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# WORTHINGTON CITY SCHOOLS BOARD OF EDUCATION

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# **SCHOOL BOARD POWERS, FUNCTIONS AND DUTIES**

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# SCHOOL BOARD POWERS, BYLAW 0122

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- The Board of Education is a body politic and corporate and, as such is:
    - capable of suing and being sued;
    - contracting and being contracted with;
    - acquiring, holding, possessing, and disposing of real and personal property;
    - taking and holding in trust for the use and benefit of the District, any grant or devise of land and any donation or bequest of money or other personal property.

## SCHOOL BOARD POWERS, BYLAW 0122



- The Board of Education shall have the management and control of all the public schools in the District and the employees, students, and all other persons entering upon its school grounds or premises.

# SCHOOL BOARD FUNCTIONS, BYLAW 0131



- Legislative
  - The Board shall make such rules and regulations as are necessary for its governance and the governance of its employees and students and of its grounds or premises by adopting bylaws and policies for the organization and operation of the Board and the District.

# SCHOOL BOARD FUNCTIONS, BYLAW 0132



- Executive
  - The Board shall exercise its executive power by the appointment of a Superintendent.
  - The Superintendent shall enforce the statutes of Ohio, rules of the State Board, and the policies of the Board.

# SCHOOL BOARD FUNCTIONS, BYLAW 0133



- Judicial
  - The Board may assume jurisdiction over any dispute or controversy arising within the District and concerning any matter in which authority has been vested in the Board by statute, rule, a contract, or policy of the Board.



# **BOARD MEETINGS**



# OPEN MEETINGS BASICS



- School boards must conduct business and take official action in meetings open to the public.
- The law applies to:
  - Board meetings
  - **Board** committee meetings (even if less than a majority; even if no board members serve)
- Limited reasons to go into executive session.

# BOARD MEETINGS: OPEN MEETINGS BASICS

What is a meeting?

P rearranged

Discussion

Majority of  
members

Public business



If “yes,” then public notice is required.

# BOARD MEETINGS: OPEN MEETINGS BASICS



- What is a Board committee?
  - A committee established by resolution or official action of the board;
  - A committee established by the board president per board policy;
  - A committee created by contract that makes decisions;
  - A committee can be considered a board committee if it makes decisions and advises the full board.
- Committees created in the sole discretion of the superintendent or treasurer, without the advice and consent of the board, are generally not themselves public bodies subject to the Open Meetings Act.

# BOARD MEETINGS: EXECUTIVE SESSION



- Limited reasons to go into executive session. For example:
  - To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual
  - Purchase or sale of property
  - Conferences with an attorney regarding pending or imminent court action
  - Negotiations
  - Matters required to be kept confidential by law
  - Security and emergency response matters
- Watch for topics drifting from permissible to impermissible during the meeting.

## REMINDERS



Serial emails among board members may be “meetings.” Do not “Reply All.”

Cincinnati Council members were referred for prosecution by Auditor Keith Faber for misdemeanor dereliction of duty as a result of serial text messages alleged to have violated the Open Meetings Act. One council member recently pleaded no contest to a misdemeanor of obstructing official business and was ordered to pay a \$100 fine.

## BOARD MEETINGS: AGENDA PREPARATION AND DISSEMINATION, BOARD BYLAW 0165.1



- It shall be the responsibility of the Superintendent, in cooperation with the Board President, to prepare an agenda of the items of business to come before the Board at each regular meeting.
- The agenda for each regular meeting shall be mailed or delivered to each Board member to provide proper time for the member to study the agenda, generally at least 3 days prior to the meeting, or delivered to provide time for the member to study the agenda. The agenda for a special meeting shall be delivered at least 24 hours before the meeting, consistent with provisions calling for special meetings.

# PUBLIC PARTICIPATION AT BOARD MEETINGS, BOARD BYLAW 0169.1



- The Board of Education recognizes the value to school governance of public comment on educational issues and the importance of allowing members of the public to express themselves on school matters of community interest.
- The Board offers public participation according to its procedures.
- The Board applies the procedures to all speakers and does not discriminate based on the identity of the speaker, content of the speech, or viewpoint of the speaker.
- The Board is committed to conducting its meetings in a productive and efficient manner that assures that the regular agenda of the Board is completed in a reasonable period of time, honors the voluntary nature of the Board's time and using that time efficiently, and allows for a fair and adequate opportunity for input to be considered.

# PUBLIC PARTICIPATION AT BOARD MEETINGS, BOARD BYLAW 0169.1



Public participation shall be permitted as indicated on the order of business at the discretion of the presiding officer.

Anyone having a legitimate interest in the actions of the Board may participate during the designated public participation portion(s) of a meeting.

Attendees must register their intention to participate in the public participation portion of the meeting as directed by the District.

Individuals may not register others to speak during public participation.

