



KENAI PENINSULA BOROUGH SCHOOL DISTRICT

Office of Superintendent

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M E M O R A N D U M

DATE: February 22, 2008
TO: Members, Board of Education
FROM: Donna Peterson, Ed.D. *Donna Peterson*
Superintendent of Schools
RE: Board Bylaws and Protocol Review Worksession Notes

Attached are the notes from the February 18 worksession of the Board Bylaws and Protocol Review subcommittees as well as the notes from the previous meetings. There will be a short worksession scheduled on March 3 to discuss this document and the results of any interim meetings held by the subcommittees. A longer worksession with full board review of the suggested changes is tentatively scheduled for April 14. The attached notes should be reviewed for accuracy and will serve as the running record of the committee's work.

**Kenai Peninsula Borough School District
Board Protocol and Bylaws Review**

GROUP 1 – STRUCTURE		Related Policy
Topic		
Agenda		BB 9322
Placing on		E 9322
Requests (informally) for info/change		E 9000
Use of committees		BB 9130
Standing		BB9140
Ad hoc		
Responsibilities		
Robert’s or Mason’s rules		BP 9323 BB 9121
“Once around” – Board comments		E 9322
Review of bylaws for clarification/cleanup		E 9311
Vacancies-discrepancies		
Bringing agenda items back for further discussion		BB 9322 E 9322
Requesting information from staff process		E 9000 BB 9200
Individual Board member request for information		E 9000 BB 9200
Individual Board member request for action		BB 9320
Clarification of type of body		BB 9000
Policy/legislative/governing		
Time for meetings and worksessions – how get		BB 9322 E 9322

Related Policy	GROUP 1 – STRUCTURE (notes from 12/3/07)
	Topic
BB 9322 E 9322	Okay as is but may want to move to having three members putting an item on the agenda; timing should be 10 days in advance
E 9000	Requests for info/change – E9000 should be part of bylaws, good as is. The process for how the Board concurs (informally or formally) should be included.
BB 9130 BB9140	Committees to be dealt with later
BP 9323 BB 9121	Robert’s is preferred. Issue regarding Mason’s is about placing on agenda, will be addressed in 9322.
E 9322	Board comments – leave as is, limited to 3 minutes
E 9311	Vacancies – input needed from Conduct and Ethics group
BB 9322 E 9322	Further discussion on agenda items – leave as is
E 9000 BB 9200	See above – make it part of bylaws, get concurrence spelled out

BB 9320	Request for action – leave as is
BB 9000	Clarification of body type – Board is policy and governing, not legislative; okay as is
BB 9320 E 9322	Time for meetings and worksessions: worksessions need to be delineated along with work on other committees as part of the expectations for board service. Board president should schedule worksessions at his/her discretion. Conduct and Ethics group needs to deal with attendance

GROUP 1 – STRUCTURE (notes from 1/14/08)

- Improve the ability to bring a topic to the Board for discussion. It is important for the public to feel there is an open process to bring topics to the Board for discussion (via a Board member) even if the reality is that it is rarely used.
- The complaint procedure needs simple "cowboy" language.
- Improve communication with the public via a "Superintendent's/Board President's Corner" in the newspapers alternating monthly articles especially on key issues.

GROUP 1 – STRUCTURE (notes from 2/4/08)

Discussion of Robert's / Mason's rules

Form a community relations committee appointed by Board members but not composed of Board members. Purpose would be to research issues and help individuals in the community bring them forward appropriately.

Add an agenda item to format of meeting for Board members to bring forward a request for a particular issue to appear on a future agenda/worksession or to express concerns. This time would be outside of the regular section for Board comments.

GROUP 1 – STRUCTURE (notes from 2/18/08)

- Group did not come to consensus; reviewed and discussed summary, added some clarifying language.
- Group needs more time.

GROUP 2 – ACCOUNTABILITY		Related Policy
Topic		
Administrators (building principals) selection (Board’s role)		BB 9000
Process		E 2122
Public communication		AR 0420
Division of responsibilities (Board/Superintendent) (officers)		BB 9120
		BB 9121
		BB 9122
		BB 9123
		BB9124
		E 2122
		BP 2122
Worksessions		E 2240
Record/not record		
Public participation		
Informal Board reports during meetings		E 9322
Modifications to school facilities/consolidation (Board’s role)		BP 7000
		BP 0530
Professional development for Board members allotment, process, participation		BB 9240
Preapproval of Board travel?		BB 9250
Board involvement in budget process		BP 3100
		AR 3100
Board’s budget – equipment purchases		

