interest, a common law conflict of interest can be cured by abstaining from voting. *See, e.g., Op. Atty. Gen.* (Dec. 5, 2002); *Op. Atty. Gen.* 90E-5 (Nov. 13, 1969).



## Partisan Politics Guidelines

1. It is important to subordinate partisan or party politics to the interests of the School District.
2. It is important that Board members not let partisan or political involvement interfere with proper performance of School Board duties
3. There is a difference between the work of the Legislative Action Committee and party politics. The LAC promotes legislation in the School District's interest, rather than any political party interest.
4. One of the Board's great strengths is that it is not partisan.

The following are only examples of what is or isn't "O.K."- Not an all-inclusive list. If a Board member is in doubt, check it out with the Board Chair, who can then decide whether or not the question warrants further discussion with the whole Board.

Some examples of "O.K." types of partisan involvement:

- Political party membership
- Attendance at political party caucus or convention
- Endorsing a candidate for political office as an individual
- Contributing financially to a candidate's campaign
- "Behind the scene" involvement in a partisan candidate's campaign for elective office
- Running for another elected office with party endorsement

Not "O.K."

- Seeking or accepting party endorsement when running for the School Board
- Endorsing a candidate for political office as a Board member
- Visible, active involvement in the campaign of a party endorsed candidate for elective office (i.e. campaign or fund raising chair)
- Letting partisan involvement impact the working relationship with other Board members

## **Wayzata Board of Education Respectful Guidelines**

- 1. Each person will intentionally speak for self-avoiding “we, they, everyone and assumptions” that aren’t checked out. The speaker speaks his or her truth and is not compelled to “take care of” the listener’s feelings.**
- 2. Each person will stay present and respectful to the person talking and fully listen to what the other is saying without interruption. This does not show agreement with what is being said but acknowledges the other’s right to say what is on his or her mind or in his or her heart.**
- 3. Each person will stay conscious of sensitive material and will maintain appropriate confidentiality out of respect to each other.**
- 4. Each person consciously self-monitors the impact of words and actions before, during and after interactions. Each person also monitors when there is a need for conversation, discussion, or dialogue, when there is a need for group council, and when there is a need for silence.**
- 5. Each person has the right to pass but commits to stay connected in own head and heart.**
- 6. When someone else speaks, to keep it moving forward, if the other person says what you were going to say, build on it. It is not necessary to agree/disagree. Focus your mind on how to move the conversation forward.**
- 7. Avoid rescuing, fixing, giving unsolicited advice or coming to premature judgments or conclusions.**



# School Board Members Should Use Caution When Using Social Media

By Terry Morrow, MSBA Director of Legal and Policy Services

School board members often use social media, including Facebook and Twitter, to communicate with constituents and the community. Some board members use a social media platform to share district-generated information. As recent court decisions and other governmental opinions demonstrate, however, use of personal accounts gives rise to significant legal considerations.

In January 2019, the Minnesota Department of Administration issued Advisory Opinion 19-001, which considered whether a Minnesota mayor's personal Facebook account constituted "government data." Minnesota law defines "government data" as "all data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use" (Minnesota Statutes 13.02, Subd. 7). In this case, the city did not create the Facebook page, did not authorize or approve it, and did not collect, create, maintain, receive or disseminate the information. The information was not created as part of the mayor's "city-sanctioned responsibilities" and did not represent the city's position. For these reasons, the mayor's Facebook page and its content did not constitute government data.

This mayor's personal Facebook page

was not government data, but additional questions can arise with public officials' use of social media. In July 2019, a federal appeals court ruled that an elected official may not block individuals from the official's social media accounts that are used for official purposes. The court stated, "The First Amendment does not permit a public official who utilizes a social media account for all manner of official purposes to exclude persons from an otherwise-open online dialogue because they expressed views with which the official disagrees." In a similar case, the Fourth Circuit Court of Appeals ruled that the chair of a Virginia board of supervisors could not block a resident from her Facebook page. The page was a "public forum" for First Amendment purposes, the court determined.

Public officials' use of social media represents an evolving area of law. Several general guidelines have emerged for school board members to consider when using social media as part of their school board service.

Some commentators discourage public officials from encouraging online discussion of current issues on a social media platform that the public official created and uses. Under Minnesota's Open Meeting Law, board members should take care to not use

social media as a means of communicating with one another. Due process considerations suggest that a board member not offer an online opinion on a matter that is yet to be decided; otherwise, the social media post could be seen as a predetermination or bias by the board member.

Social media content should not include confidential, private, or other information that cannot be legally shared with the public. Regardless of the type of content that the board member posts on a social media platform, it may be helpful for school board members to state clearly on the site that they are offering their own views rather than speaking for the board or the district.

If a member of the public posts a comment on a board member's social media site that may be defamatory, harassing, illegal, or otherwise problematic, the board member should take care to document the matter and work with the school district to determine appropriate next steps, which may include contact with the social media provider or law enforcement. Similarly, security breaches on a social media platform should be immediately reviewed and resolved.

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*Terry Morrow is MSBA's Director of Legal and Policy Services. Contact him at [tmorrow@mnmsba.org](mailto:tmorrow@mnmsba.org).*



# Best practices for conducting productive board meetings, addressing public input

By Terence Morrow, MSBA Director of Legal and Policy Services

Virtually every Minnesota school board has a policy or practice of allowing individuals to participate in a public comment period during regular school board meetings. The MSBA adage that “a school board meeting is a meeting in the public — it is not a public meeting” offers a sound reminder that the board determines whether and how public comment may occur.

While not required under Minnesota law, the public comment period demonstrates school boards’ commitment to public input. As stated in MSBA Model Policy 206:

The school board recognizes the value of participation by the public in deliberations and decisions on school district matters. At the same time, the school board recognizes the importance of conducting orderly and efficient proceedings, with opportunity for expression of all participants’ respective views. ... The policy of the school board is to encourage discussion by persons of subjects related to the management of the school district at school board meetings. The school board may adopt reasonable time, place, and manner restrictions on public expression in order to facilitate free discussion by all interested parties.

Recently, school boards and other locally elected bodies across the nation have experienced an increase in contentious meetings that have disrupted the balance between inviting public comment and allowing the public officials to conduct necessary business. The July 24 *Star-Tribune* article entitled “More Minnesota school board

members resign in turbulent year” links “unprecedented” school board resignations to a set of factors:

The reasons for those departures vary, but board members in districts of all sizes — rural, suburban and urban — have similar stories to share: e-mail and voice mail in-boxes filled with passionate and sometimes threatening messages about what will happen if they vote to require mask wearing, or if they do the opposite. Packed school board meetings where community members disregard rules and common courtesy to vent their frustrations, sometimes on topics over which the board has no control. Personal, stinging accusations that school board members don’t understand or care about students, families, or the communities where they live.

