President Alarcon-Flory called the Board Work Session to order at 5:00 p.m.

Board Secretary Lloyd called roll.

**Board Members Present:** Directors: Perla Alarcon-Flory, Dr. Juli Albert, Ron Colling, Taylor Goodvin (5:03 p.m.), Dan Greenwell, Jeremy Saint and Monique Scarlett

**Visitors:** Attorney Drew Bracken (Ahlers Cooney Law Firm)

**Handouts:** Board members were provided 3 handouts in advance of the work session: 1) Memo from Attorney Drew Bracken, 2) Complying with the Open Meetings Law, and 3) School Board Powers and Duties.

**President Alarcon-Flory** – Stated the Board has some work to do “together”.

Board members engaged in a group activity where they were asked to write down 2 items about themselves that were “true” and 1 item that was “false”. Board members engaged in trying to figure out which item was false for each member.

President Alarcon-Flory asked Board members to share why they ran for School Board and what has been their biggest surprise since becoming a Board member.

**Attorney Drew Bracken:**
- How can he help the Board be as effective as possible from a legal landscape?
- He works primarily with K-12 education institutions.
- The Board is running the biggest business in this town.

**NOTE:** Director Greenwell momentarily left the room from 5:38 p.m. – 6:03 p.m.
1. Legal Environment for the School Board as the “Governing Body” of a public school district.

- Iowa Code section 274.1: “Each school district shall continue a body politic as a school corporation, unless changed as provided by law, and as such may sue and be sued, hold property, and exercise all the powers granted by law, and shall have exclusive jurisdiction in all school matters over the territory therein contained.”
- Iowa Code Section 274.7: “The affairs of each school corporation shall be conducted by a board of directors, the members of which in all community or independent school districts shall be chosen for a term of four years.”
- Dillon’s Rule (as modified by Iowa Code section 274.3(1)): The board of directors of a school district shall operate, control, and supervise all public schools located within its district boundaries and may exercise any broad and implied power, not inconsistent with the laws of the general assembly and administrative rules adopted by state agencies pursuant thereto, related to the operation, control, and supervision of those public schools.
- Common law fiduciary duties as a corporate officer
  - Duty of Care; Duty of Loyalty; Duty of Good Faith
  - Business Judgment Rule

2. Conflicts of Interest for Board members

- Iowa Code Section 279.7A - Interest in public contracts prohibited
  - $6,000 per fiscal year exception
  - Certain employment and competitive bid exceptions
- Iowa Code Section 68B.2A - Prohibited outside employment and activities -conflicts of interest:
  - Using public office and resources to unfairly gain outside employment;
  - Obtaining outside compensation for performing official duties;
  - Outside employment that is subject to official regulation of the person.
- Iowa Code Section 68B.22 - gifts accepted or received:
  - Public official, public employee, or candidate, or that person's immediate family member shall not solicit and shall not, directly or indirectly, accept or receive any gift or series of gifts from a restricted donor.
  - Exceptions - $3.00 per donor per day
3. Role(s) of Board Members

- Role in setting public policy – Legislating
  - Iowa Code Section 274.7 - affairs of district managed by board;
  - Iowa Code Section 279.8 - board makes rules for governance;
  - Iowa Code Section 279.11 - board determines number of schools, building attendance areas, and school days;
  - Iowa Code Section 279.29 - board audits claims and allows claims;
  - Iowa Code Section 280.3 - board sets educational program and attendance policy.
- Board Policies
- Role as Adjudicator requiring impartiality
  - Iowa Code Sections 279.15-19 and 279.23-25 termination process for teachers and administrators
  - Iowa Code Section 282.3-.4 - exclusion/expulsion of students
- Role as Negotiator
  - Iowa Code Chapter 20
  - Buying or selling real estate
  - Other business contracts
- Role as plaintiff or defendant in litigation
  - Defense of officials (Iowa Code Sections 670.8, .12)
  - Communications regarding litigation

4. Iowa Sunshine Laws affecting elected officials.
- Iowa Open Meetings Act: Iowa Code Chapter 21
  - Posted agendas for meetings
  - Open sessions, closed sessions, and exempt sessions
  - Confidentiality of closed and exempt sessions
- Iowa Public Records Act: Iowa Code Chapter 22
  - Right to access and copy public records
  - Confidential public records

