

Board & Administrator

FOR SCHOOL BOARD MEMBERS

May 2021 Vol. 35, No. 1

Clarify superintendent's benefits to prevent misuse of paid time off

As the highest-level administrator, a superintendent may need to work throughout the school year to ensure the success of the district. However, board members should keep in mind that like other school personnel, the superintendent is likely entitled to paid time off, such as vacation days, sick leave, and personal days.

While superintendents often choose not to take many vacation days or prefer to be "on call" no matter the circumstances, it is important for the school board to properly review and clarify the benefits the superintendent will receive under the terms of her employment contract. Doing this before and during the hiring process will help prevent any potential misuse of paid time off, conflict with board members, and legal liability.

On March 12, 2021, City Schools of Decatur (Ga.) released a statement acknowledging concerns from former employees and the public that Superintendent David Dude may have taken more paid time off than he was entitled to. In the statement, School Board Chair Tasha White emphasized that active personnel inquiries are confidential, but admitted that the district was defending lawsuits related to the matter. She also highlighted that the language in the superintendent's contract may have caused confusion regarding his vacation days and schoolwide holidays.

To ensure your board avoids a similar situation, consider the following tips:

1. Communicate expectations. Does the board expect the superintendent to work during school holidays such as summer break and spring

break? How far in advance should the superintendent input her vacation days or personal days? Is the superintendent required to complete certain projects before she takes paid time off? Board members should discuss their expectations ahead of time and communicate them to the superintendent during the hiring or contract negotiation process to avoid misunderstandings later on.

2. Define all paid time off in the contract. As a best practice, the board should review the superintendent's contract with legal counsel to ensure the document clearly defines each type of paid time off the superintendent is entitled to take during her tenure. For example, the contract may define the term "vacation day" as a day the superintendent takes off from work while the district is open for business. Under that definition, the superintendent would probably not need to request a vacation day to rest while the district is observing a federal holiday.

3. Green-light independent inquiry if necessary. If the board receives complaints or finds records indicating that the superintendent may not be correctly reporting vacation or personal days or sick leave, consult legal counsel as soon as possible and determine whether an independent investigation is needed. Such an investigation may be key in avoiding board liability for potential misuse of federal funds, especially if the superintendent is allowed to cash-out unused paid time off in accordance with her contract.

To hear the full statement from City Schools of Decatur, see https://www.youtube.com/watch?v=oPXehamELVQ&t=7s&ab_channel=CSD-BoardofEducationGeneric. ■

Remember there's a difference between being open and saying too much

It's always important for board members, and especially new board members, to build a rapport with journalists and members of the public, and a common way a new board member can do this is by opening themselves up to questions and presenting themselves as honest and straightforward. And while this is an excellent way to gain the trust of your constituents, it's also important to keep in mind that board members are often privy to information that the public does not know, and there's often a reason for that. Sometimes, board members know information about a program or activity that isn't ready to be fully announced yet. Other times, members learn or know about confidential information that the general public shouldn't know.

Because of this, it is all too easy for a new board member to fall into a trap of revealing too much too soon, all in the name of being open with the public. That's why board members should become very comfortable with phrases such as: "you'll be hearing more about that soon," "let's circle back on that topic next week," and "we're not quite ready to discuss that at this time." It's perfectly reasonable for board members to not reveal everything as soon as possible, so long as you keep your word and explain whatever topic you didn't talk about earlier when the time is right. And remember, you can always say more, but you can't take back what you've already said. ■

Present united front

Present a united front in the midst of efforts to force the reopening of schools or to recall school board members for the failure to allow students to return to in-person learning. Some schools have resisted or delayed reopening until teachers are vaccinated or the risk of COVID-19 exposure is lowered. Others have been forced to close for a second time after a resurgence or outbreak. Many are challenging reopening rules in court. All the while, questions about funding swirl.

Consider the following ways to present a united front in the face of challenges:

- Be respectful to other members. Ensure that board members do not speak over one another, encourage each member's input, use

decorum, and follow established meeting procedures.

- Document the board discussion, the particulars of board decisions, and address complaints.

- Envision disruptions and challenges and incorporate flexibility depending upon circumstances.

- Be creative and consider new solutions to new challenges.

- Discuss representations to be made during open meetings, press releases, or the preparation of statements for disclosure to the public.

- Encourage board members agree to air grievances in private meetings to ensure the board presents a united front and is confident about the future of in-person learning. ■