

**Oyster River Cooperative School District  
SPECIAL MEETING**

March 24, 2011

SAU Conference Room

7:00 p.m.

**BOARD ORIENTATION  
AGENDA**

I. CALL TO ORDER @ 7:00 p.m.

II. DISCUSSION ITEMS:

- ❖ Right-to-Know
  - Presentation by Attorney Diane Gorrow
- ❖ Budget Process
- ❖ Chain of Command/Complaints
- ❖ Communications
  - Manifest
- ❖ Agenda Setting Process
- ❖ Working as a Team
- ❖ Correspondence
- ❖ Non-Public Handout
  - RSA 91A
- ❖ Transparency
- ❖ Robert's Rule of Order
- ❖ Role of School Board

III. ADJOURNMENT

Revised

Oyster River School Board  
Workshop – School Board Orientation  
24 March 2011

Members Present: Henry Brackett, Krista Butts, Megan Turnbull, Jim Kach, Ann Wright, Ann Lane. (Jocelyn O'Quinn arrived at 7:20 pm)

Also Present: JoAnn Portalupi, Jennifer Rief, Meredith Nadeau, Attorney Diane Gorrow, and Howard Colter.

Henry Brackett called the meeting to order at 7:02 pm.

Attorney Gorrow gave the school board an overview of the Right To Know Law. Other topic covered included signing of the manifest, how to handle complaints, chain of command, agenda setting, communications and working as a team.

By motion of Krista Butts, seconded by Jim Kach, the workshop ended at 9:20 pm.

**OYSTER RIVER COOPERATIVE SCHOOL DISTRICT**

**NOTICE OF SCHOOL BOARD  
WORKSHOP/TRAINING  
Special Meeting**

**March 24, 2011      SAU Conference Room      7:00 p.m.**

The Oyster River School Board will meet for special workshop training in the SAU Conference Room at 7:00 p.m. on Thursday, March 24, 2011.

Respectfully submitted,



Howard P. Colter  
Superintendent

# CHAPTER THREE

## The Right to Know Law, RSA Chapter 91-A

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### I. Purpose

Part I, Article 8 of the New Hampshire Constitution reads:

All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all time accountable to them. Government, therefore, should be open, accessible, accountable and responsive. To that end, the public's right of access to governmental proceedings and records shall not be unreasonably restricted.

Section 1 of RSA Chapter 91-A, the Right to Know Law, reflects this purpose when it reads:

Openness in the conduct of public business is essential to a democratic society. The purpose of this chapter is to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people.

There may be times when this law seems inefficient, or even contrary to what is good for the community. But the legislature has decided that the benefits of open government outweigh these inconveniences.

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### II. Public Meetings

**General Rule:** A meeting of a public body must have proper notice and be open to the public.

#### A. What Is a Meeting?

A meeting is defined as “the convening of a quorum of the membership of a public body, ... or the majority of the members of such public body if the rules of that body define ‘quorum’ as more than a majority of its members, whether in person, by means of telephone or electronic communication, or in any other manner such that all participating members are able to communicate with each other contemporaneously, ... for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power...” RSA 91-A:2, I. This includes work sessions.

What is a quorum? A majority of any board or committee constitutes a quorum, unless an applicable statute states otherwise. *First Federal Savings & Loan v. State Board of Trust Co.*, 109 N.H. 467 (1969). A majority of a quorum is all that is needed to take action—again, unless there is a statute to the contrary (for example, RSA 674:33, which requires the concurring vote of three members of a ZBA to decide in favor of the applicant). In the rare case that the rules of

that body define a quorum as something more than a majority of the members (for example, if a city charter defines a quorum of the city council as two-thirds of the members), the presence of a simple majority will constitute a “meeting” under the Right to Know Law.

What is not a meeting? The law makes it clear that certain gatherings of public officials are not meetings subject to the Right to Know Law. RSA 91-A:2, I. They include:

- Chance, social or other encounters “not convened for the purpose of discussing or acting upon” matters over which the public body has supervision, control, jurisdiction or advisory power, “if no decisions are made regarding such matters.”
- Strategy or negotiations relating to collective bargaining.
- Consultation with legal counsel.
- A caucus of members of a public body of the same political party who were elected on a partisan basis by a municipality that has adopted a partisan ballot system.
- Circulation of draft documents which, when finalized, are intended only to formalize decisions previously made in a meeting.

### **B. What Is a Public Body?**

All “public bodies” are required to have open meetings under the law. A “public body” includes, among other things, “any legislative body, governing body, board, commission, committee, agency, or authority of any county, town, municipal corporation, school district, school administrative unit, charter school, or other political subdivision, or any committee, subcommittee, or subordinate body thereof, or advisory committee thereto.” RSA 91-A:1-a, VI(d). Virtually all official groups that perform a governmental function in a municipality, including informal advisory committees, are considered public bodies. See *Bradbury v. Shaw*, 116 N.H. 388 (1976); *Union Leader Corp. v. N.H. Housing Finance Authority*, 142 N.H. 540 (1997); *Professional Firefighters of New Hampshire v. Health Trust, Inc.*, 151 N.H. 501 (2004).

### **C. What Notice Is Required?**

Notice of the time and place of every public meeting must be given at least 24 hours in advance (not including Sundays or holidays). Notice must be either published in a newspaper or posted in two prominent public places, one of which may be the public body’s website. RSA 91-A:2,

II. The law does not require the meeting agenda to be included in the notice. To the extent that local ordinances specify more stringent notice requirements, compliance with the stricter standard is mandatory.

***Notice of the time and place of every public meeting must be given at least 24 hours in advance (not including Sundays or holidays).***

This 24 hours’ notice is only a minimum under the Right to Know Law. A public body may establish a procedural rule requiring more notice, and other statutes may require more notice. For example, planning board hearings require 10 days’ notice under RSA 676:4, I(d); zoning board of adjustment hearings require five days’ notice under RSA 676:7; and hearings on highway petitions require 14 days’ notice under RSA 43:2 and RSA 43:3.

There are some important exceptions to the general notice requirement.

### **1. Emergencies**

If there is a “situation where immediate and undelayed action is deemed to be imperative by the chairman or presiding officer of the public body,” a meeting may be held with less than 24 hours’ notice. The chairman or presiding officer is required to post a notice of the time and place of the meeting as soon as practicable, and “shall employ whatever further means are reasonably available to inform the public that a meeting is to be held.” The nature of the emergency must be stated clearly in the minutes of the meeting (and minutes are, of course, required). RSA 91-A:2, II.

### **2. Recessed (or Continued) Sessions**

If the date, time and place of the recessed (or continued) session were announced at the previous, properly noticed meeting, then notice is unnecessary for the subsequent session.

## **D. Open to the Public**

Anyone, not just local residents, can attend any public meeting. They may take notes, tape record, take photos and videotape. As the New Hampshire Supreme Court has recently affirmed, a public body may not totally exclude recording devices from a public meeting because the law specifically states that “any person shall be permitted to use recording devices, including but not limited to tape recorders, cameras and video equipment, at such meetings.” RSA 91-A:2, II; *WMUR Channel Nine v. N.H. Dep’t of Fish and Game*, 154 N.H. 46 (2006).

However, “open to the public” does not mean that the Right to Know Law grants anyone the right to speak at the meeting. Nobody has a right to disrupt a meeting or to speak without being invited. The chair is in control of who speaks and when. RSA Chapter 91-A only assures a right to attend, not a right to participate. *State v. Dominic*, 117 N.H. 573 (1977). Clearly, public participation must be allowed at meetings that are public hearings. In certain circumstances, certain parties may have a legal right to speak, such as at a public hearing, where the applicant, abutters or other parties whose rights are being determined have the right to participate. There may be other reasons to allow public input at specifically designated portions of the meeting. For example, the constitutional due process right to be heard on regulations that may affect citizens’ property rights, or even the political wisdom of being sure that voters’ concerns are heard and addressed, are both strong reasons to set aside a “public comment” period.

In city government, no vote while in open session may be taken by secret ballot. RSA 91-A:2, II. The public has the right to know how each member of a public body votes on an issue before it in order to hold that member accountable for his or her actions. Voting by secret ballot would frustrate the public’s right to this information. *Lambert v. Belknap County Convention*, 157 N.H. 375 (2008).

## **E. Minutes of Public Meetings**

Minutes must be kept of all public meetings and must be available to the public not more than five business days after the public meeting. A business day means the hours of 8 a.m. to 5 p.m. on Monday through Friday, excluding national and state holidays. The minimum content of meeting minutes includes: (1) names of members present; (2) other people participating (it is not necessary to list everyone present, however); (3) a brief summary of subject matter discussed; and (4) any final decisions reached or action taken. There is no legal requirement to accept or approve the minutes. Even if minutes have not yet been approved, they still must

be made available not more than five business days after the public meeting. When the five business day deadline is reached before the minutes are approved, they can be made available to the public with a notation that they are a draft version.

### III. Nonpublic Sessions: Exceptions to the Public Meeting Requirement

Nonpublic sessions are meetings or portions of meetings that the public does not have the right to attend. Nonpublic sessions are allowed only for the reasons specified in RSA 91-A:3, II. A public body cannot meet in nonpublic session simply for the purpose of deliberation. All deliberations must occur in a public session unless one of the reasons for nonpublic sessions applies. RSA 91-A:2-a, I.

*All deliberations must occur in a public session unless one of the reasons for nonpublic sessions applies. RSA 91-A:2-a, I.*

**Caution:** Resist the temptation to enter a nonpublic session simply because you do not want interruptions from the public. Remember, as discussed in section II, D, while the public has the right to attend public meetings, they do not have the right to speak unless recognized by the chair.

#### A. Reasons for Nonpublic Sessions

A public body may hold a nonpublic session and may receive evidence and information, deliberate and decide in private only on the following matters:

##### 1. Employee Review

The dismissal, promotion or compensation of any public employee or the disciplining of such employee is grounds for a nonpublic session. Further, the public has no right to attend a meeting regarding an investigation of any charges against an employee, unless the employee affected: (1) has a right to a meeting; and (2) requests that the meeting be open, in which case the request shall be granted. RSA 91-A:3, II(a). This section does not create a right to a meeting for an employee. The right to a meeting must arise from some other source, such as a collective bargaining agreement, a personnel policy or a state statute. Only if the employee has that right must the board notify the employee in advance that the matter will be discussed at the meeting so the employee has the opportunity to be present and request an open meeting. *Johnson v. Nash*, 135 N.H. 534 (1992).

##### 2. Hiring

The hiring of a public employee. RSA 91-A:3, II(b). However, appointments to fill vacancies in elected positions are not "hiring" for purposes of this section. *Lambert v. Belknap County Convention*, 157 N.H. 375 (2008).

##### 3. Reputation

Matters that would affect someone's reputation (other than a member of the board holding the hearing) if made public. However, if the person requests it, the meeting must be public. RSA 91-A:3, II(c). This exemption includes any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant.

#### ***4. Real Estate or Personal Property***

Buying, selling or leasing of property, where public discussion would give someone an unfair advantage adverse to the general public. RSA 91-A:3, II(d). For example, it would not be fair for a landowner to hear the governing body say, "Let's offer \$50,000, but we might go as high as \$75,000."

#### ***5. Lawsuits***

Consideration or negotiation of pending claims or litigation that has been threatened in writing or filed against the body or one of its members until the claim or litigation has been fully adjudicated or otherwise settled. Importantly, an application for tax abatement is not a basis for a nonpublic session. RSA 91-A:3, II(e).

#### ***6. Emergency Preparations***

Consideration of matters relating to the preparation for and the carrying out of emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act intended to cause widespread or severe damage to property, widespread injury or loss of life. RSA 91-A:3, II(i).

### **B. How to Enter Nonpublic Session**

The following outlines the process for entering nonpublic session:

- The body must first meet in a properly noticed public meeting.
- During that public session, a motion to go into a nonpublic session must be made and seconded, stating which specific reason listed in RSA 91-A:3, II is relied upon as justification for a nonpublic session. RSA 91-A:3, I(a).
- A roll call vote must be taken to adopt the motion, and a majority of those present must vote "yes." RSA 91-A:3, I(b). Only the matters specified in the motion can be discussed in the nonpublic session. RSA 91-A:3, I(c).

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### **C. Minutes of Nonpublic Sessions**

The statute requires that minutes be kept of the proceedings and actions of nonpublic sessions. These minutes must be released to the public within 72 hours, unless two-thirds of the members present, in a recorded vote, decide to seal the minutes because the reasons justifying the need for a nonpublic session still remain—such as the concern for injury to somebody's reputation (other than a board member), or public release of the minutes would make the action just taken ineffectual (for example, the property offer example given above). RSA 91-A:3, III.

**Caution:** Unless a two-thirds vote is taken to seal the minutes of a nonpublic session, those minutes are public and must be released. *Orford Teachers Ass'n v. Watson*, 121 N.H. 118 (1981). In other words, the fact that the session itself was nonpublic does not automatically make the minutes nonpublic.



## IV. Remote Participation in Public Meetings

As of July 1, 2008, a public body *may*, but *need not*, allow one or more members to participate in a meeting by telephone or other electronic communication—but only if the member's attendance is “not reasonably practical.” See RSA 91-A:2, III. The reason that in-person attendance is not reasonably practical must be stated in the minutes of the meeting. Although the law does not indicate what situations would qualify, some obvious examples include physical incapacity and out-of-state travel.

Except in an emergency, at least a quorum of the public body must be physically present at the location of the meeting. An “emergency” means that “immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action.” The determination that an emergency exists is to be made by the chairman or presiding officer, and the facts upon which that determination is based must be included in the minutes.

All votes taken during such a meeting must be by roll call vote.

Each part of a meeting that is required to be open to the public must be audible “or otherwise discernable” to the public at the physical location of the meeting. All members of the public body, including any participating from a remote location, must be able to hear and speak to each other simultaneously during the meeting, and must be audible or otherwise discernable to the public in attendance. No meeting may be conducted by electronic mail or “any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location specified in the meeting notice.” Meetings held in this manner must comply with all other requirements for public meetings, and this option may not be used to circumvent the spirit or the purpose of the Right to Know Law.

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## V. Communications Outside a Meeting

RSA 91-A:2-a limits the use of communications outside a public meeting held in compliance with the law.

### A. No Deliberations Outside a Public Meeting

Public bodies may deliberate on matters of official business “only in meetings held pursuant to and in compliance with the provisions of RSA 91-A:2, II or III”—that is, only in properly noticed public meetings. This does not mean that any mention of a matter of official business outside a public meeting is illegal; however, it is illegal for the body to *deliberate* on such a matter outside a meeting—that is, to discuss the matter with a view toward making a decision. This includes e-mail! The intent of the law is that such matters should be deliberated in public.

**Note:** There is an exception for those events that are exempted from the definition of a “meeting.” These include (among others) consultations with legal counsel, strategy or negotiation sessions with respect to collective bargaining, and chance or social encounters not convened for the purpose of discussing or acting upon matters of official business.

## **B. No Circumvention of Spirit or Purpose of the Law**

Communications outside a meeting, “including, but not limited to, sequential communications among members of a public body,” shall not be used “to circumvent the spirit and purpose of this chapter.” This is intended primarily to prevent public bodies from skirting the “meeting” definition by deliberating or deciding matters via a series of communications, none of which alone involves a quorum of the public body, but which in the aggregate include a quorum.

