WSSDA

NEW DIRECTOR NETWORK

Keeping It Legal

Legal Responsibilities & considerations for new school directors

Webinar #2
February 20, 2024

WSSDA

NEW DIRECTOR NETWORK

Your WSSDA Team

Leadership Development

Providing resources, guidance, training, research and support to WA school directors

Tricia Lubach

Director of Leadership Development

Christine Najarro

Leadership Development Coordinator

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Here to support you in three ways:

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Today's topics

- The board's legal responsibilities
- Board policy
- Types of meetings
- Open Public Meetings Act (OPMA)
- Conflicts of Interest
- Resources available to you

>> Please type questions in Q&A box

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Tips for a great webinar

- Please mute yourself
- Cameras on or off – your choice
- Type questions in Q&A box for later
- Webinar is being recorded

WSSDA's Policy & Legal Team

Supports you and your district with the most current policies and resources to support effective and legally sound school district governance.

Abigail Westbrook
Director of Policy & Legal

Kelsey Winters
Policy & Legal Specialist

Brittany Montano
Branch Coordinator

Overview of School Board Responsibilities

Set Mission, Vision, Goals

Financial Oversight

Community Engagement

Policy

Hire & Evaluate Superintendent

Monitor District Performance

BOARD BOOT CAMP

The Board's Responsibilities: SET POLICY

Policy: "A policy is a deliberate system of principles to guide decisions and achieve outcomes"

- Policy is the **WHAT**
  Developed, updated, and revised by the board
- Procedures define the **HOW**
  Developed, updated, and implemented by staff, with direction from the board

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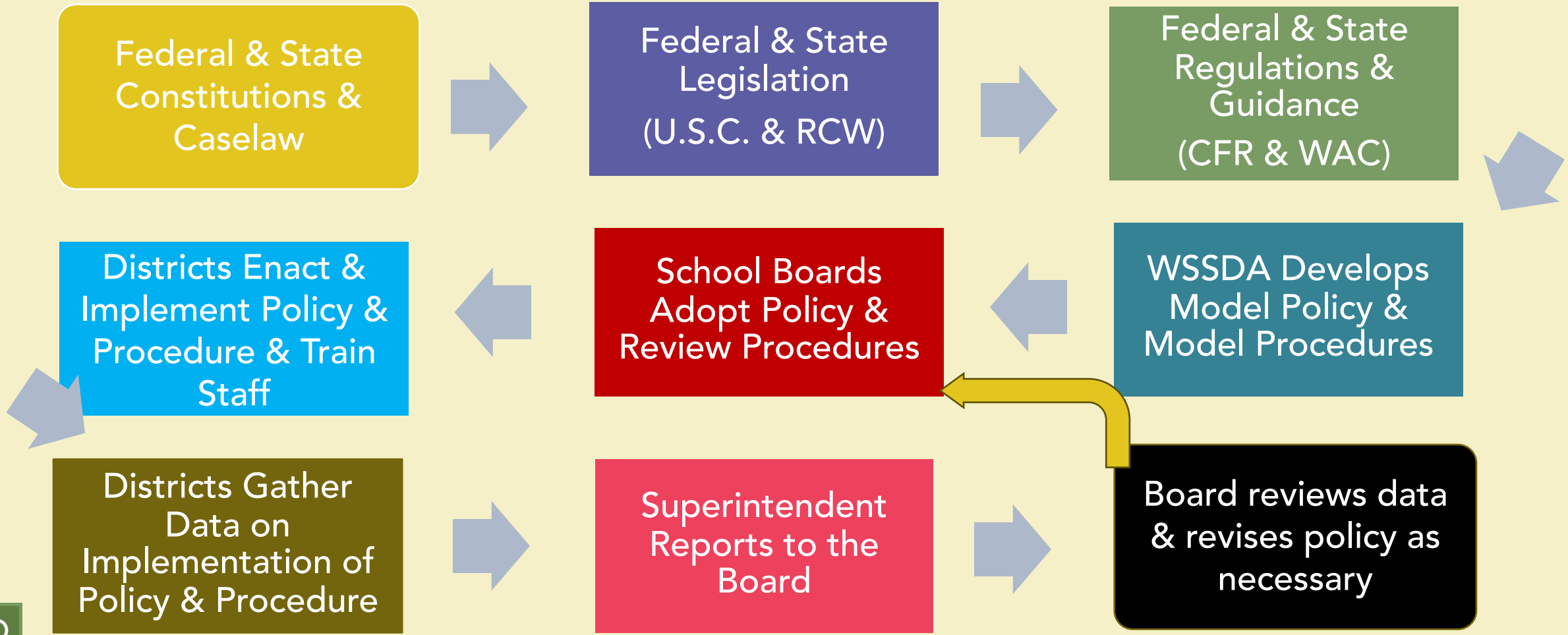
The Board's Responsibilities: SET POLICY

