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## **School Board Roles and Responsibilities – May 2019**

### **I. Introduction**

School boards have numerous responsibilities, have to answer to a variety of constituent interests and must navigate through a myriad of federal laws, state statutes and administrative regulations, all while focusing on the primary objective of enhancing and supporting student achievement.

A fundamental rule is that individual board members have NO AUTHORITY beyond that exercised in a board meeting/non-meeting conforming to the requirements of RSA 91-A, the New Hampshire Right to Know law. When the meeting is called to order each member is empowered with the right to vote on each issue. When the meeting is adjourned, that power is gone. Only a majority of the board has the ability to set policy, propose budgets, negotiate contracts or make requests of the superintendent. The only employee over whom the board has supervision is the superintendent. The board may empower a single member, the chair or subcommittee to take action outside of the board meeting, but such power is only given by the full board.

Under the legal framework, the school board governs the district, while the Superintendent manages it. A useful refrain capturing the board's function is that *the role of a school board is not to run the schools, but to see that they are run well.*

The board and superintendent form the school district leadership team. The effective functioning of this team requires trust. It does NOT mean everyone agrees on the issues. In fact, a well-functioning team with a high level trust will have vigorous discussions over issues they care greatly about. Trust also means that board decisions will be respected by all board members. To do otherwise reduces team effectiveness.

These materials provide an overview of the general responsibilities of school boards under New Hampshire statutes and regulations, a glimpse of how those responsibilities relate to legal responsibilities and functions of superintendents, and some best practice guidelines for effective school district governance. It is not intended to be an all-inclusive listing of every legal requirement school boards must fulfill. Rather, NHSBA provides this document with the goal of informing its members and the public of what some of the legal requirements are and how established best practices within those roles and responsibilities and can augment effective school board governance.

## **II. Key Roles and Responsibilities of School Boards – State Statutes, NHDOE Rules.**

**RSA 189:1-a**, I articulates as the primary responsibility of school boards:

*It shall be the duty of the school board to provide, at district expense, elementary and secondary education to all pupils who reside in the district until such time as the pupil has acquired a high school diploma or has reached age 21...*

### **A. Set and Establish School Board Policy.**

School boards are required to abide by and implement numerous statutes, rules and regulations. Many state statutes and NHDOE regulations require school boards to adopt policies. NHSBA advocates that the development of clear, sound and legal policies is critical to the successful operation of any school district and that adopting policy is among the most fundamental responsibilities of any board of education. Policy is the tool that provides the Board power to allow or require action. It is through policy that boards can govern effectively. The board is a policy-making body and the policies that it enacts are the local law of the district.

### **Legal Requirements Pertaining to School Board Policy.**

In addition to putting policy-making at the forefront of your school board's responsibilities, there is sufficient legal basis to indicate that school boards are primarily policy-making bodies. For example, many of the NHDOE regulations relative to the duties of school boards indicate that the Board has numerous policy-making responsibilities.

(1) NHDOE Rule Ed 303 – Duties of School Boards. Ed 303.01, Substantive Duties. Each school board shall: *[Compare to Superintendent's duties – page 7]*

- Ed 303.01(a) – Adopt policies necessary and desirable to control and effectuate the recruitment, employment, evaluation and dismissal of teachers and other employees.
- Ed 303.01(b) – Adopt policies necessary and desirable to control and effectuate the purchase of equipment, supplies, or services.
- Ed 303.01(i) – Adopt a rule to ensure that there shall be no unlawful discrimination on the basis of sex, race, age, creed, color, marital status, national origin, or disability.
- NHDOE Rule Ed 306.04(a) – Minimum Standards for Public School Approval:

“In accordance with Ed 303.01, the local school board shall adopt and implement written policies and procedures relative to...”. ED 306.04 lists 26 policies that are required by law.

(2) Various NH Statutes (RSAs) Require School Board Policies.

In addition to the NHDOE Rules, numerous New Hampshire statutes (known as RSAs) also require school boards to adopt a variety of policies on a multitude of topics. It is important to note that this list seems to grow longer each year.