# **VI. Governmental Records**

## **A. What Is a Governmental Record?**

A “governmental record” is defined in RSA 91-A:1-a, III as “any information created, accepted, or obtained by, or on behalf of, any public body, or a quorum or majority thereof, or any public agency in furtherance of its official function. Without limiting the foregoing, the term ‘governmental records’ includes any written communication or other information, whether in paper, electronic, or other physical form, received by a quorum or majority of a public body in furtherance of its official function, whether at a meeting or outside a meeting of the body. The term ‘governmental records’ shall also include the term ‘public records.’”

The word “information,” in turn, is defined as “knowledge, opinions, facts, or data of any kind and in whatever physical form kept or maintained, including, but not limited to, written, aural, visual, electronic, or other physical form.” RSA 91-A:1-a, IV.

### ***1. Information in Physical Form***

“Information” may be “written, aural, visual, [or] electronic,” but in any case must be in some physical form. Thus, for something to constitute a governmental record, there must be some physical manifestation of it: for example, a paper document, a computer file, a tape recording, a CD or DVD, or a videocassette. If it exists in one of those forms or any other physical form, it may be a “governmental record” (if the other elements of the definition are satisfied).

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### ***2. Created, Accepted or Obtained by a Public Body***

Information (such as a written communication) will constitute a governmental record when it is “created, accepted, or obtained by, or on behalf of, any public body, or a quorum or majority thereof, ... in furtherance of its official function.” More specifically, e-mail and other written communications constitute governmental records if they are “received by a quorum or majority of a public body in furtherance of its official function.” Thus, a communication—electronic or otherwise—that is created, accepted or obtained by less than a quorum of a public body is not a governmental record and is not subject to disclosure.

### ***3. Created, Accepted or Obtained by a Public Agency***

A “public agency” is “any agency, authority, department, or office of the state or of any county, town, municipal corporation, school district, school administrative unit, chartered public school, or other political subdivision.” RSA 91-A:1-a, V. Information constitutes a governmental record if it is “created, accepted, or obtained by, or on behalf of, ... any public agency in furtherance of its official function.” RSA 91-A:1-a, III. Thus, records created, accepted or obtained by, or on behalf of, a municipality may be governmental records.

#### *4. 'In Furtherance of Its Official Function'*

A governmental record is one created, accepted or obtained by a public body or a public agency in furtherance of its official function. Personal correspondence, for example, is not in furtherance of the public body's or public agency's official function, and is not subject to disclosure.

### **B. Retention of Governmental Records**

The question of how long to retain governmental records is less a Right to Know Law question than it is a Municipal Records Disposition Act question. RSA Chapter 33-A governs the length of time and the manner in which certain municipal records must be retained and also includes a detailed retention schedule. In the past, specific retention requirements were contained in the rules of the state Municipal Records Board. However, the statute was substantially amended as of August 29, 2005, to replace those rules and incorporate the retention requirements into the statute itself.

#### *1. Municipal Records Committee*

Every municipality must have a Municipal Records Committee. RSA 33-A:3. This committee includes the "municipal officers" or their designee (such as the board of selectmen/city manager/mayor/county or precinct commissioners), the clerk, the treasurer, an assessor and the tax collector. See RSA 33-A:1, III. It is the duty of the committee to designate which municipal office will be responsible for the retention of each type of municipal record. Alternatively, the municipality may pass an ordinance to make this designation. In any case, however, the statute requires that the committee exist.

#### *2. Retention Periods*

RSA 33-A:3-a sets forth the length of time that 154 different categories of municipal records must be retained. The following are a few examples:

|  |   |
|--|---|
| Abatements   | five years                              |
| Annual audit reports   | 10 years                                |
| Annual reports and town warrants                             | permanently                             |
| Bank deposit slips and statements                            | six years                               |
| Correspondence by and to municipality-administrative records | minimum of one year                     |
| Minutes of board and committees                              | permanently                             |
| Job applications: successful                                 | retirement or termination plus 50 years |
| Job applications: unsuccessful                               | current year plus three years           |
| Vehicle maintenance records                                  | life of vehicle plus two years          |

Each municipal official and body should review the retention schedule in RSA 33-A:3-a to ensure that records are being retained as long as the law requires and that there is an appropriate policy in place governing the time and manner of record disposal. Once the retention period has expired, records may be destroyed or discarded; however, so long as they still exist, they remain governmental records subject to the disclosure requirements of the Right to Know Law.

### 3. Format

The government must maintain governmental records “in a manner that makes them available to the public.” *Hawkins v. N.H. Dep’t of Health and Human Services*, 147 N.H. 376 (2001). The Court said that information stored as data in a computer system was a public (now governmental) record under the Right to Know Law. In response to the *Hawkins* decision, legislation enacted in 2008 and amended in 2009 states that records maintained in electronic form must remain accessible and available as long as they exist and must be kept and maintained for the same minimum retention or archival periods as their paper counterparts. RSA 91-A:4, III-a.

Electronic records of a category designated on the RSA 33-A:3-a retention schedule to be retained for more than 10 years must be transferred to paper and/or microfilm. If the electronic record must be retained for fewer than 10 years, it may be retained solely electronically for that period, but only if the local Municipal Records Committee approves. Regardless of format, the municipality is responsible for maintaining all records in an accessible place and manner. RSA 33-A:5-a; RSA 91-A:4, III.

Applying these requirements to some of the examples listed above, annual reports and minutes of boards and committees would have to be maintained on paper and/or microfilm because they are required under RSA 33-A:3-a to be retained permanently (that is, more than 10 years). On the other hand, since abatements have a retention period of fewer than 10 years, the responsible official could choose to maintain them solely in electronic form, but only if so approved by the municipality’s records committee. Interestingly, the statute is silent regarding records that must be maintained for exactly 10 years, such as annual audit reports. Given this gap in the statute, the safest course would be to maintain those records on paper and/or microfilm rather than solely in electronic format.

## C. Public Inspection of Governmental Records

RSA 91-A:4 governs the public inspection of governmental records. The statute requires the following:

### 1. Availability

Governmental records must be available for inspection and copying during the regular business hours of the public body or agency, unless a record is temporarily unavailable because it is actually being used. See *Gallagher v. Windham*, 121 N.H. 156 (1981). The state Supreme Court has held that when the office receiving the request for a record is busy, officials may ask the citizen to make an appointment to review the records. RSA 91-A:4, IV requires that when a public body or agency is not able to make a governmental record available for immediate inspection, it must do so within five business days, or deny the request with written reasons, or acknowledge the request with a statement of the time necessary to determine whether the request will be granted or denied. See also *Brent v. Paquette*, 132 N.H. 415 (1989) (the maximum time anyone can be required to wait is five days).

***Governmental records must be available for inspection and copying during the regular business hours of the public body or agency, unless a record is temporarily unavailable because it is actually being used.***

## **2. Copies**

Any citizen may make notes, tapes, photos or photocopies of a governmental record. The law does not provide a right to receive copies of records at the municipality's expense. See *Gallagher*, above. Government officials should not hand over the records for copying. See RSA 41:61, which prohibits the person with custody of the records from loaning them out, and RSA 91-A:4, III. The governmental agency or official is permitted by RSA 91-A:4, IV to make copies and charge the person requesting them the "actual cost of providing the copy." It is unclear whether the "actual cost" of copying may include an amount for staff time needed to make the copies, as well as the actual mechanical costs of copying. Establishing a per copy cost that is not out of line with the prevailing rates charged by other governmental agencies will likely help to avoid complaints that the rates exceed the "actual cost" or are so high as to frustrate the intent of the law.

## **3. Form**

If the information requested exists in a more convenient form, then that must also be made available. For instance, in *Menge v. Manchester*, 113 N.H. 533 (1973), an individual requested that the city produce certain computerized tax records. In response, the city provided only photocopies of the paper assessment cards. The Court held that the city's response did not satisfy its requirements under the Right to Know Law. It is unclear from the *Menge* decision how municipalities should respond to RSA Chapter 91-A requests that involve copyrighted software. However, while RSA 91-A:4, III requires records to be maintained in an accessible way, RSA 91-A:4, VII provides that "nothing in this chapter shall be construed to require a public body or agency to compile, cross-reference, or assemble information into a form in which it is not already kept or reported to that body or agency." See also *Hawkins v. N.H. Dept of Health and Human Services*, 147 N.H. 376 (2001); *N.H. Civil Liberties Union v. Manchester*, 149 N.H. 437 (2003).

Under changes adopted in 2008, governmental records maintained in electronic form may be disclosed by copying them to an electronic medium; however, if that is not reasonably practical, or if the person making the request asks for the records in a different format, the public body or agency may provide a printout of the records "or may use any other means reasonably calculated to comply with the request." RSA 91-A:4, V.

## **4. Motive**

The motives of the person requesting the information are irrelevant and should not be questioned. *Union Leader Corp. v. Nashua*, 141 N.H. 473 (1996). As a general rule, if the requested information is subject to disclosure under the Right to Know Law, it belongs to everyone. *Lambert v. Belknap County Convention*, 157 N.H. 375 (2008).

## **5. Raw Materials**

Materials (tapes, rough notes, etc.) used to compile the official minutes are governmental records. These materials may be destroyed after the official minutes are prepared, but they remain governmental records until destroyed. LGC recommends that municipalities adopt (and then follow) a formal policy stating how long drafts or original tapes are kept after the minutes are prepared and approved by the public body. It is also important that municipalities designate who is taking the official minutes. Tapes or notes made by a board member for personal use are not governmental records and are not subject to disclosure under the Right to Know Law. RSA 91-A:5, VIII; *Brent v. Paquette*, 132 N.H. 415 (1989).

## 6. Working Documents

Preliminary drafts, notes and memoranda and other documents not in their final form may or may not be governmental records subject to release under the Right to Know Law. In *Goode v. N.H. Office of the Legislative Budget Asst.*, 145 N.H. 451 (2000), the Supreme Court reversed the trial court's decision that audit papers were not subject to disclosure to the public "because they were not in their final form." The Court reasoned that RSA 91-A:4, IV does not exempt records just because they are drafts and not yet completed. However, the legislature subsequently added a new paragraph, RSA 91-A:5, IX, which exempts from disclosure "[p]reliminary drafts, notes, and memoranda and other documents not in their final form and not disclosed, circulated, or available to a quorum or a majority of the members of a public body." Thus, such materials are subject to disclosure only if they have been made available to a quorum or majority of the public body to which they relate. In addition, as the court in *Goode* noted, draft documents may still be exempt from disclosure if they qualify as confidential information under RSA 91-A:5, IV.

***The government must maintain governmental records "in a manner that makes them available to the public."***

## 7. Format

The government must maintain governmental records "in a manner that makes them available to the public." *Hawkins v. N.H. Dept of Health and Human Services*, 147 N.H. 376 (2001). The Court said that information stored as data in a computer system was a public (now governmental) record under the Right to Know Law. In response to the *Hawkins* decision, legislation enacted in 2008 states that records maintained in electronic form must remain accessible for the same periods as their paper counterparts. RSA 91-A:4, III-a. As discussed above, retention periods for all records are prescribed in a separate statute, RSA Chapter 33-A.

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## 8. Settlement Agreements

Every agreement to settle a lawsuit or claim entered into by any municipality or its insurer must be kept on file at the clerk's office and made available for public inspection for 10 years from the date of settlement. RSA 91-A:4, VI.

## D. Exemptions to Public Disclosure

RSA 91-A:5 exempts certain documents from public disclosure, including records regarding: grand and petit juries, parole and pardon boards, personal school information of students and teacher certification. The following records, which are particularly relevant to municipalities, are also exempt:

- Records pertaining to internal personnel files or practices, including police and other internal investigation documents relating to public employees. See RSA 91-A:5, IV; also *Hounsell v. North Conway Water Precinct*, 154 N.H. 1 (2006); *Union Leader Corp. v. Fenniman*, 136 N.H. 624 (1993). Salaries and lists of employees, though, are not exempt from disclosure. *Mans v. Lebanon School Board*, 112 N.H. 160 (1972).
- Medical or welfare information, library user and videotape sale or rental records. RSA 91-A:5, IV.

- Confidential, commercial or financial information and other records whose disclosure would be an invasion of privacy. RSA 91-A:5, IV.
- Notes or other materials made for personal use that do not have an official purpose, including notes and materials made prior to, during or after a public proceeding.
- Preliminary drafts, notes and memoranda, and other documents not in their final form and not disclosed, circulated or available to a quorum or a majority of a public body.

### **E. What Does 'Confidential, Commercial or Financial' Mean?**

Several Supreme Court decisions have examined what confidential, commercial or financial information is and when such information should be disclosed to the public, if at all. The disclosure decision rests on a balancing test that weighs the public's interest in disclosure against the government's interest in nondisclosure. In *Union Leader Corp. v. N.H. Housing Finance Authority*, 142 N.H. 540, 554 (1997), the Court applied a two-step analysis:

- Is the requested document confidential, commercial or financial information?
- Would its disclosure constitute an invasion of privacy?

The Court said that an "expansive" definition of the terms "confidential, commercial or financial" could not be given because to do so would allow the exemption to swallow the rule, which would be inconsistent with the purposes of the Right to Know Law.

However, the Court concluded that "commercial or financial" information includes business sales statistics, research data, technical designs, overhead and operating costs, and information on financial condition. Such information is not automatically exempt from disclosure, but "is sufficiently private that it must be balanced against the public's interest in disclosure."

"Confidential" information is "determined objectively, and not based on the subjective expectations of the party generating it." In other words, just because a person stamps a document "confidential" does not mean it is exempt from disclosure to the public under the Right to Know Law. Again, the benefits of disclosure of such information must be weighed against the benefits to the government of nondisclosure. The burden is on the government to prove disclosure would likely impair its ability to obtain such information in the future, or that disclosure would cause "substantial harm to the competitive position of the person from whom the information was obtained." This is not the exclusive test for whether information is confidential.

The second step of the analysis is to determine if disclosure would constitute an invasion of privacy. In *Lamy v. N.H. Public Utilities Commission*, 152 N.H. 106 (2005), the Court applied a three-part test:

- Is there a privacy interest at stake that would be invaded by disclosure?
- If so, what is the public's interest in disclosure?
- Finally, balance the public's interest in disclosure against (a) the government's interest in nondisclosure and (b) the individual privacy interest that would be invaded.

The party resisting disclosure “bears a heavy burden to shift the balance towards nondisclosure.” In other words, the court begins by assuming that the information should be disclosed, and the party resisting disclosure must convince the court it should not be disclosed.

The determination of whether a privacy interest exists is based on an objective standard, not on the subjective expectations of any particular person. Some privacy interests may be relatively strong, such as certain private financial information (account numbers, etc.), while others may be relatively weaker. For example, the Court in *Lamy* determined that residential utility customers have a “modest” privacy interest in their names and home addresses because that information “serves as a conduit into the sanctuary of the home.” Noting that the Right to Know Law gives every member of the public (including commercial advertisers and solicitors) the same right to access public information, the Court said that “individuals have some nontrivial privacy interest in avoiding the influx of unwanted, unsolicited mail or the telephone calls and visits that could follow from disclosure of their names and home addresses.” Similarly, the Court has found that a person who applies for appointment to fill a vacant elective office has a minimal privacy interest in the information on the application that would be invaded by disclosure of the application itself. *Lambert v. Belknap County Convention*, 157 N.H. 375 (2008).

