

Nova Classical Academy New School Board Member  
Training Session  
November 25, 2024  
6:00 PM in person at Nova

Background

This training session builds on previous board training sessions by Dr. Michael Lovett, *Lovett Leadership LLC*, and Attorney Jim Martin, *Martin Law Firm PLLC*

Materials:

Attached are copies of materials, including:

- *Bio of facilitator (pages 3)*
- *“Building Strong School Board/Leadership Team Relationships” (pages 4-5)*
- *“Levels of Authority Affecting Public Preschool, Elementary and Secondary Schools” (pages 6-8)*

Objectives addressed in New Board Member training sessions

- Reflect on board member motivation to serve in the context of the school’s mission
- Distinguish between and learn to lead in our role as Trustees (vs. Delegates)
- Build communication skills and establish trust for improved Board work performance
- Gain further understanding of the fiduciary duties of Board members

**Agenda**

**Introductions: Who Are We and Why Do We Serve on a Board**

- Understanding the mission and values of Nova. See: <https://www.novaclassical.org/>
- Motivation to serve

**Session 1: Key Foundational Premises**

- Understand and practice board roles as Trustees (vs. Delegates)
- Ongoing development of communication skills to establish trust for highly effective Board work performance (The Six C’s)

### ***Framework A: Trustee or Delegate?***

***Delegate*** board member: A board member who behaves politically in an effort to satisfy personal or pressure group interests.

***Trustee*** Board member: normative role characterization that is the antithesis of a delegate board member; prescribes that board members act objectively and rationally serving broad public interest.

(Source: Kowalski, T. (2013). *The School Superintendent: Theory, Practice and Cases* (3rd ed.)

### ***Framework B: The Six C's*** (see attached document)

(Source: Lovett, Michael and Kimball, George, 2015-17, Minnesota School Board Association.)

## **Session 2: Understanding the Legal and Ethical Responsibilities of Board Members**

- Legal duties
  - duty of care
  - duty of loyalty
  - duty of obedience
- Fiduciary duties
  - Board members act for the good of the organization rather than for the benefit of themselves.
  - Fiduciary duty requires board members to stay objective, responsible, honest, trustworthy, and efficient.
- Fundamental Minnesota State Laws important for new board members to understand
  - Open Meeting Law
  - Data practices Law

## Facilitator Biography

### **Bio for Dr. Michael J. Lovett**

*(updated February 2023)*

From 2008 through 2017, **Dr. Lovett** was superintendent of the White Bear Lake Public Schools in Minnesota, after serving as assistant superintendent with the Minnetonka Public Schools from 1988 to 2008. Between 1970 and 1988, he was a public school teacher in New York, an administrator at school site and district levels in Minnesota, and in a leadership role at the Minnesota Department of Education.

For more than 40 years, he has taught graduate level courses as an adjunct faculty in educational leadership and policy at Minnesota universities. Areas of teaching experience include human resources; school finance; strategic planning; research design, analysis and critique; and the superintendency.

During nearly five decades he has presented on a educational topics to Minnesota and National conferences; traveled internationally to Asia, Africa, and Europe for education and nonprofit partnerships; is the author of journal articles on educational finance and law; published a book and video series on teacher retention; an essay for an international text on leadership and administrative support of inclusion; and since 1999 has been a regular and extensive contributor to national publications on education.

Since his retirement from full time work in 2017 he has expanded teaching at the graduate level, currently serving as adjunct faculty at both the University of Minnesota and University of St. Thomas; provides both pro-bono and fee-based strategic leadership mentoring and management consulting to educational, nonprofit, and business leaders through *Lovett Leadership LLC*; and is active on several nonprofit boards.

Dr. Lovett earned his B.A. in History from Carleton College, Northfield, MN, in 1970, also attending Doshisha University in Japan in 1969; and M.A. (1973) and Ph.D. (1979) degrees in Educational Leadership and Policy from the University of Minnesota.

For more detail please see <https://www.linkedin.com/in/michael-lovett-phd/>

## Building Strong School Board/ Leadership Team Relationships (The Six “C’s”)

*(Updated February 2023/MJL/adapted from materials prepared and used for Minnesota New School Board Member training, by Superintendent Michael Lovett and School Board Member George Kimball for the Minnesota School Boards Association, 2015-2017.)*

### 1. Cohesiveness

*Our school community sees school board members and school leaders as a team. School board members and school leaders together represent our students, staff and school community as one cohesive unit.*

*Work to be your unified best everyday and in every correspondence, whether your communication is intended to be public or private.*

### 2. Communication

*Communication must be regular, continuous and fit the needs of your board and leadership team. Your superintendent or executive director will work with the school board to find a strategy that regularly updates you on operational urgencies, important upcoming events, and progress on strategic priorities.*

*As a board member, listen to, talk with, and meet with your superintendent or executive director.*

*When board members have varying expectations on how much communication you want from your executive leader, it may be helpful to discuss the topic as a full board at a study session.*

### 3. Community

*As a school board member, you are a steward of your school or district, and have a responsibility to your school community, including students, parents, and staff. Working closely with your school leaders, find ways of being visible and supportive, understanding and honoring the board role and that of the school’s leadership team.*

### 4. Conduct

*Conduct every conversation and ask every question-- in public or private- with respect and civility.*