5. Corporate Communications
- External communications: Who Speaks for the Board and/or the District
- Internal communications: Superintendent, Staff, parents and students
- Attorney communications and confidentiality
6. Chain of command
   - Effective means of operating the organization
   - The hourglass with the Superintendent as the center of the hourglass

The Board took a 5-minute break

Attachment A

COMPLYING WITH THE OPEN MEETINGS LAW

1. NOTICE OF BOARD MEETINGS AND NOTICE OF THE AGENDA.

   Iowa Code Section 21.4 requires a governmental body to give notice of each meeting and notice of its tentative agenda for the meeting at least 24 hours in advance. Under very limited circumstances, a board can consider and act upon an item which is not on the agenda. *KCOB/KLVN v. Jasper County Board of Supervisors*, 473 N.W. 2d 171 (Iowa 1991 (Boards can consider emergency items on less than 24 hours notice). Boards may discuss items not listed on the agenda but should refrain from taking action on any matter which is not on the agenda.

2. ALL COMMITTEES OF THE BOARD, INCLUDING ADVISORY COMMITTEES, ARE SUBJECT TO THE OPEN MEETINGS LAW, AND MUST COMPLY WITH ALL REQUIREMENTS OF THE LAW.

   School Districts must remember that a committee of the board is subject to the requirements of the law even if it is only an advisory committee. The Open Meetings law was amended several years ago to provide that a committee created by the board or by statute to develop and make recommendations on public policy issues is a governmental body. A committee appointed under Iowa Code Section 280.12(2) to advise the board regarding goals and plans of the school district is an example of a statutorily created committee of the board. Committees must comply with all of the same requirements of the Open Meetings Law as the board itself. However, the requirement in Iowa Code Section 279.35 that proceedings of regular and special board meetings must be published does not apply to meetings of committees.
3. OPEN MEETINGS AND CLOSED SESSIONS

   A. Open Meetings are the rule. There are “exceptions” to and “exemptions” from the rule that boards meet and act in open session.

   B. Most commonly used exceptions

      1. To review records required or permitted to be kept confidential.
      2. To discuss strategy with counsel in matters in litigation.
      3. To conduct student suspension or expulsion hearings.
      4. To evaluate professional competency of individual whose appointment, hiring, performance or discharge is under consideration when necessary to prevent needless and irreparable injury to reputation and individual requests closed session.

   C. The common exemptions

      2. To discuss strategy in employment conditions for non-bargaining employees.
      3. Private hearings for teacher terminations.

4. PROVIDE NOTICE IN THE AGENDA THAT A CLOSED SESSION WILL BE HELD.

   A. Notice should be included in agenda for closed session held pursuant to an exception. Notice is not required for closed session held pursuant to an exemption.

   B. What to do if need for closed session is not known in advance of meeting.

5. THE VOTE FOR A CLOSED SESSION REQUIRES REFERENCE TO A SPECIFIC EXCEPTION.

   A. Reference should include number and text of exception.

   B. Reference should not include name of any individuals who may be subject of meeting.

   C. Use multiple references if they apply.

6. SPECIAL VOTING RULES APPLY TO A CLOSED SESSION.

   A. Affirmative vote of either:

      1. Two-thirds of members of body (regardless of whether members are in attendance) (5/7)
         or
      2. All members present at meeting.

   B. Vote of each member must be publicly announced and entered into minutes.
C. What to do if vote fails.

7. BOTH A TAPE RECORDING AND WRITTEN MINUTES MUST BE PREPARED FOR EVERY CLOSED SESSION WHICH IS NOT EXEMPT.
   A. Tape recording.
   B. Detailed minutes: discussion, persons present, actions occurring.
   C. Sealing the minutes and tape recording.
   D. Examination and discovery of the minutes and tape recording.

8. THE BOARD MAY INVITE INTO A CLOSED SESSION ANY INDIVIDUAL WHO HAS A LEGITIMATE INTEREST IN THE SUBJECT OF THE CLOSED SESSION. THE BOARD MAY EXCLUDE ANY INDIVIDUAL, EXCEPT ONE OF ITS OWN MEMBERS, FROM A CLOSED SESSION.
   A. All board members may be present.
   B. Board secretary may be present but may be excluded. If excluded, Board member or other person must keep minutes.
   C. Administrators, staff, legal counsel, and others at invitation of the Board may be present or may be excluded at discretion of Board.

