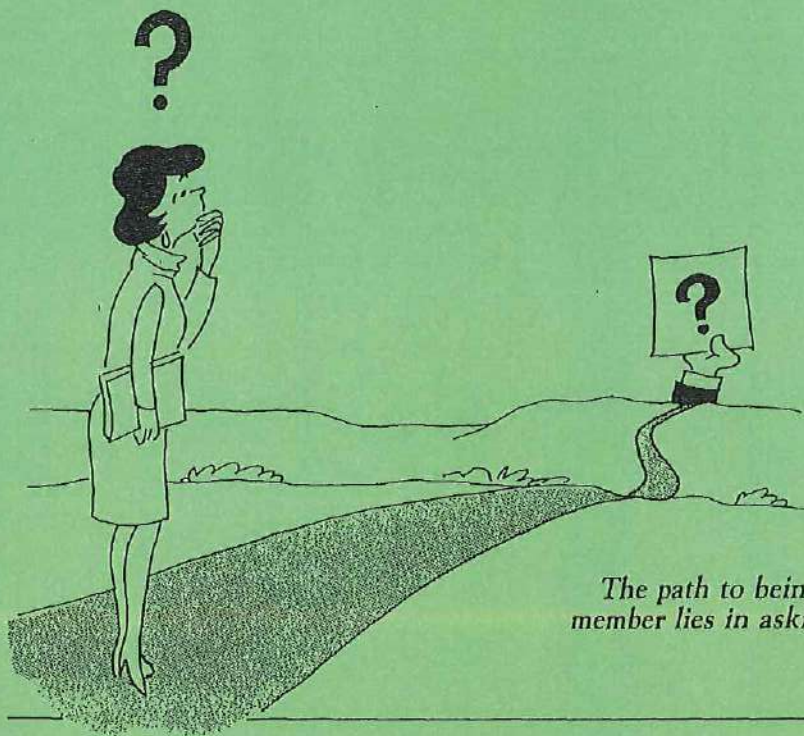


SO YOU WANT TO BE A SCHOOL BOARD MEMBER

Information and Guidelines
for Local School Board Candidates
in North Dakota



*The path to being an effective board
member lies in asking the right questions.*

Prepared and Distributed by

North Dakota School Boards Association

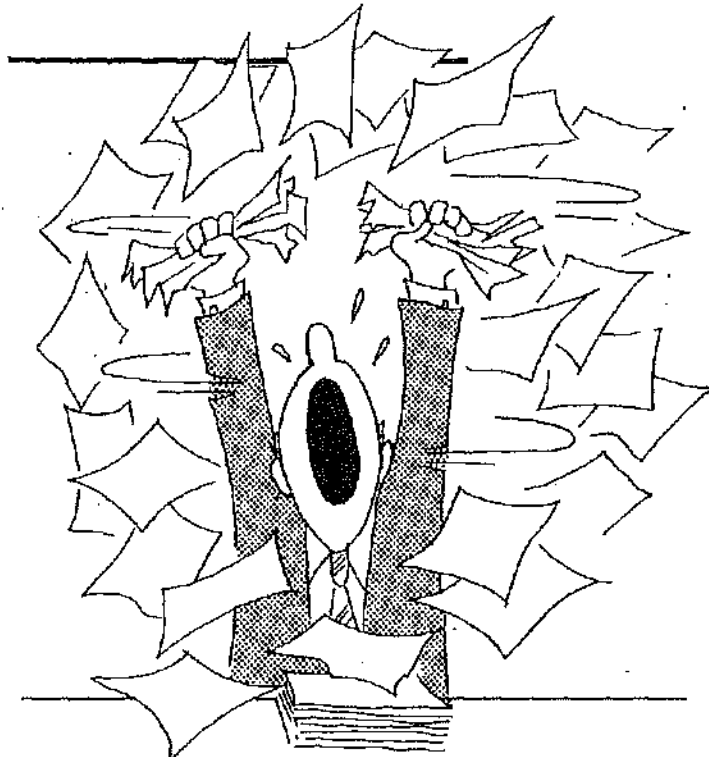


1-800-932-8791
(701)255-4127
www.ndsba.org

August 2005

TABLE OF CONTENTS

SECTION I	1
SCHOOL BOARDS--WHERE DID THEY COME FROM?	
SECTION II	5
SCHOOL BOARDS--WHAT DO THEY DO?	



