



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK
/ ALBANY, NY 12234

TO: P-12 Education Committee
FROM: John B. King, Jr.
SUBJECT: Mandatory School Board Training
DATE: November 5, 2010
AUTHORIZATION(S):

SUMMARY

Issue for Discussion

Should the Board of Regents approve the framework for development of Commissioner's Regulations related to the requirements for training of NYS school board members?

Reason(s) for Consideration

Education Law 2012-a requires implementation of training effective July 2011 based on Commissioner's Regulations.

Procedural History

Amendment to Education Law, Chapter 388 of the Laws of 2010.

Background Information

As the Board of Regents sets forth its reform agenda which calls for all school districts to examine their practices towards the goal of increasing the college and career readiness of our students, the leadership of the district governance team of the school board and the superintendent has never been more critical. School boards have played a critical role in the history of American public schools and they represent our society's firm belief in the importance of local governance. Therefore, a key factor in determining the future direction of local governance will be the extent to which board effectiveness can be demonstrated to enhance and support student achievement. Despite the fact that research on the direct impact of school boards on student achievement is limited, a common body of research notes the characteristics of effective boards in general.

Characteristics of Effective School Boards

According to research on effective school boards and school board members, the following are key characteristics¹:

- Focus on increasing student achievement;
- Focus the appropriate allocation of resources to meet district needs;
- Focus on policy and governing, not managing day-to-day operations;
- Have a clear sense of their roles and respect the boundaries of their position and that of the superintendent;
- Access and use relevant information in data-driven decision making;
- Involve the community in appropriate, meaningful ways and communicate clear information to the community about district policies, educational programs, fiscal condition and progress on goals (Role as liaison between the community and the school district);
- Engage in deliberate discussions by acknowledging board members' expertise as well as community input; and
- Demonstrate the ability to consider alternative actions (not rushing to make a decision before exploring the possibilities).

Similarly, a report from the federally-funded National Consensus Panel on Charter School Operational Quality² identified three key indicators of effective board performance with accompanying metrics:

1. Financial performance and sustainability – including considerations of the annual audit report.
2. Board performance and stewardship – including measures for increased student achievement.
3. Parent and Community Engagement – including student and parent satisfaction surveys.

Increased professional development and training will assist school board members in their efforts to expand their effectiveness and ensure all student learners meet and exceed standardized proficiency levels, graduate on time, and are prepared for post-secondary education or the workforce.

¹ See, for example, *Statement on the Governance Role of a Trustee or Board Member* at http://www.regents.nysed.gov/about/statement_governance.html, *Five Characteristics of an Effective School Board: A Multifaceted Role, Defined* at <http://www.edutopia.org/five-characteristics-effective-school-board>, *The Effective School Board* at <http://www.districtadministration.com/viewarticle.aspx?articleid=683&p=3#0> and *7 Habits of Highly Effective Board Members* at http://www.alabamaschoolboards.org/NewMembers_7Habits.htm

² See <http://www.publiccharters.org/files/publications/A%20Framework%20for%20Operational%20Quality%20May%202009.pdf>

Training of New York State School Board members³

In New York State, new and newly elected Board members are currently required to complete six hours of training in fiscal accountability in accordance with Education Law 2102-a. To support this training and to build further capacity for increasing student achievement in New York State, the Department will promulgate Commissioner's Regulations under new legislation⁴ in the following areas of required training:

- Roles and responsibilities of the school board (including evaluation and goal-setting)
 - Overview of duties
 - setting educational program expectations and assuring results;
 - creating a school district climate and culture that is conducive to learning;
 - employing highly qualified staff;
 - aligning and optimizing resources to ensure academic success; and
 - representing and leading the school community.
 - Responsibility for setting policy
 - Role of the BOE versus role of an individual member
 - BOE's fiduciary responsibility
 - The School District Budget Process
 - Accountability and transparency
 - Conflict Resolution
 - Relationship to the school district superintendent and other staff
 - Superintendent Evaluation Process
 - Hiring and Firing District Employees
 - Introduction to Collective Bargaining
- Powers and Duties of other governing and administrative authorities and their affect on public education
 - Governor
 - Legislature
 - Board of Regents
 - Commissioner of Education
 - The Office of the State Comptroller
 - Boards of Cooperative Educational Services
 - The Superintendent of Schools
 - U.S. Department of Education
- Communication and interaction with the community
 - Establishing the District's Mission, Vision and Goals
 - Responding to Community or Employee Complaints