9. DISCUSSION AT A CLOSED SESSION MUST BE LIMITED TO THE SUBJECT OF THE CLOSED SESSION. THE BOARD PRESIDENT SHOULD BE RESPONSIBLE FOR LIMITING THE DISCUSSION TO THE CLOSED SESSION SUBJECT.
   A. Discussion must be limited to purpose of closed session.
   B. Role of Board President and legal counsel.
   C. Discussion can include vote on matters as long as no final action is taken, e.g. negotiating a settlement offer.
   D. Final action must be taken in open session.

10. “ILLEGAL” MEETINGS
    A. Enforcement proceedings may be brought by Iowa Public Information Board or by any person filing an action in District Court.
B. Penalty for violation is a fine of not more than $500 and not less than $100. Knowing participation in such violations increases the potential liability to a minimum penalty of $1,000 and a maximum penalty of $2,500.

C. Removal from Office. The Code also provides that a court finding a violation of the law: “Shall issue an order removing a member of a governmental body from office if that member has engaged in a prior violation of this chapter for which damages were assessed against the member during the member's term.”

D. Defenses:
   1. Voted against closed session.
   2. Had good reason to believe and in good faith believed facts which, if true, would have indicated compliance with law.
   3. Relied upon a decision of a court, a formal opinion of the Iowa public information board, the attorney general or the attorney for the government body, given in writing, or as memorialized in the minutes of the meeting at which a formal oral opinion was given, or an advisory opinion of the Iowa public information board, the attorney general, or the attorney for the government body given in writing.

Attachment B

GIFTS TO BOARD MEMBERS

Board members may receive a gift on behalf of the District, but should be careful not to accept personal gifts from restricted donors. Board members shall not, either directly or indirectly, solicit, accept, or receive a gift, series of gifts, or an honorarium unless the donor does not meet the definition of "restricted donor" stated below or the gift does not meet the definition of gift or honorarium set forth in Chapter 68B of the Code of Iowa.

A "restricted donor" is defined as a person or other entity which:

1. Is seeking to be or is a party to any one or any combination of sales, purchases, leases, or contracts to, from, or with the District;
2. Will be directly and substantially affected financially by the performance or nonperformance of the board Member's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region; or
3. Is the subject of or party to a matter pending before the board.
4. Is a lobbyist or a client of a lobbyist with respect to matters within the District’s jurisdiction.

A "gift" is the giving of anything of value in return for which something of equal or greater value is not given or received except a “gift” that is permitted by Chapter 68B of the Code of Iowa. For example, a "gift" does not include:

1. Contributions to a candidate or a candidate’s committee;
2. Information material relevant to a board Member’s official function, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, or visual format;
3. Anything available or distributed to the general public free of charge without regard to the official status of the board recipient;
4. Actual expenses of a board member for food, beverages, travel, and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the board member has participation or presentation responsibilities;
5. Items of negligible resale value given as recognition for public service;

An "honorarium" is anything of value that is accepted by, or on behalf of, a board member as consideration for an appearance, speech, or article. An honorarium does not include any of the following:

- Expenses of a board member for registration, food, beverages, travel, or lodging for a meeting, which is given in return for participation in a panel or speaking engagement at a meeting when the expenses relate directly to the day or days on which the board member has participation or presentation responsibilities;
- A non-monetary gift or series of non-monetary gifts donated within thirty days to a public body, an educational or charitable organization, or the department of general services; or
- A payment made to a board member for services rendered as part of a private business, trade, or profession in which the board member is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person’s status as a board member but, rather, because of some special expertise or other qualification. It shall be the responsibility of each board member to know when it is appropriate to accept or reject gifts or honorariums.
SCHOOL BOARD POWERS AND DUTIES

Board of Education

A school board operates as a corporate board of directors. Board members are locally elected, non-salaried, public officials. Individual members acting independently have no legal status or authority to issue orders, and cannot commit or bind the board by their actions. The powers and duties of the board must be exercised by the board as a whole.

As a corporate board of directors, the board may conduct business only with a quorum present during a regular or special meeting. A majority of the board is required to be present to constitute a quorum for the meeting (Iowa Code section 279.4). The board takes official action only in public session unless the Iowa Code expressly permits action in closed session. The board meets in closed session only for the purposes and in accordance with the procedure set forth in Iowa Open Meetings Act (Iowa Code Chapter 21).

