

Policy in practice

board policies and why they matter

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POLICY IN PRACTICE

“You can practice shooting 8 hours a day, but if your technique is wrong then all you become is very good at shooting the wrong way. Get the fundamentals down and the level of everything you do will rise.”

~Michael Jordan

What are policies ?



Policies are...

- **Written documents adopted by the board to chart a course of action for the district.**
- **They provide the framework in which the superintendent and school staff discharge their duties.**
- **The voice of the board and the law of the district.**



Policy vs Administrative Rules, is there a difference?

Policy

vs

Administrative Rules

- **Establishes goals**
- **The who, what, why, and how much**
- **Resolves issues**

- **Provides the means to achieve policy goals**
- **Provides specifics on who does what, when, and how**
- **Provides flexibility in handling day-to-day problems**

Who

What

Why

BOARD MEMBER AUTHORITY AND RESPONSIBILITIES

Code BBAA Issued MODEL

The powers delegated to the board by law are delegated to the board as a whole. The board exercises its powers and duties only in properly-called meetings where a quorum has been established.

Except when performing a specific duty authorized by law or board action, the decision and actions of a single member of the board are not binding on the entire board. Unless specific authorization is granted by the board, a board member does not have any authority greater than members of the general public. Such authorization will be given to an individual board member by a majority vote of the board.

Each board member should be committed to reaching and supporting group decisions that represent the best judgment of the board. This does not limit the right of individual board members to express personal opinions. However, when expressing such opinions in public, the board member must explicitly identify the opinions as personal.

Board members will interact with district administration through the superintendent and will not give orders to any subordinates of the superintendent either publicly or privately. Suggestions and recommendations regarding the administration will be made directly to the superintendent.

Questions, requests, complaints, and other information presented to individual board members outside of a board meeting by members of the public should be referred to the superintendent.

The members of the board are officers of the state. Constitutional provisions which apply to public officers also apply to board members.

Adopted ^

Legal References:

- A. S.C. Constitution:
 - 1. Article XVII, Sections 1 and 1A - Qualifications for office and prohibition against dual office holding.
- B. S.C. Code of Laws, 1976, as amended:
 - 1. Section 8-1-10, *et seq.* - Rights and responsibilities of public officers.
- C. Attorney General's Opinion:
 - 1. Op. S.C. Att'y Gen., 1961 WL 8327 (April 21, 1961) Any action taken by the board must be taken at a regularly called and assembled meeting with a quorum present.

A little more about administrative rules...

- **Administrative rules are detailed regulations or procedures that are issued by the superintendent or school administrators.**
- **These rules aid in implementing board policies.**
- **Generally, administrative rules are not “adopted” by the board. However, the board will approve them when required by law or it is otherwise advisable.**
- **Should accompany a policy.**

BOARD MEMBER AUTHORITY AND RESPONSIBILITIES

Code BBAA-R Issued MODEL

Board members will adhere to the following in carrying out their responsibilities.

Requesting Information

It is important for board members to be informed about the district and the performance of its students. The superintendent regularly provides board members with information in the form of the pre-meeting board packet and presentations at board meetings. Board members who seek additional information should make such requests to the superintendent. Information provided as the result of such a request will be sent to each board member.

If the information sought by individual board members is not readily available without an amount of staff effort that the superintendent deems significant, board members will be asked to obtain the approval of a majority of the board so that information requests do not result in unnecessarily high costs or distract staff from their primary responsibilities. Under no circumstances will board members engage in an investigation of staff or student issues.

Individual student information is confidential, and board members only have access to such information when it is necessary for performing a function in their official capacity. Pursuant to the Family Educational Rights and Privacy Act (FERPA), the administration may redact confidential student records from any information request unless board members are acting in their official capacity and have a legitimate educational interest in the records.

Board members will maintain the confidentiality of information, documents, and records received or reviewed in their role as board members.

Action on Complaints or Requests Made to Board Members

When a board member receives complaints or requests from staff, students, parents/legal guardians, or members of the public, he/she must remain impartial as such matters may later come before the board in its quasi-judicial capacity; otherwise, the board member will have to recuse himself/herself from later hearing the matter in the quasi-judicial hearing. The board member will refer the individual to the appropriate staff member in accordance with the district's chain of command. The board member will timely submit the complaint or request to the superintendent for action.