³ See Attachment A for the training required and/or provided by other states

⁴ Amended Education Law 2102-a - see <http://open.nysenate.gov/legislation/bill/S4658A> for bill language which was signed into law under chapter 388 in August of 2010

- Two-way communications with the Community
- Communicating with the media
- Legal and ethical issues
 - The Legal Authority of a School Board
 - School Board Ethics
 - School Board Meetings, Open Meetings Law
 - Participating in Discussion, Debate, and Voting
 - Commissioner’s Regulations
 - School District and Board Member Liability
 - Discipline and Removal of School Board Members
 - Misfeasance, malfeasance, nonfeasance
 - Nepotism
 - Conflict of interest/Appearance of impropriety
 - Constitutional issues
 - School District Records and FOIL
 - Employment of Instructional Staff
 - Collective Bargaining
 - Student Rights, Risks, and Responsibilities
 - Conducting a Board Self-Assessment
- Educational issues
 - Data-driven decision making to improve operational effectiveness and performance outcomes
 - Understanding and using your NYS school/district report card
 - NYS Accountability System/ identification of schools/districts
 - Attendance Data
 - Financial Reports (ST3, Treasurers Report, Budget Status Reports)
 - Internal Audit Report/External Audit Report/Claims Audit Report
 - Building Condition Surveys
 - Violent and Disruptive Incident Reporting (VADIR)
 - Other Achievement Data (locally determined)

Upon the approval of the Board of Regents, Department staff will work with key stakeholders to develop Commissioner’s Regulations to support these requirements.

Training requirements and provisions from other states

The following summary provides examples of the various approaches that states have taken to increase expectations, effectiveness, capacity, and critical role in increasing student achievement of boards of education.

Georgia

In 2010 Georgia adopted local School Board Governance Standards and a Model Ethics Policy that includes conflict of interest for local school boards to hold school boards accountable and provide guidance⁵. The Standards are comprised of eight major components that encompass the primary elements of governing a local school system. These components are:

- Vision/Philosophy/Goals
- Systematic Improvement
- Organizational Structure
- Board Operations: Policy Development
- Board Operations: Board Meetings
- Board Operations: Personnel
- Board Operations: Financial Management
- Board/Staff/ Community Relations

Further, the Georgia State Board of Education has developed a local School Governance regulation which includes items relating to:

- Eligibility for office
- Size of school board
- Per-diem allowances and expenses for local board members
- Identification of the fundamental roles of board and local superintendent
- Establishment of a code of ethics
- Identification of conflicts of interest
- Possibility of suspension and replacement if a school district loses accreditation due to board action
- Revisions to eligibility requirements for local school superintendents and training standards for board members

Iowa

A research study entitled *The Lighthouse Study*⁶ conducted in September 2000 by the Iowa Association of School Boards (IASB) found that school boards in high-achieving districts are significantly different in their knowledge and beliefs than school boards in low-achieving districts and this difference appears to carry through among

⁵ See Georgia Code § 20-2-230(b) and https://eboard.eboardsolutions.com/meetings/TempFolder/Meetings/LB%20Governance%20Standards%20-%20For%20Posting%2009-07-10_2548942xq5zn550cengwnmyqc0nmfq.pdf

⁶ <http://www.ia-sb.org/BoardOperations.aspx?id=1054>

administrators and teachers throughout the districts. The study noted specifically that school boards in districts with high student achievement:

- Demonstrated a “no excuses” belief system that resulted in high standards for students and an on-going dedication to improvement.
- Were far more knowledgeable about teaching and learning issues, including school improvement goals, curriculum, instruction, assessment and staff development and were able to clearly describe the purposes and processes of school improvement efforts and identify the board's role in supporting those efforts. They could give specific examples of how district goals were being carried out by administrators and teachers.
- Used data and other information on student needs and results to make decisions. The high-achieving boards regularly monitored progress on improvement efforts and modified direction as a result.
- Created a supportive workplace for staff. Boards in high-achieving districts supported regular staff development to help teachers be more effective, supported shared leadership and decision making among staff, and regularly expressed appreciation for staff members.
- Involved their communities. Board members identified how they connect with, and listen to their communities and focused on involving parents in education.