How the Law Become Policy



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The Board's Responsibilities: SET POLICY

Policy Structure Road Map

0000 Planning
- Vision, Mission, Values

1000 Board of Directors
- Operating Protocol

2000 Instruction
- Adoption of Instructional Materials

3000 Students
- Homeless Students, Attendance

4000 Community Relations
- Classroom visitors

5000 Personnel
- Family, Medical, and Maternity Leave

6000 Management Support
- Budget, Safety

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The Board's Responsibilities: SET POLICY

How Curriculum Adoption Is Guided By Policy

By law, a school board will:

- "Establish district curriculum standards consistent with law and rules of the superintendent of public instruction"
- "State the school district's goals relative to instructional materials"
- "Establish an instructional materials committee"
- "*Recommendation of instructional materials* shall be by the district's instructional materials committee in accordance with district policy. *Approval or disapproval* shall be by the local school district's board of directors."

From RCW 28A.150.230 and RCW 28A.320.230

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Meetings

Legal power and authority exist in the board as a whole, not with any individual director. The board acts only via properly convened meetings

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Open Public Meetings Act (OPMA)

As a summary: all school board business must be conducted in public – with ample notification to the public, with very few exceptions.

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Types of meetings defined in the law

Open Public Meetings Act (OPMA) applies to ALL school board meetings

- Regular business meeting
- Special meetings like:
  - Work session or study session
  - Board retreat
- Emergency meeting
- Executive sessions*
- Exempt meetings*

*not open to the public

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About Executive Sessions

- Law allows 11 reasons for executive session, only 8 apply to school boards. For example:
  - Real estate matters (site selection, price) or publicly bid contract negotiations
  - Qualifications or performance of public employee
  - Qualifications of a candidate for appointment
  - Discussions with legal counsel of enforcement actions, litigation, or potential litigation

Confidentiality is required by law

Final action must occur in an open meeting

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Open Public Meetings Act (OPMA), cont.

- A "meeting" – where OPMA applies - can also be:
  - An email where discussion occurs and/or decisions are being made by more than 2 board members
  - A social media post where discussion occurs and/or decisions are being made by more than 2 board members
  - A discussion among a quorum of board members (3 of 5 or 4 of 7) anywhere, anytime

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Open Government Training

Open Government Training is required of all school directors in the first 90 days of service and every 4 years

Offered at Annual Conference

Also available on WA Attorney General website:

https://www.atg.wa.gov/opengovernmenttraining.aspx

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Another tool: Parliamentary Procedure

- Most business meetings use some form of Robert's Rules of Order to structure debate
- Study or work sessions are usually more casual

Be aware: members of the public might find these procedures intimidating.

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Typical Business Meeting Agenda

- Opening of meeting
- Agenda changes/approval
- Consent agenda
- Public comment
- Old business
- New business
- Policy review and adoption
- Reports – board, superintendent, others
- Adjournment

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Handling Public Comment at Board Meetings

- Set expectations in policy & procedure
- Implement consistently & neutrally
- Inform the public
- WSSDA Model Script is a resource

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Conflicts of Interest

Board members must avoid conflicts of interest where they might be "beneficially interested, directly or indirectly, in any contract that might be made by, through or under the supervision" of the board.

RCW 42.23.030

"Take this. I just bought a hundred shares."

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Ethics for Board Members

Make sure your actions as a school director are guided by a sound, ethical code

- Make decisions based on facts, input from broad community input, and independent judgment
- Take no private action that will compromise the district
- Avoid conflicts of interest, or even appearances of such
- Be objective; keep an open mind

Individual School Director Standards provide helpful insights

BOARD BOOT CAMP

Model Policy Library

WSSDA offers subscription-based access to its model policy library to help Washington school districts
stay current with ongoing legal developments.