In this context, MSBA has been offering a range of supports, including webinars, individual district guidance, and collaboration with other organizations whose members are facing similar concerns. Below, we consider mechanisms that can help Minnesota school boards ensure productive meetings that promote public input while simultaneously fulfilling critically important commitments to students, staff, and the community.

## 1. The Rules

MSBA Model Policy 206—*Public Participation in School Board Meetings*—provides a starting point for school boards that allow public comment at board meetings. Rules enable the public and the board to have common expectations regarding comment. These rules can

provide an overall time limit for public comment overall and for individual speakers, the mechanism for signing up to speak, prohibitions on speech that would violate law, policy, or individual privacy, bans on personal attacks, and other factors. It may be useful to note that board members and staff will not engage in dialogue with speakers during the public comment period. Notes may be taken to allow for contact after the meeting with speakers. MSBA encourages school boards to review their policy and adjust it as best fits local circumstances.

School boards should confirm that public speakers know the rules. In some school districts, the board chair reads the rules before public comment begins. In others, a copy of the rules accompanies a sign-up page and/or is posted on the podium or desk from which members of the public speak.

School boards should follow the rules consistently. This approach avoids the appearance of preferential treatment of some speakers and maintains the understanding that the board as a whole has established rules that require compliance.

## 2.The Gavel

The school board chair plays a pivotal meeting management role. Calm, clear, and consistent interaction with public speakers, even those who may be hostile, can maintain order and allow the meeting to proceed.

A gavel can be an indispensable tool in meeting management. Through consistent use of a gavel to open and close meetings, to announce a vote, and to restore order, a board chair enacts the role of meeting facilitator. A quick tap of the gavel can return focus to the chair, especially in circumstances in which order must be regained. A chair should not strike the gavel repeatedly as a means of silencing a disruptive speaker, for this approach tends to inflame tension and to achieve counterproductive results.

## 3.The Recess

In the event that a chair cannot restore order, a recess may be implemented. The general parliamentary practice is that a recess requires a motion and a second. This nondebatable motion requires a majority vote. This process is often pursued when one or more board members believe that a break is needed.

In some situations, the chair may call a recess in order to restore order, especially if disruptive activity is preventing the meeting from proceeding.

## 4.The Law

The presence of law enforcement can help a school board run a positive, engaged meeting without undue disruption. In some school districts and other local

governmental bodies, law enforcement attends every meeting. In other situations, law enforcement is asked to attend a particular meeting. In either case, it is essential that expectations and process are clearly understood by the board and law enforcement before the meeting begins. This includes discussion about who will determine whether conduct is disruptive and the actions to be taken.

The school board and law enforcement must follow the law, including the First Amendment and school district policy. For example, a school board may not challenge a public comment speaker on the basis of the viewpoint that the speaker is expressing. On the other hand, a speaker who violates school district policy and/or the law may be subject to action.

Minnesota law on disorderly conduct illustrates the balance that school boards must take. Minnesota Statutes 609.72—Disorderly Conduct—states:

Whoever does any of the following in a public or private place, including on a school bus, knowing, or having reasonable grounds to know that it will, or will tend to, alarm, anger or disturb others or provoke an assault or breach of the peace, is guilty of disorderly conduct, which is a misdemeanor:

- (1) engages in brawling or fighting; or
- (2) disturbs an assembly or meeting, not unlawful in its character; or
- (3) engages in offensive, obscene, abusive, boisterous, or noisy conduct or in offensive, obscene, or abusive language tending reasonably to arouse alarm, anger, or resentment in others.

In a 2017 decision in *State v. Hensel*, the Minnesota Supreme Court invalidated the highlighted language as it was applied in a Minnesota city council meeting. As the *Star-Tribune* reported in April 2017, the Minnesota Supreme Court wrote:

The statute is broad and ambiguous, prohibiting any conduct or speech that “disturbs an assembly or meeting,” whether expressive or not. An individual could violate the statute by, for example, wearing an offensive t-shirt, using harsh words in addressing another person, or even raising one’s voice in a speech.

The Hensel decision does not bar a school board or law enforcement to take actions, which may include removal of a disruptive individual. Before removal, the board chair and law enforcement should attempt other means to restore order.

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*Terence Morrow is the MSBA Director of Policy and Legal Services. Contact him at [tmorrow@mnmsba.org](mailto:tmorrow@mnmsba.org).*

# 2021-2022 DISTRICT CALENDAR

JULY 2021				
M	T	W	Th	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30

AUGUST 2021				
M	T	W	Th	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30	31			

SEPTEMBER 2021				
M	T	W	Th	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	

OCTOBER 2021				
M	T	W	Th	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

NOVEMBER 2021				
M	T	W	Th	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30			

DECEMBER 2021				
M	T	W	Th	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	31

JANUARY 2022				
M	T	W	Th	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				

FEBRUARY 2022				
M	T	W	Th	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28				

MARCH 2022				
M	T	W	Th	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30	31	

APRIL 2022				
M	T	W	Th	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

MAY 2022				
M	T	W	Th	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30	31			

JUNE 2022				
M	T	W	Th	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	

## AUGUST 2021

30-31 Teacher Workshop Days

## SEPTEMBER

1-2 Teacher Workshop Days

6-7 No School for K-12 Students

8 First Day of School

## OCTOBER

19 K-8 Parent-Teacher Conferences

20 No School for K-12 Students

20 K-8 Parent-Teacher Conferences

21-22 No School for K-12 Students

## NOVEMBER

10 First Quarter Ends (K-5)

11 No School for K-5 Students

11 First Quarter Ends (6-12)

12 No School for K-12 Students

24-26 Thanksgiving Holiday

No School for K-12 Students

## DECEMBER

24-31 Winter Break

No School for K-12 Students

## JANUARY 2022

3 School Resumes

17 Martin Luther King Jr. Day

No School for K-12 Students

27 Early Release for K-12 Students

27 Second Quarter Ends (K-12)

28 No School for K-12 Students

## FEBRUARY

17 No School for K-5 Students

17 K-8 Parent-Teacher Conferences

18 No School for K-12 Students

18 K-8 Parent-Teacher Conferences

21 Presidents' Day

No School for K-12 Students

## MARCH

30 Third Quarter Ends (K-12)

31 Spring Break

No School for K-12 Students

## APRIL

1-8 Spring Break

No School for K-12 Students

11 No School for K-5 Students

## MAY

30 Memorial Day

No School for K-12 Students

## JUNE

2 Last Day for Seniors

9 Last Day of School (K-11)

## District Offices Closed

July 5

September 6

November 25 & 26

December 24, 27 & 31

January 17,

February 21

May 30

## KEY

Date No School for Specific Grades / K-12  
Early Release

No School for K-12 Students

First Day of School for Students

Last Day of School for K-11 Students

# 2022-2023 DISTRICT CALENDAR

JULY 2022				
M	T	W	Th	F
				1
4	5	6	7	8
11	12	13	14	15
18	19	20	21	22
25	26	27	28	29

AUGUST 2022				
M	T	W	Th	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		

SEPTEMBER 2022				
M	T	W	Th	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30

