

**Working Together Effectively: The  
Role of the Board and the Role of  
the Superintendent under Law,  
Policy and Contract.**

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Andrea White

SC Code  
Section 59-  
19-90  
“General  
Powers and  
Duties”

- Provide schoolhouses
  - Employ and discharge teachers
  - Promulgate rules and regulations
  - Call meetings of electors for consultation
  - Control school property
  - Visit schools
  - Control educational interests of district
  - Charge matriculation and incidental fees
  - Transfer and assign pupils
  - Prescribe conditions and charges for attendance
  - Provide school-age child care program or facilities therefor
  - Establish the annual calendar
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# What is my role as a Trustee?

## **Superintendent**

- Serves as the “CEO” - top executive
- Implements Board policies
- Manages day-to-day operations of the District
- Hires, supervises, and manages staff

## **Board**

- Sets the vision and goals for the District
- Develops policies
- Holds the Superintendent accountable
- Votes on Superintendent’s recommendations
- Serves as a quasi-judicial body

# Board of Trustees

- The Board of Trustees has the following functions:
  - Legislative/Polycymaking – Review and adoption of policy
  - Quasi-judicial – Hear certain appeals of employees and students
  - Operational Action – Conduct meetings and adhere to state laws and DOE regulations and directives
  - Financial Resources – Adopt the budget and amend as necessary

**All powers of the Board of Trustees lie in its action as a group**

# Meetings

## Board

1. All duties imposed upon the Board are executed at a lawfully-called meeting.
2. The Board establishes, through policy, its guidelines for meetings.
3. The Board Officer(s), in consultation with the Superintendent, develop the meeting agenda.
4. There should be a process in place for other Trustees to have input into the agenda
5. Board members should receive their agenda materials in adequate time for study before Board meetings.

# Personnel

## Board

1. Employs certified staff members based on the recommendation of the Superintendent
2. Conducts hearings on Superintendent's recommendation to terminate certified staff
3. May hear employee grievances (discretionary)
4. Promotes good working relations with staff through the District's chain of command
5. Conducts an annual evaluation of the Superintendent

# Community Relations

## Board

1. Serves as a liaison between the District and the community
2. Actively participates in activities that build good community relations
3. Appoints committees when necessary and outlines their responsibilities
4. Looks to the District's spokesperson(s) to communicate with the news media
5. Channels complaints or grievances from constituents through the appropriate channels

# Superintendent

- The Superintendent's responsibilities include:
  - Implementation of the policies adopted by the Board;
  - Recommend certified and non-certified employees for hire;
  - Recommend certified employees for termination where necessary;
  - Terminate non-certified employees where necessary;
  - Keep the Board and public informed regarding the District's activities and accomplishments.

**The Superintendent is responsible for the day-to-day operations of the District.**

# Meetings

## Superintendent

1. Participates in all public and executive sessions of Board meetings, except where her contract provides otherwise
2. Assures compliance with legal requirements regarding Board meetings
3. Identifies topics which the Board should address at meetings
4. Prior to meetings, provides Board members with sufficient information for decision making
5. Implements Board decisions from meetings

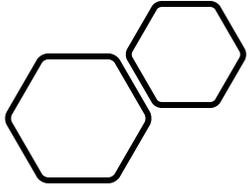
# Personnel

## Superintendent

1. Recommends employment of certified and support staff.
2. Recommend termination of certified employees when necessary.
3. Terminates support staff when necessary
4. Responsible for supervising all employees of the District.
5. Serves as the Board's liaison with staff.
6. Develops a plan for evaluating the performance of District personnel.
7. Delegates authority to staff members as appropriate.



