



NHSBA

NEW HAMPSHIRE SCHOOL BOARDS ASSOCIATION

New School Board Member Orientation

May 2020

Agenda

- 1. Welcome**
- 2. Overview of NHSBA**
- 3. School Board Roles & Responsibilities – Overview of Laws & Regulations**
 - *Barrett M. Christina, Executive Director*
 - *William J. Phillips, Staff Attorney*
 - *Overview of pertinent NH laws & Department of Education regulations that address the legal aspects of school board governance*
- 4. Best Practices & Habits of Effective School Boards**
 - *Various handouts*
- 5. Question & Answers (as time permits)**



**Governance Not Management
&
Collective Authority Not Individual**



Governance – Not Management.

- *The role of a school board is not to run the schools, but to see that they are run well!*
- A school board governs the district, while the superintendent manages it.
- Having a clear understanding of the difference helps accomplish positive student outcomes.
- The board sets the vision and goals of the district, and helps fulfill them through oversight of the administration.
- The superintendent has the responsibility to implement the visions and goals of the board.

Handout at page 1

Governance – Not Management.

- The difference and interplay between the two dominions is demonstrated well in some of the rules of the New Hampshire Department of Education. **COMPARE -**
- Ed. 303.01 (boards): (a) *Adopt policies necessary and desirable to control and effectuate the recruitment, employment, evaluation and dismissal of teachers and other employees... WITH -*
 - Ed. 302.02 (superintendents): (a) Nominate all certified staff and appoint other employees in accordance with state law, the rules of the state board and school board policies; **AND**
 - (b) Direct and supervise the work of all employees of the district or districts within the school administrative unit and shall have all powers necessary to make such direction effective....

Handout at pages 2 and 7

Collective Authority of a School Board.

- A school board acts only as a collective body, acting upon the will of a majority of its members.
- The only inherent authority an individual board member has is to deliberate and vote on matters at duly called meetings.
- A board can delegate some of its authority to an individual member.

Handout at page 1

Key Roles & Responsibilities of School Boards



Provide a Public Education.

- **RSA 189:1-a, I** articulates the primary responsibility of school boards:

“It shall be the duty of the school board to provide, at district expense, elementary and secondary education to all pupils who reside in the district until such time as the pupil has acquired a high school diploma or has reached age 21...”

Handout at page 2

Set & Establish Policy.

- Policies express the guidelines and philosophical statements which chart the district's course of action.
- Policies create the framework within which the superintendent manages the district and the staff discharge their assigned duties.
- Boards also adopt policies to advise staff and the school community of legal requirements.
- Many policies or policy subjects are specifically mandated by state or federal law or regulations.

Handout at pages 2-3

Set & Establish Policy.

- NH DOE Rule 306.04(a) alone requires local boards to adopt 26 different policies.
 - *Compare language of duties of board under 303.01 relative to policy, and those of duties of superintendent under 302.01 (pages 2 and 7 of handout).*
- Federal Uniform Grant Guidance has required 11 specific policies with over 75 required provisions.
- Over 70 policies in the NHSBA policy database are categorized as “Priority/Required by Law”.
- The required policy list grows with each legislative session, 3 in 2019 alone.

Handout at pages 2-3

Set & Establish Annual Budget & Provide Budget Oversight

RSA Chapter 32 & DOE Rule 303.01(e)

- Voters (legislative body) ultimately approve a budget, but NH laws and regulations require the school board to propose an operating budget.
- Even in districts with municipal/cooperative budget committees, the board must prepare a budget.
- Once a budget is passed, the board provides oversight, and approvals for prioritization of spending through manifest review and line item transfers.
- The proposed budget and the ongoing oversight is the fiscal expression of board policy.

Handout at page 3

Hire & Evaluate a Superintendent

- The superintendent is charged with the management and day-to-day operations of the school district.
- Under RSA 194-C, the school board (or SAU board in a multi-district SAU) is charged with hiring the superintendent. There is no prescribed process.
- The board's oversight of a superintendent comes through constant communication, and annual evaluation.
- Under Ed 303.01(k), the school board is required to evaluate the superintendent annually. Again, there is no proscribed tool, and the process will differ greatly in multi-district SAUs.

Handout at pages 3-4

Conduct Various Hearings

- In most respects, the school board acts in a “legislative” capacity (*not the same as the Legislative Body which is the voters at annual meeting*).
- Under various statutes, contracts and/or a board’s own policies, the board will at times act in a “*quasi-judicial*” capacity.
- Examples:
 - Students: *expulsion/long term suspension, manifest hardship*
 - Employees: *dismissal, non-renewal, labor grievances*

Handout at pages 4-5

Conduct Various Hearings

- In these instances, board acts as judge and jury of the matter.
- Due process requires fair and impartial judge and ability to hear/challenge evidence and testimony.
- These principles of due process underscore the need to remain separated from investigations and fact gathering relating to individual students and staff.
- That separation does not require that board members be completely in the dark regarding matters that come before the board, but more information makes it:
 - Harder to assure case is decided upon the information at the hearing; and
 - Easier for parties to create expensive, and winnable appeals.