OCTOBER 2022				
M	T	W	Th	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				

NOVEMBER 2022				
M	T	W	Th	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30		

DECEMBER 2022				
M	T	W	Th	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30

JANUARY 2023				
M	T	W	Th	F
2	3	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30	31			

FEBRUARY 2023				
M	T	W	Th	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28			

MARCH 2023				
M	T	W	Th	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	31

APRIL 2023				
M	T	W	Th	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28

MAY 2023				
M	T	W	Th	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		

JUNE 2023				
M	T	W	Th	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30

## AUGUST 2022

29-31 Teacher Workshop Days

## SEPTEMBER

1 Teacher Workshop Day

6 **First Day of School**

## OCTOBER

18 K-8 Parent-Teacher Conferences

19 No School for K-12 Students

19 Parent-Teacher Conferences (K-8)

20-21 No School for K-12 Students

## NOVEMBER

9 **First Quarter Ends (K-5)**

10 **No School for K-5 Students**

10 **First Quarter Ends (6-12)**

11 No School for K-12 Students

23-25 Thanksgiving Holiday

No School for K-12 Students

## DECEMBER

23-30 Winter Break

No School for K-12 Students

## JANUARY 2023

3 School Resumes

16 Martin Luther King Jr. Day

No School for K-12 Students

17 **No School for K-5 Students**

26 **Early Release for K-12 Students**

26 **Second Quarter Ends**

27 No School for K-12 Students

## FEBRUARY

16 **No School for K-5 Students**

16 K-8 Parent-Teacher Conferences

17 No School for K-12 Students

17 K-8 Parent-Teacher Conferences

20 Presidents' Day

No School for K-12 Students

## MARCH

29 **Third Quarter Ends (K-12)**

30-31 Spring Break

No School for K-12 Students

## APRIL

3-7 Spring Break

No School for K-12 Students

10 **No School for K-5 Students**

## MAY

29 Memorial Day

No School for K-12 Students

## JUNE

1 **Last Day for Seniors**

8 **Last Day of School (K-11)**

## District Offices Closed:

July 4

September 5

November 24 & 25

December 23, 26

January 2, 16

February 20

May 29

## KEY

**Date** No School for Specific Grades / K-12

Early Release

No School for K-12 Students

First Day of School for Students

Last Day of School for K-11 Students





## Board of Education

### 2022 School Board Meetings

Date	Meeting Type
<b>January 10</b>	<b>Organizational/Regular Meeting</b>
January 24	Work Session
<b>February 14</b>	<b>Regular Meeting</b>
February 28	Work Session
<b>March 14</b>	<b>Regular Meeting</b>
March 28	Work Session
<b>April 11</b>	<b>Regular Meeting</b>
April 25	Work Session
<b>May 9</b>	<b>Regular Meeting</b>
May 23	Work Session
<b>June 13</b>	<b>Regular Meeting</b>
June 27	Work Session
<b>July 11</b>	<b>Regular Meeting</b>
July 25	Work Session
<b>August 8</b>	<b>Regular Meeting</b>
August 22	Work Session
<b>September 12</b>	<b>Regular Meeting</b>
September 26	Work Session
<b>October 10</b>	<b>Regular Meeting</b> (Columbus Day - Board Action taken to allow this date)
October 24	Work Session
<b>November 14</b>	<b>Regular Meeting</b>
November 28	Work Session
December 5	Special Work Session – Organizational
<b>December 12</b>	<b>Regular Meeting</b>
December 19	Work Session

Unless otherwise indicated, Regular School Board meetings are scheduled to convene at 7:00 p.m. at Wayzata City Hall, 600 Rice St., Wayzata and School Board Work Sessions begin at 4:00 p.m. at the District Administration Building, 210 County Road 101 North, Plymouth, Minnesota. Should a particular agenda item or anticipated size of audience warrant holding a Regular Board meeting or Work Session at one of the schools, notices will be posted.

**ALL BOARD MEETINGS ARE OPEN TO THE PUBLIC** – A list of agenda items for each Work Session, Regular and Special Board meeting is available prior to the meeting. The School Board’s official bulletin board is located outside the front entrance of the District Administration Building, 210 County Road 101 North, Plymouth. In addition, all **Regular** Board meetings are recorded and posted online for later viewing. Public comment is available during Regular meetings.

**NOTE: During the pandemic, meetings may be held entirely on Zoom or at an alternate location. Please review each meeting notice for specific details. Meeting agendas may not be posted in physical locations during this time but are available on the District website. The District Calendar will have accurate information.**



### **Board Reports Rotation 2022**

**February 14, 2022**  
**March 14, 2022**  
**April 11, 2022**  
**May 9, 2022**  
**June 13, 2022**  
**July 11, 2022**  
**August 8, 2022**  
**September 12, 2022** Chace's Start of School Update  
**October 10, 2022**  
**November 14, 2022**  
**December 12, 2022**

### **Board Reports Rotation 2021**

**February 8, 2021**  
**March 8, 2021**  
**April 12, 2021**  
**May 10, 2021**  
**June 14, 2021** Summer  
**July 12, 2021** Summer  
**August 9, 2021** Summer  
**September 13, 2021** Chace's Start of School Update  
**October 11, 2021**  
**November 8, 2021**  
**December 13, 2021**

### **Board Reports Rotation 2020**

**February 10, 2020** Andrea Cuene  
**March 9, 2020** Linda Cohen  
**April 13, 2020** Bonita Lucky  
**May 11, 2020** Sarah Johansen  
**June 8, 2020**  
**July 13, 2020**  
**August 10, 2020**  
**September 14, 2020** Chace's Start of School Update  
**October 12, 2020** Chris McCullough  
**November 9, 2020** Cheryl Polzin  
**December 14, 2020** Seanne Falconer

**WAYZATA PUBLIC SCHOOLS**

Independent School District 284  
Wayzata, Minnesota

**BOARD OF EDUCATION OFFICERS**

**Chair:** \_\_\_\_\_

**Vice Chair:** \_\_\_\_\_

**Clerk:** \_\_\_\_\_

**Treasurer:** \_\_\_\_\_

## **207 SCHOOL BOARD OFFICERS**

### **I. PURPOSE**

The purpose of this policy is to delineate the responsibilities entrusted to the School Board officers for the care, management, and control of the public schools of the school district.