GROUP 2 – ACCOUNTABILITY (notes from 12/3/07)	
Related Policy	Topic
BB 9000 E 2122 AR 0420	Board’s role in selection of administrator – deal with later
BB 9120 BB 9121 BB 9122 BB 9123 BB9124 E 2122 BP 2122	Division of responsibilities – deal with later
E 2240	Worksessions – okay as is
E 9322	Informal reports during board meeting – issue was adequacy of reports after attendance at meetings. Discussion of whether these reports should be in writing or if oral during the meeting is satisfactory.
BP 7000 BP 0530	Modifications to school facilities – deal with later but add closure
BB 9240 BB 9250	Allotment for professional development – add an exhibit spelling out who goes when, preapproval process, and what happens to funds if they are not used
BP 3100 AR 3100	Board’s involvement in (district) budget process – not discussed? Board’s budget: determine a replacement schedule for equipment (for Board, for

GROUP 2 – ACCOUNTABILITY (notes from 1/14/08)

Administrator selection process

- Define administrator (full time, regional, department head)
- Make protocol sheet an AR
 - Clarify in district transfer process
 - Clarify what happens when school consolidated
 - #10 needs to be changed

Reports from school board members

- If district money spent, written report required by board member(s) participating

GROUP 2 – ACCOUNTABILITY (notes from 2/4/08)

BB 9120 – Add sentence at end, “ All officers shall serve at the pleasure of the Board.”

BB 9121a – Add phrase, “in accordance with Board policy”

Make sure #4 and #12 are followed – Board concurrence regarding committees and members

#3 – add phrase, “in accordance with Board policy”

#15 – add phrase, “with concurrence of the Board”

ADD “#16. Shall facilitate the Board’s evaluation of the Superintendent.”

BB 9122, 9123, 9124 okay

E 2122 – Change exhibit (Superintendent’s job description) to AR

3 – add to end, “ and provide regular financial reports to the Board”

ADD “Notifies Board of legal issues.”

ADD “Participate in Board planning efforts, review of school district mission, and recommend new programs”

ADD “Orient new members to Board service and provide opportunities for Board education.”

GROUP 2 – ACCOUNTABILITY (notes from 2/18/08)

- Add to BB 9320 (a) After regular meetings section:
 - “Worksessions

Worksessions shall be conducted as necessary on items for school board member knowledge.

Worksessions are public meetings. Public members may participate at the invitation of the Board President. A summary is given during the regular Board meeting.”

- Add to E 9322 (a)
 - 9 a. Board Reports – “Reports where officially representing the Board.”
- BP 7000 Modifications to school facilities/consolidation
 - Possible sub committee – more information needed on topic from District Office

- BB 9240
 - Add information about allotment, process, participation to the Board Governance Manual
- BB 9250 Add under other Benefits
 - “Board members may participate in the Public Employees Retirement System (PERS)”
- Group will meet in Moose Pass if needed prior to April

GROUP 3 – CONDUCT AND ETHICS		Related Policy
Topic		
Board vacancies “Sufficient cause” Excused absence Due process for removal (conditions)		BB 9223
Getting questions answered regarding agenda items before the meeting		BB 9322 E 9000
Public/Board face-to-face informal interactions and during Board meetings Response to public questions		BB 9320 BB 9323 E 9322 BP 1120
How we act when we aren’t in majority vote on an issue (Board ethical behavior)		E 9271
LIO and other testimony – speaking as individual, Board member		BB 9010 BB 9200
Handling complaints from community People Facilities Money Issues		BP 1312 BP 1312.1 BP 1312.2 E 1312
How to weigh in on issues that impact (Board member’s involvement in political action)		BP 1140
Expectation for worksession attendance/participation		E 9271

Related Policy	Topic	GROUP 3 – CONDUCT AND ETHICS (notes from 12/3/07)
BB 9223	Vacancies – after reviewing law (unexcused absence from 3 consecutive meetings, Board may notify), the discussion was about “cause”. Determined that the Board member needs to notify the board president or Board secretary prior to the meeting or at the prior meeting. There would not be a qualification about what constitutes excused, but no notification is unexcused. The Board president will determine excused or not.	
BB 9322 E 9000	Questions before meeting – More discussion before and during worksession. Allow the Superintendent time to gather information. Board members are expected to attend worksessions and committee meetings.	
BB 9320 BB 9323 E 9322 BP 1120	Public, informal interaction – when Board members want answers from the legal department, they need to be referred to the board president or Superintendent (before the meeting).... Or at times through the entire board	
E 9271	How we act when we aren’t in the majority (see below)	
BB 9010 BB 9200	Testimony – testifying without appointment by the Board president, individual required to say they are speaking as an individual	
BP 1312 BP 1312.1 BP 1312.2 E 1312	Complaints – deal with later, need public to weigh in	

BP 1140

E 9271 Worksession attendance/participation – define under Ethics questionnaire that would be reviewed and signed each year that board service included participation in worksession. If violated, the individual may be sanctioned to a censure by the board.