Requesting the Addition of Items to Board Meeting Agendas

A board member wishing to suggest an agenda item will notify the board chair and/or the superintendent, and a decision will be made whether to add the item to the agenda. If (*option: three or more, a majority of, etc.*) board members request the addition of an item, it will be added to the agenda.

Requesting Legal Opinions

All requests for formal legal opinions from the district's legal counsel regarding board issues will be directed through the board chair or the superintendent. A board member wishing to obtain a legal opinion will bring such request to the full board. A majority vote must be obtained to initiate a request for a legal opinion. Any opinion provided will be disseminated to the full board. Board members with personal legal questions should seek advice from their own private attorneys.

For additional information on legal services, including the handling of district legal matters that do not directly involve the board or any specific board member, see policy BDG, *Board Attorney/Legal Services*.

A basketball is positioned on the left side of the frame, resting on a wooden floor. The background is a solid black wall. The basketball has a textured orange surface with black lines. A vertical yellow bar is on the left side of the image, containing the text 'POLICY IN PRACTICE' in white, bold, uppercase letters.

POLICY IN PRACTICE

Policies Matter

Why do boards need policies?

- **Some policies are required by law or regulations**
- **Policies provide clear guidelines for administrators and staff**
- **Aid in keeping the board focused**
- **Policies guide the implementation of the board's vision**
- **Save time and effort by making decisions routine**

What Is The Board's Role In Policy Development?

“Policy Makers”

- **A board’s primary function is to develop and adopt policies governing the various facets of district operations.**
- **Board members are policy makers.**

BOARD POLICY PROCESS/BOARD REVIEW OF ADMINISTRATIVE RULES

Code **BG/BGD** Issued **MODEL**

The board believes that the development, adoption, and review of board policies is its most important governance function. Board policies establish the goals, direction, and structure of the district. In addition to policies required by local, state, and federal laws and regulations, the board adopts policies to provide direction to the superintendent and other administrators, to guide the district's educational program, and to provide clear expectations for district staff, students, and parents.

The board regards policy development and review as an ongoing process. The need for a new policy or revision or deletion of an existing policy may arise from a change in law and/or regulations, modification of the district's vision or goals, educational research or trends, the occurrence of a significant incident, or a recommendation or request from an interested party. Proposals regarding policies may originate with board members, the superintendent, staff members, parents/legal guardians, students, consultants, civic groups, advisory committees, or any resident of the district. All proposals, including those from external sources, will be presented in writing and given to the superintendent for review. Upon recommendation from the superintendent, the board will examine proposals prior to acting upon them.

Each proposed policy (including proposals to amend policy) will require two readings at regular meetings or work sessions of the board. The formal adoption of the policies will be recorded in the minutes of the board. Only those written statements so adopted and so recorded will be regarded as official board policy.

Suspension or Repeal of Policy

In emergency situations, a majority of the board members at a meeting may temporarily suspend the operation of any section or sections of board policy which are not established by law or contract. A proposal for such change must be listed on the agenda of the meeting. All members must be notified in writing of a meeting to discuss policy changes.

The board may also suspend a policy in certain emergency situations although such change was not listed on the agenda of the meeting if the favorable vote is unanimous and the agenda is amended in compliance with the South Carolina Freedom of Information Act.

Review of Administrative Rules

Often policies of the board are accompanied by rules and exhibits that are referred to as administrative rules. These rules are generally drawn up by the administration to execute the policies of the board.


The board will approve administrative rules when such approval is required by law or otherwise advisable. The superintendent will have freedom, however, to amend or issue additional rules and procedures consistent with board policies.

The board may nullify any administrative rules determined to be inconsistent with the policies adopted by the board.

Adopted ^

Where does the authority to adopt policies come from?

South Carolina Code of Laws § 59-19-110 states:

An orange arrow pointing from the text 'South Carolina Code of Laws § 59-19-110 states:' to the quote below.

“The board of trustees of the several school districts may prescribe such rules and regulations not inconsistent with the statute law of this State as they may deem necessary or advisable...”

BOARD POWERS AND DUTIES

Code BBA Issued **MODEL**

State law and regulation requires the board to discharge certain duties and confers upon them legislative, judicial, and executive powers.

