



# **Responsibilities and Expectations for Local School Boards**

**Presentation to Joint Education Interim Committee**

May 23, 2023

# Origin of School Boards

- School boards have been around a very long time and are a uniquely American innovation. The Massachusetts Bay Colony passed a law in 1647 requiring towns to establish and maintain schools. At the same time, the law established a board of selectmen to oversee the schools.
- This was the first time in the world that a government established a system of public schools . It was essential that the public have oversight over these schools and the school board represented the voice of the public in this oversight.

# Thomas Jefferson and School Boards

- The idea of school boards spread throughout the United States.
- When Thomas Jefferson established the University of Virginia in 1819, he insisted on a public board governance of the institution. He believed that the public oversight of the system of education was essential.
- Jefferson believed that public education was essential to our democracy.
  - *“I think by far the most important bill in our whole code is that for the diffusion of knowledge among the people. No other sure foundation can be devised for the preservation of freedom, and happiness.”*
- Jefferson believed in governance that was close to the people.

# Wyoming's Creation of School Boards

- Wyoming law establishes school districts as bodies corporate. (W.S. 21-3-101) The law further establishes the board of trustees of a school district as the governing body of the school district. (W.S. 21-3-105) The school board makes decisions on behalf of the district.
- The school board may only act through a public meeting of the board of trustees and any action requires the approval of a majority of the members elected to the board of trustees.
- School boards serve without compensation.

# Board Meetings

- The chairman of the board shall preside at all meetings at which he/she is present. The vice-chair presides in the absence of the chair.
- Action of the board may only be taken at a meeting of the board in accordance with W.S. 16-4-401 through 16-4-408.
- “Action” means the official business of the board including a collective decision, a collective commitment or promise to make a positive or negative decision, or an actual vote at a meeting.
- “Meeting” means an assembly of at least a quorum of the board which has been called by proper authority for the express purpose of discussion, deliberation, presentation of information, or taking action regarding public business.

# Board Legal Obligations

- Wyoming school boards have been assigned many special legal powers and responsibilities relating to specific areas of school district operation. The laws concerning board authority within each area (*i.e.*, school finance, district governance, *etc.*) are found throughout the Wyoming statutes.
- A few areas board members are encouraged to become familiar with include:
  - Duties of Boards of Trustees (W.S. 21-3-110)
  - Powers of Boards of Trustees (W.S. 21-3-111)
  - Wyoming Public Meetings Act (W.S. 16-4-401, *et seq.*)
  - Wyoming Public Records Act (W.S. 16-4-201, *et seq.*)
  - Wyoming Ethics and Disclosure Act (W.S. 9-13-101, *et seq.*)

# Duties of the Board of Trustees

- The duties of the Board of Trustees are not confined to a single statute or a single area of the statutes, but many are listed at W.S. 21-3-110.
  - Develop policies and enforce rules and regulations for its own government and for the government of the schools under its jurisdiction.
  - Keep minutes of all meetings at which official action is taken and a record of all official acts including a record of all warrants issued against moneys belonging to the district.
  - Fix time and place of regular meeting, provided, that there shall be at least one (1) meeting per month.
  - Submit reports concerning finances or any other matters as the state board, state superintendent, or state law may require.
  - Estimate the funds required to be raised for public school purposes through a tax levy and present to the county commissioners a certified copy of the budget as adopted with a certified estimate of the tax required to raise the appropriate amount.

# Duties of the Board of Trustees

- Fix the site of each school facility needing funds from the state construction department and ensure facility leases meet certain requirements under the law.
- Consider every petition presented to the board and subscribed by at least five (5) citizens and take some action within thirty (30) days after it is received, provided that the precise question has not been previously acted upon at a board meeting within the current fiscal year.
- Require an accounting of all receipts and expenditures to be made by each organization, function, or other group sponsored by, or functioning in any way with the school district.
- Provide an education program in compliance with the uniform standards prescribed under W.S. 21-9-101 and 21-9-102 and by rule and regulation of the state board.
- Require the performance of each initial contract teacher be evaluated in writing as prescribed by rule and regulation.
- Establish a teacher performance evaluation system that requires the performance of each continuing contract teacher be evaluated in writing as prescribed by rule and regulation.
- Require the performance of each school district leader, including superintendents and principals and other district or school leaders serving in a similar capacity to be evaluated each year in accordance with the professional standards established by the state board of education.

# Powers of the Board of Trustees

- The powers of the Board of Trustees are not confined to a single statute or a single area of the statutes, but many are listed at W.S. 21-3-111.
  - Sue and be sued, employ legal counsel, and bear the cost of litigation.
  - Administer oaths in all matters pertaining to the district.
  - Acquire, hold, convey, lease, rent, and manage property, real and personal.
  - Enter into agreements with any public or private agency, institution, person, or corporation for the performance of acts or furnishing of services or facilities.
  - Employ legal counsel and bear costs of litigation.
  - Accept or reject any federal or other gift, grant, bequest, or devise.
  - Employ a superintendent of schools, teachers, principals, other certified professional employees, and other personnel, and determine their salaries.
  - Discharge any employee subject to the provisions of any applicable laws.

