

Board & Administrator

FOR SCHOOL BOARD MEMBERS

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Resolve to keep board meetings safe

If nothing else, school boards can learn lessons from the National School Board Association's controversial letter to President Biden regarding threats and acts of violence against school board members in 2021. The letter asked for federal investigations, including FBI involvement, into threats and intimidation towards board members, superintendents, and educators. The extensive requests, and an implied comparison of concerned parents with domestic terrorists, resulted in many states' school boards cutting ties with the NSBA, including Ohio, Florida, Georgia, Alabama, Missouri, and Pennsylvania.

Districts can't ignore that school board meetings are no longer the same. They have become highly politicized, raucous, and adversarial, primarily centering around COVID-19 protocols and mask mandates in schools. And the pandemic is having far-reaching effects, such as severe staffing shortages, interruptions in services provided to students, absenteeism and truancy, and challenges in recruiting and retaining qualified educators. School board meetings are hashing out these issues across the country, often with disruptive results.

To keep your board meetings orderly and safe, ensure that the board:

- Develops a written policy on how to conduct meetings, including how to respond to public input that is controversial or sensitive'
- Considers employing school resource or safety officers to monitor open board meetings;
- Determines in advance whether to invite the press to attend meetings;
- Has a written policy in place to deal with true terroristic threats and hate crimes;
- Adheres to meeting procedures and protocols while enforcing policy with fidelity;
- Doesn't forget the goal of protecting student and staff health as well as their safety; and
- Votes and agrees upon statements to be made public, if warranted, on issues of public importance.

Issues of public interest shouldn't come as a surprise to board members. Heed the superintendent's update regarding what issues are important to the school community and prepare for protest and the voicing of strong opinions at open meetings. Preparing in advance can help to maintain order, protect board members, and keep meetings safe. ■

Avoid roping district, board into private lawsuits

School board members who include their official status when filing or joining a lawsuit can unwittingly create legal headaches for their districts -- and damage their relationship with

the superintendent and the rest of the board in the process.

The trouble stems from the difference between lawsuits filed in a person's individual capacity and

those filed in a person's official capacity. Board members generally are free to file lawsuits as private citizens in their individual capacities. If they file a complaint in their official capacity as board members, however, they risk roping the district into the dispute.

Suppose, for example, that a board member opposes a statewide mask mandate for K-12 public school students and sues the governor in both her individual capacity and her "official capacity" as a member of the district's board of education. Even if she only mentioned her role as a board member to give her complaint more weight, the "official capacity" designation suggests she's acting on behalf of the district and the entire board. The inclusion of that one phrase could force the district to spend time and money removing itself from the suit or

lead to enforcement action by state authorities who believe the district to be out of compliance -- neither of which will endear the board member to her colleagues.

Being elected to the school board does not end a board member's right to seek redress in the courts. However, the board member must remember that he can only sue in his individual capacity; only the board acting as a unit has the authority to make decisions on the district's behalf. He also should speak with the district's counsel before filing or joining any lawsuit that may affect the district's operations. Those few minutes of consultation may help the board member avoid a legal blunder that can impact the district's resources and reputation, as well as sour his relationship with the superintendent and other board members, for years to come. ■

Improve board member behavior to attract quality superintendent candidates

With retirement rates soaring and the competition for quality superintendent candidates tightening, school boards should consider how their own behavior may affect the types of applicants they attract. Consider the following tips for improving that behavior:

1. Encourage respect

Potential superintendent candidates have more choices today and are doing more homework on districts. They may attend online public board meetings and read online articles or social media posts concerning what board members have said about prior superintendents, other board members, administrators, and parents. A superintendent who hears or reads disrespectful, negative comments or verbal abuse may view the district as a toxic environment and cross it off her list of potential employers. Board members who respect and honor others' opinions are more likely to display behavior that helps attract a quality superintendent.

2. Limit negative social media posts

Board members should be careful before posting comments online or speaking to media

outlets. It's easy to post something critical, especially after a board member is verbally attacked by a member of the public or another board member, administrator, or parent. It may be helpful for a board member to wait 24 hours after experiencing a verbal attack before responding, to let anger subside and gain perspective. The board member, at that point, may decide not to respond at all, or if she does respond, she is likely to be thinking more clearly and better able to fashion an appropriate, non-emotional response.

3. Develop or revise a code of conduct

Boards can develop a set of guidelines for respectful, effective behavior and for communicating publicly about board and school matters or incorporate them into a current behavior code or code of conduct. The board president can then review the guidelines with each incoming board member. In addition, the board may have a code of conduct that needs updating, given the increased friction in school board meetings over masks, vaccines, remote learning, and other issues related to the pandemic. ■