

# **A GUIDE FOR SCHOOL BOARD SUCCESS**

**ATLANTIC UNION CONFERENCE  
Office of Education  
SOUTH LANCASTER, MA 01561**

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Preface, Use of Book and the Philosophy of Adventist Education

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## Preface

In the Seventh-day Adventist system of education, the local school board is one of the most important components in maintaining a quality school program. The school board is the governing body. It leads and guides the school. The school administration is the managing body. It handles crises and keeps things in order. As the governing body, school board members must:

- know the operation of the school in the areas of academics, management, finances, marketing, safety, development and law;
- be willing to devote time and energy before, during and after board meetings to ensure the success of the school;
- contribute from their own resources or secure funds from other sources to ensure the continuity and growth of the school;
- be familiar with the Seventh-day Adventist educational organization and terminology.

The purpose of this manual is to assist individuals to become effective school board members and provide boards with the tools to operate successfully. To this end, it presents an overview to school board members of their responsibilities within the Seventh-day Adventist system of education. Some areas of Union policy are referred to and summarized. However, when specific questions on policy arise, the *Atlantic Union Conference Education Code K-12* or the local conference superintendent of schools should be consulted.

Discussion thoughts conclude each chapter to help school boards examine ideas, beliefs, and methods of operation. In some cases suggested responses follow the end-of-chapter discussion.

Adventist Education reflects God in instruction as well as practice. For this reason, Bible texts and quotations from the Spirit of Prophecy will be found throughout the document. God-centered planning and activities will result in success.

## Use of the Book

Conference superintendents of schools and local administrators are encouraged to use this manual for annual in-service programs. New school board members are also encouraged to read it, ask questions, and discuss ideas. Perhaps small portions of school board meetings can be used to review policy statements, proper procedures, and responsibilities of individual members. The *Atlantic Union Conference Employment Policies for Education Personnel* and the *Atlantic Union Conference Education Code K-12*, should also be part of these in-service programs.

# The Philosophy of Adventist Education

The Seventh-day Adventist Church in North America operates a system of education, pre-kindergarten through university, which began in 1872. The Church's belief regarding Christian education is based on the Scriptures and the writings of Ellen G. White that have provided the Church with a distinct philosophy of education.

The aim of Seventh-day Adventist education is to prepare students for this world and for God's Eternal Kingdom. Therefore, the school provides opportunities for students to develop a personal relationship with Jesus Christ.

The education program is predicated on a belief in the uniqueness and worth of each student, and the importance of the systematic development of the whole person. Students are educated to accept the concept of service as a principle of life, to be sensitive to the needs of people, and to become contributing members in the home, church, and society.

## Seventh-day Adventist Scriptural Foundation

*Love the Lord your God with all your heart and with all your soul and with all your strength, these commandments that I give you today are to be upon your hearts. Impress them on your children. Talk about them when you sit at home and when you walk along the road, when you lie down and when you get up. Tie them as symbols on your hands and bind them on your foreheads. Write them on the doorframes of your houses and on your gates. Deuteronomy 6:5-9\**

*Train a child in the way he should go, and when he is old, he will not turn from it.” Proverbs 22:6\**

*All your sons will be taught by the Lord, and great will be your children's peace. Isaiah 54:13\**

*\*The New International Version*

## Results of Church-School Work

Ellen G. White

*When properly conducted, church schools will be the means of lifting the standard of truth in the places where they are established; for children who are receiving a Christian education will be witnesses for Christ. As Jesus in the temple solved mysteries which priests and rulers had not discerned, so in the closing work of this earth, children who have been rightly educated will in their simplicity speak words which will be an astonishment to men who now talk of "higher education."*

*As the children sang in the temple courts, "Hosanna; Blessed is He that cometh in the name of the Lord" (Mark 11:9), so in these last days children's voices will be raised to give the last message of warning to a perishing world. When heavenly intelligences see that men are no longer permitted to present the truth, the Spirit of God will come upon the children, and they will do a work in the proclamation of the truth which the older workers cannot do because their way will be hedged up.*

*Our church schools are ordained by God to prepare the children for this great work. Here children are to be instructed in the special truths for this time, and in practical missionary work. They are to enlist in the army of workers to help the sick and the suffering. Children can take part in the medical missionary work and by their jots and tittles can help to carry it forward. Their investments may be small, but every little helps, and by their efforts many souls will be won to the truth. By them God's message will be made known and His saving health to all nations. Then let the church carry a burden for the lambs of the flock. Let the children be educated and trained to do service for God, for they are the Lord's heritage.—Testimonies for the Church, vol. 6, pp. 193-203.*



# Chapter 1

## Governance

*Trust in the Lord with all your heart,  
And lean not on your own understanding;  
In all your ways acknowledge Him,  
And He shall direct your paths.  
Psalms 3:5-6*

### *Introduction*

For those directly or indirectly involved in Seventh-day Adventist education ministry, the words of the old gospel song “If we ever needed the Lord before, we sure do need him now” were never more true than today. Social, economic, and cultural pressures of our time intersect nearly every life and institution, affirming in the minds of people of faith that our trust is best placed in the Lord. Surely, challenges to Adventist education will come and go, but an unshakeable trust in the Lord should ever remain a constant!

Private education in general, and Seventh-day Adventist education in particular, face extraordinary challenges in contemporary America. One need only consider how many Seventh-day Adventist elementary and secondary schools across the North American Division have closed in the past decade alone. Increasingly scarce financial resources to fund operations, declining enrollments, aging infrastructure, ever increasing costs for professional personnel, evolving technologies and textbooks, and finding highly-competent Adventist school administrators and teachers are but a few of the issues governing school boards are challenged to confront year-to-year.

In truth, governing boards have a very small “margin of error.” School boards that neither understand nor implement responsibilities of board governance can have a toxic impact on a school’s vibrancy, perhaps even imperiling a school’s very existence. Underperforming boards may even create divisions within constituencies that adversely affect the constituent churches that provide operating subsidies. Boards that do not understand their roles and/or underperform fail the constituents they have been elected to represent.

Conversely, school boards that understand and apply spiritually-based contemporary governance principles to their work often help their schools to thrive. Strong boards LEAD! They understand their roles, responsibilities and accountability; drive institutional mission; effectively facilitate constructive change as circumstances warrant; carefully distinguish between appropriate oversight and micro-management, avoiding the latter; and, most importantly, place at the very center of their initiatives an unequivocal commitment to maintaining a truly Christian board culture. In short, the Lord is invited to, and is an active participant in the board’s work. Consider the words of Ellen White:

“Let those who attend committee meetings remember they are meeting with God, who has given them their work. Let them come together with reverence and consecration of heart. They meet to consider important matters connected with the Lord’s cause. In every particular, their actions are to show they are desirous of understanding His will in regard to the plans to be laid for the advancement of His work. Let them not waste a moment in unimportant conversation for the Lord’s business should be conducted in a businesslike, perfect way.”<sup>1</sup>

So, what is “governance” and why is its effectiveness so important to our schools?

## *Governance*

Governance is generally defined in the context of “who” is called to govern “what.” In other words, governance is about internal and external relationships where one party or parties are called together to, of all things, govern -- govern institutions, both private and public. In nearly all cases of school boards elected to oversee Adventist schools, board members are drawn from church constituencies served by the institution. The board is charged to govern. These board members are almost always volunteers willing to give of their time, talent, and treasure to advance the school’s mission.

Boards are instruments through which effective governance ideally occurs. Let’s consider how some leading voices in governance might characterize a school board, perhaps even a Seventh-day Adventist school board, in the context of what the board is and what it is called to do:

- “... group of people working together within a well-defined structure who employ formal processes to carry out a mission, which generally speaking is to govern.”<sup>2</sup>
- “... a collective effort, through smooth and suitable processes, to take actions that advance a shared purpose consistent with the institution’s mission.”<sup>3</sup>
- “... an organized group of people with the authority collectively to control and foster an institution that is usually administered by a qualified executive and staff.”<sup>4</sup>
- “... talented people brought together to apply their knowledge and experience to the major challenges facing the institution.”<sup>5</sup>

What are the common themes evident among the preceding definitions? Certain words and phrases stand out: “mission,” “talented people,” “working together,” “applying knowledge and experience,” “control and foster,” “smooth and suitable processes,” “qualified executive and staff,” “major challenges.” Combining words and phrases from the aforementioned perspectives gives one a much clearer sense of what governance is, and how board members are tasked to filter all board work through institutional mission.

Yet, governance is not an easy process. Harvard professor Richard Chait and his colleagues characterized governance as “a rare and unnatural act.”<sup>6</sup> John Carver, a leading proponent of policy governance, observed that board members are typically intelligent, well-intended, cordial people who, when functioning as a governing board, are often an incompetent group of competent individuals. Even the late Peter Drucker, a highly-acclaimed management theorist, claimed that all boards have one thing in common, “... they do not function.”<sup>7</sup>

Seventh-day Adventists are giving greater credence to the critical role school boards must play to revitalize Adventist education. At a *Renaissance Adventist Education Summit* convened in Orlando, Florida, several hundred attendees were asked to identify obstacles that are preventing Adventist schools from thriving. First among the obstacles cited was school board competence. “Boards,” attendees posited, “receive inadequate training for governing schools.”<sup>8</sup>

Recognizing that to identify barriers in the absence of posing solutions to such barriers is counterproductive, summit attendees called on Adventist education to:

“... rethink the way we do school boards: Create stringent criteria for school board composition and objectives for board governance. Board members should have strong business and strategic planning skills. Boards should be trained to lead their schools through a re-visioning process that ends with a realistic strategic plan.”<sup>9</sup>

Indeed, effective governance for our schools is of crucial importance if our schools are to thrive and be all that our Lord expects them to be. Yet, while board orientation and education are as important to effective governance as revitalizing mission, strategic planning, and composing profiled boards with professional expertise – neither school boards nor the schools and constituencies they serve can afford to overlook a spiritual dimension to the governance of our schools. All of Adventists’ best qualities, skills, professional expertise, and good intentions—however much they are needed to make school boards more functional, productive, and enjoyable—will fall short if we fail to keep Christ and His mission at the center of education ministry.

If we believe that effective board governance is crucial to the success of our Adventist schools; if we believe that, by the Lord’s leading, we can compose school boards with highly motivated, highly-competent, Christian professionals who can bring expertise to the calling to school governance; and if we believe that quality must be the hallmark of all dimensions of school programming, then we have answers to two key questions:

- Do effective boards lead or manage?
- What does it take to be an effective board?

# *Leadership versus Management*

## *Board Management and Micro-management: Responsibilities & Dangers*

School boards that fail to make the distinction between responsibilities to lead and/or manage generally prove to be less productive and often fail to capitalize on the time, talents, and treasure individual members can bring to board service. School boards prone to manage more than lead are more likely to engage in school micro-management, often unwittingly engaging in counterproductive activity that adversely affects the day-to-day operation of the school. In fact, boards that manage more than lead are less likely to engage in one of the most vital responsibilities of any board, public or private: strategic thinking.