When a privacy interest does exist, the second part of the test is to determine what the public interest is, if any, in disclosing the information. As the Court stated in *Lamy*, if the disclosure of such private information does not “provide the utmost information about what the government is up to,” then it should not be disclosed. The Court has previously held that the nature of the document (or information) requested must be examined in relationship to the basic purpose of the Right to Know Law. *Union Leader Corp. v. N.H. Housing Finance Authority*, 142 N.H. 540, 544 (1997). The purpose is “to increase the public’s knowledge about how the [government] works.” As a result, the Court will “broadly construe provisions favoring disclosure and interpret the exemptions restrictively.” *Goode v. N.H. Office of the Legislative Budget Asst.*, 145 N.H. 451, 453 (2000). In *N.H. Civil Liberties Union v. Manchester*, 149 N.H. 437 (2003), the New Hampshire Civil Liberties Union requested that the Manchester Police Department (government) disclose certain photographs of individuals stopped by the police. The government refused. In order to properly deny the Right to Know request, the Court said the government must show the information sought “will not inform the public about the [government’s] activities, or that a valid privacy interest, on balance, outweighs the public interest in disclosure.”

This will bring the court to the third part of the test, which is to weigh the public interest in disclosure against the government’s interest in nondisclosure and the individual privacy interest that will be invaded. This balancing test and the weight of the various interests will depend on the particular circumstances involved. For example, the Court in *Lambert v. Belknap County Convention* held that the public’s interest in the contents of an application for appointment to fill a vacant elective office is “high.” 157 N.H. 375 (2008). On the other hand, the Court held in *Lamy v. N.H. Public Utilities Comm’n*, 152 N.H. 106 (2005), that if the only public interest in disclosure is to use that information to gain secondary information (“derivative use”), that interest will be given little weight. For example, in that case, a citizen requested copies of complaints filed by utility customers with the Public Utilities Commission (PUC). The PUC provided the reports but redacted the names and street addresses of residential customers, leaving only the town in which each person lived. The Court noted that names and street addresses alone would provide no information about the PUC’s own conduct. The person who requested the information argued that he wanted the names and addresses so he could contact



those customers at home to interview them about the PUC's conduct. The Court stated that when such derivative use is the only public interest in disclosing information, it will not be given great weight; in this case, therefore, disclosure was not appropriate because the public interest did not outweigh the individuals' privacy interests in not being contacted at home.

## F. Other Exemptions

### 1. Law Enforcement Files

Some, not all, law enforcement files are exempt. Routine dispatch logs, names and addresses of persons arrested and charges actually filed are public records. Open investigative files, case records that may still be used at trial, etc., should not be released. Closed investigation files should be released unless the disclosure would invade someone's privacy, disclose confidential sources of information or threaten the safety of police. See *Lodge v. Knowlton*, 118 N.H. 574 (1978); *Union Leader Corp. v. Nashua*, 141 N.H. 473 (1996).

*Written legal advice is generally considered exempt from disclosure so long as the information remains subject to attorney-client privilege.*

### 2. Written Legal Advice

Written legal advice is generally considered exempt from disclosure so long as the information remains subject to attorney-client privilege. *Society for Protection of N.H. Forests v. Water Supply and Pollution Control Comm'n*, 115 N.H. 192 (1975).

### 3. Other Information Protected by Statute

There are other privacy statutes that make certain information confidential. Some examples include: RSA 106-H:14, regarding the enhanced-911 system; RSA 165:2-c, concerning local welfare recipients; RSA 159:6-a, regarding pistol permits; and RSA 466:1-d concerning lists of licensed dog owners. See also, for example, RSA 151-D:2 (quality assurance program records of ambulatory care clinics), discussed in the context of a Right to Know Law petition in *Disabilities Rights Center, Inc. v. Comm'r, N.H. Dep't of Corrections*, 143 N.H. 674 (1999).

## G. Partial Release

If only part of a governmental record is subject to an exemption, the part that is not protected should be released. If a case goes to court, the burden of proof will be on the municipality to prove that the material is subject to an exemption. Further, if the information requested is not compiled in a convenient form, officials have no duty to compile it, but must allow the citizen to do so if he or she wants to. *Brent v. Paquette*, 132 N.H. 415, 426 (1989).

## H. When Are Electronic Records 'Deleted'?

A record in electronic form is no longer subject to disclosure once it has been "initially and legally deleted." RSA 91-A:4, III-b. A record cannot be "legally" deleted until the expiration of any statutory retention periods (generally governed by RSA Chapter 33-A). An electronic record is deemed to have been "deleted" only if it is no longer readily accessible to the public body or agency itself. This means that the mere transfer of an electronic record to a "deleted items" folder or similar location on a computer does not constitute deletion. To delete it sufficiently under this section, the "deleted items," "trash" or "recycling bin" folder must be emptied.

## VII. Removal for Confidentiality Violation

Until 1994, there was no statutory penalty for a public official who improperly released confidential information. RSA 42:1-a now makes it a breach of a municipal official's oath of office to divulge to the public any information learned by virtue of his or her official position if either:

- the public body has voted to withhold that information from the public by a vote of two-thirds under the Right to Know Law; or
- the official knew or reasonably should have known that the information was exempt from disclosure under the Right to Know Law, and that its divulgence would constitute an invasion of privacy, or would adversely affect the reputation of some person other than a member of the public body, or would render proposed municipal action ineffective.

The method of removing an official for violation of this statute is by petition to the superior court; removal is not automatic.

## VIII. Consequences of Violating the Law

The superior court has the authority to invalidate action taken in a meeting held in violation of the Right to Know Law. If a citizen files a lawsuit to enforce the Right to Know Law, the municipality or the official who has violated the law may be held liable for that citizen's damages, attorney's fees and costs. RSA 91-A:8.

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In *N.H. Challenge, Inc. v. Comm'r, N.H. Dep't of Educ.*, 142 N.H. 246 (1997), the Court said that, where a citizen has prevailed in a Right to Know lawsuit, attorney's fees will be awarded when: (1) the lawsuit was necessary in order to obtain the information and (2) the governmental body knew or should have known that it was violating the law when it did not provide the information.

*The superior court has the authority to invalidate action taken in a meeting held in violation of the Right to Know Law.*

In addition, it is a misdemeanor for a person to knowingly destroy information with the purpose of preventing the information from being disclosed after a request has been made under the Right to Know Law. RSA 91-A:9.

## IX. Health Insurance Portability and Accountability Act of 1996 (HIPAA)

Federal law potentially restricts the disclosure of "personal health information" (PHI), irrespective of the requirements under RSA Chapter 91-A. It would be impossible to summarize all of HIPAA's statutory and regulatory privacy requirements in these materials. As such, this section is intended as a source of basic information and a starting point for your questions with

respect to Right to Know requests that may trigger HIPAA. For more complicated questions, contact LGC or the municipal attorney.

The purpose of HIPAA is two-fold: (1) to promote access to and portability of health care; and (2) to improve the administrative efficiency and effectiveness of the health care system. Pursuant to HIPAA, the Department of Health and Human Services codified certain privacy regulations. HIPAA privacy regulations are found at 45 C.F.R. Parts 160 and 164. HIPAA restricts disclosure by “covered entities” of “protected health information,” that is, “individually identifiable health information,” which is information that “relates to the past, present or future physical condition of an individual; the provision of health care to an individual; or the past, present or future payment for the provision of health care to an individual ... that identifies the individual....” 45 C.F.R. §160.103. “Covered entities” may not use or disclose personal health information, except as authorized by the individual who is the subject of the information, or as expressly required or permitted by the privacy regulations. 45 C.F.R. Parts 160 and 164. Group health plans are “covered entities,” and municipalities and other employers (plan sponsors), while not themselves “covered entities,” are required by federal regulations to agree with their group health plans to follow HIPAA as to information the plan provides to the employer.

For purposes of RSA Chapter 91-A, the privacy regulations impact municipalities and information relating to “individually identifying health information.” “Individually identifiable health information” includes any health information that identifies the individual or which could reasonably be expected to be used to identify an individual. 45 C.F.R. §160.103.

However, federal regulations also provide that protected health information may be disclosed to the extent “required by law and the use or disclosure complies with and is limited to the relevant requirements of such law.” 45 C.F.R. §164.512(a)(1). Under New Hampshire law, the question becomes whether particular protected health information must be disclosed upon request under RSA Chapter 91-A.

For example, one category of information frequently requested is information about the amount of money paid by a municipality for an employee’s health insurance as a fringe benefit. Salaries are, of course, public information under RSA Chapter 91-A. *Mans v. Lebanon School Board*, 112 N.H. 160 (1972). It is an open question whether the dollar value of employer-paid fringe benefits of public employees should be treated the same as salaries, or is protected from disclosure under RSA 91-A:5, IV, as “files whose disclosure would constitute invasion of privacy.” A court would likely review the question using the three-part test developed in *Lamy v. N.H. Public Utilities Comm’n*, 152 N.H. 106 (2005), discussed in section VI, E above: (1) Is there a privacy interest at stake that would be invaded by disclosure? (2) If so, what is the public’s interest in disclosure? (3) Balance the public’s interest in disclosure against the government’s interest in nondisclosure and the individual privacy interest that would be invaded.

Clearly, in certain situations, the fact of whether an employee has an individual, two-person or family plan could reveal information that could reasonably be considered confidential, embarrassing and an invasion of privacy. An extra measure of caution is called for because of another HIPAA regulation: Under 45 C.F.R. §164.504(f)(2)(ii)(C), plan sponsors (employers) must agree not to use or disclose protected health information for employment-related actions and decisions. In the *Lamy* balancing test, if an individual employee’s health insurance premium

is “protected health information,” then the public interest in disclosure is minimized, because no legitimate use can be made of the information in hiring or retaining a given employee, or budgeting for the employee’s position.

In short, notwithstanding requests under RSA Chapter 91-A, a municipality should use caution and seek legal advice when considering whether to disclose an individual’s protected health information unless the municipality has first received a valid authorization from the individual or unless HIPAA otherwise expressly permits such use or disclosure (for example, workers’ compensation claim, law enforcement purposes, etc.). Obviously, such privacy restrictions significantly limit the type and manner of information that may be disseminated to municipal officials and the public.



**3/24/10**  
**REVISED NOTICE**  
**Location Change to**  
**SAU OFFICE**

**OYSTER RIVER COOPERATIVE SCHOOL DISTRICT**

**NOTICE OF SCHOOL BOARD WORKSHOP**  
**Special Meeting**

**March 24, 2010      SAU Conference Room      7:30 p.m.**

The Oyster River School Board will meet for a special workshop in the SAU CONFERENCE ROOM at 7:30 p.m. on Wednesday, March 24, 2010.

Respectfully submitted,



Howard P. Colter  
Superintendent

Minutes  
School Board Workshop  
Oyster River Cooperative School District  
24 March 2010

Revised @ 4/7/10 Meeting

Members Present: Mark Townsend, Henry Brackett, Ann Wright, Krista Butts, JoAnn Portalupi, Jennifer Rief, and by phone – Jocelyn O’Quinn, who was away.

Also Present: Blaine Cox and Howard Colter

Mark Townsend called the workshop to order at 7:37 PM.

The Board discussed:

- budget process,
- chain of command
- communications
- right to know
- agenda setting process
- working as a team
- correspondence

Mark Townsend adjourned the training session at 10:05 PM.

Howard Colter  
Recorder

Minutes  
School Board Workshop  
Oyster River Cooperative School District  
24 March 2010

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Howard Colter  
Recorder





# New Hampshire School Boards Association

Excellence in Public Education Through School Board Leadership



**School Board Hot Topics**

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- [Home](#)
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- [Member Login and Services](#)
- [Calendar](#)
- [Teacher Labor Contract Database](#)
- [Publications and Reports](#)
- [Policy Services](#)
- [Legal Information](#)
- [Legislative](#)
- [Training](#)
- [Administrator Searches](#)

25 Triangle Park Drive  
 Suite 101  
 Concord, NH 03301  
 603-228-2061 ph  
 800-272-0653  
 NH toll free  
 603-228-2351 fax

### Inside this Section

[Upcoming Events List View](#)

[Upcoming Events Calendar View](#)

5/11/2010

#### **SCHOOL BOARD ORIENTATION AND REFRESHER WORKSHOP: CONCORD**

[Click to Register...](#)

Local Government Center, 25 Triangle Park Dr. - 5:30 - 8:30 pm, 5:00 registration

New and current board members are invited to an orientation/refresher course on the basic responsibilities of being a school board member.

Description: The program highlights the roles and responsibilities of board members, in relation to superintendents, principals, the community and the press. We will discuss how to run a successful board meeting, manage complaints, and interact with the community. This workshop is interactive; real-life issues and case studies will be discussed.

A copy of "Becoming a Better Board Member" (a \$40 value) will be provided to new board members. Light dinner will be provided. Cost is \$50 for NHSBA members (7 day cancellation required). RSVP online or call 603-228-2061 with any questions!

5/13/2010

#### **SCHOOL BOARD ORIENTATION AND REFRESHER WORKSHOP: GORHAM**

[Click to Register...](#)

North Country Education Services, 300 Gorham Hill Rd - 5:30 - 8:30 pm, 5:00 registration

New and current board members are invited to an orientation/refresher course on the basic responsibilities of being a school board member.

Description: The program highlights the roles and responsibilities of board members, in relation to superintendents, principals, the community and the press. We will discuss how to run a successful board meeting, manage complaints, and interact with the community. This workshop is interactive; real-life issues and case studies will be discussed.

A copy of "Becoming a Better Board Member" (a \$40 value) will be provided to new board members. Light dinner will be provided. Cost is \$50 for NHSBA members (7 day cancellation required). RSVP online or call 603-228-2061 with any questions!

\*\*\*\*NOTE: Use directions from NCES website:

<http://www.ncedservices.org/directions.htm> as Mapquest directions are incorrect!

## Draft Agenda for Board Training

**March 24, 2010**

1. Main Jobs of the Board
  - a. Budget
  - b. Policy
  - c. Supt. Evaluation
2. Agenda Setting
3. Responsibilities for Meetings
4. Communication
  - a. To the Chair
  - b. To other Board Members
  - c. Chain of Command

Handout of RTK Law

(this will give the board time to look them over for the next meeting)

**March 31, 2010** - CANCELED

1. Roles of Committees
  - a. Role of the Committee Chair
2. Role of the Superintendent
  - a. Board consensus on level of communication
  - b. Supt. Evaluation
3. Public Comments
  - a. Board response to comments or questions at meetings
  - b. Demonstrating public support for district staff
4. RTK
  - a. Discussion, questions, examples, etc.

