

Cochrane-Fountain City School District
Board Retreat
August 8, 2022

President Larry Cyrus called the meeting to order immediately following the committee meeting in the high school library. Board members present were Bonnie Breza, Larry Cyrus, Kalene Engel, Niki Secrist, Don Baloun, Darrin Dillinger, and Lynn Doelle. Troy White was also present.

The purpose is to review board members roles and responsibilities as well as discussing district priorities, board-superintendent relationship, communication, and board goals. A quorum of the Board of Education will attend. No formal board action will occur during the retreat.

Larry Cyrus attested to the publication of the meeting.

Consideration of Adjustments to the Agenda

The agenda was approved.

Discussion

- A. Purpose of Retreat**
- B. Board Member Roles**
- C. Board – Superintendent Relationship**
 - a. Board Priorities & Goals**
 - b. Superintendent Goals & Evaluation**
- D. Other topics**
 - a. Contract negotiations – Policy 221.1**
 - b. Legal services**
 - c. Human Capital Plan – to be discussed in February 2023**
 - d. Business Honor Roll Honorees Plaque**

Mr. White provided a document with the discussion items explained.

Adjourn

Kalene Engel made a motion to adjourn at 9:57 p.m. Don Baloun Engel seconded the motion. Motion carried.

Board Meeting Agenda Preparation

- 1) A draft agenda will be developed by the superintendent and board president in time to allow the full board to receive it electronically on up to five days prior to the meeting.
- 2) In the event that circumstances require that an item be added to an agenda after it has been made public, the superintendent, in consultation with the board president, will distribute an updated agenda or addendum and any appropriate supporting materials as soon as practicable.

If you have an issue that comes up after the agenda has been distributed, you may still be able to have it added to the agenda. At the meeting, a motion to amend the agenda to add an item; requires a second, debatable on changing the agenda only; needs a simple vote (5) to pass.

If a decision is not needed immediately, it is better to have the topic added to the agenda for a subsequent meeting, giving your colleagues sufficient time to prepare for discussion.

- 3) How can I get my issues onto the board agenda? The best way to get an item that requires board action onto the agenda is to contact either the board president or superintendent prior to the agenda setting meeting.

Board Meeting Preparation

- 1) District administrative staff will supply appropriate supporting information required for informed decision-making to each board member in the board meeting agenda packet.
- 2) Printed agenda packets will be distributed to board members upon request.
- 3) All participants are expected to be prepared to address relevant agenda items.
 - Board members need to read and be familiar with agenda packet materials before each board meeting.
 - Board members who have questions should ask agenda-item-related questions of the Superintendent or Central Office Administrator before the scheduled board meetings. Any questions about agenda items or requests for additional information will be directed to the Superintendent or designated administrator and copied to all the members of the board.
 - Board Members will, as far as possible, let the Superintendent and staff know ahead of time when a request for information will be made in public so that staff can be prepared to provide a thorough answer.
- 4) **How may I ask questions at a board meeting and still adhere to the “no surprises” rule?** If you think your question may be controversial, let the superintendent or president or both know ahead of time. They can help you decide if there is a better way to address the issue. If your question is to clarify an issue or if it is prompted by the discussion, then it is appropriate to ask it at the board meeting, as long as you don't broach topics properly discussed in executive session.

Consent Agenda

- 1) A consent agenda is an item listed on the regular agenda that groups routine items under one agenda heading. Routine items (such as accepting donations, approving minutes of the last meeting, approving bids and tax lists, etc.) can thus be approved by a single unified motion and vote of the board. The purpose of the consent agenda is to expedite business and streamline the meeting. There is no discussion of items on a consent agenda. If clarification of an item is necessary, then you should request that the item be removed from the consent agenda and considered by the board as a separate motion.
- 2) There are three specific times that call for an item to be pulled:
 - o When a trustee plans to vote “no”
 - o When a trustee needs further information or discussion before deciding how to vote
 - o When a trustee has a conflict of interest and needs to abstain from voting on that item

Community and Public Input at Board Meetings

- 1) The opportunity for public input at board meetings is during the time for public comment on agenda
- 2) Board members listen to public input and take it into account during discussion and deliberation. However, Board members have no direct interaction with the public during a regular Board meeting. The Board President acknowledges and thanks members of the public for their input as appropriate. Once Board members make their comments and move to discussion on an item, the audience and staff no longer participate.