Participants must first be recognized by the presiding officer and will be requested to preface their comments by an announcement of their name, address, and group affiliation, if and when appropriate.

Each statement made by a participant shall be limited to five minutes duration unless reduced or extended by the presiding officer and shall not be permitted to yield their time to another speaker.

All statements shall be directed to the presiding officer; no person may address or question Board members individually.



## BOARD MEETINGS: EXPECTATIONS



- No new issues of complex nature for immediate action.
- No abuse of privilege or tabling important issues.
- Good use of parliamentary procedure.
- Distinguish between Board's role and function of administrators.
- Board expects Superintendent and Treasurer recommendations on key issues.
- The priority is to conduct the business of the Board.



**CONFIDENTIALITY  
AND  
PUBLIC RECORDS**

# CONFIDENTIALITY



- Two categories of confidential information for board members:
  - Information that must be kept confidential by law;
  - Information that should be kept confidential as a matter of good boardsmanship and fiduciary duties.

# CONFIDENTIAL PURSUANT TO LAW EXAMPLES



- Student education records and personally identifiable information about students, unless an exception applies.
- Information about an employee's disability pursuant to the Americans with Disabilities Act.
- Information acquired by the public official or employee in the course of the public official's or employee's official duties that is confidential because of statutory provisions, or that has been clearly designated to the public official or employee as confidential when that confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.
- Attorney-client privileged information. The privilege belongs to the entire Board and one member cannot waive the privilege for the majority of the Board.

## **BOARD MEMBER CODE OF ETHICS, BYLAW 0123**



**“Each member is expected to agree to abide by the following code of ethics ...  
respect the confidentiality of privileged information.”**

## PUBLIC RECORDS: OVERVIEW



- Public Record: (1) “any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in R.C. 1306.01, (2) created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which (3) serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office” and (4) the record is kept by a public office.

R.C. 149.011(G).



## PUBLIC RECORDS: OVERVIEW

- Exceptions apply, such as for confidential student records.
- Public records must be made available for inspection or copying.
- Public records must be kept by the public office and cannot be destroyed, except in accordance with records retention schedule.

## COMMUNICATION REMINDERS



- **DO** limit discussion in public session to the business at hand.
- **DO** limit discussion in executive session to the business at hand.
- **DO NOT** disclose matters discussed in executive session, whether specifically designated as privileged or not.
- **DO NOT** share attorney-client privileged records or discussions with other persons or waive the privilege without action by the entire Board.



# COMMUNICATION REMINDERS



- **DO NOT** hit “reply all” to emails or texts.
- **DO NOT** have multiple Board members in the same social media thread.
- **DO** be mindful that emails or texts that you send or receive may be a public record or discoverable in litigation, unless a specific exception or privilege applies.
- **DO** remember that emails or texts that you send or receive about any public business may be a public record or discoverable, even if you are using a private email account.



**BOARD-  
ADMINISTRATOR  
RELATIONS**

## **BOARD- SUPERINTENDENT RELATIONSHIP, POLICY 1210**

The Board of Education believes that, in general, it is the primary duty of the Board to establish policies and that of the Superintendent to administer such policies.

Policy should not be originated or changed without the recommendation of the Superintendent.

The Superintendent should be given the latitude to determine the best method of implementing the policies of the Board.

The Superintendent, as the chief executive officer of the School District, is the primary professional advisor to the Board.

## **BOARD- TREASURER RELATIONSHIP, POLICY 1310**

The Treasurer shall be responsible for the financial affairs of the District.

The Treasurer shall report to and is subject to the direction of the Board.

The Treasurer shall direct and assign employees directly engaged in the day-to-day fiscal operations of the District, as those employees are so designated by the Board.

# BOARD-ADMINISTRATOR RELATIONS: EXPECTATIONS



- The Board evaluates the Superintendent and Treasurer on a regular basis.
- The Board recognizes the Superintendent as CEO and educational leader of the District.
- The Board recognizes the Treasurer as CFO and financial leader of the District.
- The Board avoids interference with duties that are the responsibility of administrators.



# **BOARD-PUBLIC RELATIONS**

- Board members as individuals do not separately possess the powers that reside in the Board of Education, except when and as expressly authorized by law or the Board.

**BOARD  
MEMBER  
AUTHORITY,  
BYLAW 0122.1**

## BOARD-PUBLIC RELATIONS, BYLAW 0148



- The Board President functions as the official spokesperson for the Board.
- From time-to-time, however, individual Board members make public statements on school matters to local media and/or to local or State officials.
- Board members should, when writing or speaking on school matters to the media, legislators, and other officials, make it clear that their views do not necessarily reflect the views of the Board or of their colleagues on the Board.



# BOARD-PUBLIC RELATIONS



- Remember that members of the community and district staff always consider you as a Board member.
  - Consider the subjects you discuss with staff members (e.g., do not engage in direct dealing).
  - Consider your visits to school buildings.



**THANK YOU!**