OYSTER RIVER COOPERATIVE SCHOOL DISTRICT  
BUSINESS ADMINISTRATOR'S OFFICE

SAU #5  
36 COE DRIVE  
DURHAM NH 03824

(603) 868-5100  
FAX (603) 868-6668  
bmcox@orcscd.org

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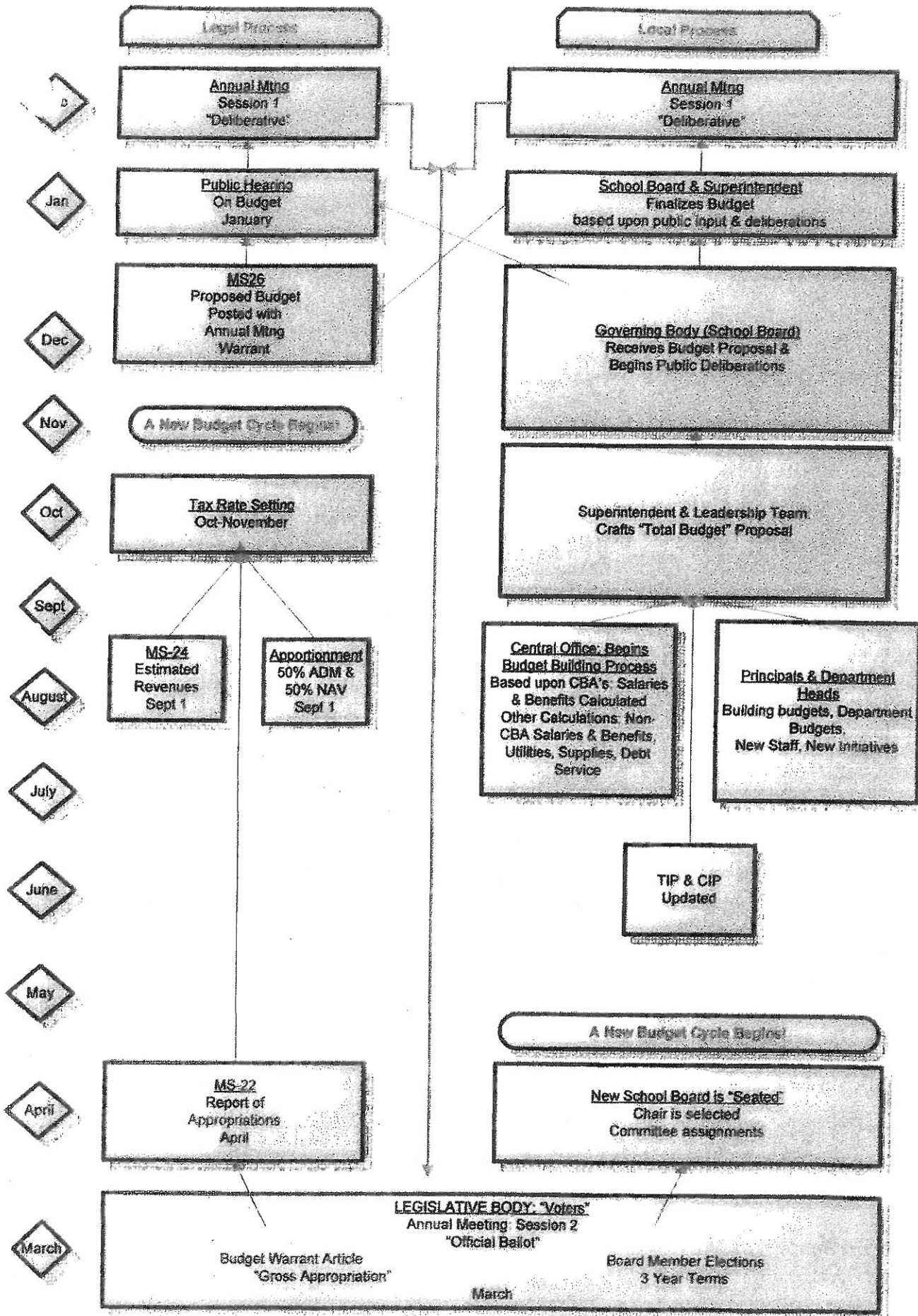
**Budget Process Calendar**

Key Dates working backwards -

1. March 9: Session II ("official ballot" voting)
2. February 2: Session I ("deliberative")
3. January 25, 2010: last date for School Board to post Annual Meeting Warrant and post the proposed budget (M-26 form).
4. January 20, 2010: last regularly scheduled Board meeting to finalize Warrant and budget.
5. January 13: Public Hearing on the budget.
6. January 12: last date to finalize collective bargaining agreement cost items.
7. January 6: regular Board meeting. Budget on agenda?
8. December 16: regular Board meeting. Budget on agenda?
9. December 15: CPI for November published by Bureau of Labor Statistics (needed to set salaries for Teachers' Guild).
10. December 11: workshop session with Board and Leadership Team regarding budget.
11. December 2: first look at Default Budget.
12. November 18: CIP and TIP.
13. October 13, 27, November 10, 17, 23, December: Leadership Team Meetings devoted exclusively to budget development.

# Oyster River Cooperative

Annual Budget Process



Board Success Through Good Policy Processes  
At Your Fingertips



**Introduction:** Adopting policies is among the most fundamental responsibilities of any school board. Many problems faced by boards could have been prevented or resolved by the deletion of a poor policy or the adoption of a good policy. Policy is the tool that provides the board power to allow or require action. It is through policy that lay citizens can govern effectively. The board is a policy-making body and the policies that it enacts are the local law of the school district. Policies are broad guidelines, philosophical statements set by the school board to chart the district's course of action. This issue of *At Your Fingertips* focuses on the elements of policy development.

**Element #1: Identify the Need for New or Revised Policies**

Policy development begins when the Board recognizes that it faces an issue or problem requiring a long-term solution; when it becomes aware that the school has an ongoing need to be answered through a new or revised program or way of function. Some problems, issues, and needs will be of first-rank importance. Others may be less significant, but still they demand solution.

**Element #2: Assemble Background Material**

First, the Board needs facts: How will state law control board actions and decisions on the issue? What costs are involved? How has this problem been solved in other school districts? Additionally, the Board will want suggestions from those persons who will administer policy and from those whom the policy will affect.

**Element #3: Study, Discuss, Agree on Basic Substance**

The Board must have time to study the problem and background materials. As it sifts suggestions, discussions and debates, the Board should pinpoint basic content-key-points that its policy should cover and try to reach agreement on the Board's position.

**Element 4: Policy Drafting**

Policy drafting and redrafting occur simultaneously with other phases of policy development. After the Board has reached tentative agreement on the content or key points that should go into a policy, however, it is a good idea to assign one person to draft the statement. That one person may be a Board committee chairperson, or very likely the Superintendent.

**Element 5: First Reading**

The policy proposal is placed on a Board meeting agenda for a "first reading" and persons most interested in it are notified that the Board action is pending. Opportunity is given them and others at the meeting to voice their opinions.

**Element 6: Second Reading, Adoption**

The period between the first and second reading gives all concerned persons a further chance to ask questions and offer improvements in the policy. By the time of the second reading, the research and examination of facts, alternatives, and divergent points of view should have been accomplished. The final draft presented will reflect such changes in position and modifications as determined by the Board at the first reading. The Board is then ready to vote.

Board Success Through Good Policy Processes  
At Your Fingertips



Page Two

**Element #7: Inform and Disseminate**

Adopting a policy is not enough. It must be made known to the person affected by it. If it is a policy important to teachers, make sure that they receive a copy. If it is a policy of interest to parents, use certain means to inform them. Generally, it is up to the administrators to see that new policies will get into the hands of the person who will implement them.

**Element #8: Implement**

Few policies are self-starting. There has to be a push behind a policy. It is essential that policy implementation over the long haul are easily available to the persons who must enforce and abide by them. The administration has extensive responsibilities in the implementation of Board policy through the development of accompanying regulations - a process that is carried out best in tandem with the development of the policy.

**Element #9: Enforce, Evaluate, Revise**

Periodically, the Board may want to ask administrators how the policy and its regulations are being enforced. Are they working? Do they need revision? A Board relies on its administration for the enforcement of policy and, to a large extent, for evaluation of how new policies work out. And just as the policy development process never ends, neither can the ongoing administrative support for policy making. With this in mind, Boards are encouraged to review their policies on an ongoing basis, such that every policy is reviewed and/or revised, if necessary, every three to five years.

**Regulations:**

Regulations will set forth specific requirements; they may list do's and don'ts; they may include step-by-step procedures; they may assign specific responsibility. Regulations provide the details for carrying out policy and enforcing it. At times, regulations may be entirely mechanical and administrative detail; if so, the Board need not specify its content. However, many regulations will provide the crux of Board control - requirements basic to the policy. When this is so, the Board may want to outline points to be included in the regulation. The Board will review and approve the draft through a formal process.

**Checklist for Policy Drafts:**

1. The proposal is legally correct.
2. The proposal contains a brief statement of intent.
3. The proposal conforms with the school system's stated philosophy, goals and objectives.
4. The proposal does not conflict with other policies or regulations. If it does precipitate changes in other Board statements, these changes are included in an accompanying set of recommendations.
5. Those who will be affected by the policy have had an opportunity to react to it.
6. Several people have read the draft to make sure its meaning is clear.
7. Regulations or procedures, if needed, are presented; these are concise and easily identified.
8. The proposal deals basically with one topic.
9. The proposal is properly coded and prepared in correct format.
10. The draft has been proofread for typographical and spelling errors.

**Oyster River Cooperative School District  
School Administrative Unit #5  
Office of the Superintendent of Schools**

**Position:** Superintendent

**Status:** Full-time; Salary

**Qualifications:** Certificate of advanced graduate study beyond Master's degree; Doctorate degree preferred. Requires central office experience, with five or more years as a school administrator or Assistant Superintendent.

**Reports to:** School Board

**Supervises:** Building Principals, Central Office Administrators and the Administrative Assistant to the Superintendent

**Job Goal:** The superintendent shall be the chief executive officer of the school system and shall have, under the direction of the board and in conformance with state laws and policies, general supervision of the public schools and of all the personnel and departments of the school system. The superintendent is responsible for the management of the schools under the board's policies and is accountable to the board. The delegation of power or duty, however, shall not relieve the superintendent of responsibility for the action taken under such delegation.

**Performance Responsibilities:**

- The superintendent shall nominate all professional and central office personnel
- The superintendent shall direct and supervise the work of all employees of the district and shall have all powers necessary to make such direction effective. While the superintendent has ultimate responsibility, the delegation of powers and duties to other personnel is a proper exercise of the office
- The superintendent shall nominate all certified staff and appoint other employees in accordance with the laws, regulations of the State Board of Education, and school board policies
- The superintendent shall be responsible for the selection and purchase of textbooks and other scholastic apparatus and supplies in accordance with the regulations of the school board and the State Board and see that the same are suitably distributed to the school, accurately accounted for, and economically used
- The superintendent shall be responsible for developing and recommending to the school board the annual budget for the support of the educational program and for the operation and maintenance of schools in accordance with school board policy
- The superintendent of schools shall be responsible for an accounting system and financial reporting procedure in order that all funds will be accounted for in accordance with school board policy and local and state law
- The superintendent shall be responsible for the development of an educational plan for the district or districts and for recommending a program of studies suitable to the needs of the pupils and the community in accordance with local school board policies, state statutes, and state board regulations
- The superintendent may, for cause, remove a teacher or other employee of the district in accordance with state statutes
- The superintendent shall recommend the dismissal of certified staff to the board, recognizing its authority to dismiss according to the statutes
- The superintendent shall provide for temporary vacancies and shall have the authority to

secure supplies immediately needed for the operation of the schools

- The superintendent shall be responsible for maintaining records and making reports as required by the State Board of Education and the local school boards
- The superintendent shall admit pupils to school attendance in accordance with the laws of the state, regulations of the state board, and policies of the local school board. The superintendent shall assign pupils to such classes and grades as their needs warrant
- The superintendent shall provide for the alleviation of hazardous conditions of an emergency nature that affect the health and welfare of pupils
- The superintendent shall be responsible for the evaluation of personnel and programs in accordance with local school board policies
- The superintendent shall be responsible, after notice, for the implementation of the policies and regulations of the State Board of Education. The superintendent is expected to participate in the development and evaluation of said policies and regulations as requested by the Commissioner of Education.

**Evaluation:** Performance of this job will be evaluated in accordance with provisions of the Board's policy on Evaluation of the Superintendent.

**Reference:**

- Policy CB - School Superintendent
- Policy CBI - Evaluation of the Superintendent
- Policy CBI-R - Evaluation of the Superintendent

**Original Effective:** Unknown

**Revision Date:** February 2010



|   |                  |
|---|------------------|
| OYSTER RIVER COOPERATIVE SCHOOL BOARD   | Policy Code: BCA |
| Date of Adoption: September 1970<br>Date of Revision: March 19, 1997<br>Code Revision: November 18, 2009 – previously BBF | Page 1 of 1      |

*CODE OF ETHICS*

The board endorses the Code of Ethics of the National School Boards Association (10/9/75).

As a member of my local board of education I will strive to improve public education, and to that end I will:

attend all regularly scheduled board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;

recognize that I should endeavor to make policy decisions only after full discussion at publicly held board meetings;

render all decisions based on the available facts and my independent judgment, and refuse to surrender that judgment to individuals or special interest groups;

encourage the free expression of opinion by all board members, and seek systematic communications between the board and students, staff, and all elements of the community;

work with other board members to establish effective board policies and to delegate authority for the administration of the schools to the superintendent;

communicate to other board members and the superintendent expressions of public reaction to board policies and school programs;

inform myself about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by my state and national school boards associations;

support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff;

avoid being placed in a position of conflict of interest, and refrain from using my board position for personal or partisan gain;

take no private action that will compromise the board or administration, and respect the confidentiality of information that is privileged under applicable law; and

remember always that my first and greatest concern must be the educational welfare of the students attending the public schools.

|   |                    |
|---|--------------------|
| OYSTER RIVER COOPERATIVE SCHOOL BOARD   | Policy Code: BCA-R |
| Date of Adoption: May 5, 1999<br>Code Revision: November 18 2009 – previously BBF-R | Page 1 of 1        |

*CODE OF ETHICS*

As a member of my local school board, I will strive to improve public education and to that end I will:

- ◇ attend all regularly scheduled board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;
- ◇ recognize that I should endeavor to make policy decisions only after full discussion at publicly held board meetings;
- ◇ render all decisions based on the available facts and my independent judgment, and refuse to surrender that judgment to individuals or special interest groups;
- ◇ encourage the free expression of opinion by all board members, and seek systematic communications between the board and students, staff, and all elements of the community;
- ◇ work with other board members to establish effective board policies and to delegate authority for the administration of the schools to the superintendent;
- ◇ communicate to other board members and the superintendent expressions of public reaction to board policies and school programs;
- ◇ inform myself about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by my state and national school boards associations;
- ◇ support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff;
- ◇ avoid being placed in a position of conflict of interest, and refrain from using my board position for personal or partisan gain;
- ◇ take no private action that will compromise the board or administration, and respect the confidentiality of information that is privileged under applicable law; and
- ◇ remember always that my first and greatest concern must be the educational welfare of the students attending our public schools.

\_\_\_\_\_  
*Board Member Signature*

\_\_\_\_\_  
*Date*

## ETHICS FOR EFFECTIVE BOARD MEMBERS

Ethics and effectiveness are two different concepts that go hand-in-hand. If your actions are guided by a sound, ethical code of conduct, chances are good that you will be an effective board member who produces results.

Ideally, your board's code of ethics will shape your attitudes and guide your behavior as you relate to students, parents, school and district staff, the superintendent, other members of the community, and fellow board members. Given its influence, it is extremely important for board members to articulate, internalize, and document specific, mutually agreed upon ethical principles. You should review this code of ethics or code of conduct, both individually and as a board, on a frequent and consistent basis to ensure that it is not forgotten amidst the rush of daily duties and deadlines. It should also be among the first items you place in the hands of new board members.

Many school boards have developed codes of conduct, as have state school boards associations. For example, the Connecticut Association of Boards of Education has included several sample codes in its 2001 publication *School Board Ethics & Conduct: A Policy Perspective*. This publication provides an excellent overview of the importance of school board ethics and related issues. Many of the ethical principles, themes, and issues addressed in that document are summarized in the following discussion.

Honesty, trust, fairness, and integrity should be a part of your board's operating code. As you implement the following recommendations, you will show that your commitment to public education and the school children in your district goes beyond mere lip service. In other words, you will demonstrate that you are willing to work for what you believe in.