24/7 Access

Subscribers can access all of WSSDA's model policies via our online portal 24/7*. Each policy contains
hyperlinks to cross-referenced policies, legal references, and management or informational resources.

Easy to Search

Find what you're looking for by searching via keyword, title, or category.

What if your policy manual is out of date?

- Board policy is foundational to the school district's operations
- Many board policies are required by law
- The policy manual is a tool for staff, students, families, and community members

Policy Manual Review Services

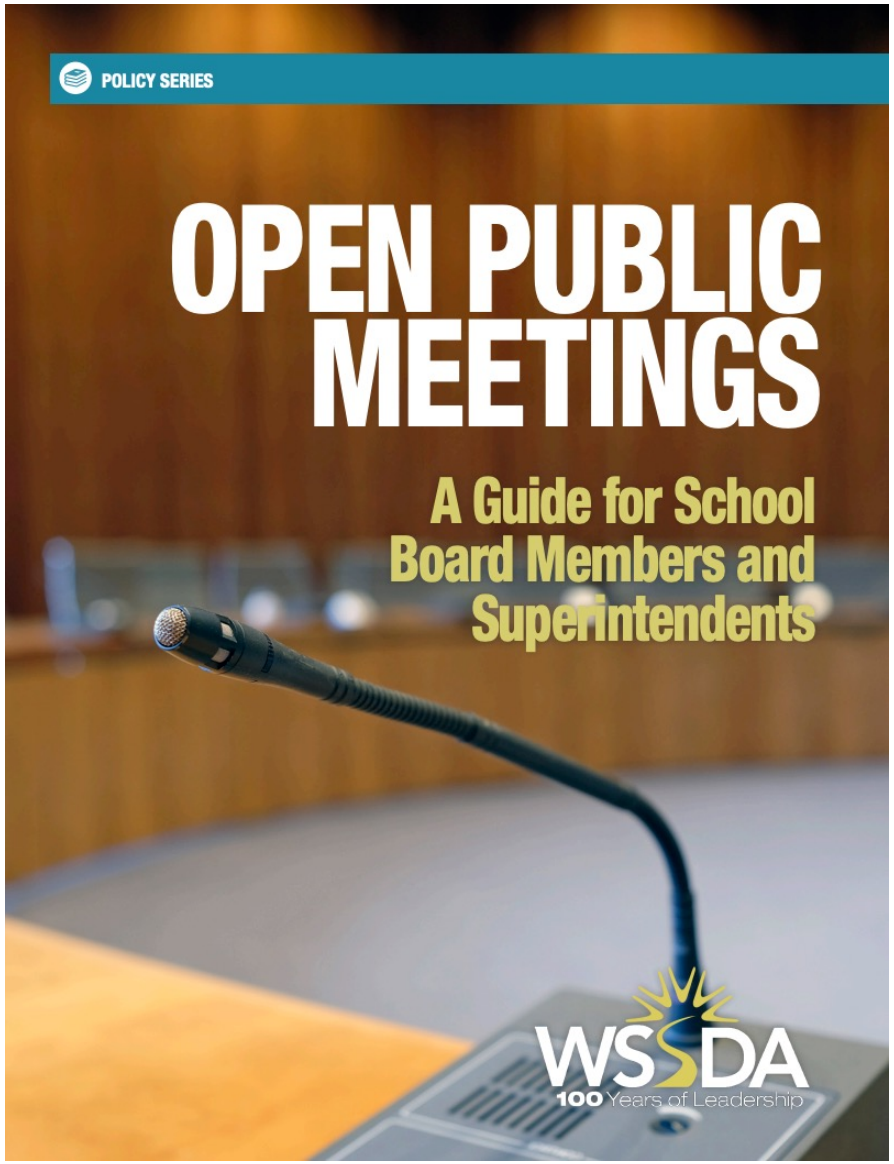
1. WSSDA's policy manual review service is a cost-effective way to reduce legal vulnerabilities caused by out-of-date policies