### **II. GENERAL STATEMENT OF POLICY**

- A. At the organizational meeting in January, the Board shall elect a chair, a clerk, and a treasurer, who shall hold their offices for one year and until their successors have been elected and qualified. The School Board may choose to elect a vice chair to act in the absence of the chair.
- B. The persons who perform the duties of the offices of the clerk and the treasurer need not be members of the School Board. Those duties may be delegated to appropriate district personnel.
- C. The Superintendent, who is appointed by the School Board, shall be an ex officio nonvoting member of the School Board.

**ADOPTED:** August 13, 1968

**AMENDED:** September 9, 1985

**AMENDED:** August 9, 1993

**AMENDED:** December 13, 2004

**AMENDED:** February 11, 2008

**AMENDED:** May 8, 2017

**LAST REVIEWED:** May 8, 2017

## 207-R SCHOOL BOARD OFFICERS REGULATIONS

### I. OFFICER'S RESPONSIBILITIES

#### A. Chair

1. The chair, when present, shall preside at all meetings of the School Board, countersign all orders upon the treasurer for claims allowed by the School Board, represent the School District in all actions and perform all duties a chair usually performs.
2. In case of absence, inability, or refusal of the clerk to draw orders for the payment of money authorized by a vote of the majority of the School Board to be paid, the chair may draw the orders, or the office of the clerk may be declared vacant by the chair and treasurer and filled by appointment.

#### B. Vice-Chair

The vice-chair shall perform the duties of the chair in the event of the chair's temporary absence.

#### C. Treasurer

1. The treasurer shall deposit the funds of the School District in the official depository.
2. The treasurer shall make all reports which may be called for by the School Board and perform all duties a treasurer usually performs.
3. In the event there are insufficient funds on hand to pay valid orders presented to the treasurer, the treasurer shall receive, endorse, and process the orders in accordance with Minnesota Statute.

#### D. Clerk

1. The clerk shall keep a record of all meetings.
2. Within three days after an election, the clerk shall notify all persons elected of their election.
3. On or before August 15 of each year, the clerk shall:
  - a. file with the School Board a report of the revenues, expenditures and balances in each fund for the preceding fiscal year.
  - b. make and transmit to the Commissioner certified reports, showing:
    - i. condition and value of school property;

- ii. revenues and expenditures in detail, and such other financial information required by law, rule, or as may be called for by the Commissioner;
  - iii. length of school term and enrollment and attendance by grades; and
  - iv. other items of information as called for by the commissioner.
4. The clerk shall enter into the clerk's record book copies of all reports and of the teachers' term reports, and of the proceedings of any meeting, and keep an itemized account of all expenses of the School District.
  5. The clerk shall furnish to the county auditor, on or before October 10, an attested copy of the clerk's record, showing the amount of money voted by the School District or the School Board for school purposes.
  6. The clerk shall draw and sign all orders upon the treasurer for the payment of money for bills allowed by the School Board for salaries of officers and for teachers' wages and all claims, to be countersigned by the chair.
  7. The clerk shall perform such duties as required by the Minnesota Election Law or other applicable laws relating to the conduct of elections.

**E. Superintendent**

1. The Superintendent shall be an ex officio, nonvoting member of the School Board.
2. The Superintendent shall perform the following:
  - a. visit and supervise the schools in the School District, report and make recommendations about their condition when advisable or on request by the School Board;
  - b. recommend to the School Board employment and dismissal of teachers;
  - c. superintend school grading practices and examinations for promotions;
  - d. make reports required by the Commissioner; and
  - e. perform other duties prescribed by the School Board.

**ADOPTED:** August 13, 1968

**AMENDED:** September 9, 1985

**AMENDED:** August 9, 1993

**AMENDED:** December 13, 2004

**AMENDED:** February 11, 2008

**AMENDED:** May 8, 2017

**LAST REVIEWED:** May 8, 2017

## 208 SCHOOL BOARD COMMITTEES AND APPOINTMENTS

### I. PURPOSE

The purpose of this policy is to provide for the structure and operation of committees and subcommittees of the School Board, and guidance for School Board members appointed to other councils, committees, and local/state/national organizations.

### II. GENERAL STATEMENT OF POLICY

The School Board believes that Board committees and appointments enable board members to delve into governance matters in greater detail than is possible at the full board level. In-depth committee work builds governing expertise among board members, while also strengthening their sense of ownership and commitment, which ultimately improves the quality of board decision making. Board decisions that are supported by detailed standing committee work are firmer because of the ownership that is built at the committee level.

- A. It is the policy of the school board to designate standing school board committees or subcommittees when it is determined that a committee process facilitates the mission of the school board.
1. The school board has determined that certain permanent standing committees, as described in this policy, do facilitate the operation of the school board and the school district.
  2. A school board committee or subcommittee will be formed by school board resolution which shall outline the duties and purpose of the committee or subcommittee.
  3. A committee or subcommittee is advisory in nature and has only such authority as specified by the school board.
  4. The school board will receive reports or recommendations from a committee or subcommittee for consideration. The school board, however, retains the right and has the duty to make all final decisions related to such reports or recommendations.
  5. The school board also may establish ad hoc committees for specific purposes as it deems appropriate.

- B. Similarly, the school board has determined that appointments to other committees, councils and organizations facilitates the operation of the School Board and the school district.
  - 1. The School Board will appoint board members to serve as liaisons to these committees and organizations. No more than three board members shall be designated to any one appointment, unless the board attends on a rotating schedule.
  - 2. When appropriate, a board member may serve on the board of another organization.

### **III. STANDING COMMITTEES**

- A. The school board hereby appoints the following standing committees:
  - 1. Finance and Business
  - 2. Human Resource Services
  - 3. Teaching and Learning
  - 4. Stakeholder Relations
  - 5. Superintendent's Evaluation/Compensation
  - 6. Facilities Development and Long-Range Planning
  - 7. Policy and Regulation Review
- B. The school board will establish, by resolution, for each standing or ad hoc committee the charge or mission of each such committee.
- C. The school board reserves the right to define the term, members, and number of members for each committee. When such committees include district teachers the board agrees to discuss the appointment with the "exclusive representative" of the teacher's bargaining unit, as defined in the Public Employee Labor Relation's Act (PELRA), concerning the nature and purposes of the committee and the basis for determining teacher representation.
- D. The school board retains the right to determine procedures and guidelines for all standing committees, but may grant the committee the freedom to develop such procedures and guidelines appropriate to its purpose on its own accord.
- E. The school board chair shall appoint the chair of each standing or ad hoc committee.
- F. The Superintendent is directed to name an administrative liaison to each standing committee

### **IV. PROCEDURES FOR SCHOOL BOARD COMMITTEES**

- A. All meetings of committees or subcommittees shall be open to the public in compliance with the Open Meeting Law, and notice shall be given as prescribed by law.