### Relationships with Students and Parents

A sound code of conduct for school board members begins with a genuine commitment to

strive for high-quality public education that supports the full development of all children. It involves an understanding that our nation's strengths include its freedoms; its racial, ethnic, and religious diversity; and its commitment to education excellence and equity for all children. You must be committed to continuing these traditions, and you must be committed to working effectively with others to do so. Therefore, get to know the students and initiate conversations with their parents. Make it clear that you will be an advocate for schools and for children and that all your decisions and actions will be guided by your number one objective: to do what is best for your students.

### Relationships with School Staff

Encourage principals, teachers, and other school staff members to share their ideas and opinions with you, and incorporate their views in your deliberations and decisions. They are "on the front lines," so to speak, and are a valuable source of information about existing needs and problems. Keep abreast of current educational issues within your own school system, throughout the state, and across the nation. In addition, learn all you can about research on school effectiveness, successful reform initiatives, and other curricular and instructional developments. In so doing, you will be better able to assess current and future educational needs, and impartially evaluate and select the instructional strategies and materials that are best for your particular students.

### Relationships with District Staff

Develop personnel and administrative policies that give district staff the responsibility and authority they need to work effectively in their assigned positions. In addition, be careful to establish fair and equitable terms and conditions of employment and evaluation for all school employees. Your own success and effectiveness will, to a large extent, depend on the knowledge, skills, and abilities of those charged with implementing board policies. Therefore, it is important that, as a board, you develop a hir-

ing system and policies that will identify the most competent job applicants. Afterwards, be willing to step back and “let go” and allow them to do their jobs without intervening inappropriately.

## Relationship with the Superintendent

Work with your colleagues on the board to establish effective policies by which the superintendent can administer the schools. Maintain clear lines of communication with him or her and provide unambiguous directives. Remember, your role is that of planner and policy maker; the superintendent is responsible for implementation. Therefore, do not undermine the superintendent's authority or intrude into the spheres of responsibility that properly belong to the school administration.

Demonstrate civility and respect at all times, especially in the midst of conflict and disagreement. Recognize that it is in the board's best interest to promote public confidence in the superintendent and to support his or her efforts to become a strong educational leader.

## Relationships with the Community

Be a cheerleader for the public schools in your community and encourage the public to support your schools by giving of their time and resources. Communicate the goals of the board clearly, and be ready to explain the rationale—legal, educational, financial, and otherwise—for all the decisions that you make. Base your decisions on the available facts and your independent judgment, and refuse to surrender that judgment to individuals or special-interest groups. Do not compromise your convictions or avoid confrontation merely to improve your chances for reelection; remember, your most important goal is to do what is best for the students.

## Relationships with Other Board Members

The relationships you foster with fellow members, particularly those with whom you disagree, will affect your effectiveness as a board

member. It will be very important for you to do two things: earn respect and show respect. Fortunately, both can be accomplished by adhering to many of the same basic principles:

- **Be prepared.** Increase your knowledge and understanding of substantive and procedural issues and topics that are relevant to your job. In particular, improve your awareness and understanding of relevant local, state, and national laws, trends, and developments in education, as well as parliamentary, budgetary, and policy-related procedures and processes. This can be accomplished by participating in workshops and seminars and by reading various books, journals, and other materials on specific subjects. Always do your homework before board meetings and devote sufficient time, thought, and study to proposed actions.

- **Be professional.** Do not shirk your professional responsibilities as a board member. Make every attempt to attend all board meetings and events. Although you may be busy, give each issue the attention it deserves, and try not to focus on a limited agenda, no matter how compelling or important it is to you personally. Put everything of importance in writing: the board's mission statement, goals, bylaws, code of conduct, and administrative and operational procedures. Treat these written documents as benchmarks against which you will evaluate how you spend your time and resources and how you assess your progress. Work to build bridges among your colleagues on the board and between the board and other groups in the community. Your colleagues will be more likely to consider your opinion, or be persuaded by your arguments, if they admire your attitude, tone, and behavior.

- **Be fair and objective.** The students in your schools are depending on you to do the right thing, so keep an open mind. Accept new concepts and evaluate them fairly, really listen to what people have to say, and be willing to consider alternative solutions to problems. Know the difference between personal influence and factual persuasion. Be willing to listen to constructive criticism. At all times, support and protect the civil and human rights of all members of the school community. Maintain a sense of

perspective and a sense of humor.

- **Be honest and open.** Do not use your office for personal or partisan gain or for the benefit of your family, friends, or special-interest group. Reveal all business or social relationships that you have with organizations or individuals with whom the school district does business. In addition, do not make promises to citizens that you lack the authority to make or take private action that will compromise the school system, the board, or the administration. Avoid being placed in a position of conflict of interest. If you disagree with particular decisions or regulations, do not take actions in secret; instead, try to bring about change through legally established procedures. Handle public matters in a public forum and private matters in closed sessions. Respect the confidentiality of information that is privileged, and do not make unauthorized revelations to the public or the press.

- **Be a team player.** As an individual board member, you lack both power and authority. As a member of the board team, however, you have the ability to affect change and bring about important improvements. Strive for teamwork. Even when you vote with the minority on a particular issue, support the majority and share

responsibility for the decision they make.

Recognize that a divided board is usually a weaker, less-effective board. Finally, unless it is absolutely necessary, do not criticize or air dirty laundry in public. Your district and your students stand to lose when you undermine the people you work with in the district or community.

## Adopt These Principles

No code, of course, is complete without such traditional ethics as honesty, trust, fairness, and integrity. Not using your office for personal or partisan gain, or for the benefit of your family, friends, church, or special-interest groups is another standard that should be a part of your operating code.

Recognizing the limits of your authority as a board member is vital. As one board member said: "You must remember at all times that individual board members have no authority apart from the official actions of the board, and you should conduct your relationships with the school staff, the local citizenry, and all media on the basis of this fact. Making promises to citizens that you don't have the authority to make is unethical."

### DON'T FORGET THE WORK ETHIC

Simply saying you're committed to serving public education and your district's share of the nation's schoolchildren isn't enough. You've got to do something about your commitment. You've got to work for what you believe in. This means:

- Doing your homework before board meetings.
- Keeping abreast of current education issues within your own school system, throughout the state, and across the nation.
- Making every attempt to attend all board meetings.
- Becoming well versed in parliamentary procedure.
- Learning how to get and present facts, not merely interpretations of them.
- Devoting sufficient time, thought, and study to proposed actions.
- Considering alternative solutions to problems.
- Encouraging ideas and opinions from students, staff, and citizens of the district, and endeavoring to incorporate their views into your deliberations and decisions.
- Working with the rest of your board to establish effective board policies by which the superintendent can administer the schools.
- Establishing fair and equitable terms and conditions of employment and evaluation for all school employees.
- Selecting sound instructional strategies and materials and submitting them to regular and impartial evaluations.
- Acting as an advocate for the schools and for children.
- Setting high expectations for the work of the board.
- Keeping the board's primary focus on the best interests of students.

Experienced board members agree the following standards are key elements of ethical, effective board service:

- Base your decisions on the available facts and your independent judgment, and refuse to surrender that judgment to individuals or special-interest groups.
- Take no private action that will compromise the school system, the board, or the administration, and avoid being placed in a conflict of interest position.
- Support and protect the civil and human rights of all members of the school community.
- Respect the confidentiality of privileged information.
- Keep an open mind so that you can accept and evaluate new concepts.
- Listen objectively to constructive criticism.
- Know the difference between personal influence and factual persuasion.
- Maintain a sense of humor.
- Learn and practice the art of compromise.
- Don't avoid confrontation merely to improve your chances for reelection.
- Share the responsibility for all board decisions, regardless of how you voted.
- Strive for teamwork.
- Do not undermine the authority of the superintendent or intrude into the spheres of responsibility that properly belong to the school administration.

## THE HARDEST LESSONS

Experienced board members from across the nation were asked to identify the most difficult lesson or fact they had to learn about board service. Here's what they said most often.

- Learning to acknowledge publicly that you have no power and authority as an individual board member; that only the board as a whole can make policies and decisions for the school district.
- Determining what your function is on the board and how to accomplish it effectively.
- That no matter what you *think* you know about board service when you first come on the board, you still have a lot to learn.
- Recognizing the difference between setting policy (the board's job) and administering the schools (the superintendent's job).
- That you must represent *all* the students. Your decisions must be made in the interest of the total school system and not made solely for special groups or interests.
- Learning how to respond to the complaints and concerns of citizens, school administrators, and other staff.
- That change comes slowly.
- That you can't solve everyone's problems by yourself.
- That you must think deeply and sometimes accept a reality that is contrary to your own beliefs.
- That effective board service means being able to hold the minority viewpoint when voting on a given issue; then openly supporting the majority vote of the board in your community.
- That the primary focus of all board decisions must be student achievement.

### **HOW TO GET OFF ON THE WRONG FOOT WITH YOUR BOARD COLLEAGUES**

When asked, "How can a new school board member get off on the wrong foot with colleagues?" experienced board members replied:

- Be belligerent
- Talk too much or too loud
- Have all the solutions for all the problems of the district
- Fail to be a good listener
- Neglect to read your board policy manual
- Show apathy
- Discuss with press and constituents board matters discussed in executive session
- Backstab another board member
- Monopolize the media and public spotlight
- Indicate you will support an issue in one way, and then vote differently without giving any advance notice
- Be indifferent to the experience of your colleagues and ignore their advice
- Be inflexible—never explain alternative decisions or change your mind on issues
- Publicly criticize a board decision when your vote was in the minority



- How to identify the cause of problems in communication
- How to listen to another's views
- How to honestly express your own feelings and change the situation affecting those feelings
- How to become more effective at problem solving
- How to resolve clashes of values

You will handle your personal communication more effectively if you remember that you are an individual plus a board member all the time, and use a little common sense.

## Visiting the Schools

School visits are useful for conveying to the district's internal publics that you are interested in their working environment. While at school, most board members take the time to discuss school business with administrators and staff. But one visitor warned: "Talk and listen, but don't get caught up into making commitments. If you must do something, make a note and ask the superintendent to check out your point of interest informally. Don't break the chain of command."

That caution is one of the basic rules pertaining to school visitations. Here are some other important caveats:

**Don't arrive unannounced.** Have your superintendent arrange and clear your visit with the building principal.

**Remember your status.** When visiting alone, you are just one member of the board. Although your title and position may be intimidating to school personnel, your authority in the school during a visit is no greater than that of any other concerned citizen. Don't use your position as a board member to throw your weight around.

**Don't disrupt school activities or take faculty and staff members away from their work.** If you want to ask questions, ask the principal in advance to

## COMMUNICATING AS AN INDIVIDUAL BOARD MEMBER

As a school board member, you have to master the art of face-to-face personal communication. It goes with the territory of board service.

First, you are going to have to learn that what you say and do, even when you think you're doing or saying something solely for yourself, will have an impact on your school board.

And from now until the end of your board service, you will have to develop your skills as a listener. You will also have to temper your individual views on school matters with the knowledge that you can't speak or make commitments for the whole board and accept that your only legal power as a board member lies when you cast your vote in the boardroom.

You can prepare yourself for personal communication by learning:

- How to understand what another person is saying

arrange access to personnel. Then the principal can inform people that you will be visiting and might want to chat with them during your visit. The principal can make any necessary arrangements.

**Don't spy, and don't pry.** By all means, observe what is around you, but don't spend your time looking into broom closets or over the shoulders of the staff. That kind of activity will stifle, not promote, communication.

If you observe these few basic cautions, you will find that school visits put you in closer touch with how your campuses look and operate, as well as how district employees and students feel about the school system.

## Handling Citizens' Complaints

Visiting schools might be one of your most visible ways of communicating with your internal publics. But when it comes to your external public contacts, the way you handle complaints is likely to be where you have the greatest visibility.

From the moment you took your seat on the board, you undoubtedly noticed an immediate increase in telephone calls and the number of people who stop you on the street for a quick conversation about some aspect of the school program. These personal contacts, if handled properly, will help you raise your credibility with the people you represent.

That view is supported by an Ohio board member who notes: "The longer I remain on the board, the fewer crisis phone calls I get. The people in our town have learned. They know how I'm going to handle a situation. They know I'm going to listen, but they know I'm then going to ask them to go through the appropriate channels. For example, if an irate parent calls because a child has had a problem with a teacher, I'll listen. Then I'll ask if they've talked to the teacher and the building principal. I'll make sure they understand the chain of command in our district. Later, if they are still unhappy, I'll suggest that I arrange a meeting that includes the parents, the teacher, and the principal. If they want one, I'll ask the superintendent to set up such a meeting."

This board veteran has mastered the two major aspects of handling complaints: the art of listening to them and the art of handling them at the board level only as a last resort.

There will be times, of course, when the complaints you hear from your constituents will be quite valid. You may personally agree with them. But you should keep a firm fix on the difference between your board duty and the limits of your individual role. Do not act individually in a manner that usurps the legitimate functions of the whole board—or the management functions of the administration. Instead, use your individual communication talents to direct dissatisfied patrons through the appropriate grievance structure.

## The Art of Listening

Skilled listening will be a key element in how you handle complaints. Often, you'll be confronted by someone who is reacting emotionally to something that might or might not have a basis in fact. When that happens, part of the art of listening is to let your complainant have his or her full say before you respond. That way, you will often be able to sift out fact from fiction and the emotional from the rational. Then, with a touch of empathy, you can set the record straight and direct the person through the proper chain of command to resolve the part of the problem that has a factual basis.

If your complainant doesn't seem to be offering enough specifics, simply say, "Tell me more," and keep listening. You'll be making a show of respect for the person's feelings without being trapped into a commitment for further action.