Examples of policies required by New Hampshire include:

- Bullying (RSA 193-F)
- Concussions (RSA 200:49)
- Use of restraints (RSA 126-U)
- Truancy/absenteeism (RSA 189:34)
- Background checks (RSA 189:13-a)
- Objectionable course material (RSA 186:11)
- School lunch payments (RSA 189:11-a)
- Health and sex education (RSA 186:11)
- Non-academic surveys (RSA 186:11)
- Manifest educational hardship (RSA 193:3)

**B. Establish the School District's Budget and Provide Budget Oversight.**

While budget approval is ultimately left to the voters (or, in more legal terms, the “legislative body”) one of the most vital aspects of school board roles and responsibilities is the development of a budget that serves the needs to students while simultaneously respecting the ability of tax payers to fund such a system. As state-aid to public education remains either stagnant or is eliminated, the burden on local property tax payers continues to rise.

The legal bases for a school board’s budget and fiscal responsibilities are found in the following New Hampshire statutes and NHDOE Rules.

- RSA 32:5 – Budget Preparation
- RSA 32:8 – Limitation on Expenditures
- RSA 32:10 – Transfer of Appropriations
- RSA 197:23-a – Treasurer’s Duties; board authorized to make payments
- RSA 40:13, IX(b) – Default Budget
- NHDOE Rule Ed 303.01(e) – Prepare an annual budget
- NH Department of Revenue Administration Rule Rev 1100 - Financial Source Coding For Local Educational Agencies

### **C. Evaluate the Superintendent - (Ed 303; contract; local policy).**

School boards have a legal obligation to conduct an annual evaluation of the superintendent. Not only is an annual evaluation a best practice, it is also legally required. There are generally three sources of law that obligate the school board to evaluate the superintendent:

- NHDOE Rule Ed 303.01(k). School boards shall annually evaluate the superintendent based on written criteria established by the school board(s)/SAU board.
- School board policy. (NHSBA Sample Policy CBI).
- An obligation to conduct an annual evaluation is almost always found in most superintendent contracts.

### **D. Conduct Hearings and Serve as an Adjudicative Body (Various statutes/rules).**

From time to time, school boards must conduct adjudicative hearings relative to the rights of students or employees. The source of these rights varies – some are established via state or federal statute while others are the product of NHDOE Rules. Others have their roots in Constitutional due process requirements. Also, local collective bargaining agreements and/or school board policies may grant students or staff a right to a hearing.

Some examples may include:

#### Parents & Students

- Manifest Educational Hardship (RSA 193:3)
- Long-term Suspensions and Expulsions (RSA 193:13; NHDOE Rule 317)
- Discrimination/Sexual Harassment Policy
- Transportation/Bus Removal (local board policy)
- Bullying (RSA 193-F)
- Residency (RSA 193:12)
- Early Admission to First Grade (local board policy)
- Curriculum (local board policy)

#### Employees

- Dismissals (RSA 189:13)
- Non-renewals (RSA 189:14-a)
- Labor/Grievances (local collective bargaining agreements)

#### Be Mindful of Your Role as a School Board Member – *Quasi Judicial Function.*

Because the school board may need to sit as “judge and jury” for these hearings, it is important that individual Board members, as well as the Board as a whole, not be privy to specific information prior to the hearing.

This is a very difficult position for Board members, who, as stewards of the school district, feel an obligation and responsibility to the public to be informed about such matters. If and when such a situation does arise, NHSBA recommends that school boards consult fully with their local legal counsel for a full analysis and legal opinion as to the Board's course of action and dissemination of information.

**E. Collective Bargaining - (RSA 273-A).**

Most districts have staff who belong to a "collective bargaining unit" (i.e., union), with some districts having as many as 5 unions (teachers, support staff, custodians, etc.). RSA 273-A:3, I states "It is the obligation of the public employer (school board) and the employee organization (teachers' union/other union) certified by the board as the exclusive representative of the bargaining unit to negotiate in good faith."