- B. A committee or subcommittee shall act only within the guidelines and mission established for that committee or subcommittee by the school board.
- C. Actions of a committee or subcommittee shall be by majority vote and be consistent with the governing rules of the school board.
- D. The committee or subcommittee shall record the minutes of actions of the school board committee.
- E. The power of a committee or subcommittee of the school board is advisory only and is limited to making recommendations to the school board.
- F. A committee or subcommittee of the school board shall, when appropriate, clarify in any dealings with the public that its powers are only advisory to the school board.

**V. PROCEDURES FOR SCHOOL BOARD APPOINTMENTS**

- A. School board members who serve as liaisons may report on the actions of the organization to the full board, and may bring recommendations or legislation from such organizations to the full board for a vote.
- B. Action taken by a board liaison shall not obligate the school board.
- C. A board liaison, when appropriate, shall clarify that his/her powers are only advisory, and any binding action must be voted upon by the full school board.

***Legal References:*** Minn. Stat. Ch. 13D (Open Meeting Law)

**ADOPTED:** February 12, 1973

**AMENDED:** May 15, 1973

**AMENDED:** September 9, 1985

**AMENDED:** August 9, 1993

**AMENDED:** November 8, 2004

**AMENDED:** January 14, 2008

**AMENDED:** December 11, 2017

**AMENDED:** February 11, 2019

**LAST REVIEWED:** February 11, 2019



## 2022 Board of Education Committees

### FACILITIES DEVELOPMENT AND LONG RANGE PLANNING

Purpose: To oversee bond referendum and other capital projects; develop long-range plans for facilities development.

Meets: Monthly: third Wednesday from 7:30-9:00 am

Members: **Chair** \_\_\_\_\_  
\_\_\_\_\_

Alternate: \_\_\_\_\_  
\_\_\_\_\_

Admin Liaison: DeeDee Kahring, Executive Director of Finance and Business Services

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### FINANCE AND BUSINESS

Purpose: To provide guidance and support to the Finance department; review the CFAC agenda and serve as Board representative to the meetings; provide oversight through the OPEB committee.

Meets: Monthly: third Monday from 12:00-1:30 pm

Members: **Chair** \_\_\_\_\_  
\_\_\_\_\_

Alternate: \_\_\_\_\_  
\_\_\_\_\_

Admin Liaison: DeeDee Kahring, Executive Director of Finance & Business Services  
Chace B. Anderson, Superintendent of Schools

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### HUMAN RESOURCES

Purpose: To offer support and guidance to the Executive Director of Human Resources.

Meets: Monthly

Members: **Chair** \_\_\_\_\_  
\_\_\_\_\_

Alternate: \_\_\_\_\_  
\_\_\_\_\_

Admin Liaison: Stacie Vos, Executive Director of Human Resource Services

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**TEACHING AND LEARNING**

Purpose: To review processes and long-range planning educational recommendations; review and recommend changes to policies pertaining to teaching and learning; meet and work with the Directors of Teaching and Learning and Curriculum and Instruction regarding educational issue; discuss Technology, Gifted and Talented, Equity, and Q-Comp related issues; hear academic achievement reports, and closely monitor efforts to close the achievement gap.

Meets: Monthly: third Wednesday from 1:15-3:15 pm

Members: **Chair** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Alternate: \_\_\_\_\_  
\_\_\_\_\_

Admin Liaison: Dana Miller, Executive Director of Teaching and Learning

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**STAKEHOLDER RELATIONS**

Purpose: To support the communications and engagement team in connecting with the community through electronic and print publications, media relations, crisis communications and other district initiatives.

Meets: Monthly

Members: **Chair** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Alternate: \_\_\_\_\_  
\_\_\_\_\_

Admin Liaison: Amy Parnell, Director of Communications and Community Involvement

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**SUPERINTENDENT’S EVALUATION/COMPENSATION**

Purpose: To plan, facilitate, and document the annual Superintendent review process, including goal setting, a mid-year check-in, and the annual end of year review.

Meets: As required

Members: **Chair** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Alternate: \_\_\_\_\_  
\_\_\_\_\_

Admin Liaison: Chace B. Anderson, Superintendent of Schools

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**POLICY AND REGULATION REVIEW**

Purpose: To review district policies and make recommendations for revision, addition, or deletion as needed; consider and provide guidance on questions of policy or district regulation; maintain policy adherence to state and federal laws.

Meets: Monthly

Members: - **Chair** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Alternate: \_\_\_\_\_

Admin Liaison: Chace B. Anderson, Superintendent  
Stacie Vos, Executive Director of Human Resource Services  
Dana Miller, Executive Director of Teaching and Learning  
DeeDee Kahring, Executive Director of Finance & Business Services

## AD HOC COMMITTEES

Ad Hoc Committees of the Board will have from one to three Board members, will be established for a specific task, and will disband upon completion of its charge.

## HEALTH AND WELLBEING

Purpose: To be determined  
Meets: To be determined  
Members: - Chair  
\_\_\_\_\_  
\_\_\_\_\_  
Alternate: \_\_\_\_\_  
Admin Liaison: To be determined

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## EMPLOYEE NEGOTIATIONS ASSIGNMENTS

