



STATE OF ALABAMA
DEPARTMENT OF EDUCATION



Thomas R. Bice
State Superintendent
of Education

October 22, 2012

Alabama
State Board
of Education

MEMORANDUM

Governor
Robert Bentley
President

TO: City and County Superintendents

Randy McKinney, J.D.
District I

FROM: Thomas R. Bice ^{TRB}
State Superintendent of Education

RE: Local School Board Governance

Betty Peters
District II

Attached are the documents related to the Local School Board Governance rule approved by the Alabama State Board of Education as an Emergency Rule on October 11, 2012. This information is now cited in the *Code of Alabama* as §16-1-14.1 but has not yet been added to the on-line reference.

Stephanie Bell
District III
Vice President

Included in these documents is the final Affirmation Certificate that each board member should complete and have recorded in the minutes of the board. The law does not address existing board members, but it would be appropriate for them to complete the information as well. This should begin with those who take office beginning with the November general election. Superintendents will be required to ensure local board members are in compliance with this process.

Yvette M.
Richardson, Ed.D.
District IV

We are also including a Sample Model Code of Conduct for board members. This is a minimum standard approved by the Alabama State Board of Education. Each local board is to review these items and develop a district-specific code of conduct that meets these minimum standards. This information should be completed by April 1, 2013.

Ella B. Bell
District V
President Pro Tem

Lastly, we have been working in collaboration with the Alabama Association of School Boards and others regarding the training requirements for board members. We all agree that quality professional development opportunities for board members will ensure improved governance activities within each system. We will communicate those specific guidelines and requirements once they have been finalized.

Charles E. Elliott, M.D.
District VI

Please feel free to contact Dr. Craig Pouncey, Chief of Staff, if you have any questions regarding any of these requirements.

Gary Warren
District VII

Mary Scott Hunter, J.D.
District VIII

Thomas R. Bice, Ed.D.
Secretary and
Executive Officer

TRB/WCP/JW
Attachments
cc: City and County School Board Members
FY13-3000

**CERTIFICATE OF
AFFIRMATION OF SCHOOL BOARD MEMBER**

As required by the **School Board Governance Improvement Act of 2012**, I do hereby affirm all of the following principles of educational governance:

1. That each decision, action and vote I take or make as a member of the school board shall be based solely on the needs and interests of students or the system.
2. That I will take or make no decision, action or vote to serve or promote my personal, political, or pecuniary interests.
3. That each decision, action and vote I take or make shall be based on the educational interests of the school system as a whole.
4. That I will consider the views of all members of the board and the superintendent before making a decision or taking an action on any measure or proposal before the board.
5. That, except to the extent otherwise provided by law, I shall take formal action only upon the written recommendation of and in consultation with the superintendent, and that I may not individually or jointly attempt to direct or corrupt the operations of the school system in a manner inconsistent with the discharge of the statutory functions and responsibilities of the superintendent.
6. That I shall actively promote public support for the school system and a sound statewide system of public education, and shall endorse ideas, initiatives and programs that are designed to improve the quality of public education for all students.
7. That I shall attend scheduled meetings and actively participate in school system functions, activities and training programs that promote quality boardsmanship unless good cause is shown.

Affirmed on this _____ day of _____, 20_____

By: _____(Signature)

_____(Print Name)

_____ Board of Education

**SAMPLE
MODEL CODE OF CONDUCT FOR
LOCAL BOARDS OF EDUCATION**

The _____ Board of Education desires to operate with the highest standards of stewardship and principles of public service possible and to that end the board adopts this Code of Conduct to provide that members of this public governing board will:

