

# **Effective and Ethical Operations**

## **Overview**

School boards are public bodies entrusted by the community with overseeing the system of education for children in the district. As elected officials, school board members must act with integrity and adhere to the highest ethical standards. Lawful and effective operations are crucial to a strong school board. Effective operations are characterized by well-organized meetings with agendas that focus discussion and decision making, engaged board members who have the information necessary to make informed decisions, and practices, protocols and policies that are legally compliant.

16 V.S.A. 557

16 V.S.A. 563

Adapted from Essential Work of Vermont School Boards, VSBA

## **Roles and Responsibilities – Effective and Ethical Operations**

### School Board

1. Operates with the highest legal and ethical standards.
2. Adopts policies and protocols governing effective and ethical operations.
3. Governs the business of the district through meetings conducted in accordance with Vermont's open meeting law.
4. Participates in opportunities for board development and training.
5. Handles quasi-judicial hearings in a consistent and orderly fashion and arrives at clear, fair conclusions.
6. Understands they are community trustees to assure quality education and that taxpayers get a great return on investment, not the operators of the school.

### Superintendent

1. A- Along with the board chair, participates in eight hours of legally mandated training annually.  
B- Oversees procedures for legal compliance with all applicable laws and regulations.
2. Supports the Board in ensuring compliance with and regular review of policy.
3. A- Attends all meetings of the board.  
B- Provides staff at board meetings when appropriate for minute taking and other supports.  
C- Ensures that the technical provisions of the open meeting law including posting warnings, agendas and meeting minutes are followed.
4. Assists the board in obtaining opportunities for board development.
5. Obtains legal resources and supports for the board when necessary.

16 V.S.A. 563

16 V.S.A. 561

## **Operations – Policies and Protocols Summary**

As the public body entrusted by the community with the oversight of the system of education for children in the district, the school board will conduct itself in a manner that ensures lawful and ethical operations. Accordingly, the Board has adopted the following policies and protocols:

1. Policy on Board Member Conflict of Interest (A1)
2. Board Member Code of Ethics
3. Operating Protocols
4. Policy on Board Meetings, Agenda Preparation and Distribution (A20)
5. Policy on Public Participation at Board Meetings (A21)
6. Policy on Board Member Education (A31)
7. Policy on Board Goal Setting and Evaluation (A32)
8. Policy on Complaints about Personnel and Instructional Materials (B22)

## Effective and Ethical Operations Self-Assessment

	Fully Achieved	Mostly Achieved	Partially Achieved	Beginning to Achieve	Don't know/ unsure
The Board has a Conflict of Interest policy.					
The Conflict of Interest policy is adhered to.					
The Conflict of Interest policy is reviewed according to the policy review schedule.					
The Board adopts a Code of Ethics that outlines expectations and commitments.					
The Board has discussed and adopted operating protocols.					
The protocols are uniformly followed by board members.					
The Board stays out of staff and student issues which may result in quasi-judicial hearings before the Board.					
The Board handles quasi-judicial hearings in a consistent and orderly fashion and arrives at clear, fair conclusions.					

	Fully Achieved	Mostly Achieved	Partially Achieved	Beginning to Achieve	Don't know/ unsure
Board members respect the fact that they have no official power outside of the actions of the full board.					
The Board adheres to the open meeting law and carefully follows statutory guidelines for executive session.					
Board members are respectful to other board members, administrators, staff, and community members.					
Board members have the information needed to make informed decisions and understand their potential impact.					
Regular board meetings are efficient and generally last no more than 2-3 hours.					
Board members annually participate in board development activities.					
Board members understand that they are community trustees to assure quality education and that taxpayers get a great return on investment, and that they are not the operators of the school.					

*\* Adapted from Essential Work of Vermont School Boards, VSBA p.69*

**CODE A1  
(Required)**

**BOARD MEMBER CONFLICT OF INTEREST**

**Policy**

It is the ethical and legal duty of all school board members to avoid conflicts of interest as well as the appearance of conflicts of interest.