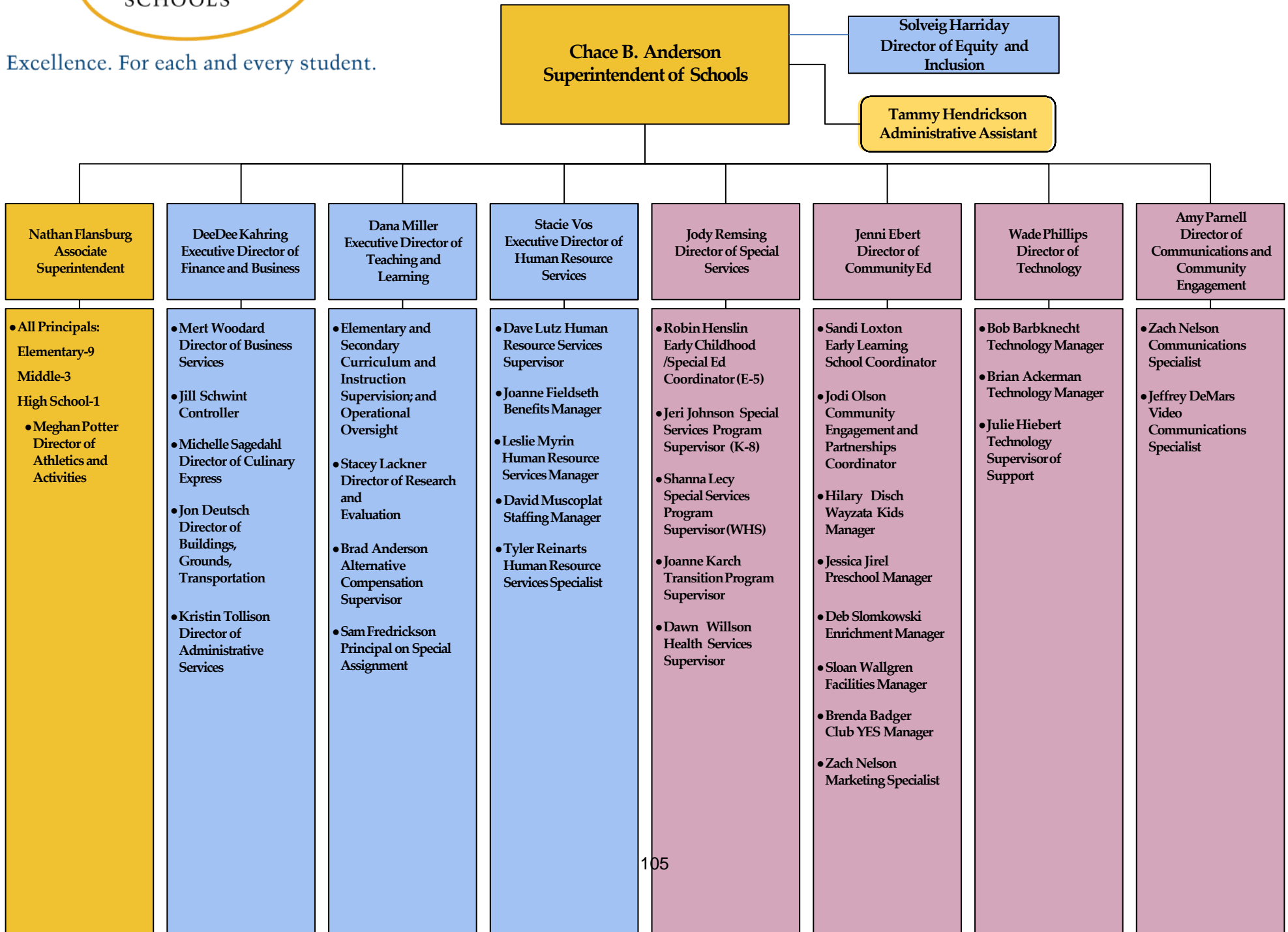
### NEGOTIATION TEAMS

**Negotiations 2022: Principals** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Admin Liaison: Stacie Vos, Executive Director of Human Resource Services



Excellence. For each and every student.



## **Wayzata School Board Standing Committees December 2021**

### **Human Resources Committee**

**Purpose:** To offer support and guidance for the Executive Director of Human Resources

**Administrative Liaison:** Stacie Vos, Executive Director of Teaching & Learning

**2021 Meeting Date & Time:** The first Wednesday of the month from 11:30-1:00. The HR committee must meet in advance of the regular board meeting and the Wednesday before is the ideal day.

**2021 Committee Members:** Andrea Cuene- Chair, Cheryl Polzin, Sarah Johansen

**Additional Committee Commitments:** Attend the meet & confer committees as scheduled. The committee serves as the level 4 grievance panel as needed.

#### **Potential Committee Activities:**

- Review the HR consent agenda in advance of the school board meeting
- Support the HR department in routine work
- Stay informed re: emerging issues in the HR department
- Help guide the realization of the strategic directions & equity commitment through the district human resources work

### **Finance Committee of the Board**

**Purpose:** To provide guidance and support to the finance department. To review the CFAC agenda and serve as the Board representative at the meetings. To provide oversight through the District OPEB committee.

**Administrative Liaison:** DeeDee Kahring, Executive Director of Business and Operations

**2021 Meeting Date & Time:** The first Thursday of the month from 12-1:30. The Finance committee must meet in advance of the regular board meeting in order to review upcoming board agenda items and confirm the CFAC agenda.

**2021 Committee Members:** Sarah Johansen, Treasurer & Chair, Andrea Cuene, Linda Cohen

**Additional Committee Commitments:** CFAC- 3<sup>rd</sup> Tuesday of the month from 7:30-9; OPEB- quarterly

#### **Potential Committee Activities:**

- Review Finance items that will come to the regular meeting or work session
- Provide on-going support and guidance to the finance department
- Provide governance level input on issues related to district operations (such as transportation, food service, facilities, etc.)
- Help guide the realization of the strategic directions and commitment to operational excellence from a business and operations lens.

### **Facilities Committee of the Board**

**Purpose:** To oversee bond referendum and other capitol projects and to provide governance level input to long range facilities planning and development.

**Administrative Liaison:** DeeDee Kahring, Executive Director of Business and Operations

**2021 Meeting Date & Time:**

**2021 Committee Members:** Cheryl Polzin- Chair, Chris McCullough, Andrea Cuene

**Who Also Attends:** Often other leaders attend these committee meetings including: The Superintendent or Assistant Superintendent, and the Directors of Facilities and Transportation, Communication, Teaching & Learning, and others as needed for the agenda.

**Additional Committee Commitments:** None

**Potential Committee Activities:**

- Explore teaching and learning impacts on middle school facilities planning with governance level input on the interconnectedness of facilities and our educational programs.
- Continue to monitor District growth in student enrollment and building growth
- Support the Administration in conversations and decision making surrounding Joint Powers agreements
- Provide governance level input and oversight on the realization of the District Roadmap and Strategic Directions through a facilities lens.

**\*\* There exists precedent for combining the facilities and finance committee and keeping them separate, depending on the current needs. The Board should discuss our intentions for 2022, with input from the administration.**

## **Policy Committee**

**Purpose:** To review district policies and make recommendations for revision, addition, or deletion as needed; consider and provide guidance on questions on questions of policy or district regulation; maintain policy adherence to state and federal laws.

**Administrative Liaison:** Chace Anderson, Superintendent or Nate Flansburg, Associate Superintendent. Tammy Hendrickson provides administrative support.

**2021 Meeting Date & Time:** The 3<sup>rd</sup> Thursday of the Month from 12:30-2.

**2021 Committee members:** Chris McCullough-Chair, Linda Cohen, Sarah Johansen

**Who Also Attends:** All members of the Strategy Leadership Team attend the policy committee as needed- dependent on the policies up for review.

**Additional Committee Commitments:** None

### **Committee Activities:**

- Work with the administration to: (1) review / revise existing policies (per the review cycle) for consistency with the strategic roadmap and alignment with state statutes; and (2) consider new policies that are, again, consistent with the strategic roadmap.
- Provide guidance to the administration or full board about questions that arise about existing policies
- Provide feedback to the administration about questions the administration has regarding the regulations that accompany the policies (the board does not “own” or approve the regulations)

### **Procedurally:**

- The administration brings existing policies and new prospective policies to the Policy Committee for consideration and discussion
- Once the consideration / discussion is complete, the administration makes a recommendation to the full board for approval of the applicable policy(ies)
- If any board member wants additional discussion, the policy / policies can be discussed at a board work session.

