

A photograph of three people in professional business attire. In the center is a man with glasses, wearing a blue suit jacket, a light blue shirt, and a dark blue striped tie. To his left is a woman with dark hair, wearing a dark blazer over a light blue shirt. To his right is another woman with dark hair, wearing a dark blazer over a light blue shirt. They are all smiling and looking towards the camera. The background is a bright, out-of-focus office setting. The image is partially overlaid by a dark blue diagonal shape at the bottom and an orange vertical bar on the right side.

GSBA Georgia
School
Boards
Association

working
TOGETHER

school
board
ethics:
the law
and best
practices

Introduction

SCHOOL BOARD GOVERNANCE TODAY

The Georgia School Boards Association (GSBA) has always considered its core mission to be assisting local boards achieve excellence in governing their school districts. A board can only achieve excellence through the diligence of its members to be knowledgeable, collaborative and to work by and exhibit the highest ethical standards. In the past few years, there have been a number of high-profile cases where members of a school board have acted unprofessionally by allowing infighting, factions, politics and/or race to undermine the work of the board. In several of these cases, the accreditation of the district was either lost or put in jeopardy because of the behavior of the board.

In large part because of these situations, Senate Bill 84 was passed during the 2010 session of the Georgia General Assembly. Legislators attempted to standardize school district governance. They sought to provide a means for intervention when the dysfunction of the board or board members results in the potential or actual loss of accreditation. After debate over whether locally elected school board members should be treated differently from other elected officials and how the state should be involved in district governance, the bill passed and was signed by Governor Sonny Perdue.

This document focuses on the components of SB 84 and resulting state board rules. It also provides: 1) a summary of focus group research on what Georgia board members think about the issue; 2) what the state says about school board ethics; 3) information on roles and responsibilities. This guide is not meant to look at every



GSBA Boardsmanship Manual

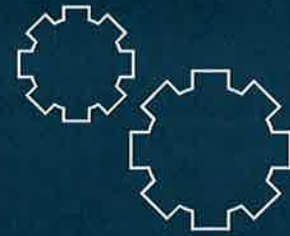
GSBA's online Boardsmanship Manual is a resource offered through the GSBA website. The manual includes 12 chapters of information covering governance, roles and responsibilities, legal issues and more. Each chapter is written in a Q&A format for ease in finding and using the information. You can access the manual from the homepage under "Good Governance" or in the "Quick Links" section at the bottom of the page. www.gsba.com



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ethical dilemma that might be faced by a board of education, but to provide guidance in those areas that seem to be most prevalent and those that are the focus of SB84 and state board rules impacting the issue of ethics.

As a governing body for local school systems, boards of education must adhere to federal and state laws and regulations. They must also conduct themselves in a way that inspires trust from school system staff, students and the community. This publication is designed as assistance for local boards in their quest for excellence.



GSBA RESOURCES TO ASSIST BOARDS IN WORKING TOGETHER

- **Regional Workshop on Ethics** - provided throughout the year and in different locations
- **Veteran Board Member Program** - A veteran board member trainer meets with the board to discuss roles and responsibilities (FREE except for travel expenses for trainer)
- **Parliamentary Procedure Training** - GSBA staff conducts a training session with your board on managing meetings through proper parliamentary procedure (FREE except for travel expenses for trainer)
- **Custom Board Retreats** - GSBA will customize a board retreat where the whole board and superintendent work through issues and/or activities such as a board self-assessment



BOARD MEMBERS REPRESENT THE FACE OF THEIR SCHOOL DISTRICT AT BOARD MEETINGS AND OTHER PUBLIC EVENTS

what do board members have to say about ethics?

About 220 school board members and superintendents participated in focus groups held in 2008. The following provides an overview of the results.

QUALITIES OF LEADERSHIP

When asked what are the most important qualities of great school board members, veteran board members said they possess the:

- knowledge that the work is about improving the educational experience for students
- ability to compromise and not bring personal agendas into the board room
- ability to listen
- concern that the board and superintendent act as a team
- desire to get to know and understand fellow board members
- understanding that it is perfectly fine to debate issues in a professional manner before the vote, but after the vote board members should support the board's final decision
- commitment to continually learn and grow through professional development

1) Is the issue of school board ethics critical now? Yes, however it was noted that the issue has become a bigger one because of high profile cases of board dysfunction in Georgia. In that light, they said ethics isn't a "problem" in their district, but it is something to keep an eye on. Some participants said that unethical behavior is usually limited to one or a small number of members on a board and that their individual actions can taint the whole board.

