

Session 2 Policy

What is Policy?

A policy is...

Philosophical	defines the value or perspective that underlines action
Explicit	in writing
Current	rescind those that are out of date
Literal	mean what they say (need to be clear)
Centrally available	a prominent organizational document
Brief	beware of too many or too long
Encompassing	resolves larger questions before smaller ones – <i>there are more issues than the board has time to consider</i>

Policy Sizes

Should the board be more involved or at arm's length? The reality is that most boards feel that they should speak more specifically about some things and less specifically about others.

- Resolve broad issues first before dealing with smaller issues in any category.
- Develop policies to the point of specificity where you are willing to accept any reasonable interpretation – no matter what it is.
- The board's job differs from the staff job not in topic, but in level within the topic.

Current Policies: What happens to them?

Required Policies

Board Member Conflict of Interest is incorporated into the Governance Process Policies.

All other required policies as of June 2008 concern means. They remain in effect and their implementation is delegated to the Superintendent. The Superintendent is responsible for ensuring these policies are up-to-date. Any revisions go on the board consent agenda to approve, with a report from the Superintendent certifying the revisions maintain compliance with all applicable laws and regulations. The Superintendent also has responsibility to bring to the board on the consent agenda for approval any newly required policies that address means issues. This responsibility is given in the global executive constraint policy which requires the district to comply with all applicable laws.

Other Policies

All other policies should be rescinded. The Superintendent has the responsibility of determining if any of these rescinded policies should become operating procedures. If there are values in these policies that the board wishes to maintain, these values should be incorporated into the appropriate Policy Governance quadrant.

Required Policies

29 C.F.R. 1910	AIDS/HIV(E9) (Bloodborne pathogens)	Federal regulations require policy on control of exposure to disease causing microorganisms potentially present in human blood.
SBE Rules §§4200 et seq. 16 V.S.A. §1165(c)	Student Alcohol & Drug Abuse (F7) (policy updated 11/26/07)	Extensive requirements now exist for policies related to educational components of drug and alcohol abuse education programs and procedures for disciplining students.
21 U.S.C. §§1521 et seq (Drug Free Communities Act) 20 U.S.C. §§7191 et seq.(Safe & Drug-Free Schools & Communities Act of 1994) 20 U.S.C. §§3474 (Drug Free Workplace Act)	Alcohol & Drug-Free Workplace (D8) (policy updated 11/26/07)	Requirements for employees involved in illegal drug or alcohol use.
49 U.S.C. §§5331, 31306(Omnibus Transportation Employee Testing Act of 1991) 49 C.F.R. Parts 40, 382	Alcohol & Drug Testing: Transportation Employees (D11) (policy updated 11/26/07)	Board policy on testing safety sensitive employees for alcohol and controlled substances required by federal law and regulations.
State Board Rule 2120.8.3.3	Student Attendance (F25) (policy updated 11/26/07)	Policy promoting a "safe, orderly and civil school environment in which learning can take place...expectations regarding student behavior, language, <u>classroom attendance</u> , clothing and treatment of property, as well as consequences for violations..."
State Board Rule 2120.8.3.3 16 V.S.A.§1161a 16 V.S.A.§1162	Student Behavior(F1) (policy updated 11/26/07)	"Each...school shall adopt and implement a comprehensive plan for responding to student misbehavior..." Student suspension or dismissal must be "pursuant to policies on suspension and dismissal."
16 V.S.A. §563(20)	Board Member Conflict of Interest (B3) (policy updated 11/26/07)	Policy and procedures "designed to avoid the appearance of board member conflict of interest."
16 V.S.A. §261a(1)	Curriculum Development & Coordination(G1) (Mandatory for Superisory Union Boards) (policy	Supervisory union board must "set policy to coordinate curriculum plans among sending and receiving schools."