Legal Authority of Individual School Board Members

- 1) Individual school board members have no inherent powers by reason of holding office. Board members are reminded of their obligations as public servants.
- 2) The only authority to direct action rests with the full majority of the Board sitting at the Board table.
- 3) Board members may request action during Board meetings, explaining their interest in a particular course of action and asking that it come back as an action item. The Board President will then restate the request, seek consensus from the entire board to see if a majority supports having the item brought to an upcoming Board meeting for discussion/action.

Non-Agenda Item Information Requests

- 1) Generally, board members have no greater rights to information unrelated to matters before the board than does the public.
- 2) If a member has a request for information, The Superintendent shall refer the matter to the Board President (or Vice-President, if the Board President is the one requesting the information) who shall attempt to resolve the disagreement between the parties.
- 3) If the matter is unresolved after Step One, the request may be referred to a Board meeting for consideration by the Board.
- 4) All Board members will receive a copy of any report generated by a board member's request.

School Visits by Board Members

- 1) You have the same right as a parent or community member to visit the schools in the district, so long as you any process established.
- 2) As a school board member, you may also visit the schools in an official capacity. You should use school visits to build good working relations with building principals and staff, to celebrate the positive accomplishments of the schools, and to show your pride as a member of the board. Look for opportunities to visit when a school is hosting a special event or recognition program for students and staff. In any event, be sure to tell the superintendent and/or principal in advance of your visit.

How should I respond to parental complaints?

- 1) The best way to respond to parental complaints is to be a good listener. This allows you to ask questions to understand the situation better. Be careful, though, that the parent does not interpret your questions or comments as an indication of future board action. Once parents have shared their complaints with you, try to give them guidance on how to contact the superintendent.
- 2) If the complaint appears to call for a response from the District, the Board member shall contact and refer the matter to the District Administrator in order to determine an appropriate response.
- 3) In highly unusual circumstances where such referral to the District Administrator may not be appropriate, including where the complainant requests that his or her identity not be revealed to the District Administrator, the Board member should instead contact the Board President (who may involve District legal counsel) or request a special meeting of the Board.
- 4) Unless authorized by the Board, or unless performing his/her legal or Board-authorized duties as a Board officer, individual Board members (1) shall not unilaterally conduct an investigation into complaints, petitions, or similar District matters, or (2) attempt to resolve a complaint, petition, or similar matter on the District's behalf outside of established procedures.

Response to Inquiries and Closed Session Confidentiality

Board members may be privy to certain legally protected or otherwise confidential District information by virtue of their public office. An individual Board member shall not:

- 1) Respond on behalf of the District to requests for access to records containing confidential information;
- 2) disclose such information in a manner that violates any law or fiduciary duty;
- 3) disclose any information that would compromise the District's attorney-client privilege; or
- 4) improperly use such information for any private financial gain or to obtain a dishonest advantage for any person.

Individual Board members are expected to recognize that legal and other consequences can result from the unauthorized disclosure of information from closed session meetings. Even in circumstances where the ongoing confidentiality of certain closed session information is not expressly required by law, it is the Board's belief that sound governance generally requires that individual Board members will preserve the confidentiality of the Board's lawful and appropriate closed session discussions and deliberations to the extent permitted by law.

What information is considered confidential?