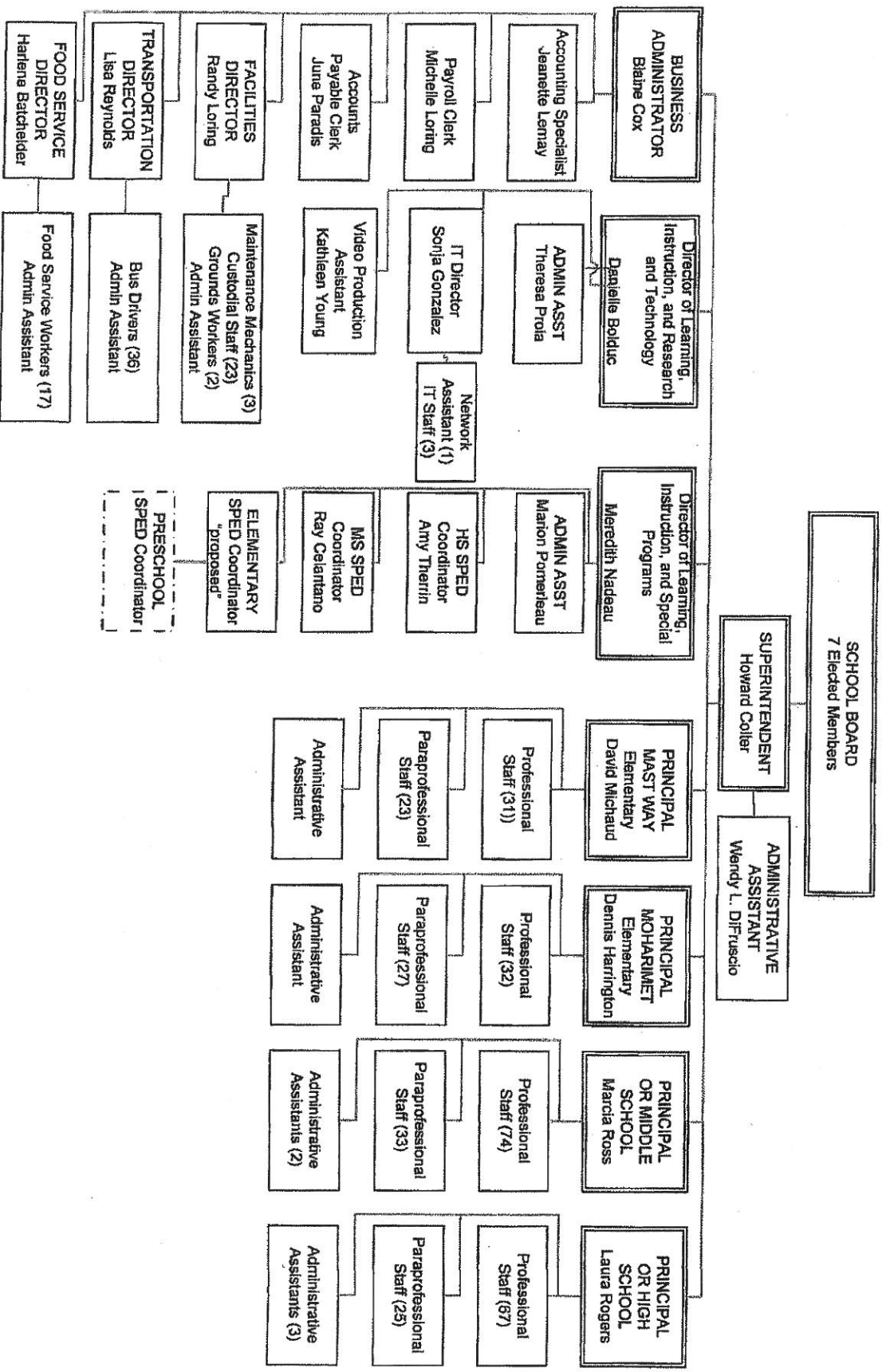
Sometimes, the best response is to say, "I hear what you are saying." Often, that will do more to soothe ruffled feathers than a policy book full of answers.

Not that it's easy. Learning to listen clearly and intently to what a person is saying takes practice. In any confrontation, it's human nature to start thinking of your own response before the other person can finish making a point. You will have to work consciously to overcome this tendency.

You will hear many voices during your tenure on the board. Some will be positive; some will be outraged. The one thing all of these voices have in common is the desire to be heard by their representative on the board.

# OYSTER RIVER COOPERATIVE SCHOOL DISTRICT

School Administrative Unit #5



## *Working Together to Engage Every Learner*

The School Board welcomes you to this evening's meeting. We are pleased to have community members observe the Board in process. If you plan to participate in the time set aside for Public Comments, please review the guidelines provided inside. The full policy BEDH—*Public Participation at Board Meetings* can be found on the District website at [www.orcsd.org](http://www.orcsd.org).

*Please silence cell phones and other electronic devices.  
Thank you.*

### Oyster River School Board Members

Kim Clark, Chair, at-large, 2007-2010  
Jennifer Rief, Vice Chair, at-large, 2008-2011  
JoAnn Portalupi, at-large, 2008-2011  
David Taylor, at-large, 2007-2010  
Jocelyn O'Quinn, Durham, 2009-20012  
Henry Brackett, Lee, 2009-2012  
Mark Townsend, Madbury, 2009-2012

### Oyster River Schools

#### **Elementary:**

Mast Way School, 23 Mast Rd, Lee,  
659-3001  
Moharimet School, 11 Lee Rd, Madbury,  
742-2900

#### **Middle:**

Oyster River Middle School, 1 Coe Dr,  
Durham, 868-2820

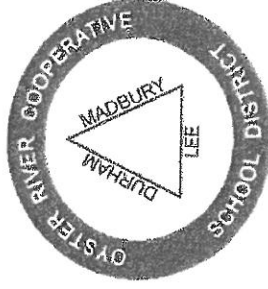
#### **High:**

Oyster River High School, 55 Coe Dr,  
Durham, 868-2375

### Oyster River District Office

36 Coe Drive, Durham, 868-5100  
[www.orcsd.org](http://www.orcsd.org)

# Welcome to the Oyster River School Board Meeting



# Guidelines for Public Comment

## Guidelines for Addressing the Board

Community members may address the full Board during the Public Comment sections divided between the start and end of the meeting. Fifteen minutes is set aside at each meeting for this purpose.

We encourage you to use Public Comment to:

- Share your opinion on a topic being reviewed by the Board this evening.
- Offer commendation to the District or its employees.
- Share a general observation that is pertinent to the work of the Board.

(Reference: School Board Policy BEDH)

- Please sign in.

- Plan to speak from the podium and please state your name and town of residence before you begin.

- Each speaker may have up to 3 minutes within the time frame allowed. A speaker will not be recognized for a second time on a particular topic.

- Please show courtesy and respect for others.

*Other ways to share your thoughts with the full Board:*

US mail: ORCSD, SAU #5,  
36 Coe Drive  
Durham, NH 03824

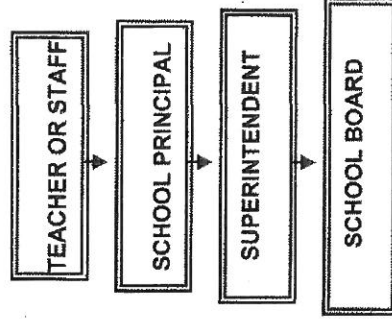
Email: [orcdsb@orcscd.org](mailto:orcdsb@orcscd.org)  
Phone: 868-5100, ext 60  
Website: [www.orcscd.org](http://www.orcscd.org)

## How to Request an Item be Placed on a Future Meeting Agenda

You may submit your request to the School Board by email or regular mail at the addresses listed in this brochure.

## Procedure for Addressing Questions or Problems

Our goal is to resolve problems and seek answers at the appropriate level. If you have a concern or question, we ask you to follow a chain of command by bringing it forward to persons closest to the issue.



If you are unsure of where to begin, please contact Wendy DiFruscio in the district office and she will be happy to guide you.

### E-MAIL AND OPEN MEETING LAWS

Most sunshine laws prohibit private or closed meetings except to discuss legal, personnel, or contract negotiation issues. But what exactly is a meeting? Any time a quorum of the board gets together to discuss public matters—whether it's in the boardroom or at the local coffee shop—a meeting has occurred, says Virginia attorney R. Craig Wood. That seems straightforward enough, but as Wood pointed out in the April 2001 issue of NSBA's *Updating School Board Policies*, things can get sticky once e-mail is involved.

For one thing, state statutes vary widely; for another, state legislatures and courts have not kept up with the rapid expansion of the technologies that support electronic transmission of information. Your best source of advice is your school attorney. Generally speaking, board members should be careful about e-mail discussion that could be seen as board deliberation that substitutes for an open meeting. In addition, Wood suggests these practical considerations:

- Develop an acceptable use policy applicable to all users, including school board members, that is reasonable and enforceable. Then enforce it consistently.
- Treat all electronic communications as potentially subject to requests under the Freedom of

Information Act (FOIA).

- Do not put anything in an e-mail you would not want to read in the newspaper.
- Keep public and personal communication totally separate.
- Do not send or receive personal e-mails on school computers unless you do not care about eventual disclosure.
- Archive all e-mail discussing school business in the same manner as you archive physical documents. Store backup discs or drives for the statutorily prescribed time period. In the wake of corporate scandals and Sarbanes-Oxley requirements, this has taken on added importance.
- When responding to FOIA requests, if in doubt consider two factors: (1) the source of the message and (2) the content of the message. If the source is a personal computer and the content does not relate to school business, the message is protected as being not a public record. If the e-mail is sent or received on a school computer and relates to school business, clearly it is subject to disclosure. Where only one factor is present, content is more heavily weighed than the method of transmission and receipt, but remember to consider the "no personal business" policy if you are arguing against disclosure.
- Know your state laws.

# District Initiatives



District Leadership Priorities  
Working Together to Engage Every Learner

DRAFT--5/6/09

Initiatives:

- A. Data Use/Analysis
- B. Communication
- C. Raising proficiency levels of individual learners
- D. Continuing to refine curriculum and instructional practices

| District Initiatives  | 3-year goals   | Objectives/activities   |
|---|--|---|
| <p><b>Data use/analysis</b></p> <p>Current status:<br/>Administrators received training in the spring of 2009; reading specialists have utilized performance tracker data; electronic portfolios established K-12</p> | <ol style="list-style-type: none"> <li>1. By June 2012, teams of teachers will be meeting school-wide and district-wide to analyze local, state, and national data on student achievement and that data will be used to inform curriculum/instruction.</li> <li>2. By June 2012, functional data teams will be in place at each school.</li> <li>3. By June 2012, data profiles will be easily accessible (to students, staff, parents, and administrators).</li> <li>4. By June 2012, the school district will adopt a goals-based budget process.</li> </ol> | <p>Development of common assessments (rdg K-8 2009-2010, math K-8 2009-2010, hs competencies completed 2008-2009)</p> <p>Ongoing meetings of curriculum committees 2009-2010 (see attached)</p> <p>Training in use of data analysis tools (performance tracker) summer 2009 for administrators and school teams</p> <p>Common (K-12) portfolio submissions connected to state frameworks for writing, 2009 school year; additional submissions targeted for 2010</p> <p>Digital portfolio training August 2009 focus on use of digital tools —</p> <p>Analyze student assessment data (e.g. common math/reading assessments spring 2010)</p> <p>Pilot of Mahara with middle/high school cohort groups, spring/summer 2009 — <i>done</i></p> |
| <p><b>Communication</b></p> <p>Current status:<br/>Redesigned District web-site to be launched</p>  | <ol style="list-style-type: none"> <li>1. By June 2012, the web-site will be an accessible vehicle for sharing information and communicating with constituencies</li> <li>2. By June 2012, there will be a clarification of roles/responsibilities and decision-making</li> </ol>  | <p>Develop an annual reporting schedule for the school board on district initiatives (2009-2010)</p> <p>Establish a media/communication position</p> <p>Continue contracted support for web-site back-</p>  |

|   |   |  |
|---|---|--|
| <p>spring/summer 2009;<br/>Meetings scheduled with faculty at each building and SAU staff (Jan 2008-present, 2009-2010)</p>   | <p>models</p> <p>3. By June 2012, ___ % of staff will report the district climate will be one of mutual respect and trust</p>   | <p>end</p> <p>Regular meeting schedules between SAU administration and schools as well as school to school meetings</p> <p>Develop and implement climate survey</p> <p>Establish an "innovation" committee</p>   |
| <p><b>Raising Proficiencies of Individual Learners</b></p> <p>Current status:</p> <p>RTI teams created at each building and workshops attended by all school teams; ongoing partnerships with UNH; kindergarten study report presented 7/08</p> | <ol style="list-style-type: none"> <li>1. By June 2012, 95% of students will meet or exceed NECAP proficiency standards</li> <li>2. By June 2012, a Response to Intervention model will be fully implemented in all schools</li> <li>3. By June 2012, we will expand student accessibility to technology by 50%.</li> </ol> | <p>Implementation of advisory/focus model at high school (2009-2010)</p> <p>Development of Extended Learning Opportunities at hs (internships, independent study, virtual learning academy)</p> <p>Response to Intervention teams participate in summer work 2009</p> <p>Identify permanent home for preschool program to allow for expansion</p> <p>Foster partnerships with UNH</p> <p>Decrease student to computer ratio (3-year plan)</p> <p>Purchase additional digital tools (3-year plan)</p> |
| <p><b>Continuing to refine curriculum and instructional practices</b></p> <p>Current status:</p> <p>Literacy and technology PLC's in place at ORMS 2008-2009; SAU back plan established for technology integration</p>                          | <p>By June 2012, our PD model will reflect current best practices</p> <p>By June 2012, NSTE standards for students, teachers, and administrators will be fully implemented across the SAU.</p> <p>By June 2012, Universal Design/differentiated Instructional practices will be observable in daily practice</p>            | <p>Ongoing meetings of curriculum committees 2009-2010 (see attached)</p> <p>Language arts, mathematics, and PE curriculum work (K-12) summer 2009</p> <p>Alan November trainings summer 2009</p> <p>Differentiated Instruction workshops-summer 2009; coaching and mini-workshops 2009-2010</p> <p>Develop induction program for new teachers (2009-2010)</p> <p>NHASCD workshop, August 2009</p> <p>Establish a technology mentor program (2009-2010)</p>  |



Oyster River Cooperative School District

K-12 Curriculum Development Timeline

|   | 2009-10                | 2010-11                | 2011-12                | 2012-13                | 2013-14                | 2014-15                | 2015-16                |
|---|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|
| World Languages- Meredith               |                        |                        |                        | Research/ First Draft  | Implement/ Final Draft | Evaluation/On-going PD |                        |
| Guidance- [REDACTED]                    |                        |                        |                        | Research/ First Draft  | Implement/ Final Draft | Evaluation/On-going PD |                        |
| Physical Education- [REDACTED]          | Implement/ Final Draft | Evaluation/On-going PD |                        |                        | Research/ First Draft  | Implement/ Final Draft | Evaluation/On-going PD |
| Health- [REDACTED]                      | Research/ First Draft  | Implement/ Final Draft | Evaluation/On-going PD |                        | Research/ First Draft  | Implement/ Final Draft | Evaluation/On-going PD |
| Art- Meredith                           |                        | Research/ First Draft  | Implement/ Final Draft | Evaluation/On-going PD |                        |                        |                        |
| Music- Meredith                         |                        | Research/ First Draft  | Implement/ Final Draft | Evaluation/On-going PD |                        |                        |                        |
| Technology Education- [REDACTED]        |                        |                        | Research/ First Draft  | Implement/ Final Draft | Evaluation/On-going PD |                        |                        |
| Family and Consumer Science- [REDACTED] |                        |                        | Research/ First Draft  | Implement/ Final Draft | Evaluation/On-going PD |                        |                        |
| Mathematics- [REDACTED]                 | Implement/ Final Draft | Evaluation/On-going PD |                        | Research/ First Draft  | Implement/ Final Draft | Evaluation/On-going PD |                        |
| Language Arts- Meredith                 | Research/ First Draft  | Implement/ Final Draft | Evaluation/On-going PD |                        | Research/ First Draft  | Implement/ Final Draft | Evaluation/On-going PD |
| Science- [REDACTED]                     |                        | Research/ First Draft  | Implement/ Final Draft | Evaluation/On-going PD |                        | Research/ First Draft  | Implement/ Final Draft |
| Social Studies- Meredith                |                        |                        | Research/ First Draft  | Implement/ Final Draft | Evaluation/On-going PD |                        | Research/ First Draft  |

Information Literacy and Technology Skills will be imbedded into all curriculum areas.

# Board Goals

Adopted: June 2009

## 1. Develop a strategic plan

- Develop a district wide strategic plan that positively impacts the education of all students with a proposed completion date of July 2010.

## 2. Communication

- Review and refine opportunities for feedback from all stakeholders.
- Improve access to meeting information, data and decision making for all stakeholders.
- Continued improvement of the website.

## 3. Budget Process

- Transition to a goals based budget.
- Refine the budget process to maximize stakeholder understanding of the budget.

## 4. Policy

- Complete the systemic review of District policies.
- Improve access to District policies by all stakeholders.