*Just learning the basics of board service
can be a mindbender.*

SECTION I

SCHOOL BOARDS--WHERE DID THEY COME FROM?

- A. GENERAL:** Since education was not one of the functions delegated to the national government by the United States Constitution, it has remained the basic responsibility of individual states. Washington policymakers could be described as interested and sometimes interfering spectators in the operation of the country's school systems. There are groups at work that want more federal involvement, and there are also groups that want less federal involvement. The balance shifts slightly from time to time, but in all probability, the states will retain primary control over the schools for the foreseeable future.

Article VIII of the North Dakota Constitution is devoted entirely to education. Section 2 of that article mandates that the legislative assembly provide for a uniform system of free public schools throughout the state. This system is to serve students in early primary grades and is to continue through college and university levels. It is the legislature that has the power and authority and with which the responsibility resides.

It would, however, be impractical for the legislature to govern each school district. So they created a system of locally governed school districts. This is not unusual--every state except Hawaii has done exactly the same thing, and Hawaii has a state-wide school board that governs the schools in place of the legislature. Local control is the prevailing practice and the one that most people favor for their schools.

- B. WHERE DO NORTH DAKOTA SCHOOL BOARDS COME FROM?** The North Dakota legislature has created a system whereby school boards made up of local citizens are elected by voters in each school district to oversee educational programs.

1. *How many members are on a local school board?*

Five (and almost all have five); unless a district has increased its members to seven or nine.

Any district operating on July 1, 2005, with a school board composed of less than five members was required by legislative action to increase the number to five at the 2006 election. One district in the state was grandfathered at six members.

2. *Why does the law require rural representation in some school districts?*

This exists because it is thought by some that if such were not the case, the larger population in a town could swing a decision through representation on the board that would be repugnant to the minority population that owns most of the tax-yielding property. This particular law is currently under close examination, and it would not be surprising to see it challenged in court or in the legislature on the one-man/one-vote principle.

3. *Are board members elected from precincts (geographic divisions within a school district) or are they elected from the district at large?*

Some districts elect board members from precincts and some elect them from the district at large. Reorganized districts usually do it by precinct because that kind of arrangement was necessary to get the reorganization accomplished. If a district has been reorganized for at least ten years, then any proposed change to geographic voting areas is effective with a majority vote in an election at large by the qualified electors of the district.

4. *How long is the term of a school board member in North Dakota?*

The basic term is three years. Exceptions exist when a board has taken action to extend the term to four years. Some districts have exercised this prerogative. (See No. 11, below, for additional exception to three- or four-year term.)

5. *When are school board members elected?*

School board members are elected at the annual school election held between April 1 and June 30 or at a special election. (Also see No. 11, below.)

6. *Who is eligible to run for a position on the school board?*

Any person who is a qualified elector in the district. (See No. 8, below.)

7. *When do newly elected board members take office?*

Persons newly elected to the board will be seated at the annual meeting of the board in July, after taking the oath of office as prescribed for all elected officials in North Dakota. This oath can be found in NDCC 44-01-05 and in the North Dakota Constitution Article XI §4 and must be taken within ten days after being notified of election. Board members will hold office until a successor has been elected and qualified. (See exception in No. 11, below.)

8. *Who can vote in a school election?*

Any person can vote in a school election who meets the following requirements:

- a. Eighteen years old or older;
- b. A resident of North Dakota and a resident of the school district 30 days prior to the election;
- c. A citizen of the United States.

9. *How many terms may one person serve on a school board?*

There is no statutory limit to the time a person may serve as a school board member.

10. *How much are school board members paid in North Dakota?*

Each school board may set compensation for its members. Board members may also be reimbursed for out-of-pocket expenses incurred while engaging in school board business. Travel, lodging, etc., are covered at state rates as prescribed in 44-08-03, 44-08-04, and 54-06-09.