A board is responsible for the broader planning, policymaking and appraisal of the school system (see Responsibility below), for approval or action upon matters required by law, and for hiring, supervision and evaluating of the superintendent. Day-to-day management of the school system, and implementation of board policy and board directives is the responsibility of the superintendent as chief executive officer of the corporation. The board grants authority to the superintendent to carry out his or her responsibilities.

An effective board: has specific goals for the year; has adequate information upon which to base its decisions; has focused meeting agendas; has policies which it follows until revised or repealed; has committee assignments; has timelines for regular board responsibilities; and has regular self-assessment.

Under Iowa law, the school board has the authority to take various actions, including the following:

- Determine major educational needs and develop plans to meet these needs (Iowa Department of Education Rules Chapter 12).
- Fix the time and place of regular and special meetings (Iowa Code sections 279.1-2).
- Fill by appointment board vacancies occurring between elections (Iowa Code section 279.6).
- Employ a superintendent (Iowa Code section 279.20), teachers (Iowa Code section 279.12), principals (Iowa Code section 279.21), other licensed professional personnel and other personnel, and determine their salaries.
- Act on recommendations to terminate the contract or immediately discharge any employee subject to the provisions of any applicable law (Iowa Code sections 279.15-19A; 279.23-25; (Iowa Code section 279.27).
- Develop and adopt board policies governing all school district operations.
- Become members of the Iowa Association of School Boards and pay dues to the association (Iowa Code section 279.38).
- Use funds received through gifts, devises and bequests in the general or schoolhouse fund, unless limited by the terms of the grant (Iowa Code section 279.42).
- Employ legal counsel and bear the costs of litigation (Iowa Code section 279.37).
- Allow all just claims against the school corporation (Iowa Code section 279.29).
- Insure against loss of property (Iowa Code section 279.28).
- Appoint a secretary and a treasurer (Iowa Code section 279.3).
- Require bonds for individuals having custody of corporation funds or funds from extracurricular activities or other sources and pay premiums from the general fund (Iowa Code section 279.8).
- Determine attendance centers for the district and the particular school each child will attend (Iowa Code section 279.11).
- Provide transportation services (Iowa Code Chapter 285).
- Acquire, hold, convey, lease, rent and manage property, real and personal (Chapter 297).
- Incur indebtedness when authorized by the voters of the school corporation (Iowa Code section 296.1).
- Make rules for its own government (Iowa Code section 279.8).
- Maintain adequate administration, school staffing, personnel assignment policies, teacher qualifications, licensing requirements, facilities, equipment, grounds, graduation requirements, instructional requirements, instructional materials, maintenance procedures and policies on extracurricular activities (Iowa Code section 280.14).
- Expel a student from school for violation of the rules established by the board or when the presence of a student is detrimental to the best interests of the school (Iowa Code section 282.4).
- Maintain attendance centers based upon the needs of the school-age pupils, and may include in the educational program additional courses, subjects, or activities which fit the needs of the pupils (Iowa Code sections 280.3, 297.1).

Responsibility: Four Key Roles

The school board provides shared vision, structure, accountability and advocacy for the community’s educational system. The board keeps before the public the need of all students to become participating and productive citizens, and promotes the importance of public education for a free nation, its people, its economy and its continued leadership in the world.

These four areas of vision, structure, accountability and advocacy, described below, provide the foundation for the decisions and day to day operations of the board.
Vision: The board creates a shared vision of the community’s educational system. The Board - on behalf of and with extensive participation by the community - envisions the community’s education future and then formulates the goals, defines the outcomes and sets the course for its public schools within the larger context of a nation that celebrates its freedoms; its racial, ethnic and religious diversity; and its commitment to education excellence and equity for all children. Pivotal to this process is having clear student achievement goals. The board:
- keeps students as the focus of the work of schools.
- engages the community in defining a shared vision to guide local education.
- demonstrates its strong commitment to the shared vision and mission by using them to guide decision making and communicating them to others.

Structure: The board applies the shared vision by providing structure for the community’s educational system. To achieve its vision, the board establishes a structure and creates an environment designed to ensure all students the opportunity to attain their maximum potential through a sound organizational framework.

