

0120 - SCHOOL BOARD POWERS AND DUTIES

0121 **Authority**~~Source, Extent, Limitation~~

The supervision of the public schools of this District shall be conducted by the Board of Education, hereinafter sometimes referred to as the "Board", which is constituted and governed by Code Title 33 Revised Code of the State of Ohio. ~~As the designated legal agency responsible for public education in the District, the Board of Education derives its authority from the State. In reality the Board has only those powers conferred on it by statute--these powers are extensive and appear throughout the sections of the Ohio Revised Code and Constitution. At no time may the Board of Education by its own action augment or relinquish its power or authority.~~

~~The Board is responsible to the State Board of Education and Superintendent of Public Instruction for implementing statutory requirements. Within the extent of its legal powers, it also has responsibility for conducting the school system in accordance with the desires of local citizens, who elect its members.~~

0122 **Board Powers**~~Major Functions and Responsibilities~~

The Board of Education shall be a body politic and corporate, and, as such, capable of suing and being sued; contracting and being contracted with; acquiring, holding, possessing, and disposing of real and personal property; taking and holding in trust for the use and benefit of the District, and grant or devise of land and any donation or bequest of money or other personal property. R.C. 3313.17

The powers of this Board consists of those matters expressly granted by statute and to those matters which may be necessarily implied from such powers specifically delegated as being necessary to carry them out. ~~The Board sees its primary functions as legislative and judicial rather than administrative. Accordingly, it shall hold its chief administrative offer, the Superintendent of Schools, responsible for the efficient administration and supervision of the entire school system. However, the Board recognizes that it is ultimately responsible to the people for the proper administration of the schools.~~

The Board considers the following to be its major responsibilities:

- A. to establish policy for the management of the schools
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- B. to select the Superintendent of Schools
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- C. to approve the annual budget and appropriation
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- D. to provide, by the exercise of its taxing power, the funds necessary to finance the operation of the schools
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- E. to consider and vote on the recommendations of the Superintendent in all matters of policy, appointment or dismissal of employees, salary schedules or other personnel regulations, or other matters pertaining to the welfare of the schools
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- F. ~~to select the District Treasurer~~
- G. ~~to concern itself and appraise the effectiveness with which the schools are achieving the educational purposes for which they are being operated and to concern itself with the reports submitted by the Superintendent regarding the conditions, efficiency, and needs of the schools~~
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- H. ~~to invite the fullest cooperation of the citizens of the community and keep them adequately informed of the purposes, value, conditions, and needs of public education in the community~~

R.C. 3313.17, 3313.20, 3313.47

Revised 3/24/87
 Revised 8/10/87
 Revised 6/90
 Revised 4/16/13

0121 **Legal Status of Board of Education**

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- The Ohio General Assembly has discharged its constitutional obligation to establish a public system of education supported by public funds, by delegating, through legislation, responsibility for the operation of public schools to a local board of education in each school district. The board of education is then a political subdivision of the State of Ohio.

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- Legally, the board of education is a body, political and corporate, capable of suing and being sued; contracting and being contracted with; acquiring, holding possession, and disposing of real and personal property and taking and holding in trust for use of the school district any grant or gift of land, money, or other personal property.

R.C. 3313.17, 3313.20, 3313.47

0122.1 **Board Member Powers Authority (And Commitment to Group Decisions)**

- Board members as individuals do not separately possess the powers that reside in the Board of Education, except when and as expressly authorized by law or this Board, but no Board member shall be denied facts or materials required for the proper performance of his/her duties to which s/he is legally entitled, If in the opinion of the Superintendent a Board member's request(s) for facts and information is administratively unreasonable, s/he may withhold said facts or material until a ruling is made by the Board. Because all powers of the Board lie in its action as a group, individual Board members exercise their authority over district

~~affairs only as they vote to take action at a legal meeting of the Board. In other instances, an individual Board member has power only when the Board, by vote, has delegated authority to him/her.~~

~~**Commitment to Group Decisions**~~

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~~It is to be expected that differences of opinion will exist in the decision-making about such a vital and sensitive matter as children's education. This Board believes the purpose of public meetings as required for a board of education is to provide an opportunity for differences to be expressed, analyzed, and harmonized into workable plans for carrying on the functions of education. We believe further that such discussions should be conducted in the spirit of democratic search for enlightenment: systematically, efficiently, and with dignity. We also believe that upon arriving at a majority decision, each member of the Board has an ethical obligation to work toward the successful realization of the decision, always retaining the citizen's and member's right to strive toward altering the decision--operating under moral and sanctioned channels--if s/he believes the decision was not correct.~~

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Code of Ethics/Code of Conduct

The Board of Education believes quality public education and good Board service should be conducted in an ethical manner with traditional principles such as honesty, trust, fairness, and integrity. Each Board member should conform his/her conduct to Ohio law, the code of ethics recommended by the Ohio School Boards Association and the code of conduct set forth below as adopted from the National School Boards Association publication Becoming a Better Board Member.