GROUP 3 – CONDUCT AND ETHICS (notes from 1/14/09)

Vacancies

- Change to if notification doesn't happen, it is unexcused (Board members could overrule later if new information becomes available)

Ethics

- Establish an ethics committee
- Strengthen the language on ethics

Attendance at work sessions

- Under Board worksession reports, President notes attendance at worksession for the record

GROUP 3 – CONDUCT AND ETHICS (notes from 2/4/09)

How we act when we aren't in the majority vote... LIO and other testimony:

BB 9010

Add Alaska Statute "censor letter" language

Add "shall not" speak as an individual on behalf of the Board unless authorized

"Shall" – always qualify/disclaim when publicly speaking, do so as an individual, not as a Board representative

Procedure to deal with Non-compliance

Research legislative precedent regarding not speaking unfavorable about other Board members

Refer situation to Ethics Committee

Add from Alaska Statute to BB 9271 (b) strong language about separate individual from Board representation

Have members sign Code of Ethics yearly using fortified language proposed by this process

GROUP 3 – CONDUCT AND ETHICS (notes from 2/18/09)

- Establish an ethics committee
- E9271 (a) Code of Ethics
 - Add "Be constantly aware that he/she has no legal authority except when acting as a member of the Board. Board members shall present their concerns and concepts through the process of Board debate. If in the minority of any decision, they shall abide by and support the majority

decision. When in the majority, they shall respect divergent opinions.”

- Add “Avoid, during public meetings and during the performance of public duties, the use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens or staff.”
- Add “Shall not exhibit any conduct which discredits himself or herself or the school board or otherwise impairs his or her ability to perform school board duties or represent the school board in a manner consistent with the integrity and trustworthiness expected by the public.”
- Add, “Shall not make disparaging remarks, in or out of school board meetings, about other members of the board.”
- Add, “ Refuse to surrender judgment to any individual or group at the expense of the District as a whole.”
- Add, “ Be continuously guided by what is best for all students of the District.”
- Add “Whenever a member believes that another has violated the Code of Ethics or Standards of Conduct it is incumbent on him or her to bring the issue to the person first, then to the president of the board who shall immediately investigate the allegation and, if substantiated and not resolved with the individual member, bring the issue to the full board in closed meeting.”
- Add “ The Board may consider formal action against a member violating the provisions of this policy as allowed by law and including:
 - a. Verbal reprimand from Board in private
 - b. Written reprimand
 - c. Censure
 - d. Removal from an Board committee or removal from any Board officer’s position”
- BP 1140 Responsibilities of the Board
 - Add “in keeping with its ethical responsibility to make decisions in terms of educational welfare of all children in the District, and recognizing that decisions must be made by the Board as a whole, the Board has determined that the following rules of conduct should be followed by each individual Board member in order to maintain the integrity of the Board and protect the Board, the District, and individual Board members from liability. These guidelines are not intended to discourage the free expression of opinion by board members or to restrict the participation of Board members in the political process in any way. Just as the Board may not unlawfully restrict the First Amendment rights of expression of District employees, the Board does not intend, by this policy, to restrict the First Amendment rights of expression of individual Board members. Rather, this policy addresses issues of governance and ensures that Board members understand and maintain the proper relationship between the Board, the District, the administration, District employees, students, and the public.
- Handling complaints – Clarify the chain of command and process
(Note: The parent friendly version of the complaint procedure is included in the information packet and on the District website. Currently this is not an exhibit in the policy manual because the names change, but it could be added.)

OTHER NOTES FROM 12/3/07

- Develop a governance manual for school board members to be used for orientation
- Reminder that school board meeting is a working meeting (not a town hall meeting) where members are conducting the business of the board
- Perhaps develop a statement to be read by the board president regarding public comment that the administration has been taking notes and will respond to their concerns
- A subcommittee of the board could be an Ethics committee