11. *How are vacancies filled that occur between elections?*

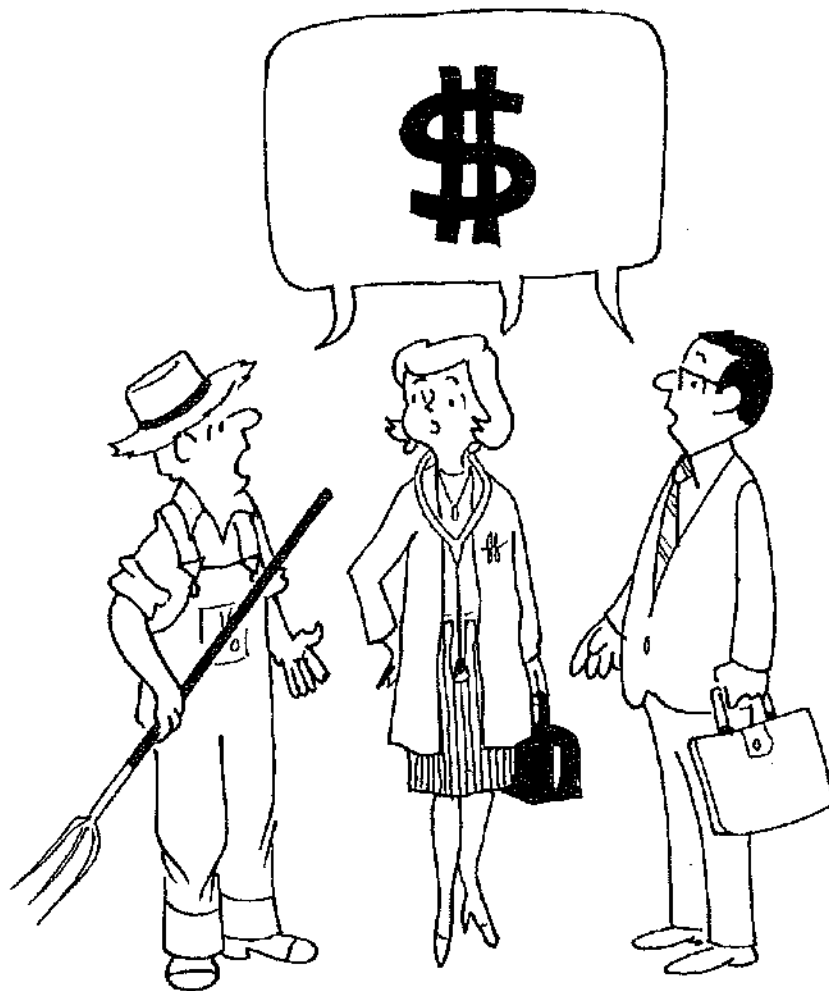
If a school board member is unable or unwilling to serve, a vacancy exists. This vacancy may be filled through an appointment by the remainder of the board or by special election. The member appointed or elected at a special election serves only until the next regular school board election. At that time, district voters will elect the person who will serve the remainder of that particular term.

12. *Why are terms of board members staggered so that less than half the positions come up for consideration at any one election?*

This is done so there will be continuity to the board. Theoretically, a majority of the board will be carried over into the following year. An exception occurs when someone has vacated a seat during the term, which must be voted on in addition to regularly scheduled vacancies. The other exception occurs when a district has converted to four-year terms and holds elections every two years.

13. Can a member of the school board be recalled from office?

Yes, and the process is not difficult. A petition stating the reason(s) for the recall must be signed by a number of electors equal to 25 percent of those who voted in the last election at which that person was elected. Reasons are not specified in law. If a petition is deemed valid, the name of the board member to be recalled is placed on a ballot unless that person resigns within ten days after the petition is certified. A separate petition must be filed for each board member to be recalled. Each petition must include names of five electors sponsoring it. Petitions must be approved by the Secretary of State.



"As school board members, we really have a lot in common."

SECTION II

SCHOOL BOARDS--WHAT DO THEY DO?

1. *What is an annual meeting?*

An annual meeting is required by law and may be held anytime during the month of July following the annual election. It is at this meeting that new members are seated and the board organizes itself.

2. *What is a special meeting?*

A special meeting is called to address a specific issue(s). Action by the board is limited to the issue for which the meeting was called. The board president or any two members of the board may call a special meeting. There is a requirement of written notice to board members, notifying the official newspaper and county auditor, and posting at the school office and at the meeting place.

3. *What is a regular meeting?*

For all practical purposes, every board must have at least one regular meeting each calendar month. Most action of a school board takes place at regular meetings, but occasionally, significant items are handled at special meetings. Minutes from previous meetings and bills to be paid are approved at regular meetings.

4. *Under what circumstances may a school board meet without the public being present?*

In almost all cases, the sunshine (open meeting) laws of North Dakota are in effect for school board meetings. There are a few very well defined circumstances under which a board may meet in executive (private) session. These times are limited to the hearing in a teacher nonrenewal or discharge, when deciding whether to suspend a teacher, when a school board meets with its attorney on matters pertaining to reasonably predictable litigation, to discuss negotiating strategy and instruct negotiators, and to discuss educational records of a student.