While serving as a member of the Board of Education, each member is expected to agree to abide by the following code of ethics promulgated by the Ohio School Boards Association:

- A. remember that my first and greatest concern must be the educational welfare of all students attending the public schools;
- B. obey the laws of Ohio and the United States;
- C. respect the confidentiality of privileged information;
- D. recognize that as an individual Board member I have no authority to speak or act for the Board;
- E. work with other members to establish effective Board policies;
- F. delegate authority for the administration of the schools to the Superintendent and staff;

- G. encourage ongoing communications among Board members, the Board, students, staff, and the community;
- H. render all decisions based on the available facts and my independent judgment rather than succumbing to the influence of individuals or special interest groups;
- I. make every effort to attend all Board meetings;
- J. become informed concerning the issues to be considered at each meeting;
- K. improve my boardmanship by studying educational issues and by participating in in-service programs;
- L. support the employment of staff members based on qualifications and not as a result of influence;
- M. cooperate with other Board members and administrators to establish a system of regular and impartial evaluations of all staff;
- N. avoid conflicts of interest or the appearance thereof;
- O. refrain from using my Board position for benefit of myself, family members, or business associates;
- P. express my personal opinions but, once the Board has acted, accept the will of the majority.

In addition, the Board of Education believes that each member should agree to work cooperatively and effectively with others and conform his/her behavior to the following code of conduct by collectively and individually agreeing to:

- A. abide by the code of ethics promulgated by the Ohio School Boards Association;
- B. act as an advocate for the Schools and for children;
- C. set high expectations for the work of the Board;
- D. keep the Board's primary focus on the best interests of students;

- E. strive sincerely to build better relationships with one another and the Superintendent;
- F. set clear goals for the Superintendent;
- G. support the Superintendent and help him/her to be as effective as possible;
- H. prepare carefully before each meeting so that when each Board member has the floor, s/he can make comments that are concise, organized, and clear;
- I. vote his/her individual convictions based on the available facts and his/her independent judgment and refrain from surrendering his/her judgment to particular individuals or groups;
- J. devote sufficient time, thought, and study to proposed actions;
- K. become well versed in parliamentary procedure;
- L. listen carefully and with courtesy when other people have the floor and are speaking during Board meetings;
- M. refuse to become involved with micromanagement;
- N. emphasize planning, policymaking, and public relations rather than becoming involved in management of the schools;
- O. establish clear goals for the District and ensure that the community is aware of these goals;
- P. keep abreast of current educational issues within the District, throughout the State, and across the nation;
- Q. establish fair and equitable terms and conditions of employment and evaluation of all staff; and
- R. select sound instructional strategies and materials and submit them to regular and impartial evaluations.

Revised 1/05
Revised 4/16/13

~~The People and Their School District~~

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~~The Board of Education is the legal entity for conducting the system of public education within the geographic area of this School District. The system was created by, and is governed by, State statutes. Members of the Board are, therefore, State officers but chosen by citizens of the District to represent them and the State in the legislative management of their public schools. The Board reaffirms its strong belief in the concept of local control over public education, operating within statutory limitations. The Board has the dual legal responsibility for implementing statutory requirements pertaining to public education and local citizens' desires for educating the community's youth. While the Board has an obligation to determine and assess citizens' desires, it is understood that when citizens elect delegates to represent them in the conduct of public education they at the same time endow their representatives with the authority to exercise their best judgment in determining policies, making decisions, and approving procedures for carrying on the responsibility.~~

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~~The Board of Education believes that its primary purpose is to assure the optimal learning for the children enrolled in its schools. It is our belief that we should constantly aim toward the best school system within available resources.~~

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~~Accordingly the Board affirms its intent to:~~

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~~A. Maintain two way communications with citizens of the School District. The public shall be kept informed of the progress and problems of the school district, and citizens shall be urged to bring their feelings about their public schools to the attention of this body that they have chosen to represent them in management of their school system.~~

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~~B. Act as a truly representative body for citizens of the District in matters involving public education. The Board of Education recognizes that ultimate responsibility for public education rests with the State of Ohio, but individual boards of education have been assigned specific authority through statute. The Board shall relinquish none of this authority since it believes that decision-making control over the citizens' learning should be in the hands of local citizens.~~

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~~C. Encourage the residents of the School District to maintain a vigorous interest in, concern for and constructive criticism of the schools; and to elect the most able men and women available to represent them on their Board of Education.~~

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~~Revised 2/12/90
Revised 4/16/13~~

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Board Operational Goals

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- The Board is responsible to all of the people for whose benefit the School District has been established. Further, the Board's current decisions will influence the course of education in the District's schools for years to come. By virtue of this responsibility, the Board and each of its members must look to the future needs of all people within the school district. This requires a comprehensive perspective and long-range planning in addition to attention to immediate problems.
- The Board's primary responsibility is to establish those purposes, programs, and procedures that will produce the educational achievement needed by district students. It is charged with accomplishing this while also being responsible for managing the resources available to the district. The Board must fulfill these responsibilities by functioning primarily as a legislative body to formulate and adopt policy, by selecting an executive officer to implement policy, and by evaluating the results. Further, it must carry out its functions openly, while seeking the involvement and contributions of public, students, and staff in its decision-making processes.
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- In accordance with these principles, the Board through its mode of operating, shall seek to achieve the following goals:
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- A. to concentrate the Board's collective effort on its policy-making and planning responsibilities
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- B. to formulate Board policies that best serve the educational interests of each student
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- C. to provide the Superintendent with sufficient and adequate guidelines to implementing Board policies
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- D. to maintain effective communication with the public the Board serves and with staff and students in order to maintain awareness of attitudes, opinions, desires, and ideas
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- E. to conduct Board business openly, soliciting and encouraging broad based involvement in the Board's decision-making processes by public, students, and staff

- Revised 4/16/13

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School Board Memberships

- ~~The Board of Education shall annually determine the benefits of membership in the Ohio School Boards Association and other appropriate professional organizations.~~
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- ~~The Board shall encourage participating in the activities of these organizations to the greatest extent possible. All materials and benefits derived from the Board's membership in these organizations shall be distributed and utilized to the best advantage of the School District.~~