Handout at pages 4-5

Collective Bargaining – *RSA 273-A*

- The board as the district's governing body is the party and signatory for collective bargaining agreements.
- Boards designate a representative negotiating team, usually, but not always, consisting at least one board member.
- Bargaining teams negotiate terms, subject to approval by the whole board.
- Negotiating team members have a duty to support the tentative agreement.
- Give thought to who is on the team. Does it reflect the general views of the board as a whole? The public, who ultimately vote on the total cost?

Handout at page 5

Communicate with the Public

- Most obvious duty to “communicate with the public” is expressed in New Hampshire’s Right to Know law, RSA 91-A.
- The statute helps ensure the public’s access to meetings of the board and public records.
- The board is also required to report annually to the public regarding expenditures, funds needed to run the schools and performance.
- Effective communication plans, including input from the public, is necessary to establish and accomplish the board’s policy priorities.

Handout at page 5

Strategic Planning

- Strategic planning is vital to effective and efficient school board governance.
- Ed 303.01(g) imposes a duty upon boards to "develop long-range plans and identify measurable and attainable short-term objectives".
- Among other things, such plans assist boards with:
 - Personnel, instructional and other resource needs;
 - Paths to accomplish board priorities;
 - Efficient meetings

Handout at pages 5-6

The Learning Curve for New School Board Members



Learning Curve & Practice Tips for New Board Members

- Recognize that only the board as a whole can make policies and decisions for the school district.
- Learn to acknowledge publicly that an individual member has no power or authority.
- Recognize the difference between setting policy (the board's job) and administering the schools (the superintendent's job).

Handout at page 6

Learning Curve & Practice Tips for New Board Members

- Recognize that even the board is limited in how it interacts with employees other than the superintendent.
- Learn how to respond to the complaints and concerns of citizens, school administrators, and other staff.
- Be prepared to be caught off guard with questions from constituents or the press. Have “ready answers” to appropriate redirect.

See, e.g., policies BHC (Board-Employee Communications), KE (Public Complaints), and KEB (Public Complaints re School Personnel, Employees, Students or Administration)

Handout at page 6

Sample Policies Relative to Board Governance



Sample Board Policies.

- Among NHSBA's Sample Policies are several pertaining to the board's relationship and function with staff and the public, as well as internal governance. Examples:
 - BBAA – School Board Member Authority
 - BBAB – Roles and Duties of the Board Chairperson
 - BCA – School Board Member Ethics
 - BEAB – Board Member Use of Electronic Communication Devices During School Board Meetings
 - BHC – Board-Employee Communications
 - KE – Public Complaints
 - KEB – Public Complaints About School Personnel

Handout at pages 11-18

The Superintendent's Roles



Implement & Review Board Policies

- Implement and review school board policies - Ed. 302.02(r).
- Note the similarities, but different active verbs, between a school board's policy requirements (budget, staff, curriculum, etc.) and the superintendent's duties. *Compare pages 2 and 7 of handout.*
- There is a clear link between school board policies and the day-to-day obligations of the superintendent.
- The board and superintendent's functions relative to policy, like many other functions, are two part: the superintendent not only implements policy, but also advises the board relative to policy needs.

Handout at page 7

Nominate Professional Staff, Appoint Other Staff

- Nominate professional staff. (*RSA 189:39; RSA 189:14-a; Ed 302*) Applies to teachers, principals, librarians, and guidance counselors.
- Under the statutory framework for hiring of professional, instructional staff, the superintendent must nominate (or re-nominate) a candidate, before the board can employ (elect/re-elect) him or her.
- Superintendent also has authority to “appoint” other staff. Board policies may use processes similar to the nominate/elect process for professionals, but may also extend direct hiring authority to the superintendent.

Handout at page 8

Direct Staff

- Direct staff – Per DOE rule 302.02(b), duty and authority to direct staff is stated more broadly than most.

“The superintendent shall ... [D]irect and supervise the work of all employees of the district or districts within the school administrative unit and shall have all powers necessary to make such direction effective, as outlined in RSA 194-C:4. While the superintendent has ultimate responsibility, he/she may delegate powers and duties to other personnel.

- Although supervision is direct, Board’s still retain policy making authority regarding employment, evaluation and dismissal. DOE rule 303.01(a)

Handout at page 7

Superintendent Services

- Under RSA 194-C, and Ed 302 and 303, school districts are required to employ a qualified person to provide “superintendent services”.
- The statutory duties include such operational items as:
 - Fiscal management - 194-C:4, II (a), Ed 302.02(d)&(e);
 - Staff - 194-C:4, II (b)&(c), Ed 302.02(a)&(b);
 - Curriculum & instruction – RSA194-C:4, II (c)-(f), Ed 302.02(f).
- Between RSA 194-C and applicable Department of Education rules, superintendents are assigned all aspects of management of a school district.

Handout at page 7-9

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