"Good faith" bargaining, at its most basic, means "meeting at reasonable times and places in an effort to reach agreement on the terms of employment, and to cooperate in mediation and fact-finding required by this chapter, but the obligation to negotiate in good faith shall not compel either party to agree to a proposal or to make a concession." (RSA 273-A:3, I).

**F. Communicate with the public – keep the public informed of Board actions.**

Both the New Hampshire Constitution and RSA 91-A, the Right to Know law, demand Openness in the conduct of public business is essential to a democratic society. As most Board members know, the Right to Know law has numerous provisions outlining various requirements for posting notice of public meetings, making meetings open to the public, and providing the public with access to minutes and other public records in a timely manner.

In addition to the Right to Know law requirements, many Boards and administrators undertake efforts to keep the public informed of school board action and school district events.

Pertinent provisions of the Right to Know law:

- RSA 91-A:1-a, VI – definition of "public body"
- RSA 91-A:2 – Meetings Open to Public
- RSA 91-A:3 – Nonpublic Sessions

**G. Strategic Planning – Long and Short-Term Goals, Plans and Objectives.**

NHSBA advocates that strategic planning is a vital component of school board governance. NHDOE Rule 303.01(g) imposes upon boards the duty to "develop long-range plans and identify measurable and attainable short-term objectives". A comprehensive strategic plan will help the school board and the District:

- Clarify the Board’s and the District’s goals and direction.
- Identify effective aspects of Board performance.
- Effectively plan for the learning opportunities for students.
- Address areas that are in need of improvement.
- Help address budgetary needs.
- Help address facilities needs.
- Provide long-term sustainability for the Board, staff and community.

### **III. The Learning Curve for New School Board Members.**

Individuals run for school board for many reasons – some because they have children in school, others because they have a background in education. Some people run for office out of a desire to give back to their community, while others run for office for more specific or purposes.

Regardless, the learning curve for new school board members can be steep. NHSBA offers the following recommended best practices:

- Learn to acknowledge publicly that individual Board members have no power or authority to act on behalf of the Board or the District. Only the Board, as a whole and at a properly noticed meeting, can make decisions or take action for the school district.
- Determine what your function is on the school board and how to accomplish it effectively.
- Even though you may have attended numerous Board meetings as a private citizen, there is still a lot to learn once you’re elected to the school board.
- Recognize the difference between setting policy (the Board’s job) and administering the schools (the superintendent’s job).
- Board members must represent students, first. Board members have numerous constituencies – parents, staff, taxpayers, and so forth. And at times, the interests or desires of those constituencies may be divergent. However, the first consideration of all Board decisions should consider what is in the best interest of students. The primary focus of all Board decisions must be student achievement.
- Learn how to respond to the complaints and concerns of citizens, school administrators, and other staff. Most school boards have local policies that establish a “reporting” structure when members of the community have complaints or grievances. Be sure to follow that policy.
- Remember and respect that change comes slowly.
- Individual Board members can’t solve problems by themselves – it takes the work of the entire Board to reach consensus and achieve solutions.
- See the pertinent NHSBA Sample Policies (attached):
  - BBAA – School Board Member Authority

- BBAB – Roles and Duties of the Board Chairperson
- BCA – School Board Member Ethics
- BEAB – Board Member Use of Electronic Communication Devices During School Board Meetings
- BHC – Board-Employee Communications
- KE – Public Complaints
- KEB – Public Complaints About School Personnel

#### **IV. The Superintendent’s Role.**

Just as various statutes and administrative rules establish what a school board’s role and responsibility is, there is a co-extensive, yet distinct, series of statutes and rules that guide what the roles and responsibilities of school superintendents.

##### **A. Implement School Board Policy.**

The pertinent NHDOE Rules relative to the duties of the superintendent indicate that the superintendent is responsible for implementing school board policy. A few examples follow.