In contrast, in low-achieving districts, board members had limited expectations and often focused on factors that they believed kept students from learning, such as poverty, lack of parental support or societal factors.

As a result of this study, the IASB established board learning standards in 2005, which consist of two major strands: *Foundational Governance Responsibilities* and *Leadership for Improved Student Learning* and are the basis for training for all Iowa school board members.

California

Adopted in 2000, the California School Board Association’s Professional Governance Standards articulate expectations for the individual board member and boards of education as well as expectations for the work of boards of education. In all three areas, maintaining a focus on student learning and achievement is the primary point of focus. Although districts are not obligated to adopt the standards, they are encouraged to do so as the purpose of the standards is “To maximize the public's confidence in local government, local boards of education must govern responsibly and effectively. CSBA Professional Governance Standards are designed to enhance the public's understanding about the critical responsibilities of local boards and to support boards in their efforts to govern effectively”⁷.

⁷ See <http://www.csba.org/Services/Services/GovernanceServices/GovernanceConsulting/Professional%20Governance%20Standards%20Adoption.aspx>.

Further, the California School Boards Association, in providing guidance to school board members, has stated that the role of the board is to be responsive to the values, beliefs and priorities of its community. The board fulfills this role by performing five major responsibilities:

1. Setting the direction for the community's school;
2. Establishing an effective and efficient structure for the school district;
3. Providing support;
4. Ensuring accountability to the public;
5. Acting as community leaders.

Pennsylvania

The Education Policy and Leadership Center in Pennsylvania (EPLC) in its 2004 study of school district governance addressed two issues: improving the effectiveness of school boards and increasing the number of citizens who are motivated and prepared to serve on boards offered the following recommendations⁸.

- School boards will be more effective if board and superintendent responsibilities are more clearly delineated in state law. In brief, boards should be focused on student achievement and exercise their authority through planning, policymaking, monitoring, communicating, and advocating. Superintendents should act and be treated as chief executives and educational leaders of their districts.
- Boards will be more effective if their members are required to have some formal orientation to their work before assuming office.
- Boards will be more effective if their members are required to participate in continuing professional development once seated.
- In order to counter the detrimental effects of rapid turnover of board majorities, terms of office for board members should be increased to six years, with one-third of the members elected every two years.
- State and local officials and other community leaders, including employers, should publicly acknowledge the importance of school board service, encourage more citizens to consider service on school boards and related school district activities, and promote greater citizen awareness of the activities and views of school boards, board members, and candidates. All citizens — as voters, parents, district employees, and neighbors of board members — should support the role of school board members as policymakers for their respective districts, and not expect or encourage any board member to be involved in the day-to-day management of the operation of the district

⁸ Education Policy Leadership Center (EPLC) (2004). *Strengthening the work of school boards in Pennsylvania*. The Education Policy and Leadership Center K–12 Governance Project. <http://www.eplc.org/k12governance.html>

Monitors hold school boards accountable through board-watch volunteers who attend every school board meeting, grading members on good-governance practices and reminding them that the public has high expectations of them.