All policies are on a 3-year review cycle. 2022 will require work to “catch up” from pandemic disruptions and will include a review of many of the 500 & 600 policies (which are related to teaching and learning) as well as all policies that require annual review. The committee also works with other corresponding Board committees in the case of new policy development.



## **Stakeholders Committee**

**Purpose:** To support the communications and engagement team in connecting with the community through electronic and print publications, media relations, crisis communications and other district initiatives.

**Administrative Liaison:** Amy Parnell, Director of Community Engagement

**2021 Meeting Date & Time:**

**2021 Committee Members:** Linda Cohen, Cheryl Polzin, Seanne Falconer

**Additional Committee Commitments:** N/A

### **Committee Activities:**

- Provide governance level oversight in District communications
- Plan and deliver community connection opportunities- such as Bagels with the Board at the High School
- Consider additional pathways to showcase the work of the District and the realization of our Strategic Directions
- Consider the pathways and inputs for Board level communication with the community.
- Explore governance level communications work across the District (such as supportive messages to staff, etc.)
- Offer support and guidance on referendum planning and implementation
- The 2022 Stakeholders committee will need to engage in setting committee goals for the upcoming year in the context of current issues and events

### **Superintendent Review Committee**

**Purpose:** To plan, facilitate, and document the annual Superintendent review process, including goal setting, check-in's, and the annual end of year review.

**Administrative Liaison:** Chace Anderson

**2021 Meeting Date & Time:** There is no standing meeting time, Meetings are scheduled as needed in accordance with the review process.

**2021 Committee Members:** Bonita Lucky- Chair, Seanne Falconer, Sarah Johansen

**Additional Committee Commitments:** N/A

#### **Committee Activities:**

- Plan, facilitate, and document the mid and end of year review
- Support Dr. Anderson in providing quarterly updates regarding work toward the strategic directions
- Work in 2022 may include more coordination with the District goal setting process
- Continue to consider alignment of goals with the District scorecard

### **Teaching and Learning Committee**

**Purpose:** To review processes and long-range planning educational recommendations; review and recommend changes to policies pertaining to teaching and learning; meet and work with the Executive Director of Teaching and Learning regarding educational issues; discuss Technology, Gifted and Talented, Equity, and Q-Comp related issues; hear academic achievement reports, and closely monitor efforts to close the opportunity and achievement gap

**Administrative Liaison:** Dana Miller, Executive Director of Teaching and Learning

**2021 Meeting Date & Time:** The 3<sup>rd</sup> Tuesday of the Month. Its important for this committee to meet the week before the Board work session to help to plan and review agenda items.

**2021 Committee Members:** Linda Cohen- Chair, Bonita Lucky, Chris McCullough

**Who Also Attends:** Nathan Flansburg, Chace Anderson, Solveig Harriday, Teaching and Learning Staff as needed, sometimes principals or other District leaders.

**Additional Committee Commitments:** QCOMP Committee,

#### **Committee Activities:**

- Provide governance level guidance and oversight to the attainment of the strategic directions.
- Provide support and guidance for the District equity commitment, support the alignment efforts with facilities and the middle school model
- Continue to offer support and guidance through the pandemic response and recovery.
- Act as a sounding board for the Teaching and Learning administrative team.
- Receive updates and provide governance level oversight for the curricular review cycles.

## **FOR DISCUSSION & DECISION MAKING:**

*There is a need for the 2022 Board to make a decision about the continuation of the AdHoc committee, and there is a proposal to create a new committee.*

*Some Questions to consider in this discussion:*

- *What would we want for this committee to accomplish for the Board/District? Can we define a purpose?*
- *Is the topic focused enough for a stand-alone committee or would it be better addressed in an existing committee?*
- *What would be the Administrative/Programmatic connection?*
- *What is the connection to (and role of) the community & our strategic partners?*

## **Health and Well Being Committee- AD HOC**

**Purpose:** The original goals for the Health and Well being committee were as follows:

1. to develop and understanding of the health and well being initiatives in the district
2. To create a platform and designated space for dialog regarding health and well being strengths and opportunities
3. To inform the metrics and benchmarks for evaluation of the mental health and well being strategic direction on the District road map.

**Administrative Liaison:** Chace Anderson

**2021 Meeting Date & Time:** The HWBAC did not meet regularly in 2021

**2021 Committee Members:** Sarah Johansen- Chair, Bonita Lucky, Seanne Falconer

**Who Also Attends:** The SLT members in addition to Dawn Wilson, Amy VanDunk, Sam Fredrickson

**Additional Committee Commitments:** N/A

**Committee Activities:** The creation of the HWBAC came just 3 months before the pandemic closures. There have been some attempts to sustain the work but it has needed to be put on hold as the District navigated the impacts of the pandemic. The 2022 Board needs to review the committee structure and discuss if there is a need and ability to continue the committee work- as an ad hoc or standing committee.

Additional areas for consideration include defining governance level understanding of District efforts and measurements of student Sense of Belonging, Physical Health and Well-Being, Mental Health, Social Emotional Learning, Equity, Culinary, Wellness Policy, Community Connection to Health and Well Being Strategic Direction.

**FOR DISCUSSION: BOARD DIVERSITY, EQUITY & EQUALITY COMMITTEE (or another name)**

WAYZATA PUBLIC SCHOOLS  
Independent School District 284  
Wayzata, Minnesota

**BOARD OF EDUCATION  
APPOINTMENTS FOR 2022**

**ASSOCIATION OF METROPOLITAN SCHOOL DISTRICTS (AMSD)**

*Attend the AMSD Monthly meeting*

*Meets the Second Friday of the Month at 7am @ the AMSD offices at the Quora Education Center in Little Canada*

**Board Representative 2021:** Cheryl Polzin  
Andrea Cuene, Alternate

**Board Representative: 2022:**

**CARING FOR KIDS (CFK)/ GREAT EXPECTATIONS**

*Represent the Board on the Interfaith Outreach School Connected committees. The Great Expectations team has not been meeting. CFK meets quarterly on the 2<sup>nd</sup> Thursday of the month at 10:30*

**Board Representative: 2021:** Sarah Johansen  
Linda Cohen, Alternate

**Board Representative: 2022:**

**CITIZENS FINANCIAL ADVISORY COUNCIL (CFAC)**

*Serve as a Board liaison to the CFAC committee. Typically this includes members of the finance committee. The CFAC meets on the 3<sup>rd</sup> Tuesday of the month at 7:30am in the DAB*