##### **NHDOE Rule Ed 302.02 – Substantive Duties of Superintendents.**

- Ed 302.02(a) – Nominate all certified staff and appoint other employees in accordance with state law, the rules of the state board and school board policies.
- Ed 302.02(b) - Direct and supervise the work of all employees of the district or districts within the school administrative unit and shall have all powers necessary to make such direction effective, as outlined in RSA 194-C:4. While the superintendent has ultimate responsibility, he/she may delegate powers and duties to other personnel.
- Ed 302.02(d) – Be responsible for developing and recommending to the school board or boards within the school administrative unit the annual budget for the support of the educational program and for the operation and maintenance of schools within the district or districts and the school administrative unit in accordance with school board policy.
- Ed 302.02(e) – Be responsible for developing and maintaining an accounting system and financial reporting procedures for all funds in accordance with local school board policy, and local and state laws.
- Ed 302.02(f) – Be responsible for the development of an educational plan including curriculum, instruction, and assessment programs 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 rules.

- Ed 302.02(r) – Be responsible for the implementation and review of school district policies.

As these Rules listed above indicate, and in conjunction with the Rules relative to school board duties and responsibilities covered in earlier pages, the school board adopts policy and the superintendent implements Board policy.

**B. Nominate Professional Staff (RSA 189:39; RSA 189:14-a; NHDOE Rule 302).**

- RSA 189:39 - Superintendents shall nominate and school boards elect all teachers employed in the schools in their school administrative unit, providing such teachers hold a valid educational credential issued by the state board of education.
- Ed 302.02(a) – The superintendent shall...Nominate all certified staff and appoint other employees in accordance with state law, the rules of the state board and school board policies.

**C. Provide Superintendent Services - RSA 194-C:4.**

Each NHDOE Rule has a corresponding statute that give rise to the authorization for the administrative rule itself. In addition to the NHDOE Rules relative to superintendent duties, RSA 194-C:4 provides a comprehensive list of the areas of school district operations that are the responsibility of the superintendent. NHSBA has sample policies that school boards have policies that address most of these subject areas.

*RSA 194-C:4: Each school administrative unit or single school district shall provide the following superintendent services:*

*II. Governance, organizational structure, and implementation of administrative services including, but not limited to:*

- (a) Payroll, cash flow, bills, records and files, accounts, reporting requirements, funds management, audits, and coordination with the treasurer, and advisory boards on policies necessary for compliance with all state and federal laws regarding purchasing.*
- (b) Recruitment, supervision, and evaluation of staff; labor contract negotiation support and the processing of grievances; arrangement for mediation, fact finding, or arbitration; and management of all employee benefits and procedural requirements.*
- (c) Development, review, and evaluation of curriculum, coordination of the implementation of various curricula, provisions of staff training and professional development, and development and recommendation of policies and practices necessary for compliance relating to curriculum and instruction.*
- (d) Compliance with laws, regulations, and rules regarding special education, Title IX, the Americans with Disabilities Act, home education, minimum standards,*



*student records, sexual harassment, and other matters as may from time to time occur.*

- (e) Pupil achievement assessment through grading and state and national assessment procedures and the methods of assessment to be used.*
- (f) The on-going assessment of district needs relating to student population, program facilities and regulations.*
- (g) Writing, receiving, disbursement, and the meeting of all federal, state, and local compliance requirements.*
- (h) Oversight of the provision of insurance, appropriate hearings, litigation, and court issues.*
- (i) School board operations and the relationship between the Board and the District administration.*
- (j) The daily administration and provision of educational services to students at the school facility including, but not limited to, fiscal affairs; staff, student, and parent safety and building issues; and dealing with citizens at large.*
- (k) Assignment, usage, and maintenance of administrative and school facilities.*
- (l) Designation of number, grade or age levels and, as applicable, other information about students to be served.*
- (m) Pupil governance and discipline, including age-appropriate due process procedures.*
- (n) Administrative staffing.*
- (o) Pupil transportation.*
- (p) Annual budget, inclusive of all sources of funding.*
- (q) School calendar arrangements and the number and duration of days pupils are to be served pursuant to RSA 189:1.*
- (r) Identification of consultants to be used for various services.*

**NHSBA Practice Pointer:** Note the similarities between a school board's policy requirements (budget, staff, curriculum, etc.) and the superintendent's duties. There is a clear link between school board policies and the day-to-day obligations of the superintendent.