Alabama

In a unique partnership, the Alabama Association for School Administrators and the Alabama Association of School Boards collaborated on a project⁹ to develop a joint understanding of the roles and responsibilities of school board members and superintendents. The end goal of these roles and responsibilities is to effectively and efficiently promote equitable learning opportunities for all public school students developed the following guidelines for school boards by demonstrating the following:

- To make clear that the board's primary role is the establishment of policies.
- To delegate to the superintendent responsibility for all administrative functions.
- To support the superintendent fully in all decisions that conform to professional standards and board policy.
- To hold the superintendent responsible for the administration of the school system through regular, constructive, written and oral evaluations of the superintendent's work.
- To provide the superintendent with a comprehensive employment contract.
- To give the superintendent the benefit of the board's counsel in matters related to individual board members' expertise, familiarity with the local school system, and community interests.
- To hold all board meetings with the superintendent or his/her designee present.
- To consult with the superintendent on all matters, as they arise, that concern the school system and on which the board may take action.
- To develop a plan for board-superintendent communications.
- To channel communications that required action through the superintendent and to refer all concerns, complaints and other communication to the superintendent.
- To take action upon the recommendation of the superintendent.
- To provide the superintendent with sufficient administrative personnel. Including the area of monitoring teaching and learning.
- To work with the superintendents and the community to develop a vision for the school system.

⁹ See <http://www.alabamaschoolboards.org/RolesandResponsibilities.htm>

- To work closely, where appropriate, with other governmental agencies and bodies.
- To provide resources for and encourage quality board and staff professional development.
- To provide for self-evaluation of the board's effectiveness.
- To periodically review all school board policies.
- To provide leadership to seek necessary funds for the system and to oversee system financial operations to maintain financial accountability.
- To ensure board members understand that, under law, the school board acts as a board and that individual board members have no independent authority.

New Jersey

The 2007 New Jersey *School District Accountability Act* included, among other things, training requirements for board of education members via the New Jersey School Boards Association (NJSBA), in the following areas¹⁰:

- Governance I: New Board Member Orientation (1st full year of board service) which:
 - Explores the responsibilities, boundaries of authority, and mechanisms of school governance.
 - Covers the fundamentals of policymaking, collective bargaining, and evaluating the superintendent.
- Governances II and III: Finance (1st and 2nd full years of board service):
 - All board members in the first or second year of their first term in office must meet the mandate to complete a training program on school district governance and finance.
 - This course is delivered through different modes including a web-based format.
- Governance IV: Legal Update (For reelected/reappointed board members in the first year of any succeeding term or fourth year of board service)
 - Includes information on relevant changes to New Jersey school law.

In addition to these required trainings, NJSBA offers a variety of individual certification programs for board members who wish to take their training to a higher level. These individual certifications include: Certificated Board Member, Master Board Member, and Certified Board Leader.

¹⁰ New Jersey statute N.J.S.A.18A:12-33

Additional Examples of Training Requirements of States

As noted and evidenced above, states vary in their approach to capacity building. To determine the extent of this variation, the National School Boards Association (NSBA) conducted a survey of the state school boards associations in 2008 (updated 2010¹¹) regarding mandated training requirements. Of the 45 responding associations, only 20 states mandate training. For each of those states, the attached chart shows the states that mandate school board member training and the specific training requirements.

State	Who is required to receive the training?	Required topics	Required Frequency
Arkansas	New and Veteran School Board Members	<ul style="list-style-type: none"> Duties and responsibilities of board members School finance 	Newly elected board members have 15 months to acquire 9 hours of training. Incumbent board members must receive 6 hours per year thereafter. The information is part of each district's annual report to its communities.
Delaware	New and Veteran School Board Members	<ul style="list-style-type: none"> Financial Training Training for the Delaware Performance Appraisal System (superintendent evaluation) 	Two mandated training components are one-time requirements for all board members. All other training is voluntary.
Georgia	New and Veteran School Board Members	<p>New board members:</p> <ul style="list-style-type: none"> training in school finance training in Superintendent Evaluation <p>Veteran board members</p> <ul style="list-style-type: none"> no required topics 	New Board Members -- 12 hours within first year; veteran members required to obtain 6 hours per year.
Kentucky	New and Veteran School Board Members	No	Board members with 0-3 years of service are required to receive 12 hours of training a year, 8 of which must be received through the Kentucky School Boards Association. Members with 4 - 7 years of experience are required to receive 8 hours a year (through any source they choose) and members with 8 years of experience or more must receive 4 hours of training a year (through any source they choose).