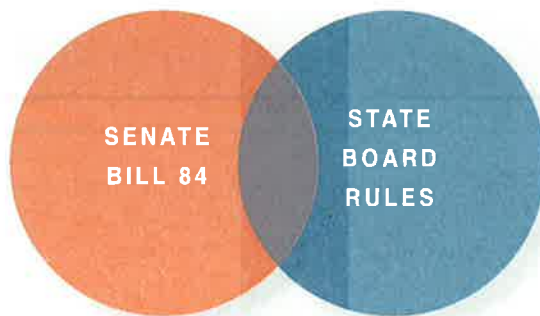
2) What is ethical behavior? Board members and superintendents characterized ethical behavior in the following ways:

- Willing to listen and learn first, then make decisions
- Ability to separate personal agendas from the work of the board
- Keeps all information from executive session strictly confidential
- Builds trust and respect in the school district
- Follows the chain of command
- Shows a professional demeanor at public meetings
- Does not micromanage the superintendent or district staff
- Keeps student achievement at the forefront of decisions
- Allows others to give their opinions
- Accepts and advocates the decision of the board once the vote is recorded
- Receives professional development
- Treats fellow board members, the superintendent, staff and the public with respect
- Adheres to the board's code of ethics and conflict of interest policies
- Represents the public school district when out in public
- Prepares for board meetings by reviewing materials
- Leaving the administration of the district to the superintendent and staff
- Holds the superintendent and staff accountable for reaching agreed upon goals
- Accepts the responsibility to be knowledgeable about parliamentary procedure, school law, public education issues and the roles and responsibilities of school board members and the superintendent

3) Participants of the focus groups were asked if a whole board should be penalized because of the unethical actions/behavior of one board member. Most said that the whole board should not be penalized because of one board member. But, there were also suggestions that there is probably a middle ground to the situation like whole board training. Participants at the large systems meeting also said that the superintendent should not be the individual to police the board; the board should police itself.



what does the state say about school board ethics?



SENATE BILL 84

- Conflict of Interest
- Qualifications
- Requires State Board to Develop Code of Ethics and Board Training Program

STATE BOARD RULES

- Code of Ethics
- Governance Standards for Local Boards
- Training Program for Board Members

The Georgia General Assembly passed Senate Bill 84 (SB84) in 2010. (The main components of the bill are shown in the right hand column.) Among other things, the bill requires the Georgia Board of Education to adopt a statewide code of ethics that includes conflict of interest provisions, which it did in November 2010. SB84 also stated that the state board would revise the provisions of required school board member training.

In conjunction with the responsibilities SB84 gave to it, the state board has worked on Local School Board Governance Standards to form the backbone of its ethics policy and training program.

Statewide Model Code of Ethics for Local Boards of Education

As required by Georgia law, the Georgia Board of Education has adopted a statewide model code of ethics for local boards of education. Each local board is required by law to adopt a code of ethics that includes, at a minimum, the state model, as shown below.

The _____ County Board of Education desires to operate in the most ethical and conscientious manner possible and to that end the board adopts this Code of Ethics and each member of the board agrees that he or she will:

Domain I: Governance Structure

- Recognize that the authority of the board rests only with the board as a whole and not with individual board members and act accordingly.
- Support the delegation of authority for the day-to-day administration of the school system to the local superintendent and act accordingly.
- Honor the chain of command and refer problems or complaints consistent with the chain of command.

MAIN COMPONENTS OF SENATE BILL 84

- Adds additional qualifications for school board candidates.
- Is an attempt to define board and superintendent roles and responsibilities.
- Provides conflict of interest provisions that apply to all school board members, including authorization for boards to sanction violators on their board.
- Requires a state-wide code of ethics
- State board defines training curriculum and requirements for school board members
- Gives the Governor power to intervene when a school district is at risk of losing accreditation

ADDITIONAL ETHICAL CONCERNS FOR SCHOOL BOARD MEMBERS

Can an individual board member request information concerning the grades of a specific student or other information from a student's records?

The Family Educational Rights and Privacy Act (FERPA)¹ provides that personally identifiable information from student records may not be released to any individual without parental consent except for those exceptions outlined in the law. The board of education, not an individual board member, may request information from students' records when that information is necessary for official board business. The board is obligated to keep the information confidential.

¹ 20 U.S.C. § 1232(g)

Is a board member entitled to see teacher evaluations?

Teacher evaluations are confidential according to state law.² An individual board member has no greater right to view teacher evaluations or any other information required by law to remain confidential than any other citizen. As with student

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- Recognize that the local superintendent should serve as secretary, ex-officio to the board and should be present at all meetings of the board except when his or her contract, salary or performance is under consideration.
- Not undermine the authority of the local superintendent or intrude into responsibilities that properly belong to the local superintendent or school administration, including such functions as hiring, transferring or dismissing employees.
- Use reasonable efforts to keep the local superintendent informed of concerns or specific recommendations that any member of the board may bring to the board.

Domain II: Strategic Planning

- Reflect through actions that his or her first and foremost concern is for the educational welfare of children attending schools within the school system.
- Participate in all planning activities to develop the vision and goals of the board and the school system.
- Work with the board and local superintendent to ensure prudent and accountable uses of the resources of the school system.
- Render all decisions based on available facts and his or her independent judgment and refuse to surrender his or her judgment to individuals or special interest groups.
- Uphold and enforce all applicable laws, all rules and regulations of the State Board of Education and the board and all court orders pertaining to the school system.