Approving annual operating budgets, providing adequate operational resources, overseeing financial performance, receiving reports from key school administrators, and making personnel recommendations to the local conference are activities that rightfully fit into a board's management responsibilities. Traditionally, board work of this kind is deemed essential to the best interests of a school. Boards should not only manage in these capacities but maximize their effectiveness in doing so. There is much to be said for appropriate board management; however, where is the line drawn between what is and what is not appropriate?

Board micro-management, a board's unwise engagement in operational matters for which the principal is responsible, is a trap that victimizes many boards. Why do boards micro-manage? Consider this modified list of reasons:

- Overseeing operational tasks provides board members with faster tangible outcomes and greater personal satisfaction than does focusing on strategic developments and outcomes that yield slower results.
- Differentiating between governance and management is difficult for some boards.
- Board members have not been oriented to understanding their roles or held accountable effectively implementing them.
- They lack strong board leadership that would focus the board on strategic issues.
- School administrators defer to the board on management issues that should be handled exclusively by school administration.
- Principals fail to provide the board with sufficient information on issues, forcing the board to demand additional details/reports.
- The board lacks confidence in the principal's ability to manage the school.<sup>10</sup>

Boards that obsess on management often have or make little time for focusing on more important long-term strategic issues that could have profound implications for a school's health and future. Such boards are susceptible to the danger of missing the primary target of effective board governance – assuring that the board's strategic thinking, policies, and decisions align with the school's mission, vision, and strategic goals. Moreover, boards that micromanage "...confuse, frustrate, and demoralize staff and curtail their ability to perform to their best."<sup>11</sup> Striking the right balance between leadership and management for school boards is essential!

## *The Board's Role to Lead*

A board that governs through leadership is a board that intentionally creates a dynamic board culture one that seeks to maximize the group's energy to focus on "big-picture" strategies – strategies that best position the school both in the current moment and, more importantly, for the future. Boards that govern by leadership are unequivocal in their commitment to requiring full and open participation of all members; holding them accountable to consistently engage in, and/or offer productive contributions to advance the school's mission. Boards that govern to lead are diligent to secure the very best principals, holding them accountable to successfully manage the school's day-to-day operations and to facilitate board discussion of strategic imperatives vital to the school's future.

Boards that govern through leadership not only frame a dynamic board culture but are also inclined to:

- Filter the value of board discussions and actions through the school's mission, thus determining what should or should not constitute appropriate agenda.
- Articulate a board mission: one that aligns with the mission, vision, and strategic imperatives of the school.
- Set board goals and priorities, making certain to measure board performance in the context of goal/priority achievement.
- Focus the board's time and energy on strategic thinking, i.e. "What do we want our school to look like 10 years from now, and what must we do to get there?" Neither the board's time nor energy is spent on trivial pursuits.
- Encourage members, if not prime them by design, to ask analytical questions—"tough" questions that require solutions.
- Utilize processes structured to drive results; facilitating productive, measurable outcomes that vitalize the school's vision.
- Seek genuine, random-sample feedback, surveys from constituents served by the board to assure accountability for board performance.
- Hold the principal appropriately accountable for sound school leadership and management: providing him/her with (1) necessary resources; (2) affirmation for productive results; and, (3) opportunities for professional growth.

In the book *Governance as Leadership*, the authors characterize highly effective boards as those that govern to lead in three modes: fiduciary, strategic, and generative. Where one mode predominates over the other two or even two modes over the other one, board governance suffers. The authors maintain, "When trustees [school board members] work well in all three modes, the board achieves governance as leadership."<sup>12</sup> Effective school boards seek to make members proficient in all three modes. For a board to operate in a generative mode, it must be collectively reflective, not asking, "What's wrong?" or "What's the plan?" but "What's the question?"

Generative boards seek to find solutions through creative engagement, driving problematic issues to outcomes that are not just solved but that more importantly “make sense.” At times, “solutions” are nothing more than short-term fixes, failures to address the more vexing systemic problems. To arrive at “make-sense” outcomes, boards must have engaged members who seek understanding through robust discussions; communicate with constituents and seek constituent feedback; and who do not settle simply spotting or “solving” problems but who frame problems to better facilitate and make more effective the governing process.<sup>13</sup>

### ***Vision***

Whose responsibility is it to cast a vision for the school? Is it that of the principal or the school board? Do both the principal and the school board have responsibilities in the visioning process for the school?

A school’s vision, to be effective, must align with a school’s mission and core values. Its vision, to be realized successfully, must be buttressed by a viable, substantive strategic plan – a planned path to success. If considered beyond a school’s vision statement, the process of visioning itself is not exclusively that of the school administration or the board. Both must be integrally involved in shaping, casting, and, as necessary, revising a school’s vision.

Doug Eadie writes that in order for a board to have high impact, it must understand its own “governing mission.” Above all, it must play a “leading, proactive role in making the most important decisions ...” including the essential determination of “where ... the organization is headed over the long run.”<sup>14</sup> In short, the board clearly has a role in visioning for the school’s future.

Visioning a school’s future is most successful when administration and the governing board work as a team. In many cases, the board looks to the principal to cast the initial framework of a school’s vision. Administration is then asked to bring the vision’s framework to the board for study, revision (if necessary), and adoption in order to assure that the school’s vision secures the broadest level of support among key stakeholders, i.e. parents, students, faculty, and constituents.

Visioning is a dynamic process. What might appear to be a chosen “path” to a school’s desired future could change over time, at times due to circumstances beyond school and/or board control. School administrators must work closely with their respective school boards to assure that the school’s vision is sufficiently nimble to respond to changing realities, i.e. economy. “Changing realities” are reminders that boards and administrators must be open, honest and hard-working partners in the visioning process in order to give schools greater flexibility to restate and/or recast the vision.

### *The Attending Board Member*

It is worth repeating that high-performing boards embrace the responsibility of assuring sufficient resources not only for a school's successful operation from year-to-year, but well beyond. Diligence in selecting a school's leader and meeting fiduciary responsibilities are two of the board's most important responsibilities. Effectively meeting these responsibilities only happens when a board is composed of attentive, insightful, and hardworking members.

A board is only as effective as its members' ability to work as a team. High performing boards are composed of members who faithfully attend board meetings. Attendance is more likely to be strong when meetings are timely, well-run, and productive. Board members who are true to service are those who "willingly accept ... meetings [as] ... part of the job, and ... whole-hearted[ly] participate."<sup>15</sup>

Individual board members, according to Howe (1995), have seven key responsibilities. As adapted for schools, these are:

1. Attending and participating in board and subcommittee meetings.
2. Defining mission and periodically participating in strategic planning to review purposes, programs, priorities, funding needs, and targets of achievement.
3. Participating in the selection and assuring the regular evaluation of the school principal.
4. Assuring financial responsibility by
  - a. Approving the annual budget and overseeing adherence to it.
  - b. Arranging for annual audits
  - c. Monitoring operations, income/expense, and, in some cases, debt.
5. Overseeing and evaluating all programs, supporting the staff; and being the school's advocate in the community.
6. Contributing personally and annually to the school's growth—in time, talent, and treasure and/or participating in the identification, cultivation, and solicitation of prospective supporters.
7. Assuring that the board fulfills the foregoing governance responsibilities and maintains effective organization, procedures, and recruitment.<sup>16</sup>

Board members who faithfully and diligently attend and contribute to the effectiveness of the board's meetings and work will experience a higher degree of satisfaction and fulfillment. More importantly, those members who take school board responsibilities seriously and who actively seek the leading of the Holy Spirit in board meetings will personally experience blessings and will be blessings to the school and the communities served.

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## Chapter 2

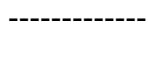
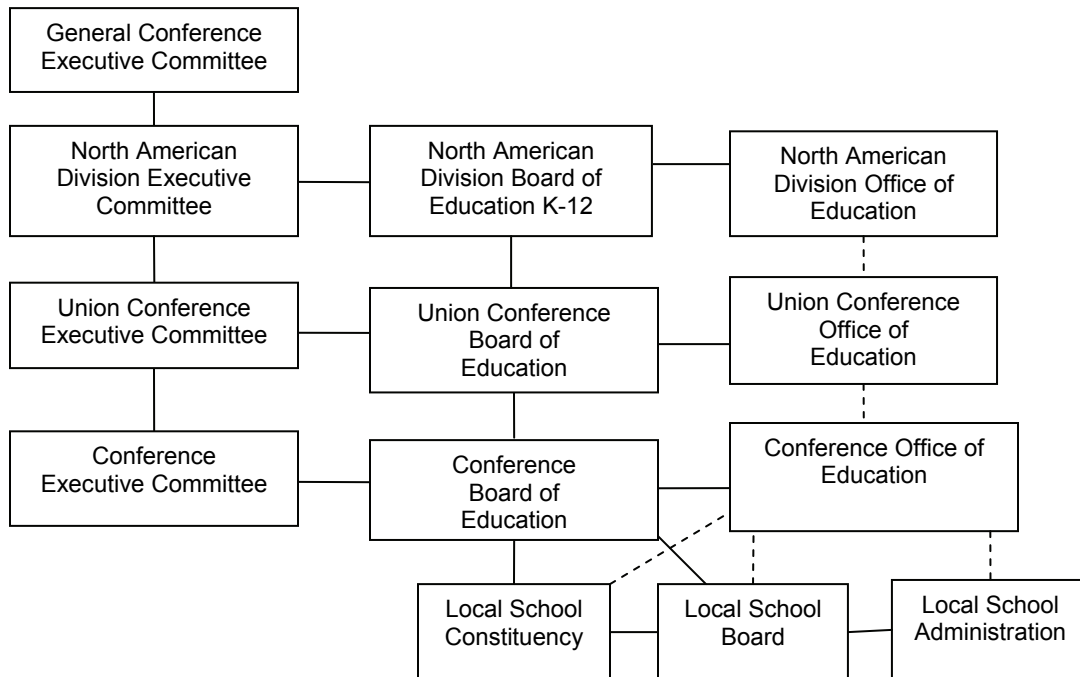
### Organizational Partners in Adventist Education

*“But let all things be done properly and in an orderly manner.” 1 Corinthians 14:40*

*“God does not generally work miracles to advance His truth . . . . God works no miracle to counteract the sure result of neglect. God works according to great principles which he has presented to the human family, and it is our part to mature wise plans . . . whereby God shall bring about certain results.”*

*Ellen White, Evangelism, p. 652-653.*

Adventist schools in the northeastern U.S. and Bermuda are legally linked and organizationally related through an association with the local conference, the Atlantic Union Conference, the North American Division and the General Conference of Seventh-day Adventists. Elementary and secondary schools are governed by the policies of local conference and the Atlantic Union Conference Office of Education. While local schools rarely have direct contact with the higher levels of the organization, all levels contribute to the overall success of the school system.



A dotted line represents an advisory role  
 A solid line represents a decision making role.