# Powers of the Board of Trustees

- Insure against the loss of property.
- Become members of county, state, and national school boards associations and pay dues to such associations.
- Provide for the operation of school lunch programs.
- Require an officer or employee whose duty it is to handle funds or property of the district to be bonded.
- Convey title to real property subject to applicable laws.
- Define “unexcused absence” and “habitual truancy” for all students attending schools in the school district and who have not met compulsory attendance requirements and establish rules and regulations regarding their attendance.

# School District Governance

- Each school district now or hereafter legally organized within this state shall be a body corporate. (W.S. 21-3-101)
- The board of trustees of a school district shall be the governing body of the school district. A majority of the number of members of the board of trustees shall constitute a quorum for the transaction of business at any meeting of the board of trustees. No action of the board of trustees shall be valid unless such action shall receive the approval of a majority of the members elected to the board of trustees. (W.S. 21-3-105)
- Any member or officer of a board of trustees of a school district who willfully fails, refuses, or neglects to perform any duty imposed upon him by the provisions of this code shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment in the county jail for a period of not more than thirty (30) days or by both such fine and imprisonment. (W.S. 21-3-124)

# Restrictions and Penalties for Boards of Trustees

Laws also provide restrictions and penalties, denying trustees the right to:

- Approve policies, rules or regulations that are not consistent with the laws of the state and rules and regulations of the state board and state superintendent.
- Receive compensation for services as board members other than mileage, travel expenses, or per diem at a rate not to exceed that paid to state employees. (W.S. 21-3-107)
- Refuse to deliver records to successors in office. (W.S. 21-3-121)
- Fail to file reports as required by the state board or state law.
- Be interested in any contract unless he discloses his interest and absents himself when the board considers the contract. (W.S. 9-13-106)
- Accept gifts, loans, gratuity, special discounts, hospitality with a value of over two hundred and fifty dollars (\$250.00). (W.S. 9-13-101)
- Willfully fail, refuse, or neglect to perform any duty imposed by the provisions of the code, subject to misdemeanor and \$100 fine, thirty days in jail or both. (W.S. 21-3-124)

# Restrictions and Penalties for Boards of Trustees

- Shall not obtain, sponsor, arrange, or handle insurance of any kind from companies that do not maintain an office in the state and are not authorized to do business in Wyoming. (W.S. 21-3-130)
- Participate in a matter related to the hiring or discipline of a family member. (W.S. 9-13-104)
- Use his office for his private benefit. (W.S. 9-13-103)
- Make a profit, directly or indirectly, for the use of public money or from letting public contracts unless there is full disclosure and abstention from the voting on the deal, subject to \$1,000 fine. (W.S. 9-13-105)
- Divert any school district money for purposes other than legally specified.
- Convert any school district money to private use.
- Accept or offer bribes.
- Allow discrimination because of sex, color, or religion. (Article 7, Sec. 10, Wyoming Constitution)
- Permit the teaching of any sectarian religion. (Article 7, Sec. 12, Wyoming Constitution)

# Key Works of School Boards



- **Vision:** The Board must establish a vision for the district that reflects community beliefs and priorities for the educational system. Resources are allocated based on this vision.
- **Accountability:** The Board must ensure accountability in the system.
- **Policy:** The Board directs the district through policy
- **Community Leadership:** Through advocacy and community engagement, the Board creates two-way communication with stakeholders.
- **Board-Superintendent Relationship:** The Superintendent is the person the Board hires to administer the educational system. Both the Board and the Superintendent have distinct roles and responsibilities critical to the success of the district.



# Doing the Work of the Board

- A meeting helps every individual understand the collective aim of the board and the way in which the board and staff's work can contribute to success.
- A meeting creates in each board member a commitment to the decisions the board makes and the objectives it pursues. Once something has been decided, even if a board member originally argued against it, membership on the board entails an obligation to accept the decision. The alternative is to leave the board, but in practice this is very rarely a dilemma of significance. For most people on most issues, it is enough to know that their views were heard and considered. They may regret that they were not followed, but they accept the outcome.

# Operating As An Effective Board

- Effective Boards can make a difference for student achievement.
- Effective Boards are focused on student achievement and put what is best for students at the forefront of their decisions.
- Effective Boards...
  - Commit to learning and board development to build knowledge and understanding of the school system.
  - Communicate with stakeholders to establish high expectations for student achievement and quality instruction and define clear goals toward that vision.
  - Are accountability driven, spending less time on operational issues and more time focused on policies to improve student achievement while monitoring data to drive continuous improvement.
  - Align and sustain resources to meet district goals and establish a strong communications structure to inform and engage both internal and external stakeholders regarding the achievement of those goals.
  - Recognize the roles and responsibilities of each stakeholder within the district for the success of the district and its students.

# Working as a Board

- When working together as an effective board, the trustees of the district have the ability to make a positive impact on student achievement. With a shared vision of high expectations and a commitment to accountability, the leadership team guides success.
- Wyoming's school boards represent the views of parents, businesses, stakeholders, and the public in the oversight and governance of the district. They are elected by the public to be that voice.
- Being on a school board is a great responsibility, exemplifying the American commitment to elected public oversight of the public school system.