It begins by employing a superintendent, adopting missions and goals in harmony with its vision through a strategic planning process, developing and approving policies, formulating budgets and setting high instructional standards for students and staff. The board acknowledges schools alone can’t meet every need and so collaborates with families, community organizations and other public and private agencies for the benefit of students and of the community in which they live. The board knows that education is not static, so it nurtures a climate conducive to change. The board:
- employs a superintendent and establishes a district management system which enables all people to contribute meaningfully to achieve the vision.
- establishes district processes to use information and make effective decisions.
- ensures that long- and short-term plans are developed and annually revised through a process involving extensive participation, information gathering, research and reflection.
- makes decisions which support student learning and school renewal when it reviews and adopts policies and allocates resources.
- sets high instructional standards based upon the best available information of the knowledge and skills students will need in the future.
- encourages an environment conducive to innovative approaches to teaching and learning and supportive of continuous renewal of education.

Accountability: The board determines that the district is actually moving toward the shared vision. Because the board is accountable to the local community, it causes the continuous assessment of all conditions affecting education. Thus, it fosters the highest possible performance by schools and students
through such means as monitoring student achievement, placing program corrections into effect as necessary, keeping the public informed of the status of education programs and progress, ensuring that all functions of schools as institutions of teaching and learning fit together harmoniously, providing appropriate staff and board training opportunities, and otherwise fulfilling all governance responsibilities as required by state and federal law.

This keeps the primary focus of schools on student achievement and ensures that everything in schools works in concert to improve that achievement. The board:
- receives regular reports on student progress and student needs based on a variety of assessments in order to evaluate the quality and equity of education in the district.
- evaluates both superintendent and board performance.
- evaluates progress toward achievement of district long- and short-term goals and ensures that policies and allocation of resources effectively support district vision.
- periodically reports district progress to the community and parents.

**Advocacy:** *The board is the chief advocate of the district’s vision in the community.* The board serves as education’s key advocate on behalf of students and their schools in the community in order to advance the community’s vision for its schools, pursue its goals, encourage progress and energize systemic change. The board:
- seeks others who can help expand educational opportunities and meet the needs of the whole child.
- advocates for children and families and establishes strong relationships with parents and other mentors to help support students.
- leads in celebrating the achievements of students and others in education.
- promotes school board service as a meaningful way to make long-term contributions to society.

**Traits of Effective Board Members**

To achieve the responsibilities of the board, school board members must have a number of traits in common. Effective board members have a commitment to the children of the district and must possess a conviction of the importance of public education. Board members make decisions based on the interest of the community as a whole without fear or favor. They must be committed to fulfilling their responsibilities in the areas of vision, structure, accountability and advocacy.

They must also have the ability and willingness to make decisions and must have a commitment to the democratic process. Members strive to provide a fair and supportive environment for all patrons, students and employees regardless of their gender, race, national origin, ethnicity, religion, creed, age, marital status or disability.
In addition, an effective board member must have time and energy to devote to the work of the board, the ability to accept the will of the majority, respect for education as a profession, and the ability to communicate well with others. An effective board member makes every attempt to attend all board meetings and prepares for the meetings by reading and analyzing the agenda and support information. Effective board members resist springing surprises at board meetings, abide by board policies and rules, and hold off making personal decisions until all the evidence is in and board discussion is over.

An effective board member listens and observes matters in the schools and brought to the attention of the board member by parents and other constituents. The board member refrains from stating premature opinions and takes positions on matters brought to the member’s attention only after all of the relevant facts can be gathered. The member works through established channels and brings unresolved issues before the board either through the Superintendent or at properly called meetings of the board. A member does not privately intervene in decisions at school sites on behalf of others.

A member holds in confidence all confidential matters involving the School District until such time as there has been general public disclosure. Staff evaluation and performance matters should always remain confidential. A board member shall not disclose any details of the discussion held in any properly closed session of the board.

Board members observe federal and state laws and regulations relevant to education and the schools.

Each board member will avoid conflicts of interest and appearances of conflict. (See Conflicts of Interest, Gifts to Board Members and Chapter 68 of the Iowa Code.) It is the responsibility of each board member to be aware of potential conflicts of this nature and to take the action necessary to eliminate such a conflict of interest should it arise.

Members of the board who have or may have an indirect interest in any matter pending before the board because of the member’s relationship to the recipient as, for example, a client or customer of the board member, should consider whether the interest creates a conflict which should be disclosed to the board and whether the board member should abstain from discussion or action taken because of the relationship.