Remember – the Board adopts policies and the superintendent implements those policies. The Board holds the superintendent responsible via the superintendent's evaluation.

Questions from parents/public as to the implementation of a policy should be directed to the administration. Questions about the contents or language of a policy are within the Board's purview.

# Roles & Responsibilities of School Boards and Superintendents



<b><u>Roles/Responsibilities</u></b>	<b><u>School Board</u></b>	<b><u>Superintendent</u></b>
1. General	Governs the District	Advises the Board – Manages the District
2. Policy	Adopts	Suggests and Implements
3. Board Meetings	In charge of	Serves as resource
4. Budget/Finance/Audits	Adopts and monitors	Prepares, administers, monitors, details
5. Instruction/Curriculum	Establishes criteria, approves, and monitors	Recommends, oversees staffs' efforts
6. Personnel	Establishes criteria, approves, or rejects	Interviews, recommends, hires, evaluates, promotes, trains
7. Community Relations	Creates a positive image for district	Creates a positive image for district, directs communications
8. Labor Relations	Provides guidelines, ratifies contracts	Monitors process within guidelines
9. Student Services	Adopts policies for care and control	Recommends, implements, directs
10. Facilities/Food Service /Transportation	Develops policy on use of	Implements policy, writes procedures, makes recommendations

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## NHSBA SELECTED GOVERNANCE POLICIES

### **Sample Policy BBAA SCHOOL BOARD MEMBER AUTHORITY**

Category: Recommended

The authority of individual Board members is limited to participating in actions taken by the Board as a whole when legally in session. Board members shall not assume responsibilities of administrators or other staff members. The Board or staff shall not be bound in any way by any action taken or statement made by any individual Board member except when such statement or action is pursuant to specific instructions and official action taken by the Board.

Each Board member shall review the agenda and any study materials distributed prior to the meeting and be prepared to participate in the discussion and decision-making for each agenda item. Each agenda will provide an opportunity for Board members to comment on District activities and/or educational issues. These comments may become topics for future Board discussions.

Board members may occasionally serve on committees or organizations for the purpose of reciprocal communication and reporting back to the Board. Committee assignments will be made by the Chairperson with Board approval.

Each member is obligated to attend Board meetings regularly. Whenever possible, each Board member shall give advance notice to the Chairperson or Superintendent of his/her inability to attend a Board meeting.

Legal references:

RSA 91-A:2, Meetings Open to Public

RSA 91-A:2-a, Communication Outside Meetings

N.H. Code of Administrative Rules-Section Ed. 303.01, Substantive Duties of School Boards

Appendix: BBA-R

Revised: April 2011, July 1998, November 1999. February 2004

### **Sample Policy BBAB ROLES AND DUTIES OF THE BOARD CHAIRPERSON**

Category: Optional

#### Duties of the Chairperson

The Chairperson shall preside at all meetings of the Board and shall perform other duties as directed by law, New Hampshire Department of Education rules, and by this Board. In carrying out these responsibilities, the Chairperson shall:

1. Sign the instruments, acts, and orders necessary to carry out state requirements and the will of the Board;
2. Consult with the Superintendent in the planning of the Board meeting agendas;
3. Confer with the Superintendent on crucial matters that may occur between Board meetings;

4. Appoint members to serve on specific committees, subject to full Board approval;
5. Call emergency meetings of the Board as necessary;
6. Be the public spokesperson for the Board at all times except as this responsibility is specifically delegated to others; and
7. Preside at and be responsible for the orderly conduct of all Board meetings.

As presiding officer at all meetings of the Board, the Chairperson shall:

1. Call the meeting to order at the appointed time;
2. Announce the business to come before the Board in its proper order;
3. Enforce the Board's policies relating to the order of business and the conduct of meetings;
4. Put motions to a vote and announce the vote result.

