

Running an Efficient and Smart Board Meeting

Presented to:

New Mexico School Boards Association

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Goals of Presentation

- Review typical problems in board meetings:
 - Board Dynamics
 - Board Efficiencies and Norms
 - Agendas
 - Public Comment
 - Executive Session
 - Communication with the Public/Press
 - Conflicts



Why Does the Meeting Matter for Your Students?

- From the Eight Characteristics of Effective School Boards
 - 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.
 - Effective school boards lead as a united team with the superintendent, each from their respective roles, with strong collaboration and mutual trust.



Board Dynamics: The Effect on the Community

- The Public watches:
 - Perception of competence and professionalism
 - Adherence to your processes
 - Complying with your roles
- If they think that the board is a “circus”, there will be little or no faith in your actions or work.
- The perception the superintendent and other administrators/staff have of you
- Student assessment of politics. You are the first example they see.



A Case Study in Dysfunction

- ▶ The board in Happytown, NM, has become accustomed to having every department director give a report at every meeting, including personnel. The board regularly uses the portion of the meeting to attack the administration, take pot shots at employees, and criticize the superintendent.
- ▶ Why is this a problem?
- ▶ Is there a better way?



Agenda: Setting the Table for an Efficient Meeting

- ▶ Correct Notice Period
- ▶ Agenda Purpose: Public has the Right to Know the Subject Matter (yes, including executive session) so that they can attend if they choose.
- ▶ Correct Notice Language
- ▶ Use of Superintendent/Board Prep Sessions prior to the Meeting
- ▶ Consent Agenda Use



Agenda Issues: Fights Over Agenda Listings

- Only one member wants an agenda item.
- The matter was just voted on last month but a member wants it again.
- A community member wants to be “placed on the agenda”
- What is the best way to resolve these issues?



Board Scenario 1

- The Happytown School Board likes to post a catch-all on its agendas for executive session that includes attorney client privilege, limited personnel, real property, and the other executive session reasons, just in case they need them.
- They also have a “Board Discussion” item at the end of every meeting where they talk about whatever they want.
- Will this work?



Board Dynamics: How Do You Set the Tone for a Good Meeting (as an individual board member)?

- Be prepared
- Be willing to negotiate
- Try not to get pulled into permanent factions (be the person who tries to reconcile disagreeing factions)
- Actively work toward compromise and consensus
- Always be respectful in your communication
- After the vote, "get on board" with the board
- Do not be a showboat



Board Scenario 2

- ▶ Board Member Jones has been in the board minority faction for years. Frustrated about another recent lost vote, he uses the motion discussion to attack the motives of another board member, to accuse him/her of taking bribes, threatening to contact the AG, and telling the superintendent that he and his staff are incompetent.
- ▶ What were alternate avenues for managing Mr. Jones' concerns?



Board Scenario 2: Options

- Try working with another board member in the majority on proposals or amendments.
- Speaking during discussion professionally about possible amendments
- Meeting prior to the board meeting with superintendent regarding concerns about the proposal.
- Ensuring that Mr. Jones steers clear of unfounded allegations
- Seeking internal review of any alleged irregularities, rather than playing “gotcha” in public session with allegations
- With regard to staff, minding boundaries with the Superintendent but advising him of actual reports and concerns from the community.
- Reminding Mr. Jones that his level of professionalism will impact his future persuasiveness and the perception that the community has of him and the board.



Board Efficiencies and Norms

- Setting limits on discussion time by topic?
- Setting meeting time targets?
- Lowering the number of meetings and study sessions?
- Controlling time allotments for public comment?
- What does this mean for staff time and focus away from the classroom?
- But how do you put such limitations in place?
- Norms

Board Meeting Analysis (Est.)

Meeting Type	Exec Staff (8) Prep (Est.)	Staff in BOE Meeting (8) (Est.)	Annual Staff Total	BOE (5) Prep (Est.)	BOE in Meeting (5) (Est.)	Annual BOE Total
Regular (24)	8hr = 64	3.5hr = 28	92hr x 24 = 2208	3hr = 15	3.5hr = 28	43hr x 24 = 1032
Study Session (24)	4hr = 32	2hr = 16	48hr x 24 = 1152	1hr = 5	2hr = 10	15hr x 24 = 360
Special (1)	4hr = 32	1hr = 8	40hr x 1 = 40	1hr = 5	1hr = 5	10hr x 1 = 10
Annual Retreat (1)	2hr = 16	1hr = 8	24hr x 1 = 24	1hr = 5	8hr = 40	45hr x 1 = 45
Committees (2x12=24)	4hr = 24	2hr = 16	40 hr x 24 = 960	(2) 2hr = 4	(2) 2hr = 4	8hr x 24 = 192
		Staff Total:	4384 hours		BOE Total:	1639 hours



Managing Public Comment

1. Public Comment: Open Meetings Act does not require a public comment period. Open meetings are public right to attend and hear Board conduct its business.
2. Board policy or practice controls the limits on public participation through comment.



