

Board & Administrator

FOR SCHOOL BOARD MEMBERS

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Board can review personnel files only for 'legitimate reason'

Does the board position give a member the right to review an employee's personnel file? In most instances, no, said Peter Fagen of the Fagen Friedman & Fulfroost LLP law firm in Los Angeles, Calif.

"It's not unheard of for a board member to ask to see a personnel file, but only school staff with a need to know should see those files," said Fagen. Examples of staff with a legitimate need would be an individual in the human resources department or a principal if he needs certain information, he said.

One instance when the board might review a personnel file is if there are charges against an employee, and the board is considering disciplinary action, Fagen said.

"In this case, the board would have a legitimate need to review a personnel file," in order to determine the appropriate level of discipline by reviewing whether there has been prior discipline for a similar charge, Fagen said.

If a school district approached him for an opinion on whether an individual board member can

review an employee's file, Fagen would respond in a memo.

"I would write a memo stating that a board member review of the personnel file is inappropriate in an instance like this, and outline the reasons why it is not appropriate," Fagen said. "I would also outline under what scenarios board member review of an employee's personnel file would be appropriate."

A board member review of an employee's personnel file without a legitimate reason could trigger an invasion-of-privacy claim by the staff member, Fagen said. "It could put both the district and board member at risk," he said.

Lack of clarity on roles is often the culprit in matters such as these, Fagen said. An individual board member has no special authority unless he is authorized by the entire board to act on behalf of the full board, Fagen said. "It all comes back to having a legitimate reason to review a file," he said. ■

Be wary of becoming the 'go-to' board member for stakeholder complaints

A Kentucky board member shares an early school board service experience of listening to public complaints about the school district. "A person brought me a complaint, and I responded," he said. "I tried to help the person resolve the issue. What I learned is that once you respond, they just keep coming back with problems.

"Now, I just thank a person who brings an issue to me and tell them I will pass the matter on to our superintendent and his staff." ■

New Georgia gun law affects local school boards

In April, Georgia Gov. Nathan Deal signed the Safety Carry Protection Act of 2014 into law. The new law has implications for school boards in the state.

According to an NBC News report, Georgia school boards will vote on whether they want to let staff bring guns to school. Staff will make an application to the school board and must receive training on “judgment pistol training” and “marksmanship.”

Superintendent Alvin Wilbanks of Gwinnet County (Ga.) Public Schools thinks, “The idea of anyone but official police officers and/or security personnel carrying guns inside a school could be very problematic.”

How would your board handle an issue such as this? The following lays out an effective approach to working through issues that come before the board.

First, identify which member of the board team should manage an issue — the board or the superintendent?

To do this, define when the board should become involved in an issue or let the superintendent handle it. Boards handle issues that:

- * Affect the entire district. (The administrator handles issues that affect individuals.)

- * Dictate what the district will do — policy matters. (The superintendent and staff determine how a policy is implemented.)

- * Are required by law.

- * Are requested by the superintendent.

Second, if it is a policy issue, the board should ask its superintendent to research the matter and give the board her recommendations.

Finally, the board makes its decision after weighing the information.

Think about this system in the context of a school board in a state where teachers and other staff members are authorized to carry weapons at school if approved by the board. This is a policy matter because it affects the entire district, dictates what the district will do, and is required by law. Handle it by asking the superintendent to research the issue fully and make a recommendation to the board about whether to allow staff members to carry guns at school. ■

Input an opportunity for board to put touch on strategic plan

When the board works on its strategic plans for the district, be sure to consider what type of input you may have to offer. Based on their occupations, many board members have expertise to share on matters such as finance, development, and business trends.

In addition, by offering your insights, thoughts, and examples on what has happened

in the past in your community, board members can help avert future district problems by sharing the community’s history and past experiences.

So offer your input, and the board will do much more than simply rubber-stamp a strategic plan spearheaded by school staff. ■

Tool defines role between board and superintendent

The board and superintendent at the Evergreen School Division in Gimli, Manitoba, use a general executive constraint/decision-making matrix to create a common understanding between the board and administrator regarding responsibility and authority for decision-making.

This is a very smart idea because it creates clarity around board and superintendent roles.

The matrix separates authority for specific decisions into three areas.

1. Superintendent has complete authority to act. Examples include:

- * Evaluate staff.
- * Evaluate programs.

2. Superintendent has authority but must inform board. Examples include:

- * Evaluate principals.

- * Staff hiring (nonadministrative).

- * Student suspensions (up to six weeks).

3. Board decision — superintendent may recommend. Examples include:

- * Policy development and approval.

- * Employee termination.

- * Student expulsion.

This board reviews its policy annually. The tool is helpful to the superintendent because it allows him to act appropriately based on the circumstances of the situation. The tool is helpful to the board as well because it allows it to develop trust in the administrator.

Editor’s note: Ask your superintendent if you would like to see the full general executive constraint/decision-making matrix policy included in this issue of Board & Administrator. ■