The Chairperson shall have the right, as other Board members have, to offer motions, discuss questions, and vote.

#### Duties of the Vice-Chairperson

In the absence of the Chair, the Vice-Chair shall perform all the duties of the Chair.

New Sample Policy: April 2011

### **Sample Policy BCA SCHOOL BOARD MEMBER ETHICS**

Category: Recommended

In order to fulfill its duty under state law to provide education to pupils within the District, the Board adopts the following expectations for each of its members.

AS A MEMBER OF THE SCHOOL BOARD, AND IN ACCORDANCE WITH MY OATH OF OFFICE, I WILL STRIVE TO IMPROVE PUBLIC EDUCATION BY STRIVING TO ADHERE TO THE FOLLOWING EXPECTATIONS:

1. Attend all regularly scheduled Board meetings, insofar as possible, and become informed concerning issues to be considered at those meetings.
2. Understand that the Board, as governing body, does not manage the District, but rather sets the broad goals and standards for the District by way of policies adopted by a quorum of the Board at proper meetings under the Right-to-Know law.
3. Be informed about current educational issues by individual study and through information, such as those sponsored by my state and national school board associations.
4. Make decisions and take votes based upon the available facts, the full deliberation of the Board, and my independent judgment, and refuse to surrender or subordinate that judgement to any individual or special interest group.

5. Work respectfully with other Board members by encouraging the free expression of differing opinions and ideas.
6. Seek opportunities for the Board to establish systematic communication channels with students, staff, and members of the community.
7. Recognize that as a general principle the District and its students benefit when Board decisions, which have been made following consideration of all sides and vote of a quorum, receive the subsequent support of the whole Board, whenever practicable.
8. Respect the confidentiality of information that is privileged under applicable law or is received in confidence or non-public session.
9. Recognize that individual Board members are without authority to act relative to School District business, and that I may not individually commit the Board to any action except as specifically designated to do so by Board action.
10. Understand the chain of command and refer problems or complaints to the proper administrative office per applicable School Board policies.
11. Work with the other Board members to establish effective Board policies, and foster a relationship with the District administration toward the effective implementation of those policies and management of the District operations, personnel and facilities.
12. Communicate to the Superintendent and to the Board (only as consistent with the Right-to-Know law) expressions of public reaction to Board programs, policies and other Board actions.
13. Present personal criticisms concerning District operations, staff, etc. to the Superintendent, not to District staff, the public, or unnecessarily at a Board meeting.
14. Establish policies and protocols for systematic communications with students, staff, and members of the community. Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff.

Revised: May 2018, November 1999, May 2006

## **Sample Policy BEDH PUBLIC PARTICIPATION AT BOARD MEETINGS**

***Category: Recommended***

***Related Policies: BEDB, KE & KEB***

The primary purpose of School Board meetings is to conduct the business of the Board as it relates to school policies, programs and operations. The Board encourages residents to attend Board meetings so that they may become acquainted with the operation and programs of the schools. All official meetings of the Board shall be open to the press and public. However, the Board reserves the right to meet and to adjourn or recess a meeting at any time. The Board also reserves the right to enter non-public session at any time, in accordance with the provisions RSA 91-A:3.

In order to assure that persons who wish to appear before the Board may be heard and, at the same time, assure that the Board may conduct its business and meetings properly and efficiently, the Board adopts as policy the following procedures and rules pertaining to public participation at Board meetings.

### **Rules of Order**

1. The Board will provide a maximum of fifteen minutes to hear public comments at the beginning of each regular Board meeting. This period may be extended by a majority vote of the Board. Additionally, the Board may include additional public comment period for specific agenda items with a time limit for public comment specified on the pertinent agenda.
2. Individual speakers will be allotted three minutes per person. Speakers may not relinquish allotted time to another speaker. For specific meetings and/or specific agenda items, the Board may at the outset of the public comment period increase the individual time limit for all speakers.
3. The Chair will recognize speakers on a first come basis.
4. In order to comply with the minute requirements of RSA 91-A:2, II, speakers shall identify themselves clearly for the record.