Legislative/Polymaking

The board is responsible for the development and adoption of policy to direct the general management and administrative actions of the district. The policies will be in written form and continually re-evaluated in terms of the changing needs and functions of the district.

Executive

The board will employ a superintendent to serve as the district's chief executive officer. In that role, the superintendent performs administrative duties for the board by virtue of the powers delegated to him/her. The board will hold the superintendent accountable for the proper and efficient administration of the district.

Quasi-Judicial

The board is responsible for hearing appeals of professional and support staff members, parents/legal guardians, students, and others when such appeals are contemplated by local, state, or federal law or board policy.

Are there limitations on the authority to adopt policies?

The board can only adopt policies that are not inconsistent with state law, federal law, or regulations adopted by the SCDE or the Department of Ed.

How to fulfill your policy making responsibilities?

- **Practice, practice, practice.**
- **Develop or improve decision-making, communication, leadership, public and personnel relations, and organization skills.**
- **Stay current with issues affecting K-12 education.**
- **Be aware of problems and issues in your district that require policy solutions.**
- **Be proactive.**
- **Be familiar with your district's policy manual.**

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POLICY IN PRACTICE

Policy Development Process In Practice

BOARD POLICY PROCESS/BOARD REVIEW OF ADMINISTRATIVE RULES

Code BG/BGD Issued MODEL

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BOARD POLICY PROCESS/BOARD REVIEW OF ADMINISTRATIVE RULES

Code BG/BGD-R Issued MODEL

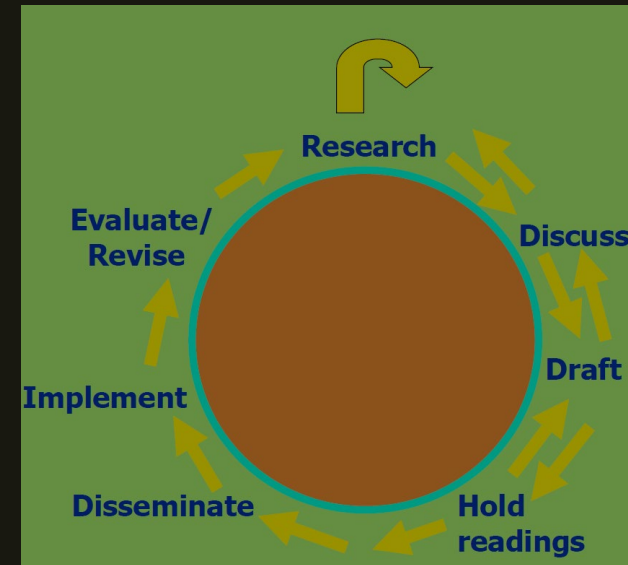
The superintendent or his/her designated policy manual coordinator has the responsibility of drafting policy proposals, maintaining the board's manual, and serving as liaison between the board and the South Carolina School Boards Association's (SCSBA) policy services and other sources of policy research information.

- The superintendent will present a proposed policy in writing to the board at least 30 days prior to possible approval.
- If legalities are involved, the board will consult legal counsel before action is taken.
- After the first reading, the superintendent will make the policy available for public review.
- Once the board gives a policy final approval, the superintendent will have the policy posted online or distribute a copy of the policy to each building administrator and district office administrator.
- The policy manual coordinator will send the policy to the SCSBA for final formatting and posting.
- In the absence of highly unusual circumstances, the administration must not allow proposed policies to "linger" unresolved and dormant for longer than 60 calendar days after presentation to the board.
- Without official board authorization, no administrator is permitted to physically or otherwise "just remove" a policy from the manual or online manual. A policy may be deleted by official board action only.
- The superintendent will supervise a review of the policy manual on a continuing basis. The district may seek the aid of SCSBA policy services in performing this review.

Issued ^

Policy Development Cycle

- **Recognize the need for a policy**
- **Research**
- **Discuss**
- **Draft**
- **First reading**
- **Second reading**
- **Adopt, disseminate, and implement**
- **Enforce, evaluate, and revise**



Recognizing the need for a policy...

- **Be aware of the problems, issues, and needs in your district that require policy solutions**
- **Be proactive**

Research and Discuss...

- **Learn all you can about the issue at hand**
- **Get recommendations**
- **Get sample policies if available from SCSBA**
- **Discuss, debate, and decide on the substance of the policy**

Draft...