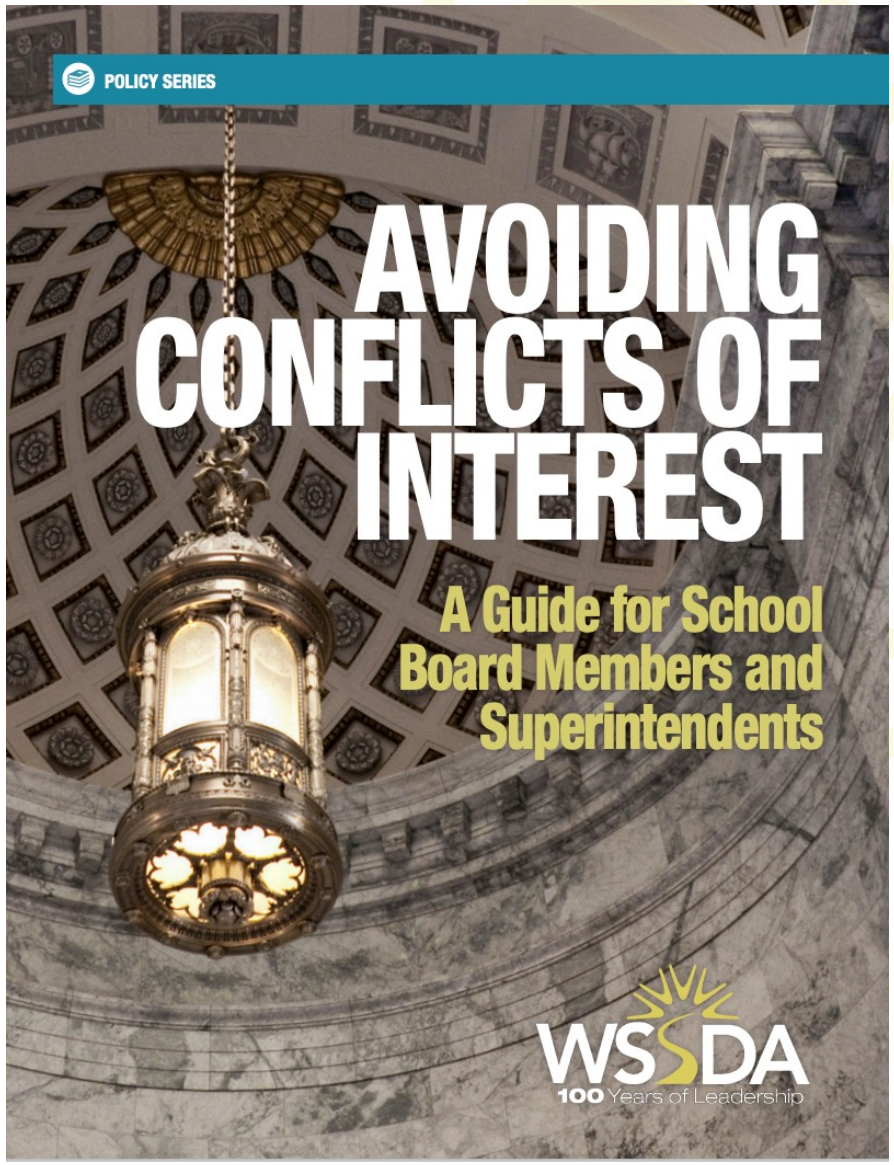
2. Keeping your board's policies current is challenging because changes in the law and recommended practices occur frequently