### **OPTIONAL PROVISIONS – SELECT ONE OF THE ITALICIZED PARAGRAPHS**

5. *Members of the public shall limit comments only to those items appearing on the current agenda. The Board will not entertain comments on items that do not appear on the agenda. The only exception shall be comments which address matters discussed by the Board at its last public meeting which were not on that meeting's agenda but were discussed by the Board under "New Business". Requests to address the Board on specific matters (i.e., a request to have a matter placed on an agenda) should be presented to the Superintendent no less than fourteen days prior to the next Board meeting, and must set forth the specifics of the subject to be address. The determination whether to place the matter on the agenda will be made consistent with Board Policy [BEDB].*

**--OR--**

Except as otherwise provided in this policy, members of the public may offer comments on agenda items or upon any other matter of public concern directly relating to the District's school policies, programs and operations. In the interest of preserving individual privacy and due process rights, the Board requests that comments (including complaints) regarding individual employees (other than the Superintendent) or individual students be directed to the Superintendent in accord with the complaint/grievance resolution processes set forth in School Board Policies **KE and/or KEB**. Complaints regarding the Superintendent, may be made either during public comment, or directed to the School Board Chair as described in Board Policy **KEB**.

1. Any comments which do not adhere to the above, or which disrupt the official business of the Board may be ruled out of order by the Chair. Repeated disruption may result in the individual being asked to leave the meeting. Obscene speech, comments threatening bodily harm, or other unprotected speech will not be tolerated.

2. The Board Chair may terminate the speaker’s privilege of address if the speaker does not follow the above rules of order. Repeated violations or disruptions may result in the intervention of law enforcement, with the potential for criminal charges.

Persons appearing before the Board are reminded that members of the Board are without authority to act independently as individuals in official matters. Thus, in most instances, any board response will be deferred pending consideration by the full Board.

With the aim of maintaining focus on the issues in discussion, it is desired that all speakers strive to adhere to ordinary norms of decorum and civility.

**Legal References:**

*RSA 91-A:2, Meetings Open to the Public*

*RSA 91-A:3, Non-Public Sessions*

*U.S. Const., 1st Amendment*

**NHSBA history:** Revised: September 2018; May 2007; November 1999; July 1998; and February 2004

**Sample Policy BHC**  
**BOARD-EMPLOYEE COMMUNICATIONS**

Category: Optional

See also GBD

The Board desires to maintain open channels of communication between itself and the employees. The basic line of communication will, however, be through the Superintendent of Schools.

**Staff Communications to the Board**

All communications or reports to the Board or any Board committee from principals, supervisors, teachers, or other employee members shall be submitted through the Superintendent.

**Board Communications to Staff**

All official communications, policies, and directives of employee interest and concern will be communicated to employee members through the Superintendent, and the Superintendent will employ all such media as are appropriate to keep employee fully informed of the Board’s actions and concerns.

**Visits to Schools**

Individual Board members interested in visiting schools or classrooms will inform the Superintendent of such visits and make arrangements for visitations through the principals of the various schools. Such visits shall be regarded as informal expressions of interest in school affairs and not as “inspections” or visits for supervisory or administrative purposes. Official visits by Board members will be carried on only under Board authorization and with the full knowledge of the Superintendent and principals.

**Social Interaction**

Staff and Board members share a keen interest in the schools and in education generally, and it is to be expected that when they meet at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations and general District problems. However, employees are

reminded that individual Board members have no special authority except when they are convened at a legal meeting of the Board or vested with special authority by Board action. Therefore, discussions of personalities or personnel grievances by either party will be considered unethical conduct.