I. CONDUCT OF INDIVIDUALS

1. Attends and participates in regularly scheduled and called board meetings.
2. Reads and prepares in advance to discuss issues to be considered on the board agenda.
3. Recognizes that the authority of the board rests only with the board as a whole and not with individual board members.
4. Upholds and enforces applicable laws, rules and regulations of the local board, and the Alabama State Board of Education, and court orders pertaining specifically to the school system.
5. Renders all decisions based on available facts by exercising independent judgment instead of the opinion of individuals or special interest groups.
6. Works with other board members and the superintendent to establish effective policies to further the educational goals of the school system.
7. Makes decisions on policy matters only after full consideration at public board meetings.
8. Complies with the requirements of the *School Board Governance Improvement Act*.
9. Communicates in a respectful, professional manner with and about fellow board members and the superintendent.
10. Takes no action that will compromise the board or school system administration.
11. Refrains from using the position of school board member for personal or partisan gain or to benefit any person or entity over the interests of the school system.
12. Informs the superintendent and fellow board members of business relationships or personal relationships for any matter that will come before the board.
13. Abstains from voting on or seeking to influence personnel or other actions involving family members or close associates or private interests.
14. Communicates to the board and the superintendent public reaction to board policies and school programs.
15. Advocates for the needs, resources, and interests of the public school students and the school system.
16. Safeguards the confidentiality of nonpublic information.
17. Shows respect and courtesy to staff members.

II. CONDUCT OF INDIVIDUALS AT BOARD MEETINGS

1. Work with other board members in a spirit of harmony and cooperation in spite of differences of opinion that may arise during the discussion and resolution of issues at board meetings.
2. Take actions that reflect that the first and foremost concern is for the educational welfare of all students attending system schools.
3. Make decisions in accordance with the interests of the school system as a whole based on system finances available to accomplish educational goals and comply with the *School Fiscal Accountability Act*.
4. Abide by and support all majority decisions of the board.
5. Act on personnel recommendations of the superintendent in a timely manner, particularly when there are financial implications of such decisions.
6. Approve operating budgets and budget amendments that are aligned with system goals and objectives and are fiscally responsible.
7. Honor and protect the confidentiality of all discussions during executive session of the board.

III. CONDUCT OF THE BOARD AS A WHOLE

1. Recognize that the superintendent serves as the chief executive officer and secretary to the board and should be present at all meetings of the board except when his or her contract, salary or performance is under consideration.
2. Honor the superintendent's authority for the day-to-day administration of the school system.
3. In concert with the superintendent, regularly and systematically communicate board actions and decisions to students, staff, and the community.
4. Review and evaluate the effectiveness of policies and programs to improve system performance.
5. Develop, in concert with the superintendent, the vision and goals for the school system to address student needs, advance student performance, and monitor the implementation of policies and programs.
6. Provide opportunities for all members to express opinions prior to board action.

The School Board Governance Improvement Act of 2012

- The purpose of this Act is to enhance the effectiveness of public school governance by Alabama school boards.
 - Board members should function collectively, not individually, to govern a local school system that promotes student learning and prepares students for college and careers.
 - Board members have the duty to act in the best interests of the local school system as a whole, without self-interest.
- An individual board member must meet minimum qualifications to serve, comply with a code of conduct, and participate in orientation and ongoing training.
- This Act requires an official affirmation by the board member upon taking office that:
 - The actions and decisions made as a school board member will be based on the needs and interests of the students and the school system.
 - No decision or action will be made to serve or promote the personal, political, or financial interests of the school board member.
 - Each decision or action will be based on the interests of the school system as a whole.
 - The views of all school board members and the local superintendent will be considered before making a decision or taking action on any matter before the board.
 - Formal actions will be taken after recommendation and consultation with the local superintendent and that board members may not individually or jointly attempt to direct or corrupt school operations, or obstruct the local superintendent's duties.
 - The board member will promote public support for the school system and endorse programs to improve the quality of public education for all students.
 - The board member will attend scheduled meetings and participate in training programs and school functions.
- This Act establishes new duties for school board members:
 - Work with the local superintendent to establish a vision for the school system by adopting goals that address student needs, advance student performance, and review data to monitor implementation of policies and programs.
 - Adopt policies and programs to meet the adopted goals and respond to system needs recommended by the local superintendent.
 - Address personnel recommendations submitted by the local school superintendent in a timely manner and take personnel actions based on student needs and system finances without regard to personal preferences or political interests.
 - Approve operating budgets aligned with the adopted goals as recommended by the local superintendent.
 - Advocate for the needs, resources, and interests of students and allow the local superintendent to address constituent issues.