Where can I learn more? wssda.org

Upcoming Events

Resources to support your work

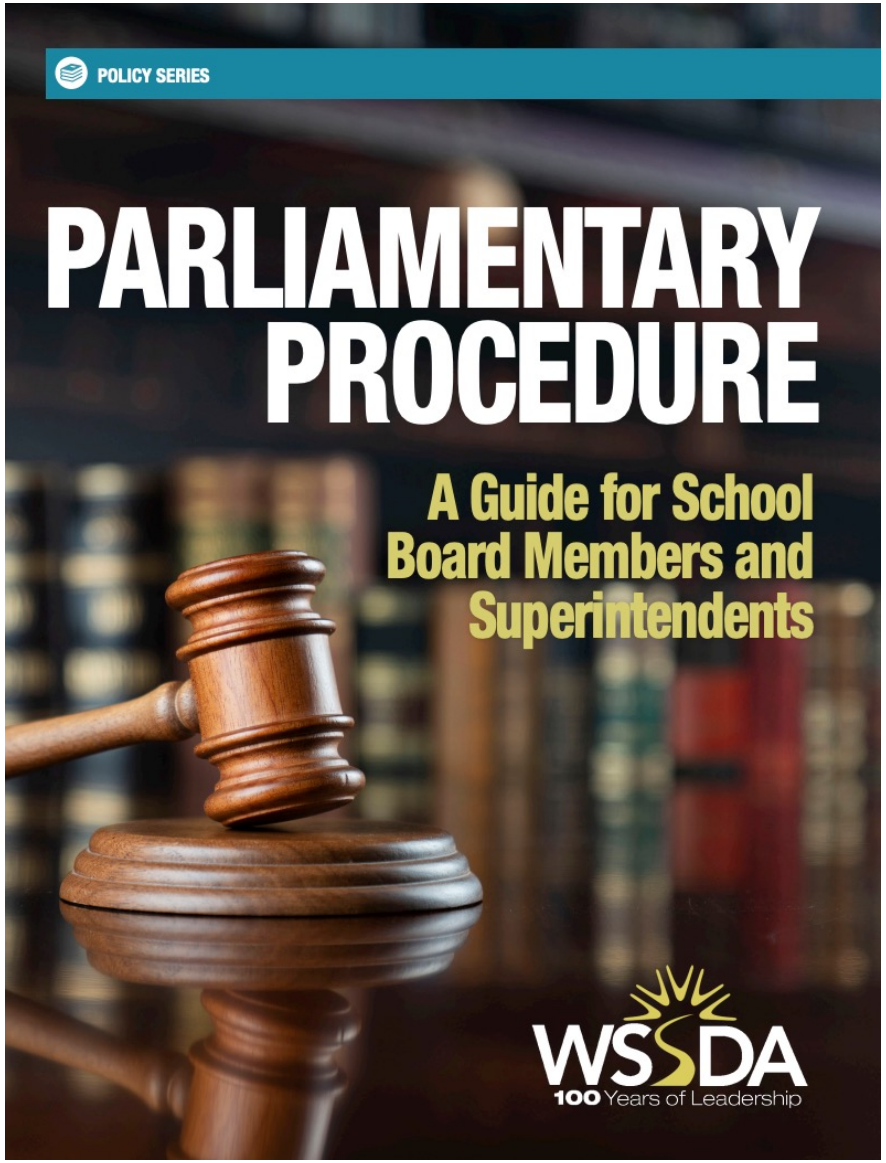




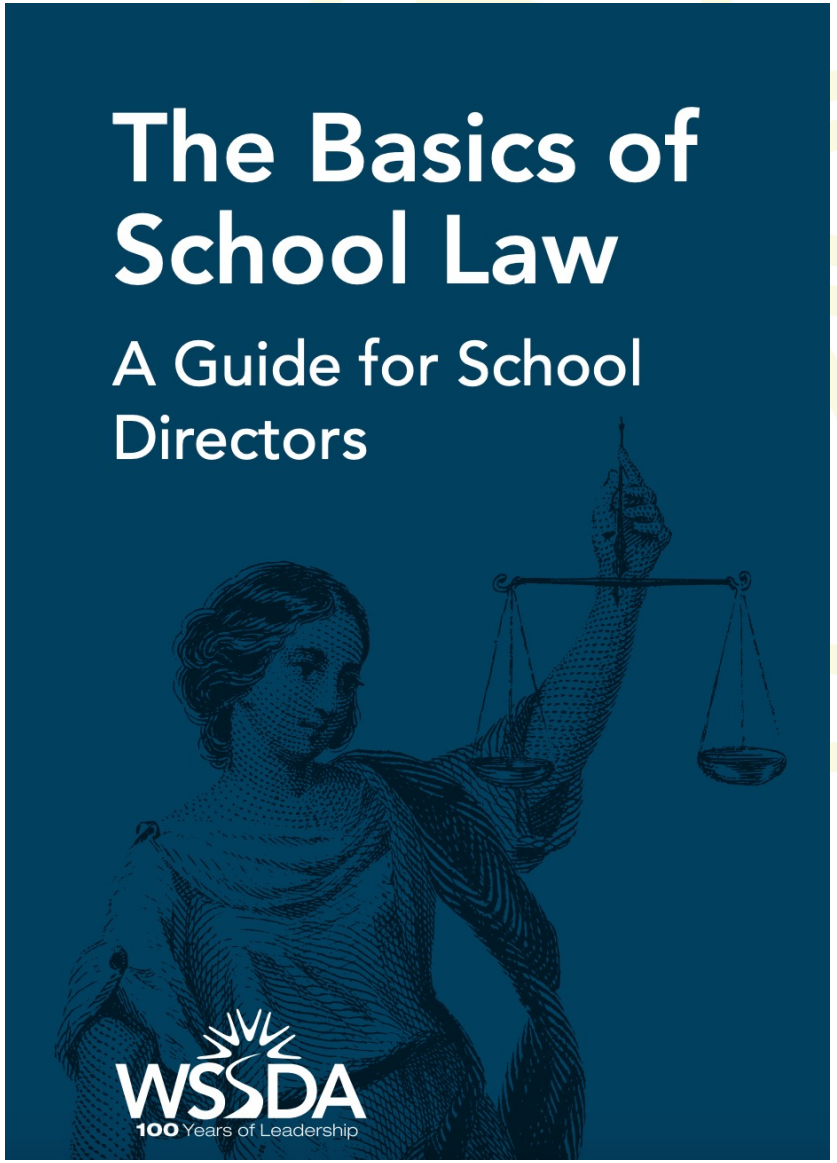
Open-Public-Meetings-2022-web.pdf (wssda.org)

