

# Board & Administrator

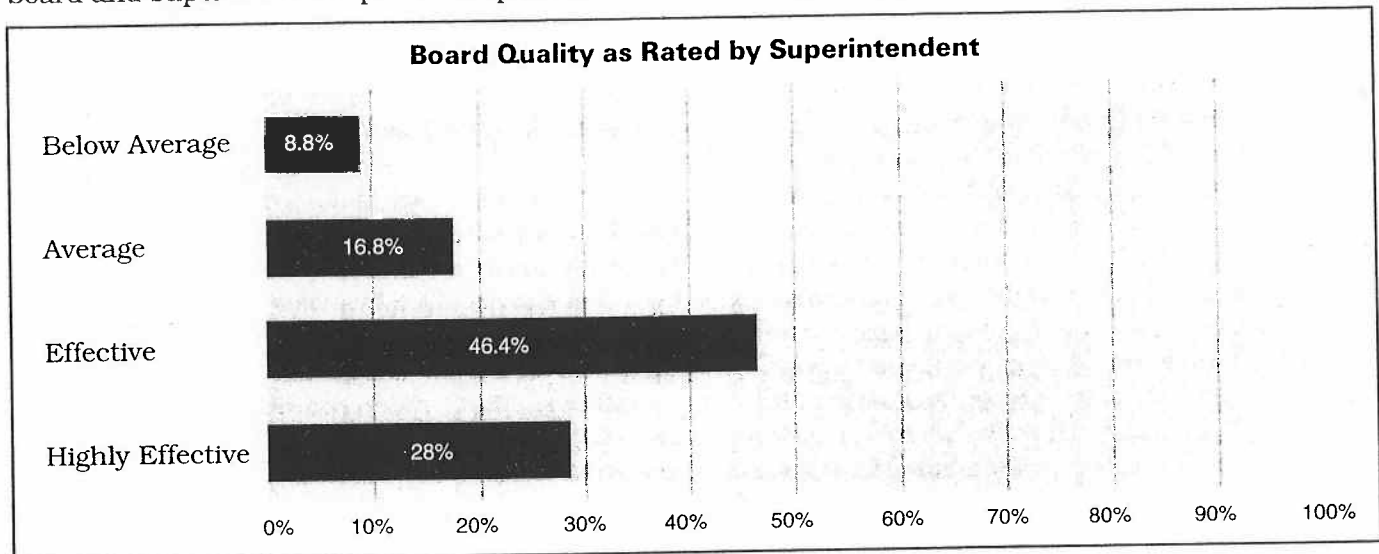
FOR SCHOOL BOARD MEMBERS

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Editor: Jeff Stratton

## School boards passing the quality test

Each year, *Board & Administrator* surveys its readership for board governance and superintendent demographic data. This year's results showed that a very high percentage of superintendents whose boards read *B&A* consider their boards either "effective" or "highly effective." That speaks well of the board and superintendent partnership in the *B&A* readership. *Well done.* ■



## Shoot the messenger or hear her out?

Some board members mistakenly jump all over their superintendent for delivering news about change. But that's her job — to recommend, obtain approval, and then implement change.

Few like change, and it's even harder to swallow when the change comes with a hefty price tag. When the board has had enough, some members dig in their heels.

Because of the pressure to hold down taxes, a school board could veto every proposed change on the basis of cost alone. That's where board members must be able to perform a balancing act and analyze and understand what a proposed change will do for children.

Your job as a board member is to educate yourself about a proposed change and its impact on students, and then make a decision to approve, delay or reject the change on the basis of what it will do for the entire district. ■

## Make your motions airtight

Is your board practiced in the fine art of making a motion, or do one or two members take care of this because too many board members aren't comfortable?

Making a motion is not all that difficult if you prepare in advance. Here are some tips:

- **Draft motions prior to the meeting.** This way, you'll have the wording correct.
- **Seek help from the superintendent.** The administrator will likely carry out the motion once it passes, and he will probably have some suggestions for making the motion clear and concise.

- **Clarify before voting.** Ask the board president to repeat the motion to ensure it is recorded as you intended.

- **Examine minutes once they are approved.** Minutes should be checked closely to ensure motions have been recorded accurately and that nothing has been changed. Remember, the minutes are the official record of the board's actions.

- **Seek assistance from the attorney.** Not all motions are created equal. When the wording of a motion is particularly critical, seek a professional's assistance. ■

## Immunity doesn't cover vote to cancel contract

**Case:** *Grasson v. Town of Orange Bd. of Educ.*, 110 LRP 21933 (D. Conn. 2010).

**Ruling:** A transportation service provider could pursue procedural and substantive due process claims against individual school board members under Section 1983, the U.S. District Court, District of Connecticut ruled. Although board members are generally entitled to legislative immunity for suits under Section 1983, the board's vote to terminate the provider's contract was not a policymaking decision.

**What it means:** Board members are not always entitled to legislative immunity for their actions. Immunity applies in cases where the board's act is legislative, meaning it involves policy-making for a general purpose. The immunity shield is pierced when the board members' act affects an individual rather than a large group of people.

**Summary:** Members of a Connecticut district's board must defend their decision to cancel a transportation provider's contract. The board contracted with the provider to transport children to district schools from July 1, 2004, through June 30, 2009.

The agreement specified that cancellation was only proper if a majority of the board found just cause. The board canceled the contract on Oct. 9, 2007.

The provider sued the board under Section 1983 for violating his due process rights, alleging that the board lacked just cause for its decision. The board members requested dismissal, arguing that they were entitled to legislative immunity. The court noted, however, that actions taken by a board vote are not legislative activity if the decision is directed at a particular individual and does not implicate policy.

"Although [the provider] was not an employee, the cancellation of his contract was akin to a discretionary personnel decision, for which legislators are not entitled to immunity," the court wrote. The court noted that the contract was canceled for reasons seemingly related to the provider's performance; it was not canceled for budgetary reasons and did not affect anyone but the provider himself. Because the board's vote affected one individual rather than the entire community, the court held that vote was not a legislative action. ■

### Why are principals at board meetings?

**Question:** "Our principals attend each board meeting. I'm still not sure what their role is at board meetings.

What's the proper role of a principal at a board meeting?"

**Answer:** The board, along with principals, need to understand that administrators come to the board meeting

as the superintendent's resource, not the board's. Your superintendent is the board's resource.

Because principals so frequently attend board meetings, it can seem like they are a member of the board.

But they are not—they work for the superintendent. ■