¹¹ See

<http://www.ecs.org/html/offsite.asp?document=http%3A%2F%2Fwww%2Eensba%2Eorg%2FMainMenu%2FResourceCenter%2FSurveysStudiesandEvaluations%2FMandatedTraining%5F1%5F2%2Easpx>

State	Who is required to receive the training?	Required topics	Required Frequency
Louisiana	New and Veteran School Board Members	<ul style="list-style-type: none"> • Governance, curriculum and trends in education • Open meetings, public records 	6 hours per year for all members
Maine	New and Veteran School Board Members	<ul style="list-style-type: none"> • Freedom of Access laws (the only requirement) 	Two hours of training on the details of the Maine Freedom of Access statues, once during each term of office.
Massachusetts	New School Board Members Only	<ul style="list-style-type: none"> • Leadership, roles and responsibilities • Collective bargaining, finance • Open meeting and public records law • Ethics statues and conflict of interest laws • Collective bargaining 	8 hours delivered by MASC; all state and municipal employees must now take an online assessment on ethics/conflict of interest.
Minnesota	New School Board Members Only	<ul style="list-style-type: none"> • School finance and management 	Training in school finance and management within 180 days of new members taking office.
Mississippi	New and Veteran School Board Members	No	New Board Members --12 hours within the first 6 months of service. Other board members -- 6 hours yearly. Board members in low performing school districts -- additional 6 hours in "Improving Student Outcomes." Board members in districts with financial problems -- additional 6 hours in school finance.
Missouri	New School Board Members Only	<ul style="list-style-type: none"> • Governance roles • Board-superintendent relationship • School law and finance • Goal-setting, policy 	16 hours of instruction for all newly elected or appointed board members within one year of election or appointment.
New Mexico	New and Veteran School Board Members	<ul style="list-style-type: none"> • State public education department rules, policies and procedures • Statutory powers and duties of local school boards • Legal concepts pertaining to public schools, • Finance and budget and other matters deemed relevant by the department. 	Five hours per year. Training levels are either basic or advanced depending on length of service.

State	Who is required to receive the training?	Required topics	Required Frequency
North Carolina	New and Veteran School Board Members	<ul style="list-style-type: none"> • Public school law, finance • Duties/responsibilities of local boards of education. 	12 hours annually
North Dakota	New School Board Members Only	<ul style="list-style-type: none"> • Role of a school board member • Duties of a school board • Education finance 	One day annual training for all members with separate seminars for new and experienced board members.
Oklahoma	New and Veteran School Board Members	<p>For new members:</p> <ul style="list-style-type: none"> • School finance • Open Meeting/Open Records Act • New laws impacting education • Ethics, duties and responsibilities of board members • School employment and due process law • IDEA instruction 	<p>New members - 12 hours within 15 months of election in subjects listed herein, then 15 hours of continuing ed.</p> <p>Veteran and reelected members: 6 hours within 15 months of election in areas listed previously and additional continuing ed of 15 hours.</p>
South Carolina	New School Board Members Only	<ul style="list-style-type: none"> • Roles and responsibilities • Legal issues • Superintendent relations • Policy and procedures • Budgeting • Employee relations 	Six hours for new board members
Tennessee	New and Veteran School Board Members	<ul style="list-style-type: none"> • Board/superintendent relations • Advocacy • Board policy and operations • School finance 	<p>New board members in their first year of service attend a two-day orientation (14 hours) and one core module (7 hours).</p> <p>Veteran and reelected members attend one module annually.</p>
Texas	New and Veteran School Board Members	<ul style="list-style-type: none"> • Education code update after legislative sessions • Team building each year with superintendent • Open Meetings Act 	<p>Team building with superintendent - 3 hours</p> <p>Open Meeting training – 1 hour</p>
Virginia	New and Veteran School Board Members	<ul style="list-style-type: none"> • Personnel Management • Curriculum • Current issues in education 	No specific time requirements