**Definitions**

“Conflict of interest” means a situation when a board member’s private interests, as distinguished from the board member’s interest as a member of the general public, would benefit from or be harmed by his or her actions as a member of the board.

**Implementation**

In order to comply with the obligations thus imposed, the Board and its members will adhere to the following recommended standards.

1. A board member will not give the impression that he or she would represent special interests or partisan politics for personal gain.
2. A board member will not give the impression that he or she has the authority to make decisions or take action on behalf of the Board or the school administration.
3. A board member will not use his or her position on the Board to promote personal financial interests or the financial interests of family members, friends or supporters.
4. A board member will not solicit or accept anything of value in return for taking particular positions on matters before the Board.
5. A board member will not give the impression that his or her position on any issue can be influenced by anything other than a fair presentation of all sides of the question.
6. Board members will be familiar with, and adhere to, those provisions of Vermont education law that define school board powers and govern board member compensation and public bidding processes.

**Avoiding Conflicts**

When a board member becomes aware that he or she is in a position that creates a conflict of interest or the appearance of a conflict of interest as defined in state law or this policy, he or she will declare the nature and extent of the conflict or appearance of conflict for inclusion in the board minutes, and will abstain from voting or participating in the discussion of the issue giving rise to the conflict.

## **Complaints of Conflict of Interest**

When a conflict of interest claim against a board member is brought to the board in writing and is signed by another board member or a member of the public, and the board member against whom the claim is made does not concur that a conflict in fact exists, the following board procedures will be followed.

1. Upon a majority vote of the remaining board members, or upon order of the chair, the board will hold an informal hearing on the conflict of interest claim, giving both the board member and the person bringing the claim an opportunity to be heard.
2. At the conclusion of the informal hearing, the remaining board members will determine by majority vote whether to:
  - a. Issue a public finding that the conflict of interest charge is not supported by the evidence and is therefore dismissed;
  - b. Issue a public finding that the conflict of interest charge is supported by the evidence and that the member should disqualify him or herself from voting or otherwise participating in the board deliberations or decision related to that issue, as required by Vermont statute; and/or
  - c. Issue a public finding that the conflict of interest charge is supported by the evidence and the board member should be formally censured or subjected to such other action as may be allowed by law.

Date Warned:  
Date Adopted:

Legal Reference(s): 16 V.S.A. § 262(d) (Election of officers)  
16 V.S.A. §557 (Gratuity/compensation prohibited)  
16 V.S.A. §558 (Eligibility for election to school board)  
16 V.S.A. §559 (Public bids)  
16 V.S.A. §563(20) (Powers of school boards)

Cross Reference: <sup>1</sup> See 16 V.S.A. §563(20). "...establish policies and procedures designed to avoid the appearance of conflict of interest."

## **CODE OF ETHICS FOR VERMONT SCHOOL BOARD MEMBERS**

As a member of my local school board, I will remember that my primary concerns must be the educational welfare of the students in my district and excellent return on investment for taxpayers. I agree to conduct myself in accordance with the following commitments. I will:

### **Act within the scope of my official role:**

- 1) Recognize that a board member's responsibility is to see that schools are well run, but not to run them
- 2) Act only as a member of the board and not assume any individual authority when the board is not in session, unless otherwise directed by the board
- 3) Give no directives, as an individual board member, to any school administrator or employee, publicly or privately
- 4) Avoid making commitments that may compromise the decision-making ability of the board or administrators

### **Uphold the highest ethical standards:**

- 1) Not receive anything of value, by contract or otherwise, from the school district or supervisory union unless it is received:
  - a. as a result of a contract accepted after a public bid
  - b. in public recognition of service or achievement
  - c. as a board stipend reimbursement or expense allowed by law for official duties performed as a member of such board;
- 2) Not solicit or receive directly or indirectly any gift or compensation in return for making a recommendation or casting a vote;
- 3) Agree to recuse and remove myself from board deliberation and votes when necessary to avoid the appearance of conflict of interest;
- 4) Not agree to the hiring of a superintendent, principal, or teacher already under contract with another school district unless assurance is first secured from the proper authority that the person can be released from his or her contract.