5. *What is a quorum for business at a school board meeting?*

A majority of elected board members constitutes a quorum. This quorum is empowered to transact nearly all district business.

6. *What kind of majority is necessary to pass a motion?*

In nearly all actions of the school board, an ordinary (simple) majority of the quorum is all that is necessary to pass a motion. There are exceptions, however, and two examples are cited below:

- a. If a teacher is to be suspended from teaching in the classroom, pending a discharge hearing, a unanimous vote is required from the board.
- b. In order for a board member to participate in discussion or vote on an item when that member has a conflict of interest, a unanimous vote of the rest of the board is required when it involves money; a majority vote of the rest of the board is required in other conflicts.

7. *How is the school board organized?*

At the annual meeting of the board, members will select one of their number to be president who will then serve a term of one year in that office. Although it is not prescribed in law, it is strongly recommended by NDSBA that a vice president be selected at this time also. In addition to its officer(s), the board employs a business manager.

8. *What are duties of the business manager?*

Two of the most important functions are serving as treasurer of the district and being responsible to keep minutes of meetings. In addition, Century Code refers often to the district business manager and assigns responsibilities. Districts throughout the state regard the position of business manager differently. For some, it's a part-time job that is filled only a few hours each month. For others, it's a full-time position. Business managers of the state have a very active professional organization--the North Dakota Association of School Business Managers.

9. *What are duties of the board president?*

The president presides at all meetings of the board, appoints committees (subject to board approval), cosigns all warrants (checks) ordered by the board (the business manager, serving as district treasurer, is the other cosigner), and will perform other duties as prescribed by law. The vice president takes over the president's duties when the president is unable to perform required tasks.

10. *How does the board president actually carry out the presiding function at meetings?*

It is a combination of skill and art that not everyone can master. The president must maintain control at all times and must see that an agenda is followed. At the same

time, there is a responsibility to be responsive to the public--particularly when they attend meetings. The most important thing for the president to remember, along with all who are in attendance, is that the meeting is **NOT** a public meeting. It is a business meeting that is held in public--there's a world of difference between those two terms. (See NDSBA publication *Call to Order*.)

11. *What are duties and powers of the school board?*

The law lists specific powers of the board in one section of Century Code. Many more are found throughout the code. The board has no authority that is not given it or required of it by law.

12. *How much power and authority does an individual school board member have?*

Unless sitting as a board member at an official meeting of the school board, individual members have absolutely no more (nor less) authority than any other citizen of the district. The fact that board members still have the same rights as anyone else is often overlooked.

13. *What is the legal status of school boards in North Dakota?*

All districts in the state are regarded as corporate bodies. This means school districts possess all powers and shall perform all duties usual to corporations for public purposes or conferred upon them by law. School districts can sue, be sued, own property, borrow money, and do anything else that other corporations can do.

14. *What is the relationship between the school board and the superintendent?*

Since the board is like any other corporate business and since individual members are powerless except at board meetings, most boards employ a chief executive officer. A few exceptions exist in very small districts. In North Dakota, every high school district is required to have a superintendent. A principal may be the chief executive officer of a graded elementary district. The board establishes policies (guidelines) for the superintendent to follow. The superintendent is the direct representative of the board most of the time and must reflect the will of the board to staff and community. Statutes recognize and refer to the superintendent in numerous places. Having the right person as superintendent is one of the most important features of a good school district. The school board has, as one of its most far-reaching tasks, the selection, supervision, and retention of the right person as superintendent of schools. We cannot overemphasize the significance of the relationship between the board and the superintendent.

15. *How are new members assimilated into their roles on the board?*

Since there are only minimal requirements for becoming a board member, much of whatever specific training and preparation exists is optional. Some boards provide orientation for new members on a local basis. In addition, NDSBA conducts two seminars for new board members each year. One is held during the summer, and the second is during the annual convention each fall. Law requires each newly elected school board member attend an inservice workshop conducted by NDSBA within one year of election. Either of the two "new member seminars" mentioned above will satisfy this requirement. In addition, volumes of printed materials are available to all board members on the subject of boardsmanship.

16. *Why are laws regulating school money so strict for school boards?*

It is important that public money be handled in a prudent and accountable manner. A large sum of money passes through the school district and it's all public money. When people realize how tight security is on school funds, they are not likely to make unfounded statements about what is or isn't happening within the fiscal operation of the school district.