The Board will assess the progress of these goals on a quarterly basis. In August, November and February, there will be time on the agenda to discuss progress on Board Goals.

**OYSTER RIVER COOPERATIVE SCHOOL BOARD**  
SAU #5, 36 Coe Dr, Durham NH 03824

**March 2010 - 2011**

Mark Townsend, Chair  
Madbury, 2012  
35 Moharimet Drive  
Madbury NH 03823  
749-6299

Jennifer Rief,  
At-large, 2011  
25 Winecellar Rd  
Durham NH 03824  
868-1406

Krista Butts  
At-large, 2013  
17 Riverside Farm Drive  
Lee, NH 03861  
659-8974

Ann Wright  
At-large, 2013  
10 Thornton Lane  
Lee, NH 03861  
659-9549

JoAnn Portalupi  
At-large, 2011  
6 Caverno Dr  
Lee NH 03824  
659-0628

Jocelyn O'Quinn  
Durham, 2012  
59 Edgewood Road  
Durham NH 03824  
868-7985

Henry Brackett, Vice Chair  
Lee, 2012  
2 Wheelwright Dr  
Lee NH 03861  
659-0212

Student Representative, 2010

March 10, 2010

The

Del Stover

First

90

Days

New to the  
board?

Here's

how

you

can

avoid

rookie

mistakes and 'hit the ground running'

**J**ohn Pennycuff tells the story of a new school board member who, at the very first meeting after taking office, introduced a handful of motions without warning the rest of the board.

All went down in defeat.

"It was well-intentioned," says Pennycuff, a 20-year board veteran in Ohio's Winston Woods City School District. "The new member was just trying to hit the ground running."

But, as one board member advised this overeager colleague, "This might be a good idea, but you should have worked with me before tonight."

It was a rookie mistake that underscores the challenge confronting thousands of newly elected and appointed school board members: Just how do you "hit the ground running" and become as effective as you can, as quickly as you can?

Talk to board members—both veterans and those still relatively new to the job—and you'll hear a variety of opinions. Still, most agree that you can make a good start in your first 90 days.

That's when, they say, you lay the groundwork for effective board tenure. It's

when you study the budget in depth, become better acquainted with the senior administration, and brush up on board policies and parliamentary procedures. It's also a good time to dig deeper into issues expected to come before the board in the months ahead.

Yet other tasks should be tackled as well, including building a good working relationship with board colleagues, studying how other members conduct their business, and developing a better understanding of your role. Each is critical to your success, but often they deserve more attention than they receive.

In short, you need to become a quick student of the art of "boardsmanship."

#### **Policies and procedures**

Most early boardsmanship studies focus on the basics: How does one make a motion? What's the process for adding an issue to the next meeting agenda? To whom do you turn for information? What must you do—and not do—to comply with state open records and open meetings laws?

These are only the most obvious questions. Chris Maricle, governance consultant for the California School Boards Association, suggests new members study the process used to make decisions. That process can include the most obvious to the most subtle of practices.

Most boards want plenty of advance notice and background information before issues are put on the agenda. Some reach a general consensus through informal, one-on-one discussions outside board meetings, while others wait to debate in open session. Some presidents are strict in enforcing respectful discourse, while others are more indulgent or less capable of maintaining the board's decorum.

Understanding these dynamics certainly will help guide you in sitting through a board meeting. But, Maricle says, it also can help you weather occasions when controversial issues put a strain on board relationships.

"A big mistake is letting issues become more important than the board itself," he says. "Issues come and go. But if your process for making decisions is clear, and everyone supports that process, then the issues get the response they deserve." And your school board is still a strong team when the next issue comes along.

Your studies also might help you avoid innocent mistakes that sometimes ruffle feathers. Angela Peifer, associate executive director of board development for the Illinois Association of School Boards, recalls working with one board that found its relationship with a new member undermined early when the newcomer shared confidential information with the public.

It turned out to be a big misunderstanding, Peifer says. The new board member thought the information was covered by the state's public records laws and didn't know the

board's procedure was to release it at the next meeting. In fact, the board member "felt really badly" about the misunderstanding.

"It was something that she didn't know, and it was something that didn't occur to the superintendent or rest of the school board to tell her," Peifer says. "And because there already was some tension between the new and old board members, the assumption made on the part of the old board [members] was that she was deliberately releasing documents to undermine their work."

That's not to suggest new members should feel like they're walking through a minefield until they master board policies and procedures. You usually can trust that your colleagues expect you to make some mistakes at first. But it can't hurt to pull out the policy manual and do your homework.

#### **Getting oriented**

If you're fortunate, your district won't leave you to figure out all of this on your own. In Pennycuff's district, for example, new members are invited to an orientation session where top administrators explain everything from budget intricacies to the policy implications of the Individuals with Disabilities Education Act.

Some briefings are conducted by veteran board members who meet individually with newcomers, says Pennycuff, president-elect of the Ohio School Boards Association. Half of the agenda of those meetings, he says, is simply to allow newcomers to get to know their new colleagues.

"Most of our new board members didn't know the other board members when they started," he says. "They've heard their names, seen them at PTA meetings, but there was no working relationship. But it takes a working relationship to handle the tough issues that come along ... that really test the teamwork of the board. So you have to practice that."

Not every board is as well organized, and new members might need to fend for themselves. If that's the case, say board veterans, take the initiative. Pick up the telephone and arrange meetings with your superintendent and board president.

"Let [them] know you're an eager learner, that you will be grateful for any help they can give you in learning about this important job," suggests Mary Jane Vens, board development director for the Association of Iowa School Boards. "Ask them about appropriate procedures to follow."

Another invaluable resource is training offered by organizations such as your state school boards association. Many sponsor workshops specifically targeted to new board members. Dana Smith, a board member in New York's Madrid-Waddington Central School District, teaches such workshops for a county association, and he says you

can't go wrong attending a program that "gives people the opportunity to see how others function, to see and listen to what the experiences of other board members are."

If history is any guide, however, some will dismiss the need or urgency for such training, even though most board members insist that attitude is a mistake. School districts are a far more complex organization than a new member realizes, and few come to the job with the professional experience necessary for the scope of work facing them.

"Being a board member requires a set of professional skills like many professional disciplines," Maricle says. "If you believe professional development is good for teachers and the principal and superintendent, then you must believe professional development is good for the board."

### Collegial relations

Joining the board means you've joined a team. As with any team, you need to learn how to work well together. You don't have to agree on every issue, or even like each other, but you need to treat one another with respect—and it doesn't hurt if your colleagues understand your values, hopes, and ideas for the district. It's even better when you find common ground on some issues.

So it's worth the effort to reach out. For Laurie McCaulley, the first new board member in Huntsville, Ala., in more than a decade, that began with a series of conversations over coffee or a meal with each new colleague. Or, as Maricle suggests, you can simply initiate a friendly hall-way chat with colleagues before a meeting or talk in the parking lot afterward.

"A little honest interest in other people's lives is a very welcoming thing," Maricle says. "You don't have to be intrusive. Just ask how the family is doing. People can respond or not." And, as for inviting out a colleague for a cup of coffee, he says, "I'm a big fan of Starbucks."

If this all sounds "touchy-feely," remember that relationships play a significant role in how the school board functions, board veterans say. All human beings respond better to mutual respect and trust. As a board member, you won't change a vote based on whether someone likes you, but it's more likely your arguments will receive serious consideration if others know you have a commitment to serve schoolchildren.

Don't be shy about sharing opinions, but listen more than you talk at first. It's worth learning how much time your fellow board members invested in that school boundary plan you dislike. And it might not be wise to suggest school uniforms to improve student discipline, only to discover the board dropped such a policy five years ago because it failed to deliver on its promise.

"Ask why something is the way it is before you criticize or try and change it, and really listen to the answers," says

## Your first board meetings: Is silence golden?

You talked quite a lot during your election campaign about what the school board should—and shouldn't—be doing on behalf of students. Now you're ready to speak up as an elected policymaker. So where do you begin?

If you're smart, you'll keep your mouth shut.

No, not really. But we hope we got your attention.

Board veterans suggest you should, however, show some restraint when tossing out ideas and opinions in your first weeks on the board. There's still quite a bit you don't yet know about how the district works, and there's no point in putting the proverbial foot in your mouth.

"There's some real value in the 'silence is golden' maxim for maybe the first meeting," says Angela Peifer, associate executive director of board development for the Illinois Association of School Boards. "It's not that a school board member doesn't have a right to speak up. But by listening and learning for the first meeting or so, you're demonstrating that you have some respect for what's gone on before, that you want to learn."

That's not to say you should decline to offer an opinion on a new policy up for a vote—or question administrators after a report to the board.

"When we're sworn in, we hit the ground running," says Pamela Price, director of board development services for the Pennsylvania School Boards Association. "We're required to vote on issues the very first meeting. Sometimes we don't have a lot of time to get up to speed, so it's important to ask questions. There are no stupid questions, especially for new board members."

But a board meeting isn't the best time for a new member to criticize procedures, toss out suggestions, or advocate for new initiatives. You might discover, for example, that your clever idea is prohibited by state law. Or that elements of some heartfelt project already are incorporated into an existing program. Or that a similar idea was tried a few years ago—and fell flat.

On the other hand, says Mary Jane Vens, director of board development for the Association of Iowa School Boards, there are times when silence is "deadly," particularly when you are called upon to vote on issues.

"You are elected to vote," she notes. "You do not get to abstain for the first six meetings while you 'figure it out.' The public also deserves to know why you voted as you did. This means thoughtful speaking, not silence, is golden."

## Your agenda, role might need rethinking

At a new board member workshop that John Pennycuff attended, the meeting's facilitator asked how many in the room were motivated to run for office because of a single issue—perhaps to fire the superintendent or change a specific board policy.

Three-quarters of those in the room raised their hands.

Those members were soon to learn the harsh realities of board service, says Pennycuff, president-elect of the Ohio School Boards Association. As is so often the case, they were surprised by how little authority they really had.

Pamela Price, director of board development for the Pennsylvania School Boards Association, says this type of reality check is not uncommon. But those who run for office typically are long-standing community volunteers who like to "roll their sleeves up and get the job done."

That's fine if they have the patience to advocate their views, work to build consensus, and accept that compromise—or even failure—might follow. Where trouble arises is when new board members lobby too forcefully or express their frustration or resentment when their views aren't instantly embraced.

"Going in with an attitude—or an ax to grind—has to do with the board member really not understanding what role they have," Price says. And pushing board colleagues too hard "typically just offends a lot of folks."

And, even if you are successful in getting your way in your first month in office, "what do you do for the next three years and 11 months?" Pennycuff asks. "What do you do for your kids then?"

New board members also can become frustrated when dealing with requests for help from parents and community members. With no authority to take action themselves, and policies that call for complaints to be referred to administrators, they can feel stymied.

Bill Nemir, director of leadership team services for the Texas Association of School Boards, encourages members to think of themselves as a board of trustees—not as a miniature state legislature. Their role isn't to represent constituents directly. They are entrusted to make decisions in the best interests of the community's schoolchildren.

"You don't get any support from the public on that idea," he says. "But your job is not to reflect or pass on what you hear from folks [to the administration]. Your job is to listen carefully but exercise your own judgment."

Kathy Pettiss, a board member in Pennsylvania's Great Valley School District.

Also, don't take it personally if some colleagues don't instantly warm up to your ideas. "It's human nature, in any organization, for veterans to have a sense that the new guys need to pay their dues," Peifer says. "Whether that's fair or responsible, it's human nature. When they are feeling new folks are overstepping their boundaries, without having taken the time to listen or learn, it causes a whole lot of resentment and hard feelings."

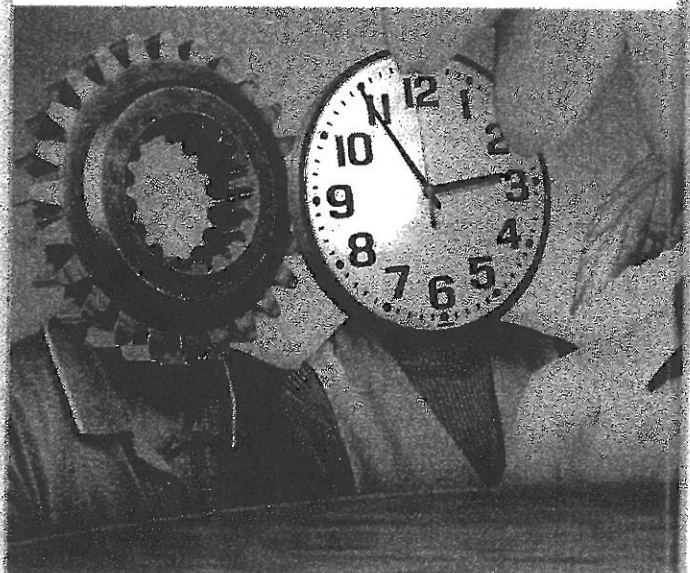
### Know your limits

Time and time again, you hear the refrain: The board sets policy, and the superintendent manages the district's day-to-day operations. School boards aren't supposed to micro-manage. An individual board member has no authority except his or her vote at a board meeting.

It sounds simple enough. Yet, every year, tales arise of board members who repeatedly challenge administrative decisions, interfere in hiring matters, or call up central office staff because they promised angry parents that they'd "check into their problem." That can lead to friction with the superintendent, staff, and board colleagues.

That's not to say that new members should stay silent when they see problems. "Of course the superintendent is the CEO, but he or she should not expect a rubber-stamp board," says Tim Lamb, a board member in Grand Forks, N.D. "But new board members need to learn to operate within this delicate balance of two extremes on a continuum of practices in boardmanship. As a 10-year board veteran, I ask a lot of questions and give my advice, while I support the administration's recommendations by and large."

Once that lesson is learned, new members will find they



have to teach it to their constituents. Some parents who have voiced complaints are quick to turn to new board members, hoping for a more welcoming reception. Having a copy of the policy manual near your telephone can be of some help.

"New board members get bombarded by the squeaky wheels, and they need to ... be careful how they respond, so they don't find themselves committing to something they can't legitimately follow through on," says Bill Nemir, director of leadership team services with the Texas Association of School Boards. "When someone calls you, you should refer them [to the appropriate administrator] and say, 'We've got a policy to help you get your problem resolved as quickly as possible. Here's what the policy says to do.'"

Your superintendent and board president can help you find where many boundaries lie. A case in point: More than one novice board member has dropped by a school unannounced, only to have the superintendent or board president call them later to say the visit was intrusive or disruptive. Savvy newcomers ask about the protocols of such visits before they act.

"Every district is a little different," notes Kathy Hayes, executive director of the Michigan School Boards Association. "Some of these things are just not seen in written policy. For example, in some districts, it's just fine to pop in after a quick call to the building administrator. In other cases, you'll want to talk to the superintendent, and let the superintendent get the OK."

#### Untapped opportunities

One reality for school boards is that there aren't enough hours or bodies to accomplish everything. But you can turn that to your advantage. Sometimes the fastest way to carve

## It's time to do your homework

To be effective, a school board member must know the lay of the land. And that means doing your research. At state associations, those who train new board members say one of the first things you should do is read, read ... and read some more.

Here are a few documents to peruse:

- Teacher contracts
- Superintendent's contract
- Last six months of board minutes
- Policies related to school-board operations
- Strategic plan and mission statement
- Recent student test scores
- State open-meetings laws
- Board or state code of ethics

out an influential role on the board—and win points with your colleagues—is to offer to help out where needed.