**Board Representatives 2021:** Sarah Johansen (the Treasurer of the Board is the CFAC Chair)  
Andrea Cuene  
Cheryl Polzin  
Seanne Falconer, Alternate

**Board Representatives 2022:**

### **COMMUNITY EDUCATION ADVISORY COUNCIL**

*Serve as the Board representative on the Community Education Advisory Council. Council reviews programs, the budget, and offers strategic planning inputs. Meets 4 times a year at 5:30pm (this year has been on Zoom).*

**Board Representative 2021:** Chris McCullough  
Bonita Lucky, Alternate

**Board Representative: 2022:**

### **DISTRICT LIAISON COMMITTEE**

*Meets monthly during the 1<sup>st</sup> week alternating Thursday evenings and Fridays at noon at CMS*

**Board Representative 2021:** Rotation

**Board Representative 2022:** Rotation

### **INCIDENT COMMAND TEAM**

*Serve as the Board Representative on the District Incident Command Team. Meets on the 4<sup>th</sup> Tuesday of the month from 9:30-11:30, and as needed.*

**Board Representative 21-22:** Sarah Johansen

**Board Representative 22-23:**

### **INTERMEDIATE DISTRICT 287**

*The appointment to 287 requires the appointee to serve on another school board. Regular meetings are on Thursday evenings at 6:30, two times per month with only one meeting in June, November and December and no meeting in July (typically). 287 does not have committees but there are optional opportunities for "Get on the Bus" events and "Breakfast with the Union", both four times per year. There is also an optional opportunity to attend lots of graduation ceremonies at the end of the school year.*

*Board meetings typically go at least two hours as there are lots of interesting presentations in lieu of committees. All meetings are held at the 287 District Service Center, 1820 Xenium Lane N in Plymouth (by Home Depot).*

*There is a stipend, \$4000 per year for a 287 Director.*

**Board Representative 2021:** Andrea Cuene

**Board Representative 2022:**

### **LEGISLATIVE ACTION COMMITTEE (LAC)**

*Develop and advocate for the WPS legislative platform. Hold monthly LAC meetings with District LAC reps. Meet with legislators, as needed. The LAC meetings are monthly on the second Wednesday from 7:45-9:00am in the DAB. The platform sub-committee meets as needed.*

Board Representative through June 2022: Cheryl Polzin  
Andrea Cuene, Alternate

**Board Representative July 2022-June 2023:**

### **METROPOLITAN EDUCATIONAL COOPERATIVE SERVICE UNIT**

*Wayzata is a member of the Metro ESCU Service Unit and every member appoints a representative from the District to serve on the Representative Assembly. (see handouts)*

*Meets Bi-monthly on the 3<sup>rd</sup> Thursday from 3:30-5:30 at the Metro ESCU offices in Arden Hills*

**Board Representative 2021:** Andrea Cuene

**Board Representative 2022:**

### **MINNESOTA SCHOOL BOARD ASSOCIATION (MSBA)**

*Whereas the entire Board attends MSBA trainings and events, the school Board nominates a members to serve as the liaison to the MSBA in order to ensure a central contact person and the dissemination of MSBA materials. At this time, we also have a Wayzata Board member who is also an MSBA District Director (which is elected though an MSBA process and beyond the liaison appointment).*

*There are no formal meeting dates and times for the liaison role.*

**Board Representative 2021:** Cheryl Polzin

**Board Representative: 2022:**

### **MINNESOTA STATE HIGH SCHOOL LEAGUE (MSHSL)**

*Serve as the Wayzata Board Representative for the MSHSL. Keep members informed about MSHSL events.*

*Meets semi-annually*

**Board Representative 2021:** Chris McCullough

**Board Representative 2022:**

### **PARTNERS FOR HEALTHY KIDS**

*Partners for Healthy Kids is a community collaboration meeting comprised of many different health and well being service providers. It has a District staff member and is co-chaired by a community representative and Jodi Olsen from Wayzata Community Education. The PHK Meets monthly from 3-4:30pm on the 2<sup>nd</sup> Wednesday at Interfaith Outreach or Plymouth Library or Zoom*

**Board Representative 2021:** ROTATION

**Board Representative: 2022:**

### **PARTNERS IN PREVENTION (PIP)**

*Partners in Prevention is a federal grant program that is focused on substance abuse prevention and mental health. It is staffed by Ali Chorley, and the committee is made up of District staff and community supports that specifically target these efforts. The committee meets quarterly over Zoom or at Interfaith Outreach.*

**Board Representative 2021:** Seanne Falconer

Andrea Cuene, Alternate

**Board Representative 2022:**

### **Q-COMP**

*Serve as the Board representative on the District QCOMP committee (which is made up of teaching and learning staff, principals and others as assigned). Meets quarterly in the afternoons to review and address the QCOMP Program.*

**Board Representative 2021:** Linda Cohen

**Board Representative 2022:**

### **WAYZATA EDUCATION FUND (WEF)**

*Serve as the School Board Liaison to the Wayzata Education Fund. Meets the 2<sup>nd</sup> Wednesday of the month from 7-8:30.*

**Board Representative 2021:** Seanne Falconer

Andrea Cuene, Alternate

**Board Representative 2022:**







## Board of Education

Regular Meeting – January 11, 2021

**AGENDA SECTION:** Administrative Reports & Recommendations

**ITEM:** Other Board Action

**COMMENTS BY:** Board Chair

In accordance with Board Policy 220 "Board Member Compensation and Expense," the Wayzata School Board must annually recommend a compensation plan. The Board recommends no changes for 2021, and the Board will continue to be compensated at the following yearly rates:

School Board Director	\$4,700
School Board Chair	\$5,500

In addition, for special meetings and work sessions scheduled on days other than regular meeting and work session days, compensation will continue at:

\$50 paid to each attending Board member

**RECOMMENDED ACTION:** Approve the Board Compensation for 2021, as presented.

**Motion by:** \_\_\_\_\_

**ROLL CALL**

**Passed:** \_\_\_\_\_

**Second by:** \_\_\_\_\_

**Failed:** \_\_\_\_\_

118

**Abstentions:** \_\_\_\_\_



**Board of Education**  
Organizational Meeting – December 6, 2021

**AGENDA SECTION:** Adjourn

**ITEM:** Adjourn

**COMMENTS BY:** Sarah Johansen

This agenda item brings closure to the School Board organizational meeting.

**Recommended Action:** Call the meeting to a close.

**Motion by:** \_\_\_\_\_ **Yes:** \_\_\_\_\_ **Passed:** \_\_\_\_\_

**Second by:** \_\_\_\_\_ **No:** \_\_\_\_\_ **Failed:** \_\_\_\_\_

**Time of Adjournment:** \_\_\_\_\_ 119 \_\_\_\_\_