Most employee personnel issues or information contained in student educational records are considered confidential. Also, the information discussed in a closed board meeting, more commonly known as an executive session, is confidential. A board may call an executive session only on the following subjects:

- Matters that will imperil the public safety if disclosed
 - Any matter that may disclose the identity of a law enforcement agent or informer
 - Information relating to current or future investigation or prosecution of a criminal offense that would imperil effective law enforcement if disclosed
 - Discussions involving proposed, pending, or current litigation
 - Collective bargaining
 - The medical, financial, credit, or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation
 - The preparation, grading, or administration of exams
 - The proposed acquisition, sale, or lease of real property or the proposed acquisition, sale, or exchange of securities, but only when their value would be substantially affected by publicity.
- 5) In explaining their inability to answer questions, members may state that the board is restricted by law, Board policy, and/or the school board code of ethics from disclosing any such information.
 - 6) Members should be aware that public disclosure of information shared at a meeting with the school attorney may result in violating attorney-client privilege and open the board to liability.

Role in the Public

- 1) School board members have a right to express their own personal views on school district issues, including the school budget and other propositions. However, school board members who wish to express their personal opinions about issues before the voters must:
 - Clearly distinguish their personal views from those of the board they represent.
 - Not use district funds, facilities or channels of communication to encourage voters to vote in support or against the school budget or any proposition.
- 2) Particularly on issues of great sensitivity, a single spokesperson—usually the president—may be designated to speak for the board. If the media is waiting to do an interview following a board meeting, then it is appropriate to refer the question to the president or the superintendent.
- 3) Individual board members should be free to explain their votes or comments they may have made at a public meeting. If you are contacted by a local reporter and you're not prepared or don't have the relevant information, don't say, "No comment." Instead, tell the reporter you'll get an answer and get back to them. Ask what kind of deadline they have, and then promptly follow through.

Communication Between Meetings with Team Members

- 1) The superintendent will communicate with the Board with a weekly board memo that may include information such as:
 - Schedule of or report on district events
 - Progress reports on board goals, policy initiatives and strategic objectives
 - Follow-up reports prepared in response to questions of the board
 - Updates on significant administrative matters
- 2) The superintendent will meet or communicate with the board president as needed to inform him or her of district issues that may need to come before the board for information or action.
- 3) The board president may direct the superintendent to distribute relevant documents to each board member for information. Such additional materials will be included in the weekly board information packet, unless unusual circumstances dictate a faster delivery.
- 4) The preferred method for board members who wish to share information relevant to district business or issues scheduled to come before the board is to relay the information to all Board members and the Superintendent. Board members may send relevant information directly to each other but should also copy the superintendent and the full board with this information. Board members should refrain from encouraging electronic or other discussion about such information in a manner that would violate the Open Meetings Law.
- 5) **Can I talk to board members outside the board meeting?** Yes, the state's Open Meetings Law generally permits you to converse with your fellow board members outside of board meetings. As with the superintendent, you should try to establish productive relations with each of the other board members. Talking with them in social situations or at school sporting events, for example, will give you an opportunity to learn about them outside of the school board. Be careful, however, that you do not discuss any school board matters if you have a quorum – a simple majority (more than half) of the total number of members on your board. This would constitute a meeting in violation of the Open Meetings Law. You should ensure that such informal chats do not substitute for full deliberation in a public meeting.
- 6) **Can I use email or social media to communicate with my board colleagues?** School board members may use email to communicate with each other only if they are not using it to discuss board business or influence votes on issues in advance of a meeting or as a means of avoiding open meeting requirements. The same holds true with social media, such as Facebook, LinkedIn or Twitter. You should be particularly careful to avoid sequential email communications or social media conversations. While you may email or "direct message" another board member with a question, it is not appropriate to engage in online discussions. Nor is it appropriate for a majority of the board members to email one another prior to a board meeting as this will likely affect the board's discussion at the meeting. It would also preclude the community from hearing the board debate important issues.

If you are using a school email address, all email can be requested by the public or media under the Freedom of Information Law (FOIL). Similarly, the Committee on Open Government has observed that communications made from a public officer's personal email account or from a home computer, if made for the purpose of carrying out a governmental function, may constitute a "record" under FOIL, which may be subject to disclosure. Your online communications may also become public as well, even with privacy settings set to "friends only." If you don't want your conversations to become front-page news, then don't have them online.