Domain III: Board and Community Relations

- Seek regular and systemic communications among the board and students, staff and the community.
- Communicate to the board and the local superintendent expressions of public reaction to board policies and school programs.

Domain IV: Policy Development

- Work with other board members to establish effective policies for the school system.
- Make decisions on policy matters only after full discussion at publicly held board meetings.
- Periodically review and evaluate the effectiveness of policies on school system programs and performance.

Domain V: Board Meetings

- Attend and participate in regularly scheduled and called board meetings.
- Be informed and prepared to discuss issues to be considered on the board agenda.
- Work with other board members in a spirit of harmony and cooperation in spite of differences of opinion that may arise during the discussion and resolution of issues at board meetings.
- Vote for a closed executive session of the board only when applicable law or board policy requires consideration of a matter in executive session.
- Maintain the confidentiality of all discussions and other matters pertaining to the board and the school system, during executive session of the board.
- Make decisions in accordance with the interests of the school system as a whole and not any particular segment thereof.
- Express opinions before votes are cast, but after the board vote, abide by and support all majority decisions of the board.

Domain VI: Personnel

- Consider the employment of personnel only after receiving and considering the recommendation of the local superintendent.
- Support the employment of persons best qualified to serve as employees of the school system and insist on regular and impartial evaluations of school system staff,
- Comply with all applicable laws, rules, regulations, and all board policy regarding employment of family members.

Domain VII: Financial Governance

- Refrain from using the position of board member for personal or partisan gain or to benefit any person or entity over the interest of the school system.

Conduct as Board Member

1. Devote sufficient time, thought and study to the performance of the duties and responsibilities of a member of the board.
2. Become informed about current educational issues by individual study and through participation in programs providing needed education and training.
3. Communicate in a respectful professional manner with and about fellow board members.
4. Take no private action that will compromise the board or school system administration.
5. Participate in all required training programs developed for board members by the board or the State Board of Education.
6. File annually with the local superintendent and with the State Board of Education a written statement certifying that he or she is in compliance with this Code of Ethics.

Conflicts of Interest

1. Announce potential conflicts of interest before board action is taken.
2. Comply with the conflict of interest policy of the board, all applicable laws and Appendix B of the Standards document. Upon a motion supported by a two-thirds (2/3) vote, the board may choose to conduct a hearing concerning a possible violation of this Code of Ethics by a member of the board. A board member accused of violating this Code of Ethics will have thirty (30) days notice prior to a hearing on the matter. The accused board member may bring witnesses on his or her behalf to the hearing, and the board may elect to call witnesses to inquire into the matter. If found by a vote of two-thirds of all the members of the board that the accused board member has violated this Code of Ethics, the board shall determine an appropriate sanction. A board member subject to sanction may, within thirty (30) days of such sanction vote, appeal such decision to the State Board of Education in accordance with the rules and regulations of the State Board of Education. A record of the decision of the board to sanction a board member for a violation of this Code of Ethics shall be placed in the permanent minutes of the board.

FOLLOWING THE NEW STANDARDS, CODE OF ETHICS AND CONFLICT OF INTEREST GUIDELINES WILL HELP LOCAL BOARDS AND SUPERINTENDENTS WORK TOGETHER AS A TEAM.



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records, the board may have a need to review a teacher's evaluation or a group of evaluations in order to carry out its lawful duties. In that case, the board may require the teacher evaluations to be produced to the board for its inspection or review during an executive session.

² O.C.G.A. § 20-2-210

Is information from an executive session of the board confidential?

Yes. All information discussed in executive session should be kept confidential.

What can a board member do to ensure that he/she is supportive of the board, but still is representing his/her constituents?

A board member can and should voice opinions on important issues at meetings in a respectful way and following the proper procedures. However, once the board has voted on the issue, a board member should support the full board's decision.

what does the state say about roles and responsibilities?

The General Assembly has tried to define the “fundamental” role of the board as establishing “policy ... with the focus on student achievement” and the superintendent as “implementing” that policy. Boards are cautioned against “micromanaging” the superintendent but are directed to hold him or her “accountable.” Of course, the rest of the Georgia code is full of duties and responsibilities imposed on the superintendent, boards and the district making it essential that the division of responsibilities is defined and that board and superintendent work effectively as a unit.

To better understand a board member's role in governance, it is critical to know that an individual board member has no legal authority to take any action on behalf of the board unless specifically authorized by the board. Although a board member is a public official, a board member, acting individually, has no authority to make decisions or commit the school district to any action or decision affecting the operation of the schools. It is only the board of education acting as a body that has authority to make decisions and those decisions may only be made during regular or specially-called public meetings.

In many of its training sessions, GSBA uses the following chart to assist in separating the roles and responsibilities of board members and superintendents. Take notice of the different responsibilities and outcomes on each side of the chart. This process builds respect, trust and confidence.