17. *Why is the bidding procedure for public schools so specific?*

It's for the protection of everyone. It enables schools to obtain the best prices for goods and services. Good business practice demands that buyers seek out the best quality item available at the most reasonable price. That's what the bidding process accomplishes.

18. *What is a conflict of interest for a board member?*

Conflict of interest is defined in law as being a pecuniary, personal, or professional interest in a contract with the board or a personal or pecuniary interest in any other matter before the board. (See also 6b of this section.)

19. *Are boards required to have a code of ethics?*

There are no legal requirements for a code of ethics for school board members. Some boards across the state have adopted various codes but many still have not. NDSBA, which is a voluntary organization that boards may join if they wish, has some recommended codes for those districts interested.

20. *What role does the board play in negotiations with teachers regarding salaries?*

The board is required by law to negotiate with teachers on the subject of terms and conditions of employment. This is a very sensitive process requiring a high level of skill on the part of those doing the negotiating. Some boards are able to employ outside help to handle negotiations but most do the job themselves. NDSBA conducts an annual seminar for board members on the subject of negotiations and provides written materials and help over the phone. Recently the legislature mandated minimum salaries and increases in teacher compensation.

21. *What role does the board play in nonrenewal, discharge, or suspension of teachers?*

The only authority that can do any of the above is the school board. The superintendent provides certain data and makes recommendations, but it is only the board that can take final action. Teachers in North Dakota have a series of processes that are due them if their contracts are terminated. NDSBA provides training seminars on the subject, written materials, and telephone consultation, along with sponsoring field representatives to assist boards at hearings. The termination of employment is a serious move and every precaution must be taken to ensure that it is done legally and ethically.

22. *Is it ever proper for a board to hire outside experts?*

It is not only proper; in many cases, it is wise. When going into a building project, an architect is necessary. It is quite acceptable to hire an accountant to audit the district's books, and because of the legalistic nature of much of the school board's business, a lawyer is often absolutely necessary. As noted above, some districts hire negotiators. Curriculum specialists and other resource people can often be very valuable to a district. NDSBA currently participates in a program to help districts with superintendent searches.

23. *What is a board agenda?*

An agenda is simply a plan for the meeting. Each district has its own method for developing an agenda, but most follow some basic patterns. Usually, the agenda is assembled by the board president with input and recommendations from the superintendent. Persons wishing to place items on the agenda must meet the deadline in order to be included. This is not done to exclude the public, but there must be order to the meeting. There is normally a time at the beginning of a regular meeting for approval of the agenda. The superintendent or board members may ask to add items to the agenda at that time. Additions to the printed agenda require approval of the board. The format for the agenda varies from district to district. Following is a sample agenda for a regular meeting:

- a. Call to Order
- b. Roll Call (to establish a quorum)
- c. Approval of the Agenda (allowing last-minute emergency items to be included)
- d. Action on Minutes of Previous Meeting
- e. Action on Schedule of Bills
- f. Administrative Reports
 - Correspondence
 - Members' Reports
 - Report of Administrator
 - Guests
- g. Unfinished Business
- h. New Business
- i. Miscellaneous
- j. Adjournment

24. *What is the role of the superintendent at the board meeting?*

The superintendent will provide necessary data to help the board make decisions and should be prepared to offer a recommendation for action on each item that appears on the agenda. The superintendent is the professional resource of the board and should assist by offering information pertinent to all agenda items and other information that the board requests.

25. *What is the business manager's role at the board meeting?*

The business manager will supply any information consistent with the position, especially as district treasurer and keeper of the minutes. As the treasurer, the business manager is able to inform the board about the financial status of the district. Minutes, taken by the business manager, serve as reminders of past action and future plans and should be retrievable quickly. Some districts employ a secretary to physically take the minutes, but the business manager must still attest to the accuracy and oversee the safekeeping of such records.

26. *What are board minutes?*

Minutes are defined as a record of action taken by the board. This does not mean a word-for-word account of everything that is said. Discussions and debate are not considered actions. Minutes should reflect motions that are proposed and action taken on those motions. They will include the name of the person making the motion, the person who seconded the motion, and a clear record of how each member voted. It is generally accepted that all board members must vote on every issue that comes before them unless a conflict of interest is declared according to law. There is no provision in North Dakota law for an abstention. North Dakota law requires that minutes also include a list of all topics discussed. Minutes are

published in a newspaper if the patrons have so decided through a vote. Minutes are public domain as are all records of the school, and upon request, any person has the right to review the minutes at the business office during business hours.