	updated 11/26/07)	
16 V.S.A.§2194	Educational Support System (G7)	"...each public school board in Vermont (to) adopt a policy that establishes an educational support system."
State Board Rule 2120.2.2(b)	Grade Advancement: Retention, Promotion & Acceleration of Students(G9) (policy updated 11/26/07)	Policy on "grade advancement and how the assessment of student learning affects such decisions...shall assure that parents have early notification of a student's status.."
29 C.F.R.§1604.11(f) 21 V.S.A.§495h	Harassment of Employees(D12) (policy updated 11/26/07)	Federal regulations for Title VII strongly recommend and state law requires harassment policies for employees.
16 V.S.A. §11(a)(26),565(b) 20 U.S.C.§§1681 et seq.	Harassment of Students(F20) link to the DOE model policy	Federal regulations for Title IX and state law requires harassment policies for students.
16 V.S.A.§§11(a)(30),565(b), 140a-140d, 165(a)(2),(8)	Hazing(F24) (policy updated 11/26/07)	Each School Board shall adopt and ensure the enforcement of a hazing prevention policy at least as stringent as model developed by the commissioner.
42 U.S.C. 1320d-2 and 1320d-4 45 C.F.R. Subpart C	HIPPA(D13)	Policy stating compliance with the requirements of the Health Insurance Portability and Accountability Act of 1996.
16 V.S.A.§563(24)	Participation of Home Study Students in School Programs & Activities(F23) (policy updated 11/26/07)	Policy to "Integrate home study students into...schools through enrollment in courses, participation in cocurricular and extracurricular activities and use of facilities."
U.S.C.§2000d Title VI (Civil Rights Act) 34 C.F.R. Part 100	Limited English Proficiency (F19) (policy updated 11/26/07)	Policy required on identification, assessment and services for non-English speaking students.
20 U.S.C. §1232h	Pupil Privacy (F27) (policy updated 11/26/07)	To comply with the provisions of the federal Pupil Privacy Rights Amendment (PPRA) governing the administration of certain student surveys, analyses or evaluations.
16 V.S.A.§§261a(5),165(a)(4)	Professional Development of Teachers (D2) (policy updated 11/26/07)	Supervisory union board must establish "written policy on professional development of teachers... and periodically review that policy."
State Board Rule 2120.8.3.3 & 20 U.S.C.§§1232f-1232j (Family Educational Rights & Privacy Act)	Student Records (F5) (policy updated 11/26/07)	"District must develop system of ... student records [to] insure accuracy, relevancy and confidentiality."
State Board Rule 5510	Substitute Teachers (D6)	"Each local School Board shall adopt a policy

		establishing employment qualifications for persons who substitute..."
State Board Rule 2120.8.4	Technology (G11)	Policy on "electronic resources, acceptable Internet usage, and procedures for handling complaints."
16 V.S.A.§140 18 V.S.A.§§1421, 1422	Tobacco Prohibition(E8) (policy updated 11/26/07)	Each employer...shall "establish or negotiate... a written smoking policy [to] prohibit smoking throughout the workplace or restrict... to designated... areas." "No person [is] to use tobacco on public school grounds and no student shall be permitted to use tobacco at public school-sponsored functions."
16 V.S.A.§1222	Transportation (F9) (policy updated 11/26/07)	Board "shall adopt a transportation policy for pupils required to attend school... tak[ing] into consideration... age and health of pupils... distance traveled, condition of road and type of highway..."
16 V.S.A.§260	Volunteers(D7) (policy updated 11/26/07)	"...shall .. adopt a policy on supervision of volunteers and work study students."
16 V.S.A.§1166(b) 13 V.S.A.§4004 20 U.S.C.§8921 (Gun Free Schools Act of 1994)	Firearms (F21) (policy updated 11/26/07)	May authorize possession & use of firearms or other weapons for specific occasions or for instructional purposes when facilities are available for such purposes.
Section 204 of the Child Nutrition and WIC Reauthorization Act of 2004	Wellness (F28)	Establishes a plan for measuring implementation of the local wellness policy, including designation of 1 or more persons within the local educational agency or at each school, as appropriate, charged with operational responsibility for ensuring that the school meets the local wellness policy. <i>Includes many more stipulations found in the policy.</i>

Pitfalls of the Model

- Assuming anything controversial is Board work
- Developing a policy for every issue
- Failing to understand that the Superintendent can make a different choice than you personally would make and it would still be within policy
- Believing that this model requires an extra dose of trust
- Board members failing to exercise discipline regarding what they talk about and how they do the talking
- Lack of sufficient skill in having constructive, non-defensive Board deliberations
- The Superintendent not believing you mean it with executive limitations policies and coming to you with everything

Benefits of the Model

- True trusteeship
- True accountability
- Increased innovation
- A more interesting board job
- A more interesting executive job