- **Clear**
- **Concise**
- **Accurate**



Hold first and second readings...



Questions to consider

- 1. Does the policy language specify what the board wants and who is supposed to carry it out?**
- 2. Have measurable outcomes or objective of the policy been identified?**
- 3. Will the policy create implementation problems?**
- 4. Does the board policy need to be reviewed by the board's attorney?**

POLICY IN PRACTICE

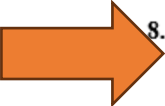
SCSBA County School District

Board Meeting

Wednesday, August 4, 2023- 6 p.m.

District Office Boardroom

Agenda

1. CALL TO ORDER
2. INVOCATION
3. PLEDGE OF ALLEGIANCE TO THE FLAG
4. CONSENT AGENDA
 - a. Approval of Agenda
 - b. Approval of Minutes of the Previous Meeting
5. SPECIAL RECOGNITIONS
 - a. SCSBA Boardmanship Institute Recognition
6. PUBLIC COMMENT
7. SUPERINTENDENT'S REPORT
 - a. Superintendent
 - b. Facilities Update
 - c. Instruction Report
 - d. Financial Report
 - e. Human Resources Report
-  8. DISCUSSION ITEMS
 - a. First Reading of Policy BGD
 - b. Second Reading of Policy IHBH
9. EXECUTIVE SESSION
 - a. Personnel Recommendation for Hire and Resignations Discussion
 - b. Discussion on Property Acquisition for new school
 - c. Contractual Matters concerning Use of Facilities
10. RETURN TO OPEN SESSION
11. ACTION ITEMS
 - a. Personnel Recommendations for Hire and Resignations
 - b. Approval of IHBH
 - c. Suspension of policy KDC
12. ADJOURNMENT

POLICY IN PRACTICE

Adopt



POLICY IN PRACTICE

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Sample Motions

**“I move to approve first
reading of policy BD,
Organization of the Board.”**

**“I move to approve
seconding reading of policy
BD, Organization of the
Board.”**

**“I move to adopt policy BD,
Organization of the Board.”**

Disseminate and Implement

policies
online

Enforce, evaluate, and revise...

- **The administration should make sure policies are followed and up-to-date**
- **Evaluate progress towards goals**
- **Revise policies when necessary**

What if we need to suspend a policy?

- **A board should only suspend its policy in emergency situations.**
- **What does your policy BG/BGD say regarding suspension or repeal of policy?**
- **The board should make a motion and approve temporary suspension.**
- **If the need for suspending a policy becomes regular, the board should consider amending the policy instead.**

POLICY IN PRACTICE

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Sample Motions

“I move to suspend the two readings requirement in policy BG/BGD, Board Policy Process to approve the PPL policy by the state law required deadline.”

“I move to temporarily suspend the time limit requirements of policy BEDH, Public Participation at Meetings to allow speakers additional time.”

A close-up, low-angle shot of two basketballs on a wooden floor. The basketball on the left is in the foreground, showing its orange pebbled texture and black seams. The basketball on the right is partially visible in the background. The background is a dark, out-of-focus wooden floor.

POLICY IN PRACTICE

Characteristics of Effective Policies

Critical Elements

- **Legally based**
- **Comprehensive**
- **Up-to-date**
- **Accessible**
- **Practical and Consistent**



Legal Provisions Requiring Policies

- **State-**

- **Paid Parental Leave ~ S.C. Code Ann. § 8-11-151,156**
- **Unencumbered Time ~ S.C. Code Ann. § 59-5-63**
- **Tobacco-Free Schools ~ S.C. Code Ann. § 59-1-380**

- **Federal-**

- **McKinney-Vento Homeless Assistance Act ~ 42 U.S.C. § 11432(c)**
- **Healthy, Hunger-Free Kids Act ~ 42 U.S.C. §§ 1751-1769j**
- **Individuals with Disabilities Education Act ~ 20 U.S.C. §1415(d)**

- **Local-**

- **2021 Act 106**

Legal References

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B. S.C. Code of Laws, 1976, as amended:

1. Section 8-1-10, *et seq.* - Rights and responsibilities of public officers.

C. Attorney General's Opinion:

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What effective policies accomplish...