So it can't hurt to volunteer to serve on a board committee or act as a liaison with the state school board association's legislative advocacy program, Pennycuff says. In smaller districts, offering to attend after-school events or volunteer in a school can help the board demonstrate its support for students and staff.

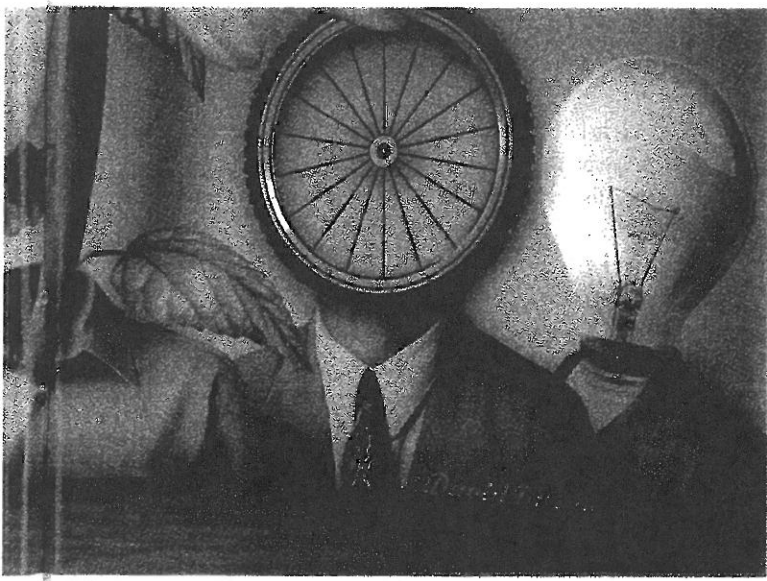
"In your first month or two, really watch to see what other board members do, and what is left to do," Pennycuff says. "I can guarantee there will be plenty left to do. Move over into something that you and your board colleagues can agree upon."

For Dana Smith, the school board's policy committee is a good starting point. It helps you get up to speed on how the board should function, and it helps your board colleagues. "People don't like to go through those dry, dull policies, but they need to be updated. My experience tells me that the board president is always looking for someone to fill the slack on those committees. Don't be afraid to step up."

Finally, say board veterans, be patient. It can take a year or more before a new board member gets fully up to speed. During that time, just keep learning everything you can—and demonstrate that your board colleagues can count on you, Peifer says.

"There has to be this sense among your brother board members that you are competent, that you know what you're talking about, that you bring something of value to the table," she says. "You show that by listening, asking questions, and demonstrating your competence." ■

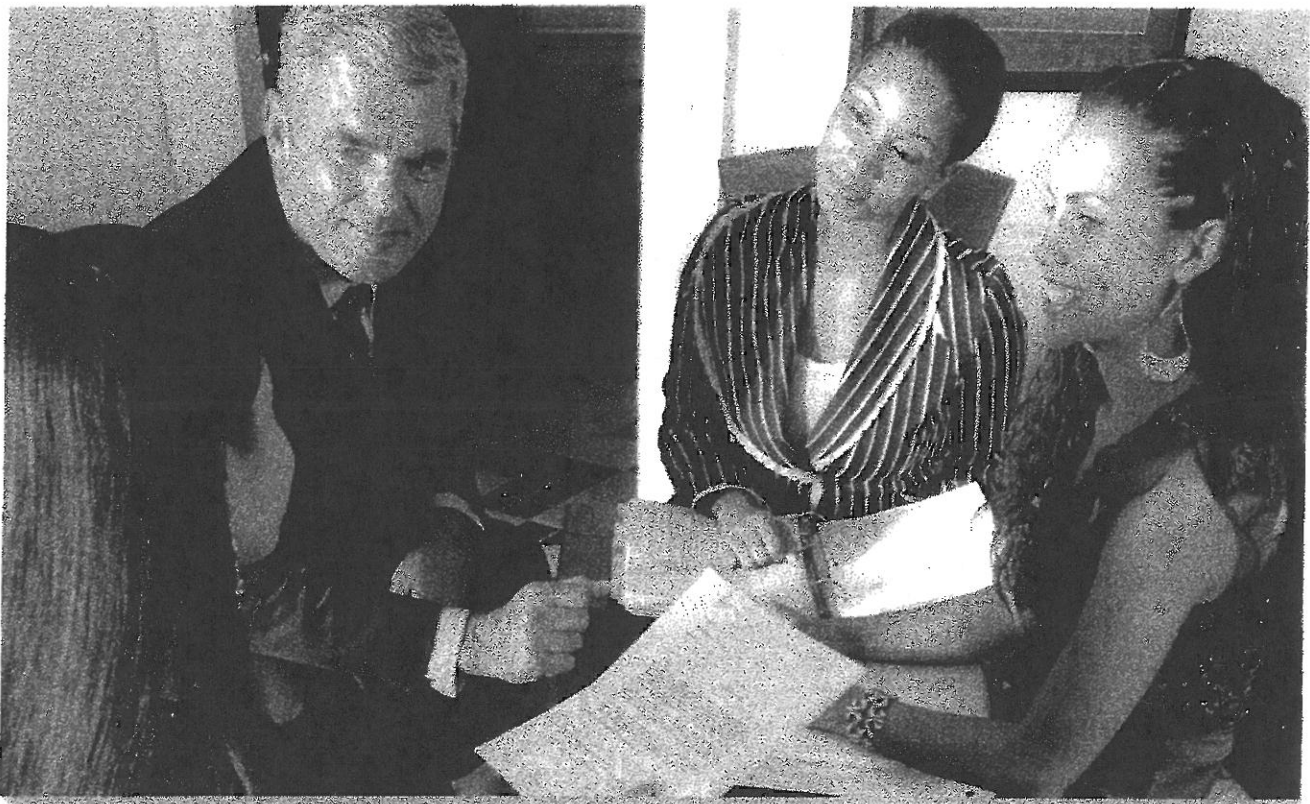
Del Stover ([dstover@nsba.org](mailto:dstover@nsba.org)) is a senior editor of *American School Board Journal*.





## ■ UP FRONT

Upcoming Webinars ■ Talk About It ■ The Leading Source



### What's your best piece of advice?

**A**s part of *ASBJ*'s fourth annual "New Board Member and Administrator Guide," we asked members of the magazine's reader panel a question: "What single piece of advice would you give to a new member on your school board or to a new administrator working in your district?"

"Coming in new to an existing team should always be done with patience," said Kansas' Susan Walston. "You need to understand any ongoing issues. You need to learn the laws, policies, and procedures that impact any and all decisions you or the board make. So many things need to be considered that no matter how fast you think you can get 'up to speed,' you need to get infor-

mation from others in similar positions."

The other responses, not surprisingly, reflected the often hard-won wisdom that you get after serving on the board or as an administrator for a number of years. Since the responses dovetail nicely with Del Stover's story on Page 14, we decided to dispense with the regular news analysis this month and give you a chance to read what some of your colleagues have to say.

#### From board members

Alaska's Jeff Friedman was succinct with his advice ("Listen more than you speak"), as was New York's Maxine Bridgeport ("Remember you have no

idea what you just got yourself into and you really do not know anything about overseeing a school district").

South Carolina's Peter Barry said board members should "never assume that the seat you hold is yours by divine right."

"Remain a concerned public citizen," Barry said. "Do not become a grandstander who believes that an elected official has a permanent right to that seat."

Jim Clark, a Missouri school board member, said his new colleagues "need to ask questions, listen, and realize they are only one member." Patience, he added, also is critical.

"You need a majority of the board thinking your ideas need to be incorporated into the system," Clark said. "Even if you have a majority ... the ship isn't going to turn on a dime. It takes time and patience to incorporate systemic changes."

Steve Rose, a board member in Iowa, said newly elected officials need to know the district's "needs, areas of uniqueness, and demographic trends." Or, as he added in more blunt terms, "Keep your ideology to the rear until you truly are an expert on your district."

Illinois' Janet Raef agreed. "For a while, just listen. Get as much training as you can, and then get it again," she said. "If you ran with an agenda, leave it at the boardroom door and enter with the goal of doing whatever you can to make the best education possible for the children in your district, while you keep an eye on the contribution of the taxpayer."

Grant Riles, a Kansas board member, said it is critical to "keep an open mind when considering issues." The reason, he said, is because an issue "is never as black and white as it first may seem."

Tennessee's Susan Lodal said school board members "are the eyes and ears of the community." That said, she noted that it is not "our responsibility to try and fix the problems ourselves, but to work with our school system's administration as part of a team effort."

Anna Bucy, an Ohio board member, noted that roles are changing to "include more active involvement in the shape and function of the district."

"My piece of advice is to learn all you can from the professional associations in your state, read anything about your work you can get your hands on, attend any training you can, and be prepared and willing to be wrong, challenged, excited, and scared," Bucy said. "You are doing noble work, not easy work."

#### **What superintendents said**

John Slattery has been an educator long enough to know: "School business and activities are cyclical." That's one reason the New York superintendent believes new board members should "spend 95 percent of their first year lis-

tening and learning and 5 percent speaking and pontificating."

Ron Saunders, a superintendent in Georgia, said new administrators need to be sure that "basic safety programs and procedures" are in place. "That being said, what is more important are the relationships that school personnel—administrators, teachers and support staff—have with the students of each school. Students must feel that they can go to any adult and be listened to and their fears be addressed."

Arizona's Jay C. St. John said responsibilities must be clearly defined.

"For both new board members and new administrators, I would recommend that they remember each role," he said, noting that boards should set policy and superintendents should focus on operations. "When either party begins to enter the other party's responsibilities is when conflict occurs."

Don Martin, a longtime superintendent in North Carolina, said new board members can expect a call from "a parent, staff member, or citizen who has had various issues or incidents that have been investigated in the past and did not agree or like the outcome."

"A new board member wants to listen and make everything right—they may know the person—and the facts appear to be very compelling. My advice to a new board member is to listen carefully, ask clarifying questions, and promise to look into the matter. Then contact their superintendent to find out the rest of the story. Rarely do I encounter people who do not tell the truth—they just don't tell the whole story."

The final words of wisdom come from Paul Vranish, a superintendent in Texas.

"Avoid the politics as much as possible," he said. "You are new and haven't learned the location of all the landmines yet."

## The Value of Positive Interaction

*Governing is a team sport that requires an open, interactive, and collaborative relationship among the school board, the superintendent, and senior administration*

**W**hen I speak at workshops and at state and national conferences, one of the questions I'm asked most frequently is: "How should we, as school board members, interact with district administrators other than our superintendent?"

The questions then go deeper: "What are the dos and don'ts we should pay attention to in dealing with the people who run the district on a day-to-day basis? How do we know when we've lapsed into dysfunctional behavior, such as micromanagement?"

Before getting into the details, I always remind the audience that governing really is a team sport, involving what I call the strategic governing team: the school board, the superintendent, and senior administrators.

Obviously, no school board can go it alone in the governing game; close interaction and collaboration with—and strong support from—your superintendent and senior administrators is essential in making effective governing judgments and decisions. If you build a cohesive strategic governing team in your district, you are much more likely to be a well-governed educational enterprise that is guided by a clear strategic vision and long-range goals, that sets sensible operational targets and allocates precious resources rationally, and that rigorously monitors district educational performance.

So, by definition, you want lots of contact and interaction among board members and administrators, since this is a tried-and-true team-building strategy. That said, effective school board-administrator interaction depends on well-designed structures and processes that provide you with clear "rules of the game."

### What works and why

In my quarter century of working with thousands of board members in public and nonprofit organizations of all shapes and sizes, I've learned that the great majority of board members really do want to do a bang-up job of governing. They sincerely desire to have an important, positive impact on student achievement.

Experience has also taught me that very few board members want to be micromanagers who meddle in purely administrative matters and revel in the nuts and bolts, day-to-day operations. When I have come across micromanagement, in 100 percent of the cases it has occurred because board members are left to function in a kind of vacuum, carrying out their responsibilities through vaguely defined processes and poorly designed structure and functioning without clearly defined guidelines for informal interaction.

Undoubtedly, well-designed governing

committees are the most effective structural vehicle for organizing close and productive board-administrator interaction. By well-designed, I mean that the committees correspond to the real-life flows of judgments and decisions that make up a board's governing work: strategic and operational planning/budget development, educational and financial performance oversight and monitoring, public/community relations, and the board's coordination of its own performance through an operations or governance committee.

At countless board planning committee meetings, I've seen the superintendent, the administrator designated as the committee's "chief staff liaison," and other senior administrators accomplish some highly complex outcomes without the formality of the regular board business meeting. These outcomes include designing next year's strategic planning retreat or readying the recommended budget for presentation to the board.

I've also sat through performance monitoring committee meetings where senior administrators go through the monthly financial report in detail with board members. I've witnessed community relations committee meetings at which a program for maintaining close, productive relationships with key stakeholders like the chamber of commerce is worked out by board members and administrators.

The point is, well-designed structure facilitates effective communication and collaboration at a detailed level, while also protecting against micromanagement.

### Formal processes in place

Formal processes such as strategic planning and operational planning/budget

development provide opportunities for detailed board-administrator communication and interaction without the risk of micromanagement. For example, I've facilitated many intensive one- and two-day strategic work sessions, popularly known as "retreats," at which board members, administrators, and often faculty and community representatives interact intensively.

Usually, at these retreats, we employ breakout groups that focus in detail on particular components of strategic planning. This includes updating the district's values and vision statements, identifying and assessing the implications of major community conditions and trends, homing in on what appear to be the district's highest stakes issues, and brainstorming initiatives that might be launched to address the issues.

I recently facilitated an operational planning work session kicking off the annual budget development cycle, at which senior administrators presented—and discussed with board members—major operational issues in their respective areas. For example, one of the high school principals put security on the table as a major issue in her building. This led to a very detailed discussion of how the district currently handled security and what changes might make sense in the next year's budget.

So, formal structure and process, if well designed, can foster and channel detailed board-administrator interaction that builds the kind of cohesive strategic governing team that these challenging times demand while not raising the specter of micromanagement.

#### Informal interaction

What about informal board-administrator interaction? One of the most common issues I hear when I'm speaking at workshops and conferences is board member requests for information from particular administrators.

For example, let's say that a board member is driving to a chamber of commerce luncheon where she's the featured speaker, and she realizes she doesn't have

the most recent dropout figures for her district's two high schools. Since she's sure to be asked about dropout rates in light of the topic she's speaking on—the significant contribution of the schools to local economic well-being—she calls the superintendent's executive assistant for the information.

I don't think any reader would consider this micromanagement. A board member needs and asks for information that's readily available in carrying out his or her community relations function. By contrast, I occasionally come across cases where a board member interested in a particular topic, such as an accounting of conference travel expenses for the past five years, asks an administrator to dig up information that requires several hours of staff time. Who would disagree that this is micromanagement?

Regarding informal requests for information, my advice is to do what many dis-

tricts around the country have done. Working closely with the superintendent, the governance or board operations committee prepares a set of guidelines to govern such communication. The guidelines are adopted by the whole board and updated periodically. If the application of the guidelines in particular situations isn't clear, the governance or board operations committee makes the determination.

Over the next several months, I will attempt to address other questions I am frequently asked. If you have specific questions, send me an e-mail and I'll do my best to answer them. ■

Doug Eadie ([doug@dougeadie.com](mailto:doug@dougeadie.com)) is founder and CEO of Doug Eadie & Company. A contributing editor to *ASBJ*, he is the author of 16 books on board and CEO leadership, including *Five Habits of High-Impact School Boards* (Scarecrow Education and National School Boards Association, 2005).



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