This chapter describes the frequent interfacing between a school and the local conference. Standing behind the conference is the administrative authority of the Atlantic Union, which authorizes the policies in the K-12 Education Code of the Atlantic Union Conference of Seventh-day Adventists. These policies are periodically reviewed and revised.

The chapter will also define the role and function of the Local Conference Office of Education, the Conference K-12 Board and the School Constituency and Constitution.

### ***Local Conference Office of Education***

***“Let every soul be subject unto the higher powers. For there is no power but of God: the powers that are ordained of God. Romans 13:1***

The most important educational partner for the school board is the local conference office of education, which operates under the authority of the local conference executive committee. The superintendent of schools, elected by the conference constituency, is responsible for directing the activities of this office. Associates and/or assistants, field supervisors, and administrative assistants/secretaries assist the superintendent.

#### ***Some of the administrative and supervisory functions of the superintendent include:***

- Serving as the executive secretary of the Local Conference K-12 Board of Education.
- Administering and supervising the Local Conference school system in accordance with union and conference educational policies.
- Coordinating, recruiting, placing, transferring or terminating educational personnel. The superintendent or designee serves as the chair of all school personnel committees. The superintendent or associate must be present when there is discussion regarding personnel performance.
- Establishing areas of responsibility for each member of the education office staff.
- Working with the conference treasurer to ensure that schools are audited annually in accordance with General Conference policies.
- Developing an annual K-12 budget in cooperation with the conference treasurer, and submitting it for approval to the conference K-12 board of education, and the conference executive committee.
- Serving as counselor to the local conference building committee in planning school facilities.

***Some of the administrative and supervisory functions of the education office team include:***

- Gathering data and processing reports required by the Atlantic Union Conference and the NAD.
- Supervising and evaluating educational personnel in harmony with employment policies.
- Maintaining student and employee records.
- Developing master calendar for each school year and considering any requests for variation by a school board.
- Facilitating the standardized testing program.
- Considering approval requests for overnight or out-of-division field trips.
- Processing applications for the establishment of new schools in the conference territory.
- Providing counsel to school boards in areas such as long-range planning, budgeting, school evaluation, provision for teachers' professional development, facilities compliance with governmental standards regarding asbestos and other hazardous materials, and the establishment of new schools or consolidation of existing schools.
- Arranging periodic in-service meetings for school boards.
- Requiring all conference K-12 board of education members and local school members to sign a conflict of interest statement.
- Encouraging the development of an active home and school association at each school.
- Implementing the certification policies of the Atlantic Union Conference office of education.

***Some of the financial functions of the education office include:***

- Ensuring that monthly financial statements and annual audited statements of academies are sent to the union conference office of education.
- Implementing the Atlantic Union Conference wage scale as adopted by the conference executive committee.
- Providing payroll services for all elementary school employees.

***Some of the curriculum functions of the education office include:***

- Approving and evaluating experimental programs in terms of specific needs.
- Participating in curriculum development, pilot studies, research or experimental programs in cooperation with the North American Division and Atlantic Union Conference office of education.
- Compiling and presenting requests to the union conference for permission to teach secondary subjects in junior academies.
- Encouraging conference-wide implementation of union-directed curriculum committee recommendations.
- Providing teachers with the approved list of textbooks and other curriculum materials.
- Initiating and conducting research projects and surveys as needed.
- Informing schools of current state or federal legislation pertaining to educational requirements.
- Providing leadership in the coordination of conference-wide events.

## ***Local Conference K-12 Board of Education***

The local conference K-12 Board of Education is the body authorized by the conference executive committee to supervise the administration of the conference school system. The Board meets at least twice a year.

### ***Some of the functions of the K-12 Board of Education include:***

- Assuming general administrative authority for long-range planning of the Conference K-12 system.
- Approving an adequate, balanced annual budget and recommend the same to the conference executive committee for funding.
- Reviewing and acting on all recommendations of local school boards and the superintendent of education regarding elementary, junior academy, and senior academy personnel, as they pertain to the employment, assignment, transfer and/or termination of education personnel.
- Reviewing and approving the wages and salaries of educational personnel.
- Reviewing and accepting school evaluation reports of elementary schools and junior academies and forwarding them to the Atlantic Union K-12 board of education.
- Adopting a school calendar prepared by the superintendent of schools that meets Atlantic Union Conference and state or parish requirements.
- Reviewing and considering for approval applications submitted for the establishment of new schools, the expansion of existing schools to higher grade status, and/or the consolidation of existing schools.
- Receiving and considering applications from elementary schools and junior academies requesting permission to teach secondary subjects as submitted by the superintendent of schools, and making recommendations to the Atlantic Union Conference.
- Periodically reviewing school board actions of both elementary and secondary schools to ensure compliance with conference, union, and NAD education codes.
- Making final decisions on appeals and grievances.
- Reviewing and making provision for implementation of curriculum policies approved by the Atlantic Union K-12 board of education.
- Approving local school operating budgets.

All organizational partners need to understand their respective functions and responsibilities. Below is an inventory of responsibilities for which each partner in the organization has specific jurisdiction. ADM refers to local school administration, CONF refers to local conference office of education, BD refers to the local school board. (Adapted from *Columbia Union Conference School Board Guidelines*.)

RESPONSIBILITY	ADM	CONF	BD	RESPONSIBILITY	ADM	CONF	BD
Certification of teachers		✓		Student acceleration	✓	✓	
Attendance of teachers		✓		Student transfers	✓		
Capital expenditures			✓	Textbook selection		✓	
Handling cost of books			✓	Buildings/grounds			✓
Student suspension	✓		✓	Student records	✓	✓	
Student expulsion			✓	Grade book/records	✓	✓	
Field trips	✓		✓	Tuition collection	✓		✓
Overnight trips	✓	✓	✓	Teacher in-service	✓	✓	
Fundraising projects	✓		✓	School discipline	✓		✓
Non-budgetary purchases			✓	Entrance age		✓	
Personnel contracts, professional employees		✓		Faculty committees	✓		
Locally funded employees	✓	✓	✓	Teacher assignment	✓	✓	
Personnel, hiring, dismissal, professional employees		✓		Leaves of absence	✓	✓	✓
School calendar		✓	✓	Teacher salaries		✓	
Student admissions	✓		✓	Substitute teachers	✓		✓
Teacher incompetence	✓	✓	✓	Supervision of instruction	✓	✓	
School evaluations	✓	✓	✓	Teacher evaluation	✓	✓	
Curriculum change	✓	✓	✓	Transcripts	✓	✓	
Recruitment procedures			✓	Local school policy			✓

## ***Local Constituency and Constitution***

Every school in the Seventh-day Adventist educational system has a constituency. It may be as small as a single church congregation or as large as the conference membership. If the school board is the smaller administrative body that oversees school operations, the constituency is the larger body of Adventists church members who are legally responsible for school operations. The notable exception to this general statement is the conference boarding academy. Between conference constituency meetings, the constituency of a boarding academy is the conference executive committee.

The local school constituency consists of the church or churches that operate the school. A conference-operated boarding academy constituency consists of the local conference membership. Local and Atlantic Union Conference administrative officers and educational personnel are members of the constituency by virtue of their office (*ex officio*). Some churches have enlarged their constituencies by adding such persons as:

- parents and guardians of the students
- senior pastors
- education secretaries of nearby churches who support the school

The constituency meets annually, or as specified in the school constitution. However, special meetings may be called as needed.

Although constituencies come together infrequently, they perform a vital function in operating the school. These are some of the functions performed by the constituency:

- To establish and adopt a constitution in harmony with denominational policies which define the principles and guidelines by which the school shall be operated.
- To receive reports of the school operation.
- To provide adequate financing for the general operating costs.
- To approve financial plans for major capital improvements as recommended by the school board.
- To consider plans and policies for the operation of the school.
- To encourage the organization and maintenance of a Home and School Organization.
- To create a Constitution Review Committee as specified in the school Constitution.
- To vote on proposed amendments to the School Constitution.

The purpose of a constitution is to facilitate the will of the constituency with a maximum of efficiency and a minimum of misunderstanding. To function with less tension and with a greater spirit of harmony, every organization should have basic principles and rules of procedure; and the constitution merely states these in writing.

A constitution is composed of two parts: Part 1 identifies the organization and states its purpose. This section is usually short, less than two pages, and is rarely changed. Part 2, called the "Bylaws," explains how the organization functions. The bylaws are filled with

working policies for the constituency and school board. (Terms of reference for various subcommittees do not have to be included in the bylaws.) The majority of changes, commonly called amendments, proposed by a constitution revision committee will pertain to the bylaws section. The current trend is to merge these two sections and create one document called a “Constitution.”

The easiest way to write a constitution is to follow a model. Examples are available at the local conference office of education or on the North American Division office of education website ([www.nadeducation.org](http://www.nadeducation.org)). The department of education at Andrews University has a helpful model. If wording reflects the board’s direction, copy it. The writing style for a constitution should be precise and clear. It is not the place for creative writing, but a great place for creative thinking. While an accurate document is the goal, recognize that it is not perfect and will likely be changed. A careful evaluation of the constitution should take place every five years.

***“Angels work harmoniously. Perfect order characterizes all their movements. The more closely we imitate the harmony and order of the angelic host, the more successful will be the efforts of these heavenly agents in our behalf.” Ellen White, Testimonies to Ministers, p. 28.***

### ***Discussion Items***

1. Some board members fondly remember the time when local school boards were more involved in hiring and firing teachers. Current personnel policies are viewed as the conference wanting to control the school. How can board members be convinced that it is better for the school if the employing powers belong to the conference?

***Answer: The strongest argument relates to the rights of employees and the risk of paying a large settlement in a wrongful termination suite. Since the conference will be held liable, it is in their best interests to manage all discussions and negotiations with personnel. A local school board should be happy to relinquish this risk.***

2. You have recently been elected school board chair. Your school has a twenty-year-old constitution. Some sections are no longer relevant; other sections contradict the current education code book. Yet no one cares about revising the document. How do you raise awareness and concern for taking time to revise the constitution?

***Answer: The easiest approach is to take a couple of the articles each year. Identify a good model. This makes it relatively painless to propose improvements in wording and concept. Much can be accomplished in a few hours of work. Once the momentum is started, the project will soon be finished.***

3. There are several policies in the education code that you feel need to be changed. What is the process for revising the Education Code?

***Answer: Make sure that your interpretation of the code is accurate. The Atlantic Union Conference Education Code of over 250 pages is found on the Atlantic Union Conference Education office website. Check it out first. If you believe a policy needs changing, you can speak with any conference education superintendent; and they will respond to your concerns, providing feedback on the merits of your ideas. It would be helpful to write out what you feel could be improved. Policies are reviewed annually.***



## **Chapter 3**

### **School Board**

#### ***Selection and Composition of the School Board***

The school board shall be composed of members of the Seventh-day Adventist Church who represent a cross section of the school constituency. Individuals selected should be supportive of Adventist education. Each board member having school-age children should demonstrate support for Christian education by having their own children enrolled in an Adventist school.