- **Establish a procedure for handling problems**
- **Save time and effort**
- **Establish a legal record**
- **Improves relationships with superintendent and staff**
- **Reduces crisis decision making**
- **Helps with the orientation of new board members and staff**

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POLICY IN PRACTICE

Policy Process Best Practices

Best practices...

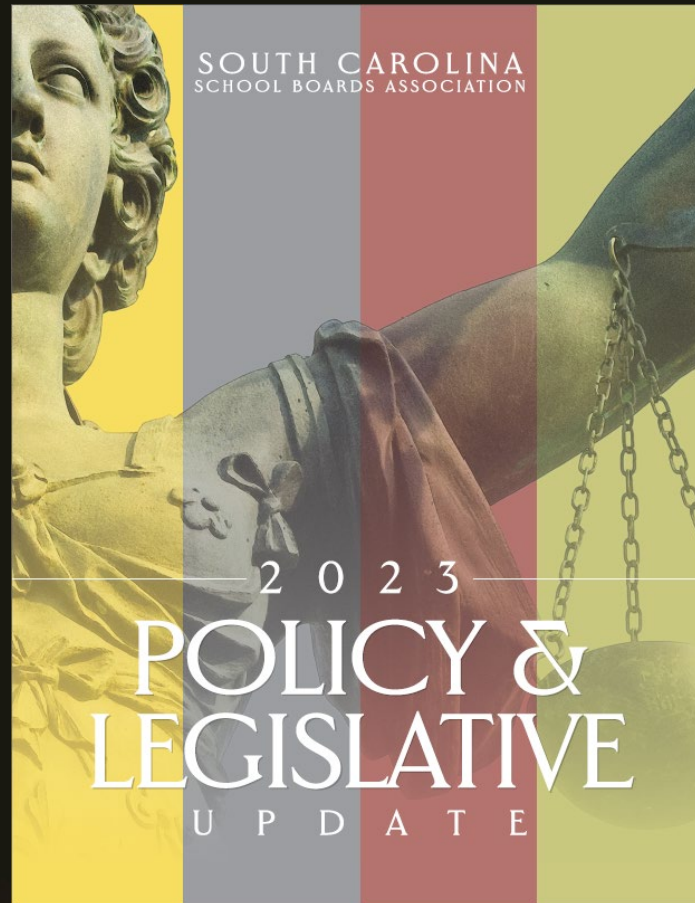
- **Establish a policy review schedule.**
- **Establish a policy development and review checklist.**
- **Check all policies and administrative rules for consistency with state law, SCDE regulations, federal laws and guidelines, and court rulings.**
- **Make sure policies are up-to-date in policy manual and online.**
- **Be sure that all policies reflect current district practice.**
- **Review related policies during the same timeframe.**
- **Be flexible.**

SOUTH CAROLINA SCHOOL BOARDS ASSOCIATION POLICY SERVICES

POLICY REVIEW SCHEDULE

JANUARY <p>Section A: Foundations and Basic Commitments Section K: School/Community/Home Relations</p> <p>In the spirit of New Year's resolutions and goals, this is a good time to review the district's role in providing public education and working within the community.</p>	FEBRUARY	MARCH <p>Section G: Personnel</p> <p>Contract renewal is almost here. So, this is a great time to review personnel policies.</p>	APRIL
MAY <p>Section J: Students Section I: Instruction</p> <p>The end of the academic year is an ideal time to review student and instruction policies to make any adjustments for the upcoming school year.</p>	JUNE	JULY <p>Section C: General Administration Section D: Fiscal Management • Section E: Support Services</p> <p>Following the end of the fiscal year is an excellent time to review the district's finance and support services policies and consider Superintendent performance.</p>	AUGUST
SEPTEMBER <p>Section B: School Board Governance and Operations</p> <p>The beginning of a new school year is an excellent time for the board to review its governance and operations policies.</p>	OCTOBER <p>Section F: Facilities Planning and Development Section L: Education Agency Relations</p> <p>These are smaller sections and easier to review during the limited schedule caused by holiday and winter breaks.</p>	NOVEMBER	DECEMBER <p>Some boards do not meet or only meet once during the month of December.</p>

SCSBA Policy Services



Policy Update Service

Policy Update Service

Below is a brief synopsis of what the \$850 policy update service involves.