An effective board member strives to foster unity and harmony among the board, and differentiates between problems which require board action and those which should be solved by administration. Each board member recognizes and respects the integrity of predecessors and associates and the merit of their work. Each member refrains from making disparaging remarks, in or out of the board meeting, about other members of the board, about their opinions or about the staff of the school district. Remarks, inferences, insinuations, and innuendoes which reflect adversely upon the character or motives of any person are out of order. The board member supports the superintendent’s authority, shares responsibility for board
decisions, accepts and evaluates criticism and advice objectively, avoids personality conflicts and strives to improve personal boardsmanship qualities. Effective board members understand their role as a member of the team that includes not only the board members, but administrators and others.

The board may use committees to advise the board on a specific task or issue. Committees develop a broad base of community involvement and use the talents of citizens with special interests and ability. When the committee’s final report is submitted to the board, its function is complete and the committee is dissolved. However, the school board is the legal body governing the school district and it cannot delegate its authority. No committee developed by the board can deprive the board of its legal authority.

Each member recognizes that the Superintendent is the chief executive officer of the District. Each member grants the Superintendent power commensurate with his/her responsibility and does not interfere with, or seek to undermine, his/her authority. Toward that goal each member will refer complaints to the proper administrative officer designated by the board or Superintendent, present any personal criticism of employees to the Superintendent (or request the President to take up such matters at an appropriate meeting of the board), and generally obtain information and discuss issues with and solicit solutions and recommendations from the Superintendent or administrative officers designated by the Superintendent or by the board.

**Role of the Board President**

The president is elected by the members of the board during the organizational meeting. The president is entitled to vote on all issues (Iowa Code section 279.1).

The Code sets forth the legal duties of the president: The president of the board of directors shall preside at all of its meetings, sign all warrants and drafts, respectively, drawn upon the county treasurer for money apportioned and taxes collected and belonging to the school corporation, and all orders on the treasurer drawn as provided by law, sign all contracts made by the board, and appear on behalf of the corporation in all actions brought by or against it, unless individually a party, in which case this duty shall be performed by the secretary. (Iowa Code section 291.1)

The board president normally participates in creating and reviewing the agenda with the superintendent prior to each meeting of the board.
**Board Secretary**

The secretary of the board is appointed each year at a regular or special meeting held in July or August, prior to or on Aug. 15. The secretary cannot be a teacher employed by the board but may be another employee of the district (Iowa Code section 279.3). The duties of the secretary depend on the local school district’s job description of the position but are to include (Iowa Code section 291.6):

*Preservation of Records:* File and preserve copies of all reports made and all papers transmitted pertaining to the business of the corporation.

*Minutes:* Keep a complete record of all proceedings of the meetings of the board and of all regular or special elections in the corporation in separate books.

*Account with Treasurer:* Keep an accurate, separate account of each fund with the treasurer. Charge the treasurer with all warrants and drafts drawn in the treasurer’s favor and credit the treasurer with all orders drawn on each fund.

*Claims:* Keep an accurate account of all expenses incurred by the corporation, and present the same to the board for audit and payment.

The secretary shall file monthly, with the board of directors, a complete statement of all receipts and disbursements from the various funds during the preceding month, and also the balance remaining on hand in the various funds at the close of the period covered by said statement, which monthly statements shall be open to public inspection (Iowa Code section 291.7). The corporation’s books are open to inspection at any time (Iowa Code section 291.14).

**Treasurer**

The treasurer shall receive all moneys belonging to the corporation, pay the same out only upon the order of the president countersigned by the secretary, keeping an accurate account of all receipts and expenditures in a book provided for that purpose. The treasurer shall register all orders drawn and reported by the secretary, showing the number, date, to whom drawn, the fund upon which drawn, the purpose and amount (Iowa Code section 291.12). The secretary and treasurer may be one person.
School Attorney

Since much of the action taken by Boards is governed by federal and state law, school Boards often need legal advice and service. A school district may request legal interpretations and opinions of the law from the county attorney at no charge (Iowa Code section 331.75647) or may employ private legal counsel (Iowa Code section 279.37). A school district may retain legal counsel whether or not a specific action is pending.

Without prior board approval, or other policy, access to legal counsel is granted to board presidents, superintendents and board secretaries.

Superintendent

The superintendent is the chief executive officer of the school district. Although the superintendent cannot vote on any issue, it is essential that the superintendent, as chief executive officer, be present at all board meetings, including closed sessions, except when excused for a particular reason, such as when the superintendent is being evaluated by the board.