- The members of the school board may be chosen for terms varying from one to three years according to a schedule arranged by the electing body. New appointments are made each succeeding year for terms of three years. The purpose of this plan is to assure continuity of educational practice and policy.
- School board vacancies are filled by the church that made the original appointment. The person filling the vacancy serves only for the remainder of the unexpired term.
- The school board shall consist of five to seven members where a single church operates the school and seven or more members where two or more churches unite to operate the school. The school board membership of a school should be in ratio to the constituent church membership, with a minimum of one member from each participating church. It is suggested that no school board exceed fifteen members.
- The principal is the chief administrator and official representative for the school at school board meetings. Teachers within the school, other than the head teacher in a one-room small school, are not members of the school board. They may, however, be invited periodically to attend. The vice-principal or a faculty representative may also be designated to the school board.

The process of becoming an effective school board member takes time and willingness to learn. Board membership is a serious responsibility. It may appear overwhelming, but with Christ, anything can be achieved. Experience comes with time. Rely on God and the facts when making challenging decisions.

#### ***Officers of the Board***

- The Chairperson
- The Vice-chairperson (if needed)
- The Secretary (the principal or head teacher--a school board may include a recording secretary to free the principal to coordinate agenda items with the chairperson)
- The Treasurer

### ***Responsibilities of School Board Members include:***

- Being faithful members of the Seventh-day Adventist Church.
- Being willing to accept the responsibility of serving on the school board and serving in this capacity to the best of their ability.
- Being both ethical and professional in handling the information and decisions taken by the board.
- Representing the constituency of the school.
- Attending all school board meetings, as far as possible.
- Ensuring the implementation of policies and plans of the union and conference boards of education.
- Providing qualified faculty for the school, in counsel with the conference office of education and in harmony with denominational policies.
- Appointing necessary subcommittees to expedite the business and safe operation of the school.
- Carrying out all of the plans and policies voted by the constituency to provide for the general welfare of the school.
- Authorizing the expenditure of school funds.
- Approving the annual operating budget.
- Determining capital improvements not provided for in the annual budget, and recommending an equitable apportionment of funds needed to meet the needs of the school.
- Ensuring that the school complies with union and conference regulations concerning insurance and liability.

### ***Functions of the School Board include:***

- Recommending to the superintendent of schools employment, assignment, transfer, retirement, termination, or dismissal of certified educational personnel. (Action taken is by authority of the local conference board of education.)
- Organizing itself in the first meeting of the year in harmony with local conference policies and constitution.
- Ensuring the implementation of policies and plans of the union and local conference office of education.
- Supporting the principal (or head teacher) in the administration of the school program including:
  - Implementing school board policies
  - Determining teacher load
  - Developing and enforcing a code for student conduct
- Assisting in the implementation of policies in areas of local concern such as:
  - Use of school property
  - Purchasing procedures
  - Budget and/or other methods of support
  - Admission requirements (in accordance with state and local conference guidelines)
  - Equipment and maintenance of school plant
  - Textbook purchases (pupil or school owned)
  - Master planning

- Considering the recommendations of the school administration involving major disciplinary cases including those exceeding a three-day suspension, and serving the final authority in the dismissal of students. School board consideration of dismissal recommendations must be in closed or executive sessions. (See AU Code #1660-1670)
- Supporting the Home and School Association.
- Ensuring that official minutes of each meeting of the school board be kept in a permanent file, with one copy being sent to the local conference office of education and, in the case of a secondary school, one additional copy to the Atlantic Union Conference Office of Education.
- Considering appeals regarding the operation of the school.
- Participating in the process of school evaluation as scheduled by the local conference office of education, Accrediting Association for Seventh-day Adventist Schools, Colleges and Universities, or the regional accrediting association.
- Cooperating with the Atlantic Union Conference and the local conference office of education in planning for in-service education and teachers' conventions.
- Considering, in counsel with the local conference superintendent of schools, a proposed plan of school organization, including a constitution, bylaws, the administrative organization, and a basic curriculum for the school.
- Adopting the recommended conference-wide K-12 school calendar, or requesting approval for changes.
- Adopting a dress code policy and a code of social behavior.
- Authorizing the preparation of a school bulletin.
- Assuming responsibility for the planning and funding of an annual operating budget, including:
  - Operating expenses
  - Curriculum materials
  - Recreation and physical education supplies
  - Media center materials
  - School supplies
  - Insurance
  - Indebtedness
  - Capital budgeted expenses
- Cooperating with the Atlantic Union Conference and the local conference office of education in matters of instructional and curriculum innovations, development, and implementation.

### ***Orientation of School Board Members***

- As a member, become familiar with board policies, budgets, curriculum, discipline guidelines, evaluations, grievances, school law, testing, and much more. Don't expect to become an expert in all areas.
- It may not be possible to know or remember everything, but knowing where to find information is crucial. Numerous reference materials include the *Atlantic Union Conference Education Code K-12*, *Employment Policies for Educational Personnel*, school manuals, board policies, and *minutes* from past board meetings.
- Review policies and other material periodically, but give particular study to information relating to current issues of discussion or committees on which you serve. It is especially

important for personnel committees to review employment policies in the spring when hiring and rehiring are done.

- Make a notebook of reference materials and take it to board meetings. Notebooks might include local conference curriculum standards, the school's mission or philosophy statement, the annual budget, a simplified version of parliamentary procedure, and an outline of how school board meetings are conducted and the roles and responsibilities of the school board, local conference education personnel, and administrators. Additionally, a school map may prove useful in discussions of the school plant.
- Do not allow personal biases to evolve into prejudice or discrimination. Prejudice can have a negative impact on decisions. Discrimination is both illegal and immoral.
- Be cautious of personal expertise. One may be a theologian or minister, but that does not make one a Bible teacher. One may be in business, but that does not make one an expert in school finance. One may be an attorney, but school law is a specialized field.

### *Communication*

Confusion sometimes exists over the role of the local board and other entities, especially the Conference K-12 Board of Education and the Conference Office of Education.

The school board should thoroughly understand its relationship to the conference K-12 Board of Education. The Atlantic Union Education code specifies the nature of this relationship, and it should be reviewed annually.

Although the Conference K-12 Board delegates certain functions to school boards, the Conference cannot divest itself of its inherent legal obligations. Inasmuch as the conference association—conference trustees (in whom school ownership rights are vested)—remains legally bound by school board actions, it is incumbent that close cooperation remain between school boards and the Conference K-12 Board of Education in school operation and in all personnel actions. Note the following:

- The local conference board of education serves as employer of all school employees. As such, the conference Board of Education is responsible for the employment, assignment, transfer, retirement, non-renewal of contract and termination of all personnel.
- The local conference superintendent, in consultation with local school boards, makes recommendations to the local conference K-12 Board of Education on employment of personnel
- An employee who will not be rehired for the ensuing year must be informed in writing prior to April 1 of the current school year.
- A salaried employee who does not intend to accept employment for the ensuing year in the school where presently employed is to notify the school board in writing prior to April 1 of the current school year.

### ***Communication with School Administrator:***

Probably the most important relationship in a school setting is between the school board and the administrator. Positive relationships between these entities require development and nurturing. Educators, administrators, and school board members offer the following ideas on establishing such relationships:

- Perform tasks as a school board member and allow the principal to manage the day-to-day operations of the school.
- Recognize that the educational and occupational background of the principal should equip him/her with the knowledge and skill to deal with most background matters.
- Don't react immediately to the principal's suggestions. Agreeing with everything weakens the decision-making process; always disagreeing causes unnecessary friction.
- Provide the principal with prior knowledge of all problems to be discussed at school board meetings.
- Discuss improprieties in private. Making allegations or criticisms in public causes defensiveness and strife.
- Create a balance between strengths and weaknesses when making evaluations. Analyze the problem, not the person.
- Realize that limited budgets and inadequate facilities may restrict what the administrator can do.
- Communicate openly with the constituency and listen to their concerns. Solve small problems early to avoid the development of major crises.
- Listen to teachers, students, or constituents without patronizing, empathizing, or offering an official decision.
- Require that teachers and students with serious complaints discuss each complaint with the principal before taking it to the school board. Constituency members with serious complaints should submit them in writing to the school board.
- Make no personal promises. School board members have no authority individually.

### ***Communication among board members:***

The school board must also develop positive working relationships within itself. Without this, differences among school board members cause turmoil and hinder effectiveness. Some concepts to help build positive relationships between school board members follow:

- Devote time and energy to the position. Study material and reports, make suggestions and contribute to committee work.
- Effective members are continually learning. No one person knows it all.
- Support one another and act as a group.
- Maintain a well-balanced perspective. Acknowledge improvements that have been made, and recognize problems to be solved.
- Realize that not all problems are totally solvable.
- When in the minority during board discussions, maintain the position without feeling guilty, but publicly support the majority vote.
- While maintaining a sense of humor can help to ease tensions, inappropriate joking and making light of issues can hamper serious discussion and promote inefficiency.

- Recognize the difference between asking good questions and questioning every action. The former promotes problem solving; the latter produces tension.
- Appreciate the time and effort expended by committees.
- Take time to socialize as a group. All work and no play make a very dull school board.
- Be able to weather criticism.
- Be willing to take sides in controversies.
- Foster harmonious relationships
- Display tact and firmness in relationships with individuals.

### ***Effective School Board Membership***

To attain school board unity, each school board member should:

- Subordinate personal interests.
- Adhere to the policy-making and legislative functions of the school board.
- Accept and support majority decisions of the school board.
- Identify self with school board policies and actions.
- Refuse to speak or act on school matters independent of the school board.

For proper leadership, each school board member should:

- Suspend judgment until the facts are available.
- Make use of pertinent experiences.
- Help identify problems.
- Have the ability to satisfactorily determine solutions to problems.
- Devote time outside of school board meetings as school board business requires
- Be willing to accept ideas from others.
- Have enthusiastic interest in the welfare of the children.

For proper executive function, each school board member should:

- Understand the desirability of delegating administrative responsibility to the chief executive officer.
- Support the executive officer in his/her authorized functions.
- Encourage teamwork between the executive officer and the school board.
- Recognize problems and conditions that are of executive concern.

For effective staff and group relationships, each school board member should:

- Have the ability to express opinions clearly.
- Believe firmly in the democratic processes and in the right of all groups to be heard.
- Work tactfully and sympathetically with teacher groups.
- Understand how groups think and act.
- Assist others in working effectively.
- Have mature social poise.

For proper personal relationships, each school board member should:

- Work with fellow school board members in spite of personality differences.
- Display both tact and firmness in relationships with individuals.
- Treat patrons and teachers fairly and ethically.
- Foster harmonious relationships.

