

# HOW GOOD LEADERS MANAGE POOR BOARD/SUPERINTENDENT RELATIONSHIPS

Tony F. Ortiz

ORTIZ & ZAMORA  
*Attorneys at Law, LLC*



# GOAL OF THE PRESENTATION

- Review common areas of conflict in board/superintendent relationships
- Review your role, limitations
- Look at practical steps in managing a difficult board/superintendent relationship
- We will focus mostly on board and superintendent issues, but we will also discuss board member conflicts.



# What are the lawful and appropriate roles for the Superintendent?

- Section 22-5-14 of the New Mexico Statutes: Superintendent Authority
  - Chief Executive Officer
  - Administer and supervise the school district
  - Employ, fix salaries, assign, terminate and discharge
- \*Statute places general administrative and all employment functions in the hands of the administration (HB 212)



# Board Roles: What are appropriate roles for board members?

- Section 22-5-4 of the New Mexico Statutes defines the scope of Board Authority:
  - Focuses on setting policy direction
  - Budgets
  - *Limited* role in employment matters as a reviewing body
  - Acquire, lease and dispose of property
  - Except for salaries, contract for expenditure of money
  - Acquire property by eminent domain



# How Bad Relationships Begin

- Real or Perceived abuse of authority and “slights.”  
These can create:
  - “Territorial” behavior
  - Unreasonable expectations about control and/or problems with micromanagement
  - Improper communication with the public; attacking each other
  - Threats and misuse of process



# Signs of a Bad Relationship: Territorial Behavior

- “This is mine and that is mine too.”
- Generally comes up when the person becomes protective of their role or “turf.”



# Territorial Behavior

- Taking a position that an area of decision making is not shared (right or wrong).
- Typical areas of conflict:
  - Agendas
  - Personnel Decisions
  - Personnel Contacts
  - Contracts
  - Operations



# How does a board leader handle such a problem?

- Board training for all members; yes, actually following your board training.
- How are you communicating the concern?
- Specific options:
  - private meeting with superintendent;
  - demonstrating an understanding of the superintendent's/board's role and authority;
  - Setting expectations for the process at issue (agendas, personnel, staff contacts, operational issues)





# How does a board leader handle such a problem?

- Other options (continued):
  - Calling for guidance when there is confusion.
  - Seeking attorney client guidance letter for the Board
  - Board meeting (possibly executive session) and, if necessary, written guidance (from the entire board)
  - Interactive training and retreats to build relationships
  - Complication: how do you make sure that the conflict is not just the product of one board member?



# Practice Problem: HR Decisions

- Practice problem: Superintendent wants to give two year contracts to teachers or administrative team.
- Risks of territorial behavior?
- Options?



# Signs of a Bad Relationship: Unreasonable Expectations of Shared Governance

- Shared Governance can also cause conflicts over perceived micromanagement
- Generally comes up with superintendents or administrators who actively invite and solicit the involvement of board members in administrative decisions. Board members begin to believe that the issue “belongs to them.”
- Can also arise simply from board members who do not know their role or actively choose to ignore their limited roles.



# Practice Problem

## The Community Complaint

- Board Member receives a complaint about an employee's conduct from a community member.
- What are the risks for role confusion and micromanagement here?



# How does a board leader handle such a problem?

- Board Members: self-control; fighting off the urge to micromanage
  - Help the superintendent anticipate problems
  - Be the “ears and eyes” of the district, not the legs, hands, and mouth.
  - Remember that the superintendent is your CEO; all information should flow through him/her.
  - Encourage compliance with fellow board members
  - Understand the difference between alerting the superintendent and telling him/her what to do
    - Requests for updates



# Practice Problem

- Example: Superintendent gives “updates” to the board on intended disciplinary actions.
  - How do you monitor this practice? Are there risks for the board if you permit it to continue?
- Recent example: Superintendent asks board for advice on termination of employee for infraction.



# How does a board leader handle such a problem?

- Board Members: self-governance
  - Avoid giving the invitation
  - Try to mind fairly strict line between roles
  - Remind the superintendent of complications for the district in proceedings
  - Individual meetings with board members who may be involved; remind the board members of how the matter can hurt board/superintendent relationships
  - Guidance from counsel
  - Other ideas?



# Signs of a Bad Relationship: Attacking Each Other; Poor Public Communication

- Board/Superintendent:
  - Saving heated disputes for open meeting
  - Playing “gotcha” with new information at meetings
  - Making comments to the press to blame or otherwise attack the superintendent
- Board Member to Board Member:
  - Attacking fellow board member’s ethics or competence
  - Using the press to undermine the will of the majority
  - Making unauthorized press or social media statements





# Practice Problems

- Superintendent is unhappy with evaluation and sends a rebuttal to the local paper.
- Board member makes Facebook posts agreeing with op-eds against recent board action
- Blistering comments at public meeting attacking the ethics of fellow member



# How does a board leader handle such a problem?

- Fair notice and advance discussion
- Board Prep Sessions
- Using motion/discussion as the opportunity to be heard.
- Compliance with policy regarding who serves as spokesperson
- Use of private, non-quorum, discussions to resolve conflicts in advance.
- Mediation
- Implications for the superintendent/board relationships? For public confidence?



# Signs of a Bad Relationship: Misuse of Process

- Board/Superintendent:
  - Board threatens poor evaluation/termination
  - Superintendent threatens to sue or gets others in the community to act against the board
  - Filing with administrative agencies against one another
- Board Member to Board Member:
  - Administrative complaints



# Practice Problems

- Superintendent fears termination; the relationship has become very defensive and unproductive, with every day a perceived action affecting discharge/buy-out
- Board member is convinced that the previous board was engaged in financial impropriety and wants to file a complaint with the State Auditor.



# How does a board leader handle such a problem?

- Of course, meet, listen and seek compromise.
- Offer internal review
- Offer counsel assessment
- If you fail, seek joint inquiry to administrative agency, as opposed to a complaint.



# Questions

Tony F. Ortiz

Ortiz & Zamora, LLC

[tony@ortiz-zamora.com](mailto:tony@ortiz-zamora.com)

