



New Hampshire School Boards Association

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ACADEMY FOR GOOD GOVERNANCE June 3, 2020 Governance and Governing Body Authority

INTRODUCTION

School boards have numerous responsibilities, have to answer to a variety of constituent interests and must navigate through a myriad of federal laws, state statutes and administrative regulations, all while focusing on the primary objective of enhancing and supporting student achievement.

A fundamental rule is that individual board members have NO AUTHORITY beyond that exercised in a board meeting/non-meeting conforming to the requirements of RSA 91-A, the New Hampshire Right to Know law. When the meeting is called to order each member is empowered with the right to vote on each issue. When the meeting is adjourned, that power is gone. Only a majority of the board has the ability to set policy, propose budgets, negotiate contracts or make requests of the superintendent. The only employee over whom the board has supervision is the superintendent. The board may empower a single member, the chair or subcommittee to take action outside of the board meeting, but such power is only given by the full board.

Under the legal framework, the school board governs the district, while the Superintendent manages it. **A useful refrain capturing the board's function is that the role of a school board is not to run the schools, but to see that they are run well.**

The board and superintendent form the school district leadership team. The effective functioning of this team requires trust. It does NOT mean everyone agrees on the issues. In fact, a well-functioning team with a high level of trust will have vigorous discussions over issues they care greatly about. Trust also means that board decisions will be respected by all board members. To do otherwise reduces team effectiveness.

These materials provide an overview of the general responsibilities of school boards under New Hampshire statutes and regulations, a glimpse of how those responsibilities relate to legal

responsibilities and functions of superintendents, and some best practice guidelines for effective school district governance. It is not intended to be an all-inclusive listing of every legal requirement school boards must fulfill. Rather, NHSBA provides this document with the goal of informing its members and the public of what some of the legal requirements are and how established best practices within those roles and responsibilities and can augment effective school board governance.

I. Key School Board Responsibilities

This section provides a general overview of the general responsibilities of school boards under New Hampshire statutes and regulations. It is not intended to be an all-inclusive listing of every legal requirement school boards must fulfill.

1. Establish the School District's Budget and Provide Budget Oversight.

- While budget approval is ultimately left to the voters, one of the most vital aspects of school board roles and responsibilities is the development of a budget that serves the needs of students while simultaneously respecting the ability of taxpayers to fund such a system. As state-aid to public education remains either stagnant or is eliminated, the burden on local property taxpayers continues to rise.
- Key statutes: RSA 32:5; RSA 32:8; RSA 32:10; RSA 197:23-a; RSA 40:13, IX

2. Set and Establish School Board Policy.

- NHSBA advocates that the development of clear, sound and legal policies is critical to the successful operation of any school district and that adopting policy is among the most fundamental responsibilities of any board of education. Policy is the tool that provides the Board power to allow or require action. It is through policy that boards can govern effectively. The board is a policy-making body and its policies are the local law of the district.
- Key legal citations: NHDOE Rule Ed 306.04(a)

3. Engage In Long-term Strategic Planning.

- Strategic planning benefits both the school district and the community at-large. It helps clarify the school board's goals and the district's goals. Strategic planning helps identify areas of improvement. And strategic planning helps address facility's

needs, budgetary projections and forecasts, and long-term sustainability for the board, the district and the community.

4. Transparency and Community Engagement.

- Transparency comes in different forms. Obviously, there is RSA 91-A, the Right to Know law, which sets certain requirements for open public meetings, access to public records, and so forth.
- But transparency can also be enhanced through community engagement: periodic board letters/communications to the public, social media presence, inviting other community-minded groups to present at school board meetings, etc.
- Bringing various stakeholders to the table and engaging them in conversation as a normal course of business can help school boards gain public support and trust.

II. The Learning Curve for School Board Members

- Learn to acknowledge publicly that individual Board members have no power or authority to act on behalf of the Board or the District. Only the Board, as a whole and at a properly noticed meeting, can make decisions or take action for the school district.
- Recognize the difference between setting policy (the school boards responsibility) and administering the school district (the superintendent's responsibility).
- Board members must represent students, first. Board members have numerous constituencies: parents, staff, taxpayers, and so forth. And at times, the interests or desires of those constituencies may be divergent. However, the first consideration of all Board decisions should consider what is in the best interest of students. The primary focus of all Board decisions must be student achievement.
- Learn how to respond to the complaints and concerns of citizens, school administrators, and district staff. Most school boards have policies that a "reporting" structure when members of the community have complaints or grievances. Be sure to follow that policy.
- Individual board members can't solve problems by themselves: it takes the work of the entire board to reach consensus and achieve solutions.

III. Direct School Board Action for Successful School Districts.

1. Strategic Focus. Having a governance mindset means having a strategic focus. School board members with a governance mindset understand that governance is a strategic job, not an administrative job. The secret to effective governance is working together, in a coherent way, to adopt strategic goals.

What should those goals focus on? Remember the key roles and responsibilities of school boards listed above: budget, policy, strategic planning, and transparency.

2. Use school board policy to:
 - Clarify roles and expectations for the board and superintendent.
 - Establish and implement a clear process for communication between board members and administration.
 - Develop community-engagement processes and protocols and develop direct dialogue with other stakeholders.

IV. Other Recommended Practices for Good School Board Governance.

- Share a strong vision and clearly define goals for their school district.
- Keep the community informed about their actions, as well as the school district's challenges and progress.
- Monitor the fiscal health of the schools.
- Focus policies on student achievement and implement policies that support student success.
- Effective school boards are accountability driven, spending less time on operational issues and more time focused on policies to improve student achievement.
- Effective boards are data savvy. They embrace and monitor data, even when the information is negative, and use it to drive continuous improvement.
- Effective school boards take part in team development and training, sometimes with their superintendents, to build shared knowledge, values and commitments for their improvement efforts.

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<u>Roles & Responsibilities</u>	<u>School Board</u>	<u>Superintendent</u>
1. General	Governs the District	Administers day-to-day operations; advises the Board
2. Policy	Adopts	Suggests and implements
3. Public Meetings	In charge of; conducts its work for the district	Prepares, administers, and advises
4. Curriculum, Instruction and Assessment	Establishes criteria and monitors results/progress	Recommends, oversees staff, adjusts as needed, responds to state initiatives
5. Budget/Finance	Adopts and monitors	Prepares, administers, and monitors
6. Personnel	Establishes criteria; elects to hire, renew or non-renew	Interviews, recommends, hires, evaluates, trains, and promotes
7. Community Relations	Finds ways to engage with the public	Assists the Board in its efforts
8. Labor Relations	Negotiates and ratifies	Assists the Board in its efforts
9. Student Services	Adopts budget and policies that support student needs	Recommends, implements, directs and oversees
10. Other: facilities, food services, bidding, transportation	Develops policies	Implements policies, develops administrative regulations, and makes recommendations