*\*Taken from “Thirty Requirements for School Board membership” by Dr. Richard E. Barnhart, from the Hoosier School Board Journal, September, 1955*

## ***A Code of Ethics***

The school board assumes responsibility for providing leadership in the school and community. This responsibility requires the school board member to maintain standards of Christian conduct. It must be recognized that the school board member’s actions will be viewed and appraised by the constituency, associates, and students.

The school board member subscribes to the following statement of standards:

- Makes the well-being of students the fundamental value of decision-making and actions.
- Fulfills responsibilities with honesty, integrity, and confidentiality.
- Recognizes the value of quality education as a determining factor in the future welfare of the church.
- Provides constituency with information regarding the school and its future development.
- Understands that the authority of the school board is derived from the church or churches as they relate to the K-12 educational system.
- Does not neglect a personal obligation to the government or surrender these responsibilities to any other person/s, group, or organization.
- Avoids using position for personal gain.
- Follows the policies by which the General Conference, Atlantic Union Conference, and local conference have indicated Seventh-day Adventist schools are to be administered.
- Recognizes the parameters of the decision-making authority of a member of the school board and limits him/herself to that, declining to interfere with the legitimate functions of the school faculty and administration.
- Is required to sign a Conflict of Interest Statement to be provided by the local conference superintendent of schools [*AUCOE K-12 Code #3950*].
- Bases decisions on the philosophy and mission of the Seventh-day Adventist education system and rejects proposed actions that are merely expedient.
- Demonstrates attitudes and personal conduct that reflect the standards of the Seventh-day Adventist Church.
- Refrains from actions or involvements that might prove embarrassing to the church or school.
- Works unceasingly to improve the understanding and support of Seventh-day Adventist education.
- Learns and practices the art of compromise without sacrificing principle.
- Supports and protects the civil rights of all members of the school community.

- Recognizes that the authority of the school board is only expressed by its actions as a school board. Individual members may act or speak on behalf of the school board only when authorized to do so.
- Takes no private action that will compromise the school system, the school board, or the administration.
- Bases decisions on facts and independent judgment. Does not defer to the opinions of individuals or special interest groups.
- Works with other school board members in a spirit of decency, harmony, and cooperation.
- Upholds all school board decisions, regardless of any personal disagreement.
- Maintains confidentiality of all matters that, if disclosed, would needlessly injure individuals or the school.
- Recognizes that individual responsibility is not to run the school but, together with fellow board members, to see that it is well-run.
- Refers all complaints to the school administrator.

***“So, in everything, do to others what you would have them do to you, for this sums up the law and the Prophets.” Matt 7:12 (NKV)***

***Responsibilities of the school board chairperson:***

- To call and preside over school board meetings.
- To prepare the agenda for school board meetings in consultation with the principal.
- To be acquainted with parliamentary procedures.
- To encourage discussion relevant to agenda items.
- To be acquainted with the school program and confer with the principal or head teacher on items pertaining to the operation of the school.
- To support the principal or head teacher in the administration of the school.
- To act as liaison with individual churches to ensure communication and the presentation of school items pertinent to each church constituency.
- To implement school board action in small schools where a principal or head teacher is not designated.
- To communicate with the local conference superintendent of schools on policy clarification where there is not a full-time principal.



***Responsibilities of the school board secretary (school principal):***

- To keep written record of each operating board and subcommittee meeting in a permanent file.
- To send copies of minutes of the school operating board to the local conference superintendent of school within ten days after each meeting. Senior academies also send a copy to the Atlantic Union Conference office of education.
- To forward copies of the monthly financial statements, scholastic and statistical reports as requested by the conference, union and North American Division offices of Education.
- To carry on the necessary correspondence for the school board.
- To prepare the agenda for school board meetings, in consultation with the school board chairman.
- To provide the information needed for the board to carry out its oversight function and to inform the board about the effectiveness of its policies.
- To prepare a report for the board informing the board of the pulse of the school.
- To file with the Atlantic Union Conference director of education, and the local conference superintendent of schools the dates for the regular meeting after the first meeting of the year.

***Responsibilities of the school board treasurer (unless other provision is made):***

- To keep all financial records.
- To issue school bills to parents.
- To collect tuition.
- To pay authorized bills.
- To present a complete written financial report at each school board meeting—copies of the budget and monthly financial statements should be sent to the local conference office of education with academies also sending these reports to the Atlantic Union Conference office of education.

***Board Committees***

An effective board may elect sub-committees to attend to various tasks. Committees should be composed of 5-7 members and be balanced in gender and ethnicity as much as possible. When sub-committees work on different tasks, it allows for effective board meetings when the board meets. A board may want to have sub-committees that may include, but are not limited to, the following:

- **Building/maintenance:** oversees the proper needs and maintenance of the building. It does not replace the school custodian.
- **Constitution and Bylaws:** reviews the constitution and bylaws of the school periodically to ensure that the school is driven by an effective working constitution that meets its needs.
- **Dorm/Housing:** oversees issues dealing with housing for schools that provide housing in any capacity.
- **Executive Board:** decides on emergency or extremely delicate issues.

- **Finance:** oversees the financial health and temperature of the school, studies the budget and financial records and statements, and makes recommendations to the board when an issue arises.
- **Fundraising/Marketing:** works with outside entities to promote the school, raises awareness about its needs and spearheads projects to raise funds for the school. This committee may be one or may be two separate committees.
- **Personnel:** conducts interviews of candidates for available positions at the school and makes recommendations to the board regarding personnel issues and concerns.
- **Safety and Health:** reviews safety and health issues of the school and makes recommendations to the board.

*“Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report; if there be any virtue and if there be any praise, think on these things.”  
Philippians 4:8*

## *Discussion Items*

**Question:** Whenever a question or a suggestion about school operational policy is made, the principal becomes defensive. He/she either listens and agrees but does nothing to solve the difficulty, or he/she strongly defends the situation. How should this frustration be handled?

**Answer:** *Refrain from unsolicited advice. However, good ideas, should be shared with a board committee or the board. If there is general agreement among board members, request that the administration consider it. If the board asks a question about school policy, the principal must provide it. If procedure does not coincide with written policy, corrections must be made. If procedures are within policy, the board needs to reevaluate its thinking. If there is no policy, the board should work towards establishing one.*

**Question:** When the school board is organized each year, it experiences the same problem in selecting a chair. No one wants the position. The person with the fewest excuses, who succumbs to pressure, or who has not previously held the office, is elected. What is the problem with this election process? How could the annual dilemma be resolved?

**Answer:** *Too much may be required of the chairperson. Individuals may not feel prepared to take on such responsibility. The person with the most leadership ability should be selected, Delegate responsibility. The chairperson is an organizational manager but not involved in every committee or action. Educate board members to take the chair in the future by rotating committee chairmanships, special project assignments and in-service education.*

**Question:** A skilled licensed contractor is on the board, and the school plans to undertake a major renovation. Should he get the job? What process would you follow?

**Answer:** *It depends. A person should not be denied or granted anything because of board membership. The contractor should declare a conflict of interest and not participate in the discussion or decision. The plant renovation should be advertised. The administrator and facilities committee should request bids from the public. These should be specific and detailed.*

## Chapter 4

### **School Board Meetings**

*“Come now let us reason together.” Isaiah 1:18*

A school board that is comprised of intelligent, sincere, and effective members does not guarantee that school board meetings will run smoothly and efficiently. Effective school board meetings are structured.

To keep meetings focused and functional, school board members should assess their current practices, agree on needed improvements, and effect changes. Further, by documenting the policies and procedures that the school board follows, all members and constituents will understand the functioning process of the school board and will know what is expected.

The school board shall meet at a regular time and place at least six times during the school year, and as often as needed during the summer months.

The school board is responsible for implementing policies and plans of the Atlantic Union Education Code and the Conference office of education.

#### ***Policies and Practices***

*“Where there is no guidance, a nation falls, but in an abundance of counselors there is safety.” Proverbs 11:14 (NRSV)*

Policies and regulations are of a dynamic nature and subject to change. Every attempt should be made to keep school board policies and administrative procedures current. Changes should be made in a timely fashion.

Policies establish directions for the school; they set the goals, assign authority, and establish controls that make school governance and management possible. Policies are the means by which educators are accountable to the constituency.

School boards, particularly those of small schools, will find no need to adopt all of the following suggestions. However, each school board should adopt those it finds pertinent.

- The procedures by which the school board members, school staff, and constituents may bring items before the school board should be published.

- New issues should be channeled through the agenda development procedures. This will allow the administration to review, study, and present the issues in writing to the school board. New issues raised during the meetings can swamp the group with discussions before there is sufficient information to make sound decisions.
- These issues should be referred back to the administration for investigation, recommendation, and follow-up at the next scheduled meeting.
- The school board chair and school administrator can maximize school board meeting time by discussing agenda items and other ensuing business prior to the meeting. They can anticipate potential problems and propose resolutions.
- School administration should distribute its recommendations regarding specific agenda items to school board members prior to scheduled meetings.
- School board members should receive copies of the minutes and committee reports several days prior to scheduled meetings.
- Sub-committees will report back in a timely and professional manner.
- School board meetings generally are considered to be open meetings; however, the chairman may cite an appropriate reason and call the school board into executive session.
- The academic and spiritual development of the students should be assessed. Teachers can be invited to share evidence illustrating student and teacher success in spiritual development.
- School boards, personnel committees, superintendents, and principals must recognize that employed persons have Constitutional rights, which will be upheld by the Supreme Court. Every employee has the right to due process and free speech.
- The superintendent is the chair of the personnel committee. There should be no discussion of personnel in the absence of the superintendent or his/her designee. The school board chair must arrange for the superintendent to be present when there is a discussion regarding personnel performance.
- When recommending the termination or suspension of employees, ascertain that the reasons for the action do not violate the Constitutional rights of the employee.

## ***School Board Meeting Conduct***

***“Who is wise and understanding among you? Let him show by good conduct that his works are done in the meekness of wisdom”. James 3:13***

- Respect the confidentiality of privileged information.
- Recognize that an individual board member has no authority to speak or act for the Board.
- Respect the right of other board members to have and express ideas that differ.
- Work collaboratively with other members to establish effective board policies.
- Be open, fair and honest.
- Make every effort to attend all board meetings.
- Come to board meetings informed concerning the issues under consideration.
- Give staff members the respect and consideration due skilled professional employees.
- Cooperate with other board members and administrators to establish a system of regular and impartial evaluations of all staff.
- Avoid conflicts of interest or the appearance thereof.
- Refrain from using the school board position for benefit of self, family, or other business associates.
- Express personal opinions, but once the board has acted, accept the will of the majority.
- Avoid speaking a second time on the same motion if someone else wishes to speak for the first time.
- Address issues, not personalities. Don't interrupt others when they are speaking. Be brief; listen or speak to the entire group. Do not read other material, doodle or chat with a neighbor. This causes undue disruption.
- Maintain a professional decorum during discussions.
- Listen or speak to the entire group. Do not read other material, doodle or chat with a neighbor. This causes undue disruption.