### **Respect my peers, my constituents, and confidentiality considerations:**

- 1) Voice opinions respectfully and treat with respect other board members, administrators, school staff, and members of the public;
- 2) Maintain confidentiality of information and discussion conducted in executive session and uphold applicable laws with respect to the confidentiality of student and employee information;
- 3) Attend all regularly scheduled board meetings insofar as possible.

***I agree to abide by the principles outlined in this Code of Ethics and will do everything in my power to work as a productive member of the leadership team.***

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Signature

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Date



## Operating Protocol

For the purpose of enhancing teamwork among members of the board and between the board and the administration, we the members of the \_\_\_\_\_ School Board, do hereby publicly commit ourselves collectively and individually to the following operating protocol:

1. The board will represent the needs and interests of ALL the children in our district.
2. The board will lead by example. We agree to avoid words and actions that create a negative impression on an individual, the board, or the district. While we encourage debate and differing points of view, we will do it with care and respect.
3. Surprises to the board or the superintendent will be the exception, not the rule. We agree to ask the board chair or the superintendent to place an item on the agenda instead of bringing it up unexpectedly at the meeting.
4. Communications between staff and the board are encouraged. Board requests of staff are to be directed to the superintendent.
5. All personnel complaints and criticisms received by the board or its individual members will be directed to the superintendent.
6. The board will encourage others to follow the board policy on complaint procedures and present their concerns, problems, or proposals to the person who can properly and expeditiously address their issue.
7. To be efficient and effective, long board meetings must be avoided. If a board member needs more information, either the superintendent or the board chair is to be called before the meeting. Audience participation protocol will be consistently practiced.
8. The board will consider research, best practice, public input and financial impacts in their decision making.
9. The superintendent is the chief executive officer and should recommend, propose or suggest on items that go before the board.
10. The board will speak to the issues on the agenda, not engage in inappropriate debate. Facts and information needed from the administration will be referred to the superintendent.
11. Study sessions will be for in-depth discussion on one or two agreed-upon topics.
12. When executive sessions are held, board members will honor the confidentiality of the discussions.
13. The board commits itself to continuous improvement through a yearly board retreat.
14. The board and superintendent will facilitate goal setting for the school district.
15. The board will do their homework and improve their boardsmanship skills by attending board training and networking opportunities.
16. Individual board members do not have authority. Only the board as a whole has authority. We agree that an individual board member will not take unilateral action.
17. The board president or designee will be the board spokesperson.
18. When board members serve on various committees or attend committee meetings, their role shall be as liaison to the board and when addressing the committee, shall be as an individual.
19. The board will establish the vision, create policies and assure accountability. The superintendent will manage the schools.

CODE A20

**(Recommended)**

**Board Meetings, Agenda Preparation & Distribution**

**Policy**

All Board meetings will be held in compliance with Vermont's open meeting laws, 1 V.S.A. §§310 et seq.

**Regular Meeting Schedule**

Regular meetings of the board will be held at \_\_\_ (place) \_\_\_\_\_ on \_\_\_ (day of month, as "the first Monday of every month") beginning at (time).<sup>1</sup> The meeting schedule will be published and made available by the superintendent to any person on request.

Special and emergency meetings will be called by the chair on his or her own initiative or when requested by a majority of the board and shall be warned appropriately.<sup>2</sup> Only items on the agenda may be acted upon at these meetings.<sup>3</sup>

**Conduct of Board Meetings**

Meetings will be conducted in accordance with Robert's Rules of Order, Newly Revised.<sup>4</sup> One or more members of the board may attend and participate in a regular, special or emergency meeting by electronic or other means so long as the requirements of 1 V.S.A. §312(a)(2) are met.