Reviewed: February 2004

Revised: November 1999, July 1998

## **Sample Policy KE PUBLIC COMPLAINTS**

Category: Recommended

The Board believes that complaints and grievances are best handled and resolved by the parties directly concerned. Therefore, the proper channeling of complaints involving instruction, discipline or learning materials will be as follows:

1. Teacher
2. Principal
3. Superintendent
4. Board of Education

Any complaint presented to the Board about school personnel shall be referred back through proper administrative channels. The Board will not hear complaints from individuals until such complaints have first been brought forth through the appropriate and applicable administrative procedures. Exceptions to this provision are for complaints that relate solely to Board actions or Board operations.

In the event a complaint is made directly to an individual Board member, the procedure outlined below shall be followed:

1. The Board member shall refer the person making the complaint to the Superintendent or for investigation. The Superintendent may delegate the investigation to the Principal.
2. If the member of the public will not personally present the complaint to the Superintendent or Principal, the Board member shall then ask that the complaint be written and signed. The Board member will then refer the complaint to the Superintendent for investigation.
3. If the person making a complaint feels that a satisfactory reply has not been received from the Superintendent may request that the complaint be heard by the Board. The Board will hear and act upon the complaint only by majority vote. If the Board does hear and act upon the complaint, all Board decisions shall be final.

Reviewed: October 2004; Revised: July 1998, May 2007



**Sample Policy KEB  
PUBLIC COMPLAINT ABOUT SCHOOL PERSONNEL, EMPLOYEES, STUDENTS,  
OR ADMINISTRATION**

*Category: Recommended*

*See Also: BEDH & KE*

Any complaint presented to the Board about school personnel, employees, students or administration, will be referred back to the Superintendent. The Board will not hear or review complaints until such complaints have first been brought forth through the appropriate and applicable administrative procedures and the Superintendent or his/her designee has had a reasonable opportunity to seek to resolve the complaint.

The Board may decline to hear any complaint, which will interfere with its ability to serve as an impartial trier of fact in any related student or personnel matter. This complaint procedure shall not supersede or modify any right held by employees of the District under federal law, state law, contract, or collective bargaining agreement.

To the extent it is deemed appropriate by the Superintendent, the individual who is the subject of the complaint may be advised of the nature of the complaint and may be given an opportunity for explanation, comment, and presentation of the facts. The Superintendent shall seek to resolve the matter and report to the Board.

Complaints about the Superintendent may be made directly to the Board through the Clerk, but only after reasonable efforts have been made by the complaining party to resolve their complaint directly with the Superintendent. The Board may, to the extent it is appropriate, advise the Superintendent of the nature of the complaint and may give the Superintendent an opportunity for explanation, comment, and presentation of facts.

In the event a complaint is made directly to an individual Board member, the procedure outlined below shall be followed:

1. The Board member shall refer the person making the complaint to the Superintendent or for investigation. The Superintendent may delegate the investigation to a Principal or other administrator.
2. If the member of the public will not personally present the complaint to the Superintendent or Principal, the Board member shall then ask that the complaint be written and signed. The Board member will then refer the complaint to the Superintendent for investigation.
3. If the person making a complaint believes that a satisfactory reply has not been received from the Superintendent, he or she may request that the Board hear the complaint. The Board will hear and act upon the complaint only by majority vote. The Board may decline to act on any complaint which, in its sole judgment, would interfere with the Superintendent's ability to properly administer the district. If the Board does hear and act upon the complaint, all Board decisions shall be final.

4. If the Board decides, in accord with Paragraph Three, to hear and act upon a complaint that pertains to personnel, employee, student or administrative matters, it shall determine whether the complaint shall be heard in public or non-public session in accord with RSA 91-A:3 and the laws pertaining to student and family privacy rights. The Board shall also determine whether it is appropriate to inform the individual who is the subject of the complaint of the meeting and to provide said individual with further opportunity for explanation, comment, and presentation of the facts to the Board.
  
5. If the Superintendent is the subject of the complaint, the Board shall determine whether the complaint should be heard in public or non-public session in accord with RSA 91-A:3. The Board may, to the extent it is appropriate, advise the Superintendent of the nature of the complaint and may give the Superintendent an opportunity for explanation, comment, and presentation of the facts.

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