# Board Meetings



# Meeting Goals

01

Sticking to the agenda

02

Allowing each Trustee an opportunity to speak

03

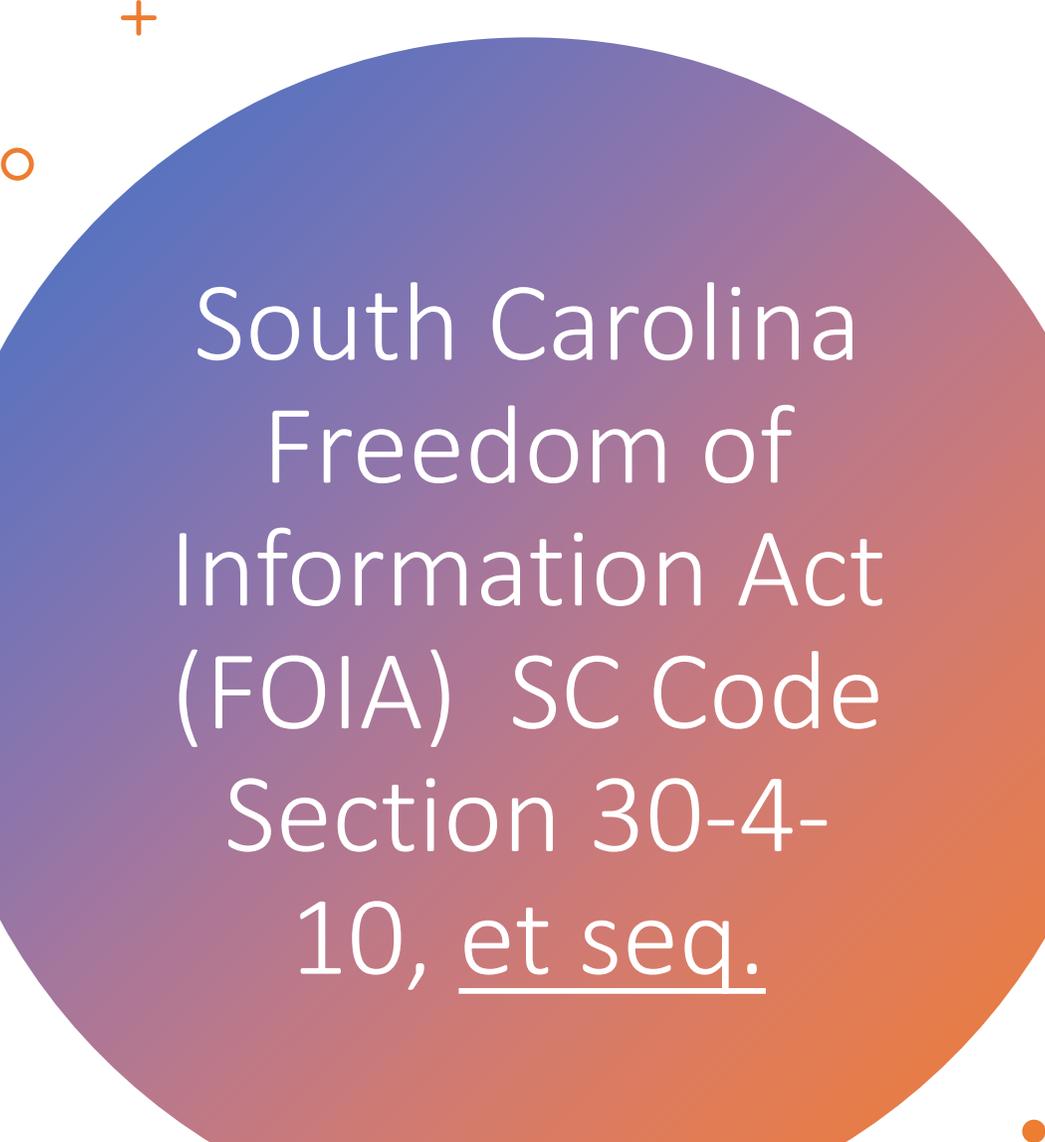
Providing public participation

04

Conducting legal votes

05

Limiting executive sessions to maintain trust within the community



South Carolina  
Freedom of  
Information Act  
(FOIA) SC Code  
Section 30-4-  
10, et seq.

FOIA has two distinct purposes:

1. Requires public bodies to operate in the sunshine
- and**
2. Allows media and citizens to obtain copies of public records



# Common FOIA questions

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- What is a “public body” under FOIA?
- What is the definition of a meeting under FOIA?
- Are we required to have an agenda and how specific must it be?
- What is considered a “public record” for purposes of FOIA?
- Are my texts/emails considered public records even if I am using my personal electronic device?
- What is the penalty for a FOIA violation?
- Does the District have any recourse for burdensome and repetitive FOIA requests?

# SC FOIA Agenda Requirements

Meeting notice **with agenda**  
must be posted at least 24  
hours in advance

May be amended up until the 24-  
hour deadline

At the meeting, discussion items  
can only be amended with a 2/3  
vote

At the meeting, final action items  
can be amended with a 2/3 vote  
and a finding of an ***emergency  
circumstance***

# SC FOIA Executive Session Rules

- Prior to going into executive session, the Board must state the specific reason, which can **only** fall under one of the following:
  - Personnel or student matters;
  - Contract negotiations;
  - Legal matters related to a pending, threatened, or potential claim; settlement of a claim; or the position of the other district in other adversary situations;
  - Security and safety measures; and
  - Investigative proceedings related to criminal conduct.

# South Carolina Code of Ethics

SECTION 8-13-700(A) Use of official position or office for financial gain; disclosure of potential conflict of interest.

(A) No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated. This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a public official's, public member's, or public employee's use that does not result in additional public expense.

# SC Code Section 8-13-700 (B)

A public official, public member, or public employee who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a family member, an individual with whom he is associated, or a business with which he is associated shall: (1) prepare a written statement describing the matter requiring action or decisions and the nature of his potential conflict of interest with respect to the action or decision;(4) if he is a public official, other than a member of the General Assembly, he shall furnish a copy of the statement to the presiding officer of the governing body of an agency, commission, board, or of a county, municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause the disqualification and the reasons for it to be noted in the minutes;

# Common Ethics Questions

- What are the rules for a Board member who has a family member employed in the District?
- What are the rules when the Board is invited to dinner by a vendor currently doing business with the District?
- What are the rules when the Board is invited to dinner by a prospective vendor?
- What type of “gifts” is a Board member required to disclose on their annual filing with the Ethics Commission?
- If my spouse is a teacher, must I recuse myself from voting on salary increases/bonuses?

# Potential Landmines

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1

Allowing your role as a parent/spouse/grandparent to overlap with your responsibilities as a Board member

2

Visiting schools without following proper protocol

3

Failing to maintain the confidentiality of matters discussed during executive session

4

Failing to accept the vote of the Board majority

# Potential Landmines

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Lack of regular communication between the Board and Superintendent

Board members acting individually and not as a group

Coming to Board meetings unprepared

Playing “gotcha” at Board meetings

Overlapping of administrative responsibilities

Giving orders to employees other than the Superintendent

Social Media use

Questions?