- The State Superintendent will develop continuing education and training programs for school board members to provide each school board member with an understanding of the role of the school board member in assuring the effective provision of educational services.
- The State Board of Education will adopt a model code of conduct for local school board members by December 31, 2012. Each school board will adopt a code of conduct for the local school board that includes the adopted model code of conduct before April 1, 2013.
- The State Superintendent will develop and issue regulations to implement this Act including regulations needed to impose sanctions against a school board member for failure to meet training and attendance requirements, neglect of duty, or willful misconduct:
 - Formal censure or reprimand by the local board.
 - After investigation of serious and substantial allegations of misconduct by a local school board member or members, the State Superintendent may recommend the State Board of Education approve sanctions including:
 - Formal censure or reprimand by the State Board of Education.
 - Disqualification from future school board service by the school board member.
- The Act amends current laws for city and county school board members to require a school board member to vacate office when the school board member moves from the school district the school board member represents.
- Eligibility for election or appointment to a school board now requires:
 - The person is of good moral character.
 - Has a high school diploma or equivalent.
 - Is not employed by the same school board.
 - Is not serving on the board of a private school or college.
 - Is not a registered sex offender.
 - Is not a convicted felon.

STATE BOARD OF EDUCATION
STATE DEPARTMENT OF EDUCATION

CHAPTER 290-1-5
LOCAL SCHOOL BOARD GOVERNANCE

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290-1-5-.01-.01ER Purpose of Local School Board Governance Rule. Regulations of the State Board of Education are required by the School Board Governance Improvement Act of 2012 enacted as Act No. 2012-221.

- (1) School Board Governance Improvement Act of 2012. The purpose of this act is to enhance the effectiveness of public education governance in Alabama by:
- (a) establishing training requirements, stewardship standards, and accountability measures that are designed to promote informed deliberations and decisions;
 - (b) providing minimum qualifications for serving as a member of a local board of education;
 - (c) providing a code of conduct for each member of a local board of education in order to better ensure that any decision or action of a local board of education is based on the interests of students or the school system;
 - (d) fostering the development and implementation of organizational practices that promote broad support of the public schools.

Author: Warren Craig Pouncey.
Statutory Authority: Ala. Code §16-3-11 (1975).
History:

290-1-5-.02-.01ER Principles of Educational Governance.

- (1) In addition to all other requirements imposed by law, before exercising any authority or performing any duties as a member of a local board of education, each elected or appointed member shall be required to affirm:
- (a) That each decision, action, and vote taken or made as a member of a local board of education shall be based solely on the needs and interests of students or the system.
 - (b) That no decision, action, or vote shall be taken or made to serve or promote the personal, political, or pecuniary interests of the member.
 - (c) That each decision, action, and vote shall be based on the interests of the school system as a whole.

(d) That the views of all members of the local board of education and of the local superintendent of education shall be considered before making a decision or taking an action on any measure or proposal before the local board of education.

(e) That, except to the extent otherwise provided by law, each member of a local board of education shall take formal action upon the written recommendation of and in consultation with the local superintendent of education, and may not individually or jointly attempt to direct or corrupt the operations of the school system in a manner that is inconsistent with the discharge of the statutory functions and responsibilities of the local superintendent of education.

(f) That each member of a local board of education shall actively promote public support for the school system and a sound statewide system of public education, and shall endorse ideas, initiatives, and programs that are designed to improve the quality of public education for all students.

(g) That each member of a local board of education shall attend scheduled meetings and actively participate in school system functions, activities, and training programs that promote quality boardsmanship unless good cause is shown.

(2) The State Superintendent shall prepare the form containing the required affirmation statements in Rule No. 290-1-5-.02(1) that each elected or appointed member of a local board of education must sign before assuming each term of office. Each signed affirmation shall be recorded in the minutes of the board by the secretary of the local board of education.