## ***Chair Board Meetings***

- Begin and end board meetings on time.
- Form sub-committees in order to be more respectful of board member's time. They can be standing sub-committees or Ad Hoc, which report findings back to the board.
- Allocate adequate time to important matters that have been prioritized with the administrator ahead of time.
- Establish an orderly method by which staff, constituents, and students may be heard during meetings.
- Remain focused. Confine discussion to the topics at hand. Non-pertinent discussion should be ruled out of order.
- Recognize those who have not spoken previously and allow for the presenting of alternate points of view.

- Keep the meeting moving deliberately--neither rushing business nor letting it drag.
- Create a cooperative, rather than a competitive, environment. Whenever the majority vote thinks they “beat” the minority, whenever good committee reports are unnecessarily questioned, whenever a group believes it is against the chair: summarize issues well before calling for a vote.
- Remember to follow up on items deferred to the next meeting.

## *Parliamentary Procedure*

In order for any official meeting to operate smoothly, standard procedures must be followed. One or two board members should be well-versed in parliamentary procedure and serve as resource persons or parliamentarians when necessary. However, basic procedures are not complex and can be learned easily by each member. The following rules allow the board to function smoothly and efficiently:

- When making a motion, address the chair.
- Only one motion is considered at a time.
- The chair will ask for a second to the motion and, if granted, will proceed with discussion.
- School boards can entertain short introductory discussions before motions are made. These do not replace the detailed discussions that occur after motions have been seconded.
- A motion may require amendment during the discussion phase. The amendment must be seconded and voted before the motion may be voted.

***REMEMBER: you are working with people to solve problems, and not against people to create problems; so use parliamentary procedure in that manner.***

## *Curriculum and Instruction*

If a school teaches a controversial subject, it must anticipate objections. School officials should not try to force obedience on issues of conscience if no classroom disruption has occurred.

Although suits have been brought against school boards for alleged educational malpractice, no substantial educational malpractice suits have ever been won.

## ***Reports***

The school board needs a procedure for setting the agenda and preparing reports and briefings. Ideally the principal and the business manager should present reports at every board meeting.

Other important reports should be prepared for the board on a quarterly or semi-annual basis. These should deal with facilities, curriculum, personnel, safety, and any other areas that the board designates.

## ***Discussion Items***

1. Private vehicles are sometimes used to take students on field trips. This bothers members of the board because of insurance and safety concerns. Is this a wise practice?
2. There is evidence that a teacher on staff used corporal punishment. What should the school board do?
3. You visit school during the noon hour for a committee meeting and observe that students are playing without apparent supervision. Should you have any concern? If so, why?
4. During the last week of school, the school board becomes concerned about the performance of a certificated staff member. The general consensus is that the teacher should be replaced. Could you legally defend this within a court of law?
5. Whenever there is discussion on a motion, two or three individuals dominate the conversation with endless comments. Also, the group often fails to reach consensus. What should the chair do?
6. The chair is very informal. If the school board has reached consensus, he proceeds to the next agenda item. Is this a defensible procedure?



## Chapter 5

### Finances

*“...Your heavenly Father already knows all your needs. <sup>33</sup> Seek the Kingdom of God above all else, and live righteously, and he will give you everything you need.” Matthew 6:32, 33 NLT*

While the “will” to operate a school is the moral impetus for an Adventist School, school finances are too often the determining factor in operation. A realistic balanced budget is the key, and the operation within the budget decides the school’s long-term survivability.

#### *Financial Management*

*“A prudent person foresees danger and takes precautions.  
The simpleton goes blindly on and suffers the consequences. Proverbs 22:3 NLT*

The budget is the educational plan of the school expressed in monetary terms. There are two types of budgets:

1. **An operating budget** forecasts revenues and expenditures for the fiscal year.
2. **A capital budget** covers plant and equipment expenditures for both short- and long-range plans. The short-range capital budget provides for expenditures for the fiscal year. The long-range budget plans for new replacement equipment and for major structural improvements and additions extending beyond the next fiscal year; however, a period in excess of ten years becomes questionable.

Budgeting should begin afresh each year with each line item beginning at zero. Figures are then justified by the best information and projections possible. The previous year’s budget is a starting point when under-spending or over-spending is reviewed.

Funding sources are extremely important. In fact, predicted revenue is really where the budget process begins.

- In most schools the major portion of revenue comes from tuition. Therefore, the budget is tuition-driven.
- Usually, the second source is subsidies from supporting churches and the local conference. These must be based on realistic information or estimates of what the supporting entities are able and willing to contribute.
- One-time gifts and donations from supporters, fund-raisers, and alumni may be a third source. The preferred budgeting practice is to hold these funds in reserve and plan to

spend them the following year. Student aid or worthy student funds are often an exception.

- Each board member is encouraged to make personal contributions and help secure additional gifts of money and other resources, including time, to help fulfill the mission of the school.
- Finally, there may be interest from trust funds that can be budgeted.

Church subsidies must not be taken for granted. While they often represent a major income source, churches should always be treated as an equal partner in the budget process. Schools and local churches are seldom on the same fiscal year, with the church budget starting in January and the school budget starting in July. Therefore, friction can result when churches are asked to provide more funds than they have budgeted. Schools and churches must develop a system to meet in dealing with different fiscal years. It is the school administrator's responsibility to guide the school board in anticipating the needed subsidy for the next fiscal year and to communicate this to local pastors before church budgets are developed.

The school board must decide where money will be spent. School administration authorizes expenditures. Controls in the process and reporting of expenditures outside of salaries will often determine the relationship of the school board and administration. It will also often determine the viability of the school if it stays within the pre-determined budget. Seldom is enough money available for every need or desire, so the school board must set priorities.

- School board members must realize that most budget items are relatively fixed and that budgets have little flexibility. Salary and benefits compose the major part of a school budget.
- Preliminary budgets should be developed for various levels of enrollment, such as 90-95 percent of the previous year's enrollment, since enrollment figures can never be guaranteed.
  - Many schools find a system of early pre-enrollment gives a more realistic estimate of the next year's enrollment.
  - When an incentive is given for committing to pre-enrolling in February and March, the faculty and facility needs for the next year can be part of the budget process.
- The overall philosophy of the school board helps establish priorities and decisions. After establishing budgetary priorities the school board can develop a plan. Some plans, such as building renovation, have stages of completion that allow for budgeting over a two- or three-year period.

Tuition collection is critical to the operation of the school. Determining who is responsible—the administrator, treasurer, or someone in the business office--and how tuition income will be monitored and collected is vital to the school. Some schools find that using an outside company (FACTS or SMART) assists in this process. Remember that ultimately someone must be held responsible for a consistent collection of tuition. Timely, constant communication is key. Redemptive policies with possible student aid and cooperative and confidential assistance from pastors can help in the process.

**If you want to guarantee a crisis, do a poor job of financial management.**

## ***Budgeting Process***

***“But don’t begin until you count the cost. For who would begin construction of a building without first calculating the cost to see if there is enough money to finish it?” Luke 14:28 NLT***

In budgeting, as in other areas, the board is responsible for establishing policies; administration is responsible for implementing and controlling these policies.

- The school board is not to become involved in the minor details of budget management. However, it is to hold the administrator responsible for doing so.
- The budget covers a 12-month period, from July 1 through June 30. A budget calendar is needed to indicate when planning and preparation must occur, when reports and recommendations are due, and who is responsible for precise functions.
- Sufficient participation is required in budget preparation, especially during the early stages. Participants may include staff, school organizations (i.e., Home and School Association), the constituency, and the school board. A short questionnaire might suffice for some groups, whereas formal meetings might be more appropriate for other groups.
- The school board deserves rational explanations on every major area of the budget. Be especially aware of funding changes exceeding 10%, unrealistically low allocations, dependence on balancing the budget with current-year fund-raising, and the need for a reasonable emergency fund.
- Proper order is important in the budgeting process. Major consideration should be given first to the educational needs and then to the ability to finance those needs. To reverse the order is to stunt educational growth.
- The school board must not be concerned only about the immediate goal of preparing a budget for the next school year. A well-developed budget recognizes the need for future projects, programs, and improvements. Again, reserve funds and long-term goals should be budgeted over a two- or three-year period.
- The school board needs to understand the difference between budgeting dollars and authorizing expenditures for specific materials or services. Failure to clarify this will create conflict during the implementation of the budget.
- Budget areas must be established and maintained. Depending on the school size, budget areas commonly include salaries and fringe benefits, curriculum and instruction materials, equipment, facility maintenance, and transportation.
- Once established, there should be little need to transfer funds from one account to another. If money is allocated for library books, it should be spent on library books and not playground equipment.
- Budget for the unexpected because you cannot prevent it from happening.
- Consider placing utility services, copier expenses, and other semi-regular expenditures on a constant budget figure with a settlement date in the summer.

*Don't be baffled by accounting jargon or procedures; ask questions.*

## ***Monitoring the Budget***

*"In this regard, it is expected of managers that each one be found faithful." 1 Cor.4:2*

Even with good planning, a monitoring process remains mandatory. A budget does not generate revenue. Making a budget does not authorize spending. Without monitoring a budget, financial disaster may ensue. Steps in monitoring budgets include:

- Review financial reports regularly. Small schools may have only six regular board meetings a year. The finance committee or the board chairman can review budgets for these schools without involving the entire school board. However, regular meetings should contain financial reports. Financial reports may vary but should cover expenditures, appropriations, revenue, and cash flow. The school board should know what has been spent, how the current year compares with the previous year, and how much funding remains.
- Consider expenditures in relationship to the total budget. If \$500 is allocated and \$600 is spent, the expenditure is 120%. The total amount overspent is \$100. However, if \$5,000 is allocated but \$6,000 is spent, the expenditure is again 120%, but the total amount overspent is \$1,000. Staying within budget on small items is often more difficult; however, many smaller over-expenditures can add up to a costly sum.
- Handle school activity accounts or trust funds through the school business office. The school board should review and monitor such accounts as student association funds, club dues, and class or school fund-raising projects. Administration should provide for the auditing of all student organization funds. Caution: Dependence on using trust funds for operating emergencies only delays a crisis. The School Board should be fully informed of any irregular use of trust funds. (Example: Class trip funds are set aside but will not be used for several months. Can these funds be used to meet a payroll emergency?) Trust funds should not be zeroed at the end of a school year.
- Set up separate accounts for permanent trust funds (Example: large gifts or funds from sale of property), and report them as line items in the balance sheet. These should be held in an insured account at a local bank or in certificates of deposit, treasury notes, or treasury bonds. This is a very technical area, and the expertise necessary for handling such funds usually exceeds that of the typical school board. The local conference may assist in these matters.
- Do not reward deviant spending behavior and punish sound fiscal management. The theory of "If I don't spend it now, then they will cut it next time," stimulates unnecessary expenditures. Some administrators overspend every budget in order to get increases the next year. A person who stays within budget should be rewarded. One who goes unnecessarily over budget should be confronted.