The school board is directly responsible for hiring and evaluating the superintendent. It is by employing the superintendent that the board works to establish a district management system which enables all people to contribute meaningfully to achieve the district’s vision. The board encourages and empowers the superintendent to lead the district toward its vision and to involve all staff in that leadership. Section 279.20 of the Code states that “the superintendent shall be the executive officer of the board and have such powers and duties (that) may be prescribed by the rules adopted by the board or by law.” The board has the authority to employ the superintendent for a contract of up to three years.

The Superintendent, as chief executive officer, has three important roles: chief advisor to the board; chief executive officer of the school district; and educational leader within the district, community and state.

Chief Advisor

The superintendent is the Board’s main consultant and advisor on all matters concerning the school district. The superintendent is expected to contribute to the Board’s deliberations by furnishing reports, information and recommendations, both upon request of the board and upon self-directed initiative. The chief advisor has the responsibility to keep board members thoroughly informed about the educational conditions of the district, problems ahead and alternative forms of action to deal with the problems. The recommendation process used by the superintendent is more than simply conveying personal preferences to the board. When action is needed by the board, the superintendent should clarify the issue by stating the problem and identifying the contributing factors. Alternative solutions should be presented, complete with the educational and financial implications of each. Finally, clear and specific recommendations should be made, based on professional judgment, as to which alternative is preferable.
The superintendent should be present during all board meetings, with the possible exception of discussion of the superintendent’s evaluation. There may be an emergency situation that makes the superintendent’s presence impossible, but the board should not intentionally schedule meetings without the superintendent. The superintendent also orients new school board members to their newly elected position. This program should be designed to provide them with essential background information needed to assist the members in making sound decisions dealing with the matters of the district.

A partial list of the superintendent’s duties and functions as the Board’s chief advisor includes:

1. Develop and recommend personnel policies necessary for efficient functioning of the school staff.
2. Provide information to the school board on vital matters pertaining to the school system.
3. Prepare and submit to the board a preliminary budget.
4. Recommend all candidates for employment. (The board may reject specific candidates recommended, but all personnel should be employed upon the superintendent’s recommendation.)
5. Submit an annual report of the operation of the school system to the board.

**Chief Executive Officer**

Once a policy decision has been established by the board it becomes the responsibility of the superintendent and the staff to execute those decisions. The board should be involved very little in the daily operations of the school district. The administration should implement board policies via rules and regulations. The administration should handle individual concerns regarding school operations in most cases.

As chief executive officer of the district, the superintendent sets the tone for the entire system. The superintendent’s job is to:

1. Carry out policies, rules, and regulations established by the board. (In matters not specifically covered by board policies the superintendent should take appropriate action and report the action to the board not later than the next board meeting.)
2. Prepare regulations and instruct school employees as may be necessary to make the policies of the board effective.
3. Direct all purchases and expenditures in accordance with the policies of the board.
4. Formulate and administer a program of supervision of the schools.
5. Develop a program of maintenance and improvement or expansion of buildings, site facilities and equipment.

**Educational Leader**

The superintendent works not only with other professional educators in the district but with regional, state and national professional educators, organizations and agencies. This role places the superintendent in direct contact with the area education agency, the Department of Education, IASB and the state legislature in attempting to formulate laws, policies and programs that will assist in meeting the needs of the district’s students and public education in general.
The superintendent is called upon to keep the public informed about the activities, achievements, needs and directions of the school system. The superintendent should exercise a leadership role with the board by keeping it informed of new trends in education and their implications. Board members should be kept informed about the school’s performance in comparison with other schools, and any deficiencies that may appear.

Communication and cooperation with district staff is essential to the superintendent’s effective leadership in the district. Without the support and understanding of the employees, goals and objectives cannot be achieved.

School Boards are required to establish written evaluation criteria for school administrators, and written job descriptions for all supervisory positions. Boards are required to annually develop and implement evaluation procedures. The board must develop a list of expectations or objectives that are mutually developed with the board and superintendent. The expectations reflect the district goal-setting process. They provide a basis for a results-oriented, written evaluation system. The procedure should point out the superintendent’s strengths and weaknesses as observed by the board while carrying out the duties and responsibilities of the position. The results of the evaluation along with any recommendations for improvement should be discussed with the superintendent.

The Board Work Session ended at 7:57 p.m.