- SCSBA will review all new or revised policies formally adopted by the board for content, format and legal compliance.
- SCSBA will review the board's proposed policy updates prior to adoption at the district's request.
- SCSBA will review board meeting minutes for board decisions which may be significant enough to warrant new policy or a change in existing policy and for board action which is contradictory to board policy or FOIA laws.
- SCSBA will provide model policies on "hot" topics throughout the year as they are developed.
- SCSBA will provide the annual Policy and Legislative Update publication which includes information regarding newly passed legislation, local laws, state and federal regulations, and court decisions.
- SCSBA will provide limited legal opinion, answers to policy and parliamentary procedure questions at the board's and/or administrative staff's request.
- SCSBA will provide model policy samples at the district's request. However, these are limited per section. Districts are encouraged to enter a minor revision contract for any section that needs extensive updating.

Manual Customization

Manual Customization

Recodification

The major revision of a board's policy manual is based on our governance model policies. All policies are revised under a codification system developed based on the four roles of the board. These policies are current with state and federal laws and regulations and contain language to ensure compliance with state accountability requirements as well as Southern Association of Colleges and Schools Council on Accreditation and School Improvement (AdvancED/SACS CASI) accreditation.

Onsite consultant work with the board is available through this contract. The board receives an electronic copy of the completed manual. Districts that maintain an online policy website through SCSBA will have the website updated with the new policy information through their online contract. Any printed copies, binders and tabs ordered by the district are at the expense of the district.

Manual and Section Revisions

Manual Revision

Under a major policy revision, SCSBA will review a district's current policy manual to determine which specific policies the board needs to revise and/or adopt as new policies. This review will focus on federal, state and local laws and regulations that have been promulgated since the district's last major revision as well as any new language or model policies SCSBA may recommend. Drafts of the recommended policies and an accompanying chart will be prepared for review by the appropriate individual or group in the district (superintendent, designated administrator, board committee, etc.).

Onsite consultant work with the board is available through this contract. The board receives an electronic copy of the completed manual. Districts that maintain an online policy website through SCSBA will have the website updated with the new policy information through their online contract. Any printed copies, binders and tabs ordered by the district are at the expense of the district.

Section Revision

Under a minor or section policy revision, SCSBA will review a specific section to determine which policies the board needs to revise and/or adopt as new policies. This review will focus on federal, state and local laws and regulations that have been promulgated since the district's last major revision as well as any new language or model policies SCSBA may recommend. Drafts of the recommended policies and an accompanying chart will be prepared for review by the appropriate individual or group in the district (superintendent, designated administrator, board committee, etc.).

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**policy^{and} legal
services**

Revision Timeline

SCSBA will
provide the
first group
within three
months

SCSBA will
provide the
final section
to the board
for adoption

	3 months	6 months	9 months	12 months	15 months	18 months	
Process Begins	A, B	C, D, E, F	G	I	J	K, L	ONLINE

Board will
return the
first group
approved
and adopted

Board will
return the
final group
approved
and adopted

Policy Services Pricing

Student Enrollment	Special Districts	< 5,000	5,000-15,000	15,000-25,000	> 25,000
Old Code Conversion (≈10)	\$10,000				
Consolidations	\$10,000				
Manual Revision		\$9,000	\$11,250	\$15,000	By proposal
Section Revision	Sections A, C, D, E, F, K, L	\$600	\$750	\$1,000	
	Sections G, I, J, B	\$1,200	\$1,500	\$2,000	

Policies Online

Policies Online

SCSBA has a service to post your local board policy manual on the Internet. SCSBA, in conjunction with Microscribe Publishing, will use Folio® Infobase, a powerful electronic publishing tool, to post your board policy manual with a link from your district website and provide unlimited revisions, legal links, a search engine and a multi-district search feature. There is a one-time development fee of \$4,175 and a yearly subscription fee of \$1950 for this service.

Please contact Stephanie N. Lawrence, Esq.,
Director of Policy and Legal Services
(803)988-0258 or slawrence@scsba.org
for information about any of our policy services.

Questions



THANK YOU

Rasheeda N. Cleveland, Esq.
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South Carolina School Boards Association
111 Research Drive
Columbia, SC 29203
Email: rcleveland@scsba.org