27. *What is parliamentary procedure and why is it important to school boards?*

Parliamentary procedure is simply an organized way to get through the meeting. Meetings are generally conducted under *Robert's Rules of Order*. These are numerous rules for conducting meetings initially set down by Gen. Henry M. Robert in 1876. This compilation culminated and formalized a set of rules for meetings that originated with the English Parliament. (The term "parliament" is defined as discussion of public affairs.) *Robert's Rules* has been revised and stands as the basic handbook for most clubs, organizations, and other groups that hold meetings. Each school board business manager should keep an updated copy nearby at each meeting. (See NDSBA publication *Call to Order*.)

28. *What is the role of the general public at board meetings?*

The public should always be welcome and may be allowed to speak to items on the agenda. However, they should be limited to the amount of time assigned to them. It is up to the president to monitor presentations by the public and to keep the meeting on track. Being a public body, the school board has something of an obligation to listen to those who come--even if it is felt their view is one of a distinct minority.

29. *What are the rights of the media at board meetings?*

Exactly the same as any other guests. The meeting is public and, therefore, open to the press, television, and radio. They may listen and record any or all of the proceedings. The only stipulation is that they do not disrupt the meeting by moving equipment around and into position. Working with the media instead of against them will be beneficial to the district. It is important for schools to get accurate coverage, and board meetings properly conducted and reported can do just that.

30. *How are boards evaluated by the people of the district?*

Some maintain that boards are evaluated each year at election time. Bond issues, tax levies, and board members running for reelection are true reports of the public's evaluation of the board. In addition to this informal evaluation, it is recommended that boards prepare a job description for themselves and conduct a self-evaluation periodically in terms of that job description. From such actions, the board can determine areas that need improvement so they may seek help and improve their performance.

31. *What kind of inservice programs are available for boards to use for improvement?*

NDSBA provides a comprehensive series of workshops, seminars, and publications to help boards meet their own self-improvement needs. The National School Boards Association (NSBA) also provides excellent presentations and publications.

32. *Is it ethical to use the school board as entry to another political office?*

Certainly. The only caution is that the member who so aspires should realize that the best way to accomplish this is by doing a quality job in the office currently held. Ambition is an admirable and healthy trait and should be encouraged as long as the position of school board member isn't neglected while looking ahead. Being a board member is excellent experience for other offices.

33. *What outside obligations are required of board members in addition to attending board meetings?*

There are numerous demands upon the time of school board members by virtue of their position. The president in particular is in demand for speaking at service clubs, making trophy awards at tournaments, and giving out diplomas at graduation. This kind of exposure is good experience for the members, and it's good public relations for the district. It shows the leadership of the schools in a public service role--membership on the school board is one of the biggest public service roles in the state. Board members are also asked to do writing from time to time. The NDSBA *Handbook for School Board Members* offers some guidelines when this is requested.

34. *In a nutshell, what are the functions of a school board?*

- a. Planning - This is a joint effort among the board, staff, and community to establish short-term and long-range goals and objectives for the district.
- b. Policy making - This is the business of approving general guidelines (policy) within which personnel administer the district on a day-to-day basis. The superintendent should make recommendations with supporting data, and the board should accept, reject, or modify the superintendent's recommendation.
- c. Judicial - This is the function of the board to hear facts in a discipline matter involving students or employees and then, based upon a fair and impartial hearing (trial), make a decision (verdict). This is perhaps the most weighty aspect of being a board member and the one that has the most potential to lead to litigation.

- d. Appraisal and Evaluation - This is the board's function to look at the operation of the school's program, to determine whether or not the job is being done, and to prescribe steps for improvement. The only employees the board should directly evaluate are the superintendent and the business manager. The superintendent in turn should cause the evaluation of all other personnel. It is the board's responsibility to formulate a policy that requires evaluation of all staff and then ascertain that the superintendent is causing evaluation to happen.