Avoiding-Conflicts-of-Interest-2022.pdf (wssda.org)

Resources to support your work



Parliamentary-Procedures-2022.pdf (wssda.org)



Basics-School-Law-2022.pdf (wssda.org)

Policy & Legal News

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Questions?

Legal Responsibilities & considerations for new school directors

>> Please type questions in Q&A box

Other learning opportunities at wssda.org

Other learning opportunities at wssda.org

Other learning opportunities at wssda.org

WSSDA
100 Years of Leadership

SERVING WASHINGTON'S 1,477 ELECTED SCHOOL BOARD MEMBERS

ABOUT | TRAINING & EVENTS | LEADERSHIP DEVELOPMENT | STRATEGIC ADVOCACY | STUDENT REPS | POLICY & LEGAL | NEWSROOM | LOGIN

REQUIRED TRAINING

There are three types of training required by the Washington Legislature for school directors, but the Office of Native Education training is required for only 39 school boards. Read below to learn more. For questions about training, please contact WSSDA Leadership Development Coordinator Christine Najarro at c.najarro@wssda.org.

WSSDA ON BOARD

Educational Equity

In July 2021, Senate Bill 5044 became law, requiring cultural competency, diversity, equity, and inclusion training for Washington state's K-12 public school educators, district leaders, and school directors.

Open Government

Every school director must complete training on the Open Public Meetings Act (OPMA), Public Records Act (PRA) and records retention within 90 days of taking the oath of office following appointment or election.

Tribal Consultation

These trainings are produced and delivered by OSPI's Office of Native Education. By September 1, 2024, school directors, superintendents, and any other staff at school districts that are required to perform tribal consultation under Title VI of the

Other learning opportunities at wssda.org/events/

FEBRUARY 2024 Subscribe

Sun	Mon	Tue	Wed	Thu	Fri	Sat
28	29	30	31	1 **5:30p** Vision-Aligned Budgeting	2	3
4	5	6 **5:30p** Committing to Educational Equity	7	8	9	10
11	12	13	14	**15** **5:30p** Foundations of State Funding	16	17
18	19	20 **12p** New Director Network **5:30p** Deciphering District Budgets	21 **5:30p** Foundations of Cultural Proficiency	22	23	24 **9a** Board Boot Camp - Prosser, WA
25	26	27	28	29 **5:30p** Advancing Inclusion Through Belonging	1	2

MARCH 2024 Subscribe

Sun	Mon	Tue	Wed	Thu	Fri	Sat
25	26	27	28	29 **5:30p** Advancing Inclusion Through Belonging	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16 **9a** Board Boot Camp - Spokane, WA **2p** Advancing Inclusion Through Belonging - Spokane, WA
17	18	19 **12p** New Director Network	20	21	22	23
24	25	26	27	28 **5:30p** Foundations of Cultural Proficiency - In Person	29	30
31	1	2	3	4	5	6

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Join us for the next webinar Tuesday, March 19th

Being an Education Advocate:

- Advocating for your students and district
- Championing public education
- Creating relationship with legislators & other decisionmakers

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Future webinar topics:

- Engaging with your community
- The value of student voice
- Deciphering student achievement data
- Understanding the curriculum adoption process

> Third Tuesday of the month at noon-1:00 pm