(3) The State Superintendent shall, in cooperation with the Alabama Association of School Boards, develop continuing education and training programs for the members of the local boards of education. The continuing education and training programs shall be designed to meet the goal of comprehensive board member proficiency in governance standards that focus on student and school performance standards, the roles and responsibilities of board members and the local superintendent of education, and the delineation of each board member's role as a public official holding public trust.

Author: Warren Craig Pouncey.
Statutory Authority: Ala. Code §16-3-11 (1975).
History: .

290-1-5-.03-.01ER Code of Conduct.

(1) The State Board of Education shall adopt a model code of conduct for members of local boards of education before January 1, 2013. The model code of conduct shall be designed to better ensure that any decision or action by a local board of education is based on the best interests of the students and local school system, without self-interest. The State Board of Education may periodically adopt revisions to the model code of conduct as it deems necessary.

(2) Before April 1, 2013, each local board of education shall adopt a code of conduct that includes, at a minimum, the model code of conduct adopted by the State Board of Education.

(3) Within three months after adoption of any revisions to the model code of conduct by the State Board of Education, each local board of education shall incorporate the revisions into its code of conduct.

Author: Warren Craig Pouncey.
Statutory Authority: Ala. Code §16-3-11 (1975).
History:

290-1-5-.04-.01ER Sanctioning Members of Local Board of Education. A member of a local board of education who fails to comply with the code of conduct adopted by the local board of education or other statutory requirements, under circumstances that constitute neglect of duty or willful misconduct, may be subject to one or more of the following actions:

(1) A member of the local school board may be subject to an action of formal censure or reprimand by the vote of a majority of the members of the local board of education.

(a) Before the vote of formal censure or reprimand, the local board of education must first, by vote of a majority of the whole board, provide a minimum of 30 days advance written notice of the proposed action to the member. The notice of proposed action shall be provided to the member by the secretary of the local board of education, shall specify the reasons for the proposed action, and shall state that the member may respond orally or in writing to the notice before the vote of formal censure or reprimand.

(2) A member of the local school board may be subject to one or more of the following actions by majority vote of the State Board of Education upon the recommendation of the State Superintendent:

(a) A formal censure or reprimand of the board member.

(b) Disqualification from eligibility for future appointment, reappointment, or election to any local board of education in the state, if the board member fails to meet required training and attendance requirements.

(c) Disqualification from eligibility for future appointment, reappointment, or election to any local board of education in the state, if the State Superintendent determines that the conduct of board member constitutes neglect of duty or willful misconduct.

(3) Before recommending approval of sanctions by the State Board of Education, the State Superintendent or designee shall conduct investigations, reviews, and hearings as follows:

(a) The State Superintendent or designee may investigate serious and substantial allegations of neglect of duty, misconduct, or breach of duty on the part of any member or members of a local board of education upon a written complaint by a majority vote of the local board of education or the State Superintendent determines sufficient cause to conduct the investigation. As a result of the investigation, the State Superintendent may take any of the following actions:

1. Decline to pursue formal sanctions.
2. As a result of the investigation, issue a written notice to any board member or members whose conduct is in question.
 - (i) The notice shall specify the proposed imposition of any sanctions.
 - (ii) The notice shall identify the specific incidents or findings of neglect of duty, misconduct, or other breach of legal duty upon which each proposed sanction is based.
 - (iii) The notice must provide the board member a minimum of 30 days to show cause, in person or in writing, to object to the proposed sanction or determinations by the State Superintendent.
 - (iv) The board member may request a hearing before the State Superintendent or designee for the purpose of contesting any proposed sanction.

(4) The State Superintendent may propose or initiate a negotiated resolution of any action if the written agreement with the member of a local board of education is executed as a matter of public record.

(5) No sanction of a member of a local board of education may be imposed on the basis of the exercise of personal, political, or other rights of a board member that are protected by the United States Constitution or by any state or federal statute.

Author: Warren Craig Pouncey.
Statutory Authority: Ala. Code §16-3-11 (1975).
History: