

LEGAL UPDATE



Advice for School Boards on Policy Development

By Terry Morrow, MSBA Director of Legal and Policy Services

A primary responsibility of Minnesota school board members focuses upon school district policies. MSBA/MASA Model Policy 208 — Development, Adoption, and Implementation of Policies — states it well: "Formal guidelines are necessary to ensure the school community that the school system responds to its mission and operates in an effective, efficient, and consistent manner. A set of written policy statements shall be maintained and modified as needed. Policies should define the desire and intent of the school board and should be in a form which is sufficiently explicit to guide administrative action."

Developing school district policies is a challenging task. For this reason, virtually every Minnesota school district subscribes to MSBA's Policy Services, which include the model policies developed with the Minnesota Association of School Administrators (MASA). MSBA creates and regularly updates the model policies to reflect recent court rulings and federal and state law changes. At the close of each Minnesota legislative session, MSBA reviews the new laws and revises the Model Policy Manual. The model policy revisions reflecting the Minnesota Legislature's 2019 statutory changes were published in early September.

At times, school boards consider whether they should draft their own district policy. A caution is appropriate here. For two reasons, school districts should proceed slowly when an individual or organization tells them that they need a "policy." First, an existing policy often addresses the concern. Districts should contact MSBA to determine whether a model policy is available to resolve the question. Second, the reality may be that an administrative procedure, handbook language, or another approach will accomplish the goal. Procedures, handbooks, and similar district documents set forth the methods, steps, and details needed to implement policy. This is a preferable route given that policy development can be a lengthy process and district policy is less amenable to quick revision than administrative procedures.

In rare situations, a school district may decide to undertake its own creation of a policy when MSBA has not crafted a model policy. For example, local circumstances may lead a board to consider a policy to address its unique circumstances. Alternatively, a school district may find itself ahead of the curve on an emerging issue on which it may be too early for a statewide association like MSBA to develop a standard model policy.

School boards thinking about writing their own policy are strongly encouraged to call MSBA first. This contact will enable MSBA staff to offer guidance and will help MSBA determine whether a model policy should be written. Second, school boards should work with their school district's legal counsel because district policy has significant legal ramifications. A third step may include review of policies of other Minnesota school districts (reliance on out-of-state policies may be problematic because of differences in state law).

School district policies establish principles of control, operation, and management. Well-written, current school district policies offer many benefits, including providing direction to administration and staff, engaging with families and the community, and fostering efficiency and stability. In fulfilling their policy-related responsibilities, school districts have a supportive partner in MSBA.

Contact Terry Morrow at tmorrow@mnmsba.org.