**Executive Sessions**

Executive sessions of the board will be convened only for the purposes stated in 1 V.S.A. §313. The minutes of any meeting where an executive session takes place will reflect the specific statutory reason for convening the executive session. Board members will not make public the confidential issues discussed during an executive session.

**Agenda Preparation**

The superintendent will prepare proposed agendas for all meetings of the board after consultation with the board chair. Items of business may be suggested by any board member, staff member, student, or citizen of the district. The inclusion of items on proposed agendas will be at the discretion of the board chair and superintendent. An item may only be added or removed from a meeting agenda as the first order of business at the meeting.<sup>5</sup> Other adjustments to an agenda may be made at any time during the meeting.

**Agenda Distribution**

The proposed agenda, together with supporting materials, will be distributed to board members by the superintendent three days prior to regular meetings and as soon as practicable before special and emergency meetings. At least 48 hours prior to a regular meeting and 24 hours prior to a special meeting, the superintendent shall ensure that the agenda is posted in the municipal clerk's office and [two other designated physical locations in the municipality].<sup>6</sup> In addition, proposed meeting agendas will be made available to any interested person upon specific request.<sup>7</sup>

*Date Warned:*

*Date Adopted:*

*Legal Reference(s):* 1 V.S.A. §§310 et seq. (Public meetings)

16 V.S.A. §554 (School board meetings)

*Cross Reference:*

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<sup>1</sup> See 1 V.S.A. §312(c)(1). "The time and place of all regular meetings....shall be clearly designated by statute, charter, regulation, ordinance, bylaw, resolution or other determining authority of the public body..."

<sup>2</sup> See 1 V.S.A. See 1 V.S.A. §312(c)(2) & (3)

<sup>3</sup> See Robert's Rules of Order §9. Although action on items not on the proposed agenda for regular meetings is allowed as "New Business," boards should avoid taking action on non-agenda items at regular meetings. If necessary, emergency meetings can be called to act on matters needing immediate action.

<sup>4</sup> See 16 V.S.A. §554(b)

<sup>5</sup> See 1 V.S.A. §312(d)(3)(A)

<sup>6</sup> See 1 V.S.A. §312(d)

<sup>7</sup> This section of this model policy is not required. See 1 V.S.A. §312(c) and (d) for notice and warning requirements for special and emergency meetings.

CODE: A21  
**(Recommended)**

## **PUBLIC PARTICIPATION AT BOARD MEETINGS**

### **Policy**

It is the policy of the board to encourage public participation at its meetings.

### **Background**

Public participation is very important to the successful function of the \_\_\_\_\_ School District. The board wants to carry out its business with the benefit of public input and expertise. It also wants to keep the public informed and up-to-date on what is happening in the community's schools.

### **Implementation**

Reasonable rules of participation may be used to insure that meetings are conducted in an orderly fashion and that the business at hand is completed in a timely manner. Such rules may take into consideration such things as length of each speaker's presentation and the number of times each speaker may comment.

### **Persons Who May Address the Board**

1. Any district resident
2. School staff members, students and parents
3. Individuals who have been requested by the superintendent or the board to present a given subject
4. Persons who are directly affected by matters on the board agenda
5. Others at the discretion of the board

### **Public Comment on Agenda Items**

1. The chair will ask for comments on agenda items before action is taken by the board.
2. When the number of people wishing to speak is large, the board may authorize the chair to use a speakers' list. Members of the public will be given an opportunity to sign the speakers' list, indicating which agenda item will be addressed.

### **Public input on items not on the agenda**

1. There will be time set aside for public input on items not on the agenda at every regular, special or emergency meeting of the board.
2. The time allotted to this item will be assigned by the chair or the person responsible for organizing the agenda.
3. The chair shall rule out of order any presentation to the board which breaches the privacy or other rights of students, parents or school employees, or which does not comply with Board policy on complaints.