35. Finally, how could everything that describes the art and science of being a board member be summarized?

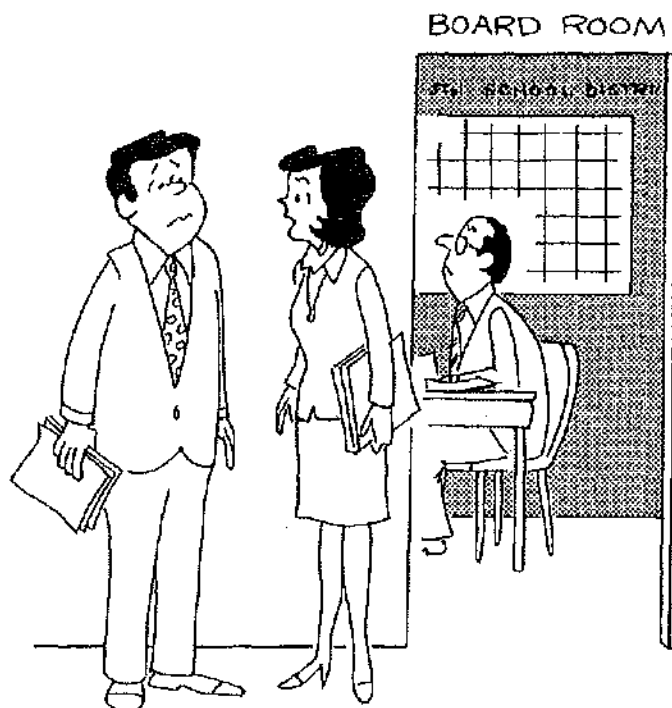
- a. The philosophy of local control of public schools must be evident in all thinking and decisions, together with an understanding of the authority of the state and federal government to mandate certain actions and programs.
- b. The goal of a proper and effective education for all students must guide action.
- c. The concept of efficient operation should be maintained in its proper perspective.
- d. Change that will improve should always be sought.
- e. Approved policy should provide the basis for both authority and action--boards should be policy-driven. Creating policy and following it are equally important.
- f. Relationships with family, stress, management of time, and personal limitations must all be realistically examined.
- g. New board members must take special care and time to learn how to be good board members--it's not a talent that comes with election.
- h. Board members must be aware of relationships with their chief executive officer (superintendent) and other key administrators, other staff members, students, the community, and fellow board members.
- i. Board members must know the procedures for conducting a proper meeting. Thorough knowledge of North Dakota law and *Robert's Rules of Order* is mandatory. Board meetings are the only time a board legally exists--it is the only life it has and it should be exemplary.

- j. Leadership at a board meeting is vital. The presiding person must be exceptionally knowledgeable and skilled in the art and science of boardsmanship.
- k. Board members as elected officials and acknowledged leaders are on display constantly and should conduct both professional and personal activities accordingly.
- l. Selection, evaluation, and retention of the right person for superintendent cannot be overemphasized. It very well may be the most significant thing a board does.
- m. Relationships of boards to teachers through negotiations is perhaps one of the most potentially volatile and divisive activities mandated. Boards must maintain a professional relationship with teachers outside of (above and beyond) the negotiations process.
- n. Board members should study carefully the decision-making process and apply it to being a board member.
- o. Financial considerations a board member must address are massive, and it is imperative that school finance be thoroughly understood.
- p. Board members must become experienced in curriculum development and selection of instructional materials.
- q. Board members must understand the community and the media and treat both with respect and openness.
- r. Board members must be aware of the legislative process, how they can become involved, and what can be done through this route.
- s. Board members must understand the difference between their role and that of the administrators.

THE MOST DIFFICULT THINGS TO LEARN

Experienced board members from across the nation were asked to identify the most difficult lesson or fact they had to learn about board service. Here's what they said most often.

- Determining what your function is on the board and how to accomplish it effectively.
- That no matter what you *think* you know about board service when you first come on board, you still have a lot to learn.
- Learning to publicly acknowledge that you have no power and authority as an individual board member; that only the board as a whole can make policies and decisions for the school district.
- Recognizing the difference between setting policy (the board's job) and administering the schools (the superintendent's job).
- That you must represent *all* the students. Your decisions must be made in the interest of the total school system and not made solely for special groups or interests.
- Learning how to respond to the complaints and concerns of citizens, school administrators, and other staff.
- That change comes slowly.
- That you can't solve everyone's problems by yourself.
- That you must think deeply and sometimes accept a reality that is contrary to your own beliefs.
- That effective boardsmanship means being able to hold the minority viewpoint when voting on a given issue; then openly supporting the majority vote in your community.
- Discovering how the schools are funded.



"One of the first lessons a new board member learns is never to giggle while giving a budget report!"