- Explain the use of money to the constituency. If given simple, rational explanations, most people can understand why budgets remain the same when enrollment decreases (fixed cost), why budgets increase (inflation), and how to make the wisest use of money. Many school boards have found that comparing a school budget to a family budget or a balance on a teeter-totter makes explanations easier.
- Invest school funds at the highest, most secure rate of return. Consider certificates of deposit, savings accounts, and similar investments guaranteed by federal laws. The local conference has guidelines for investment.

## ***Educational Materials Funding***

***“Your instructions are more valuable to me than millions in gold and silver.”***  
***Psalm 119:72 NLT***

The primary responsibility for funding of the local school rests with the school board. Textbooks, classroom materials, technology, and other materials need to be included in the year budget.

Materials included on the evaluation instrument: The school is required to budget a specific amount per student for library materials (AUCOE Code #2740.99). The school evaluation also asks for total expenditures for media, technology and professional development.

Teacher donations: While teachers may provide some of their own materials, they should not be expected to do so. They should be offered receipts so that these items can be counted as a donation for tax purposes where appropriate if materials are to stay with the classroom.

Grant Writing: School boards often desire to find a source of funding in writing grants. Generally grants for private schools are limited and very specific. Grants for educational material are one area that is often available. Grant writing is a specialty. Adhering to the specifics of the grant may provide much needed educational materials. Be cautious if considering those organizations/companies that promise to write grants for a portion of the grant while also requiring up front fees. The local conference office of education should be informed about grants consideration and will assist in determining legal responsibility.

The Atlantic Union Conference Office of Education cooperates with the North American Division by supplying money and personnel to help in the development of curriculum materials for teaching and administrative personnel.

## ***Insurance and Loss Control***

***“You must make restitution for the sacred property you have harmed by paying for the loss, plus an additional 20 percent. When you give the payment to the priest, he will purify you with the ram sacrificed as a guilt offering, making you right with the LORD, and you will be forgiven.” Leviticus 5:16***

- Student safety is the highest priority of the school board. Each school shall have a loss control committee to review regularly school activities and the condition of the premises. Adventist RISK Management has an excellent check list for this purpose. (Insurance discounts are often given in exchange for this review.)
- The loss control committee shall evaluate the safety of all school- or faculty-sponsored activities. The plans for each event must eliminate hazards as much as possible and provide for contingencies prior to each event. They should also review the record of regular fire and disaster drills.
- Each school shall annually survey its fire insurance to protect against over- or under-insurance. One hundred percent replacement cost is recommended on all school buildings.
- Each school shall prepare a plot plan of its property, designating each building so that proper identification can be made.
- Schools shall provide adequate student accident insurance for all students enrolled. (This is usually pooled together with all the conference schools. Monitor that the school is part of the plan and that the premium is paid.)
- Worker's Compensation Insurance shall be carried for all employees.
- A loss control committee shall determine the cause of all accidents in order to prevent similar accidents in the future.
- Employer's liability insurance shall be carried on all employees, including teachers, and on students not covered by Worker's Compensation Insurance.
- General liability insurance shall be carried in amounts recommended by Gencon Risk Management Services. Catastrophic loss should be considered. Bodily injury and property damage should be no less than \$1,000,000. All school-owned vehicles shall be covered under the local conference auto policy. Coverage shall include bodily injury and property damage. Comprehensive and collision insurance is recommended for vehicles valued at \$1,000 or more.
- Most conferences do payroll for local schools. In the case where the local school does a payroll, each school shall provide the local conference with all payroll figures for Worker's Compensation audit purposes.

***Some board members want to spend every penny. However, one minor disaster immediately highlights the importance of a reserve account.***

- All schools that have hot water heating or boilers should contact the local conference insurance officer to determine that the school is covered on the master boiler policy for Adventist institutions. In no case should boiler insurance be less than \$1,000,000.
- All known hazards should be removed from school activities and premises.
- In an endeavor to minimize all insurance premiums, safety education programs must be instituted. Records shall be kept of these programs or meetings.
- Student safety must be a priority for each physical activity or sport. Students should receive safety instruction for all physical education activities before participating in the activity.

### *Discussion Items*

1. Being an informed and involved school board member is very important. Stopping the progress of a board meeting to ask a financial question can be intimidating. Do not think that because another financially educated member, treasurer, or conference official is sitting in this meeting this diminishes in any way your responsibility and liability to understand and question the financial statement. Since statements can be difficult to understand, when you first join a school board, you may first need to learn the basic components of a financial statement. You may want to set an appointment with the treasurer, school administration, or conference representative outside of regular board meeting time. Your esteem as a concerned and potentially informed board member will increase because of your diligence. The articles in the list of publications will assist you in understanding financial reports. There are many online tools that can also help: (<http://circle.adventist.org/files/jae/en/jae200466052405.pdf>)
2. When presented at each school board meeting, the financial statement overwhelms you with figures and terminology. You do not know if the presentation is accurate or if some aspect is disguised. What questions would you ask? A delayed or absent financial report at any board meeting should be your first red flag. Two missed reports should be cause for alarm. School finance can go downhill very fast in 30 to 60 days. Some possible questions to ask:
  - a) Will you please show me how this budget is balanced?
  - b) Will you please show me the budget items where spending is over the budget?
  - c) Will you please show me where all the trust funds are fully funded?
  - d) How much dependence does this budget have on fund raising?
  - e) Where is the line item showing the comparison of tuition collection this year to last year?
  - f) What emergencies have we, as a school board, not planned?
3. Teachers complain about improper use of materials and professional development budgets. It appears that a few teachers use most of the budgeted money. Since the administrator is responsible for expenditures, should this be a concern of the school board?

Yes, it is your business since the board needs to ascertain that actions meet standards of fairness, justice, and equality with teachers, parents, and students. However, there is an order that a board member should follow in listening and responding to a concern.

- a) Determine if the person has addressed the concern with the administration. If this has not been done, go no further.
- b) If the teacher has addressed administration then talk with administration. Get the full story.
- c) If there is no resolution, talk to the school board chairperson.
- d) If there is no resolution, ask the school board chairperson to put the concern as an item on the agenda for the next month.
- e) Do not take the concern on as a special project; allow the school board to do their work properly and in order.
- f) Note: If you, as a board member, get the reputation as the person who listens and likes to address complaints, you will have a full time job, subvert the administration and school board, and ultimately hurt the school. Please review Mathew 18 for the principle and order for addressing concerns.



## Chapter 6

### School Law

*“Render Unto Caesar the Things that are Caesar’s.” Mark 12:17*

#### **Background**

The purpose of this chapter is to alert board members and chairpersons to specific areas that are most susceptible to litigation issues and to create a general awareness of the need to obtain a legal opinion or consult with the office of the superintendent before final decisions are made. The areas of personnel, negligence, students, contracts and government relations are the areas most likely to be litigated. The general approach of the church is to avoid litigation.

Local boards should immediately report any potential legal matters to the superintendent who will work closely with Adventist Risk Management as they assign or recommend appropriate legal counsel. A good starter for the board is a familiarization with the relevant areas of the Atlantic Union Conference Education Code, the Union and local Conference Employee’s Handbook and/or any other official document that is binding on employees. These documents can be annually reviewed at a board retreat.

Board members should read the relevant sections of the Atlantic Union Conference Education Code along with the Board Manual as a primer, especially Section 1300 on “The School Constituency and Board.” They should also consult Sections 1010 on “Personnel” and 1200 on the “Establishment, Organization and Operation of Schools. Since employees receive as part of their own due diligence a copy of the Conference Employment Handbook, board chairs should also have a copy and members should engage at least once per year in a board seminar that discusses legal challenges. In legal matters, the role of the board chair is to guide the board into seeking informed legal advice before decisions in any of the areas specified above are taken. All employees, including part-timers and/or persons working within the school building, should sign to indicate that they have received a copy of the local conference employment handbook. Exhibits of the Atlantic Union Conference Education Code should be made available to each employee and referenced by incorporation to any contract signed with teachers.

Since laws are modified constantly across jurisdictions, the law of today may not be the law of yesterday, and boards should review these matters occasionally. By signing off on a board seminar, the board is doing its own due diligence by ensuring that its members are taking all possible measures to be informed.

***Boards should do their due diligence by at least once per year hosting a seminar in legal aspects of board leadership and membership.***

## **A Legal Framework**

Seventh-day Adventist Board members are required to sign annual conflict of interest forms declaring any conflicts of interests they may have when making Board decisions. Board members should retain Seventh-day Adventist membership in a local church, and should be aware that they are bonded to conduct business in the name of the Board, and through the appropriate Board agencies. This means that prior-designated persons, that is the Board chair and the principal, should speak on behalf of the Board. Since several origins and sources of law influence school operations, it is wise for the Board chair to immediately contact the superintendent in the event of pending litigation or a problem that occurs in the areas specified earlier.

Seventh-day Adventist schools, while not governed by the Constitution of the United States (because the schools do not act as agents of the state), are still guided by state constitutions, federal and state statutes and common law. The school administrator will be knowledgeable about the laws in his/her jurisdiction and the Board chair should rely on the administrator. The law will heavily rely on the denominational sources that the Seventh-day Adventist school uses—school handbooks, the Union and Conference Employment Codes and any other published document that pertains to teachers and comes from a relevant authoritative source. These documents describe the expectations of the Board for personnel, and schools are judged by their own rules and policies. All administrative provisions should be applied and exhausted first before other remedies are attempted.

***The touchstone words that often trigger legal actions are “endangering the health, safety and welfare of children.”***

## ***Personnel***

### ***Contracts—Academic Employment***

The areas under personnel that attract the greatest legal attention are employment, the maintenance of employment, disability, the issuance of contracts and dismissals. Teaching and administrative contracts are approved by the conference K-12 Board, upon the studied recommendation of the superintendent and often in consultation with the local board. All teachers, that is anyone conducting teaching in the building during regular school hours, fall under the jurisdiction of the local conference office. The safest path is to follow the code for types of teachers employed, especially teachers who are under a provisional agreement for the first three years of employment. The non-issuance of a contract may not mean that a contract

does not exist, because contracts can be implied by the actions of both parties. Membership in the Seventh-day Adventist church is a requirement for signed work agreements.

### ***Contracts and Agreements—Non-Academic and Service Employees***

The local conference is liable and responsible for contracts entered into with individuals or companies for janitorial services and other vendor provisions normally handled by the local board on behalf of the conference. For this reason, the conference department of education requires that minutes of all meetings showing voted actions be filed with that office.

Board chairs should be vigilant so that agreements involving sums of money over five hundred dollars and taking more than one year to perform can be in writing and come before the local board first. Especially is this important in agreements that are made with vendors and contractors to repair and/or modify structures.

Contracts should not be signed by any member of the board or the board chair without consultation and the final vote of the board, and never outside of consultation with the office of education. The superintendent should review any local agreements before they are signed. Generally, a contract is in writing, is for a definite sum, is for a definite period of time, must be of a valid nature, is between two parties who are willing and able to agree and contract; the terms must be specific and serious, and consideration must be included (that is either money or a promise to do something in exchange for the service that is intended). Agreements not in writing cannot be litigated or claimed in a court of law.