*Date Warned:*

*Date Adopted:*

*Legal Reference(s):*

*1 V.S.A. §§310 et seq. (Public meetings)*

*16 V.S.A. §554 (b) (School board meetings)*

*Cross Reference:*

*Board Meetings Board Meeting Agenda Preparation and Distribution (A2)*

CODE A31  
**(Policy to Consider)**

## **BOARD MEMBER EDUCATION**

### **Policy**

It is the policy of the \_\_\_\_\_ School District to encourage and support board members' efforts to remain knowledgeable about their roles and the issues with which they deal.

### **Implementation**

Individual board members will take advantage of opportunities to understand their roles, educational issues in general, school programs, State Department of Education functions and legislative activities. The superintendent and board chair will be responsible for assuring that information on leadership development opportunities is available to all members. New members will participate in a district orientation session and other opportunities designed to familiarize themselves with all aspects of board operation.

Members who take part in workshops and seminars offered by the Vermont School Boards Association and other organizations will be reimbursed for travel and other expenses related to participation in training activities provided prior approval is obtained from the board, and funds for these purposes are available.

*Date Warned:*

*Date Adopted:*

*Legal Reference(s):*

*Cross Reference:*            *Board Goal-Setting & Evaluation (A7)*

CODE A32  
**(Policy to Consider)**

## **BOARD GOAL-SETTING & EVALUATION**

### **Policy**

The board will participate in goal-setting and self-evaluation activities developed or recommended by the superintendent at least annually.

### **Implementation**

Particular attention will be given to board goals and performance in the following areas:

- Policy making
- Policy implementation
- Community relations
- Board interpersonal communication skills
- Board-Superintendent relations
- Fiscal/budget management
- The instructional program
- Labor relations
- Board in-service training
- Government relations

*Date Warned:*

*Date Adopted:*

*Legal Reference(s):*

*Cross Reference:*        *Board Member Education (B1)*

CODE B22  
**(Recommended)**

## **PUBLIC COMPLAINTS ABOUT PERSONNEL**

### **Policy**

It is the policy of the \_\_\_\_\_ School District to see that complaints about school personnel are considered in a timely manner that is fair to all parties. The district places trust in its employees and desires to support their actions in such a manner that employees are freed from unnecessary, spiteful, or unjustified criticism or complaints.

### **Resolving Complaints**

The complainant shall be encouraged first to bring a complaint to the individual concerned. If the problem cannot be resolved with the individual concerned, it should be brought to the attention of the immediate supervisor or administrator. The complaint should be in writing stating the issues and supporting facts. The individual employee involved shall be given every opportunity for explanation, comment, and presentation of the facts as he/she sees them.

If the issue is not resolved by involvement of the immediate supervisor, the complainant may refer the issue to the principal for his or her review and decision. In the event the principal's review does not lead to a satisfactory resolution, the complainant may submit the issue to the superintendent for review and decision.

In cases of alleged discrimination, the complainant should follow the procedures accompanying anti-discrimination policy.

### **Appeal to the Board**

If the above steps do not resolve the concern of the complainant, he/she may request a session of the board for the purpose of reviewing the superintendent's decision. If the school board decides to hear the request of the complainant, it shall invite all parties involved including the appropriate school and supervisory union administrators to attend a meeting for purposes of presenting facts, making further explanations, and clarifying the issue. The board shall conduct such meetings in a fair and just manner and shall render a decision.

It is the intent of the board that the rights of employees under collective bargaining agreements and Vermont law be protected through the administration of this policy.

*Date Warned:*

*Date Adopted:*

*Legal Reference(s):* 16 V.S.A. §1752 (Suspension, dismissal)  
1 V.S.A. §§310 et seq. (Open meetings)

*Cross Reference:*