Managing Public Comment

-A designated public forum is public property that is generally accessible to all speakers. If your public comment period permits general comments from the public, you likely have a designated public forum and your restrictions are likely to be subject to “strict scrutiny” .

Translation from Lawyer to English: You better have a REALLY good reason to stop someone's statements

-A limited public forum is public property that the government allows to be used by certain groups or dedicated solely for the discussion of certain subjects.



Managing Public Comment

- The role of a strong, well-trained board president
- Importance of setting expectations and demonstrating the limits of board power
- Advance notice should be read to the attendees of expectations
- Time limits
- Consistency of application of all rules.
- Whether to interrupt.
 - Community complaints
 - Staff or student (identifiable issues)



Managing Public Comment: When It “Goes South”

- Yelling; cursing; attacks on staff/students; ignoring rules and limits.
- Tools in Your Toolbox
 - Interrupt, multiple times if necessary
 - Refer to existing complaint processes
 - Remind speaker of the board’s limited role
 - If necessary, call recess and leave speaker at podium
 - Generally, I do not recommend physical removal;
 - Recent example of the police dragging a teacher out of a meeting
 - Barring someone from future meetings can only be done under very limited circumstances.
 - APS/MacQuigg lawsuit.
 - Proof that the person is actually impeding or materially disrupting



Managing Executive Sessions

School Board Executive Sessions are for:

- Privacy protection of employees and students in personnel matters, investigations, disciplinary matters, adjudications;
- Attorney Client communications in pending or threatened litigation;
- Protection of bargaining strategies;
- Sole source procurements, or the purchase/disposal of water or real property rights.



Managing Executive Sessions

- The confidentiality protections for executive session belong to the board as a whole, not an individual member. Only the board can waive attorney client privileges.
- The information distributed in executive session is also not public information
- A board should be well-trained with regard to confidential information and executive session discussions.



Board Scenario 4

- A student has just been long-term suspended from the high school. His parents have asked for a chance to meet with the board in executive session to outline the problem and a proposed solution. Board Member Jones would like to see it resolve quickly and advocates for it. He is also certain that the Board can feel comfortable with a full discussion with the family.
- Concerns?



Board Scenario 5

- ▶ The Board has an executive session to discuss the superintendent's evaluation.
- ▶ The superintendent was planning to sit and participate, but a board member wants to visit with only the board. What now?
- ▶ The board has discussed the evaluation and rated the superintendent, but there are some disagreements. How does the board manage it?
- ▶ Is any public action needed on the evaluation?



Communication With the Public and the Press

-A Board member has no authority to speak publicly on behalf of the Board unless designated to do so by Board vote.

At the very least, you have a duty in making public statements to make clear that you are speaking for yourself only.

- Don't comment if the matter could be subject to a board hearing.
- When is your chance to be heard? Discussion of the Motion.
- Do not engage in argument with audience/feedback with audience members. Why?
- Consider whether your statement may damage the Board, kids, or staff.
- Stay off of social media unless encouraging attendance or participation. Don't use it to attack the district, employees, or your fellow board members. (whenever I see this, I start hearing circus music in my head)



Board Scenario 6

- ▶ Board Member Jones was just on the losing side of a vote again. The Board President already spoke to the press. However, Mr. Jones wants to make sure that the other perspective is covered and tells the reporter to call him later at home.
- ▶ Concerns?



Avoiding Conflicts

- New Mexico's Governmental Conduct Act requires that the actions of board members avoid the appearance of (or actual existence of) personal or familial benefit in the votes and actions on behalf of the District.
- When Boards and board members remember to stay within the boundaries of their offices and follow the rules, their decisions meet the transparency test and can withstand examination in the light of day (or the front page).
- General recommendation is that if a board vote touches on actual or perceived benefit to you or your family, consider avoiding the vote and discussion of the action.



Board Scenario 7

- ▶ Board Member Jones' brother runs the only AC Service in town. His brother's prices are competitive but just to make sure he gets the contract, Jones has been lobbying for his brother behind the scenes with the other board members. It's all on the "up and up" because his brother put in a bid, and Jones will not be voting on the contract.
- ▶ Any concerns?



Questions

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