*Develop school board protocols about who should respond to questions or advocacy from parents, students, or staff.*

*For example, the school board chair and the superintendent or executive director could make a decision on which of them should respond given the nature of the communication.*

## 5. Compliance

*Understand, honor and comply with the letter and spirit of federal and state laws and your own board policies. As a school board member you operate within the context of five levels of authority, including:*

- Federal laws and regulations
- State laws and rules
- School board policy
- Administrative procedures
- Contracts and other legal agreements

*As a new board member, appreciate the complexity of these levels of authority. Especially important from the beginning is a keen understanding of and respect for federal and state data privacy laws and the Minnesota Open Meeting Law.*

## 6. Compassion

*Recognize your responsibility for oversight of the school or district, and a respectful standards-based evaluation of your executive leader. Support your superintendent or executive director by following the norm of praising in public and offer suggestions for improvement or concern in private unless the matter is an ethical or legal matter that requires public transparency. School board members are in a key role to provide support for the professional and personal challenges school leaders face.*

**Levels of Authority**  
**Affecting Public Preschool, Elementary and Secondary Schools**  
*Prepared by Michael J. Lovett and James K. Martin*  
*Updated January 2022*

**1. Federal Constitution, Laws and Regulations**

The United States Constitution is silent on the issue of education. Rather, the 10th Amendment of the Constitution (1789) reads:

*The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.*

In effect, this means that public education is a function left to each of the 50 states individually.

Then how does the federal government have influence over education?

1. Laws and regulations based on the Equal Protection Clause of the 14th Amendment to the Constitution (1868) which provides (in part): *"nor shall any State [...] deny to any person within its jurisdiction the equal protection of the laws."*
2. Programs and Services that are rooted in other sections of the Constitution; e.g., the school lunch program is overseen by the Department of Agriculture, and began in the 1930s as a way to stabilize food prices by absorbing farm surpluses, while at the same time providing lunch to millions of school children.
3. Programs which serve some national purpose, but are not required of the states. For example, states receive federal funds for some programs if they comply with federal regulations. Examples would be science education or development of student job and career skills.
4. Through revisions to the federal Elementary and Secondary Education Act, including a law entitled "No Child Left Behind" in 2002, and a revision entitled "Every Student Succeeds Act" in 2016, the federal government, as a condition for states to receive federal funds, has set annual testing requirements for all children grades 3 through 12 in

reading and math. These laws have had significant ramifications on US education, some good -- like more public accountability, and some negative, like reductions in music, the arts, elementary recess, and anything else that is not measured by required “high stakes” government testing. The actual tests differ by state and are administered by the states. There is some degree of national coordination through a voluntary set of standards called “Common Core” standards.

## **2. State Constitutions, Laws and Rules**

Education is the responsibility of each of the states, in accord with their own state constitutions. For example, the State of Minnesota Constitution 1858 (Article 13, Section 1) reads:

Uniform system of public schools. *The stability of a republican form of government depending mainly upon the intelligence of the people, it is the duty of the legislature to establish a general and uniform system of public schools. The legislature shall make such provisions by taxation or otherwise as will secure a thorough and efficient system of public schools throughout the state.*

## **3. Local School Board Policies**

Each state other than Hawaii delegates responsibility for operating schools to local school boards. These boards are normally elected by the voters of a specific city, county, or established school district, and have wide latitude in managing schools as long as they comply with federal and state laws, regulations and rules.

## **4. Administrative Procedures and Leadership**

Each school district hires or appoints a school superintendent who serves as the CEO (in some states this is an elected position) and provides leadership and is accountable to the school board, state and federal authorities and the public. The superintendent and other school leaders also have wide latitude in engaging the public, creating and maintaining a climate of high expectations and respect, and inspiring students and staff to excel. The superintendent and school leaders have authority to promulgate and implement administrative procedures to put school board policies into effect.

## **5. Collective Bargaining**

In states where collective bargaining is permitted, those agreements ratified by school boards and employee groups, and officially recognized by the appropriate state agency, e.g., Minnesota State Bureau of Mediation Services, have the force and effect of law. The collective bargaining agreements, which are negotiated by the school districts and the employee organizations (unions)

that represent groups of employees, govern employees' wages, hours and other terms and conditions of employment. Disputes are subject to grievance provisions and procedures, typically with an arbitrator serving as the final authority to resolve the dispute between the school district and the union when one arises.

### **Summary and Ramifications**

In the United States, these five levels of authority all influence what and how children learn; what is most important; and how much money is spent on schools and school staff.

There is a balance between **equality of opportunity, local control, and efficiency**, three important values that may seem in tension with one another.

Because of these five levels of authority, and the fact that local control of schools is such a strong value, the nation's public schools tend to be slow to change, and to some degree are insulated from political issues, whether they arise at the state or federal level.

### **Private elementary and secondary schools**

The First Amendment to the Constitution reads in part, "*Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.*" This is a major factor which results in very modest public funding going to private and parochial schools. Where public funds do go to private or religiously affiliated schools, it may be under state laws that provide support for functions such as textbooks and counseling services that do not-- and cannot-- have a religious purpose. Certain federal programs, such as Title 1 and special education services, are open to any qualifying schools and students, whether public or private.