Clerical and hourly paid staff are not usually contracted in the same manner as teachers, counselors and administrators, but instead are governed by at-will agreements which allow either party to give due notice of departure or work cessation. Although the conference department of education deals with all employees, local boards generally deal with classified and non-certificated personnel such as secretaries, and janitors and office personnel. A checklist of issues should be reviewed by the board upon hiring: membership in a Seventh-day Adventist church, diplomas, certificates, CORI and SORI checks, and work eligibility determination through the I-9 compliance form, as well as the ability to perform the task. The principal should do the homework and bring the matter before the board with the required documentation. Persons employed, whether part-time or full-time, must agree in writing to abide by the standards of the Seventh-day Adventist church and should have read and signed off on the documents that govern their employment.

All teachers should be given a regular salary according to the salary schedule. In rare cases, a teacher may voluntarily return some or all of it to the school, but absolutely no suggestion or pressure can be made in this regard.

## ***Employee Discipline***

In matters of employee discipline, the Seventh-day Adventist Church Manual, the Board Manual, the Employee Handbook and the Atlantic Union Education Code, along with relevant state laws and regulations are the guides. Employees may be liable for the intentional infliction of emotional distress or other forms of misconduct that are clearly specified in the Atlantic Union Code of Education. Boards should have high standards of ethical behavior with regard to sexual harassment and/or other harassment issues and should also set standards against third-party harassment (vendors). The board is expected to first exhaust the denomination's own provisions in employee discipline. All matters of employee discipline should be reported to the Office of Education immediately since there may be legal implications.

In hiring decisions, board members should be generally aware that the board can discriminate on the basis of religion, but not on the basis of sex, disability, gender, race, age, ethnicity or citizenship for persons who are legally eligible to work in the United States. Matters of discipline should follow some type of due process and procedure so that the administrative regulations governing employment and grievance procedures are fully stated and exhausted. Courts tend to look at fundamental fairness—was the employee treated fairly? Were there rules or regulations with regards to dress codes that were published and knowable? Were some persons favored more than others?

***In the matter of employee discipline, prevention is better than cure—do all the preventive work up front, at the interview and before hiring through references and copies of original documents—verify, verify, verify.***

## ***Negligence***

Negligence consists of performing any act that a reasonable, prudent person (an educator) would not have done if he/she were in a similar situation, or not performing an act when there was a duty to do so. Both the non-commission of an act and/or the improper commission of an act represent negligence.

Because local boards are often responsible for physical plants, care should be taken to avoid negligence especially through acts of omission. Areas for torts (a civil wrong as against a criminal wrong) often occur in the lack of physical plant repairs: in the grounds, the cafeteria, science laboratories, and/or any area where children may be harmed. Schools are expected to exercise a reasonable standard of care in their duties toward students. When that duty is violated through a lowered standard of care, then a breach has to be traced to some specific cause. It is for these breaches that parents often seek restitution, the famous charge being “that of loss of consortium or companionship,” the costs of injuries, medical treatment, and the costs of attorneys. Local boards should be vigilant in ensuring that the facilities meet standards that do not endanger children or employees and that there is provision for adequate supervision at all times. Taking adequate precaution, and giving clear instructions are defenses against

unintentional negligence. Care in the cafeteria, the quality of food, and supervised care in the laboratory can make a difference.

### ***Child Abuse***

Alleged child abuse in a school where some members of the Board may attend the same church is always a sensitive issue. Sometimes the abuser may be a member of the congregation. The Board should realize that all teachers and care-givers of children as well as administrators are mandated reporters whom the law requires to report incidents of suspected abuse.

Child abuse refers to educational neglect, sexual, physical, mental, or emotional injury, those results from neglect, malnutrition or addiction where there is harm or substantial risk of harm to the child's health or welfare. Teachers are REQUIRED to report to Social Services or Children's Services any reasonable suspicion that a child is being abused in any manner. Abuse means, but is not limited to, neglect of services to children and injury to the child whether physical, sexual, emotional or psychological, and excessive absences from school. The relevant social agency will then do an investigation. The Board should cooperate and may also conduct its own investigation.

The defenses against negligence are the education of teachers and students in safety measures, the inspection of buildings and grounds to identify risks, information-sharing with parents, and supervision, supervision, supervision.

The Board should cooperate with any ongoing investigations and may establish its own investigation of any allegation before it acts except when the allegation is so blatant and visible that it brings the school into disrepute. Then the Board, in consultation with the superintendent, may have to make a recommendation.

## ***Student Discipline***

### ***Suspension and Expulsion***

Because cases for suspension and expulsion come before the school board, it should be cognizant of its responsibilities. Because Seventh-day Adventist schools operate under the Free Exercise Clause of the Constitution, and because they are not state actors, elements of the same Constitutional freedoms do not apply as in the public schools. However, Boards should follow the principles of fairness that are expected and practiced in the wider society in dealing with student discipline. There should be a student handbook that clearly states the consequences of student misconduct and the instances when there may be suspension and/or expulsion. Student discipline falls under the jurisdiction of the principal and boards should not be over-involved in matters of discipline except when recommendations are made for expulsion. Boards should recommend that the school utilize a disciplinary committee

### ***Procedural Due Process***

In the quest for fairness, the offending student should be brought before the administration for a hearing. If the recommendation is suspension or expulsion, parents must be notified and given the reasons for suspension/expulsion. The suspension should not exceed three days without the board being called to render a final decision on the duration of the suspension or recommendation of expulsion. The board should allow the school administration to deal with disciplinary cases but should require that all suspension decisions be recorded for information. Only the board can vote the expulsion of students.

### ***Free Speech and Conduct***

The matter of free speech and/or conduct of students in Seventh-day Adventist schools is governed by the religious doctrines and practices of the Seventh-day Adventist church. Generally, students are expected to wear uniforms (if prescribed), to dress modestly as per the school's definition, and to refrain from foul or indecent language as defined by the school. Free speech does not extend to hateful acts, violence, or defamation of character. Students may be allowed a specific time, and place to be heard in a prescribed manner.

The Board's role in student discipline is to ensure that regulations are established for proper discipline, and to allow the principal to operate the school and administer discipline. The board may hold itself as a review body to receive recommendations on suspensions.

The Board should ensure that students' rights and responsibilities are listed in the Handbook and that they are shared with the students and their parents, who should sign to indicate that they have read them and that they agree to keep the rules of the school. The procedure of discipline should also be included in the Student Handbook.

## ***Finance***

Board members may be liable for financial decisions that are not made on an informed basis, especially where they sign checks in matters dealing with the remittance of statutory deductions to government bodies. The Board is required to vote and adopt a clear plan of financial resources that it can reasonably predict will satisfy the objectives of the school. Conference education personnel are always willing and ready to assist the Board.

The question often arises as to whether Seventh-day Adventist schools can accept monies from the state, the city or federal government. There are various constitutional provisions at the federal and state levels that govern such questions. Generally the rule of thumb is that Seventh-day Adventist schools may not be entangled with the state to an extent that the mission of the school is blurred. Direct aid to students in the form of books, vouchers, transportation and educational support services has not been construed to be an "entangling financial alliance." Some schools accept Title 1 funding where the service is to the student and is geared to mitigating inequities, and where the funding is not directed into the operational costs of the school. Here the courts have held that such support is constitutionally permissible since the activity is religiously neutral.

Boards should insist on an annual audit, should receive the written audit report, should share it with all members, and the school administration should act on it. Audits should be taken seriously.

***The general rule is to check with your state—some states allow reimbursement for certain services that states require private schools to perform, such as the state testing of children.***

### ***Board Indemnification***

Many Boards indemnify or hold themselves harmless through inserted clauses in contracts. An indemnification clause protects one party from legal issues and actions that may arise when performing a service or fulfilling a contract with another party. Thus, when the Board enters into an agreement with another party, the Board may require that party to hold them not responsible, and/or not have them liable to suit, as a price for doing business.

Seventh-day Adventist Board members are insured through Adventist Risk Management against money damages arising from lawsuits only when those members are in the pursuit of their Board-appointed duties and do so in an appropriate manner. Board members who perform outside of their board-appointed scope have no protection because such performance is not part of the scope of the Board's duties.

***In summary, members are indemnified when acting within their capacity to perform as duly required or authorized by the Board.***

### ***Curriculum and Instruction***

The conference department of education is responsible overall for the academic supervision and evaluation of teachers. Both the conference and the Board may be liable, based on statements in the school publication promising to grant students a certain type of education. Announcements, brochures and statements should be stated as information to the general public, rather than as constituting some agreement between the school and the community.

In the matter of tuition and/or signed enrollment agreements established at the start of a term, a parent usually agrees to enroll and pay a specific sum of money for a child's learning. Where the parent does not meet his/her part of the bargain, schools have been able to recover funds since parents have not paid but have received services. The reverse can also be true. Boards are advised to reference their specific state laws on the matter of tuition and enrollment agreements and the issuance of certificates and transcripts. Graduation is not synonymous with school completion and the issuance of a transcript. Graduation in a Seventh-day Adventist school refers to citizenship and conduct as well as academics.

Either the parents or the school may be liable for a breach of duty. Schools should ensure that there is no basis for fraudulent claims by providing qualified and certified services. Contracts that consist of tuition agreements or through student handbooks can be binding and are actionable if certain services are not delivered. In these cases tuition refunds may be received or schools can insist on tuition payments.

### **In summary—the Legal Duties of the Board**

Here is a quick summary of some of the legal duties of the Board.

- **Physical Plant**—Ensure that the physical plant is safe and sound, that there is a certificate of occupancy, a fire escape plan, and that all the **provisions and ordinances of the local town/city are met and maintained.**
- **Legal Framework Operation**—Operate within some type of framework by means of a Constitution and By-laws.
- **Due Diligence**—Ensure due diligence in signing statements such as the conflict of interest forms and any other documents.
- **Fiduciary Duty**—Attend Board meetings, be loyal to the Board, put the interests of the Board first.
- **Handbooks**—Ensure that there is a student handbook whose contents have been legally reviewed and certified and that there are clear guidelines and policies for discipline, indiscipline and consequences thereof
- **Informed Consent**—Be sufficiently knowledgeable in the hiring process to select classified or non-certificated personnel and/or to recommend all others.
- **Official Documents**—Ensure that they are properly signed and witnessed.
- **Fulfill any other duty to which the Board bends itself by being an informed participant.**



## *Discussion Ideas*

1. If several members have the same problem, perhaps the orientation process of new board members has not been effective. Those having difficulty should seek assistance from the administrator or accountant immediately. Since the new members often don't know what to ask, the administration or conference office may want to set up a special meeting or a board retreat so that all members can be equal partners in assisting the church and school in meeting their goals.
2. Establish policies or guidelines to make certain such standards are followed.





