



When Passion Becomes a Problem



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Board Member Access

- A board member wants to appear responsive to community needs and begins making regular visits to the district's buildings unannounced.
 - Should the board member be doing this?
 - Does this create any problems?



Handling Employee Discipline

- A board member approaches the superintendent regarding an employee disciplinary matter, wanting information about recent infractions.
 - Does a board member have to make a public records request?
 - Can the full board ask for information about the infraction?
 - Can the board direct the superintendent regarding the best disciplinary response?

Individual Authority

- A new board member takes out an ad in the newspaper criticizing the superintendent and promises employees that he will “right the wrongs” of the prior board by firing the superintendent.
 - Is the board member allowed to take out the ad?
 - Does the board member have the authority to fire the superintendent?

Minority Opinion

- A board member is on the losing side of an issue and is unable to move on. He badmouths the board majority, meets with the board's legal opponents, makes blatantly false statements, and tries to retaliate at every opportunity.
 - What can the remaining board members do?
 - Is censure appropriate?



Superintendent/Treasurer Relationship

- The superintendent and treasurer are constantly at odds with each other. They refuse to speak to each other and each take their direction from a different member of the board.
 - What is the board's role in refereeing their disputes?
 - Who has the authority to direct supt/tre work?



Leaks in Executive Session

- A board member reveals information that was discussed by the board in executive session.
 - Is it illegal to reveal information obtained in executive session?
 - Can you legally designate information as confidential?
 - Who can waive confidentiality?
 - Does this cause any potential liability for the board?



Meetings with the Superintendent

- Prior to every board meeting, the superintendent meets with individual board members to discuss the upcoming board agenda and provide board members with the opportunity to ask the superintendent questions.
 - Is this the superintendent's role?
 - Are there any potential Open Meetings Act issues?
 - Is there a better way to prepare for meetings?



Adding Surprise Items to Agenda

- At the beginning of the meeting, a board member surprises everyone by moving to nonrenew the superintendent's contract.
 - Who may add items to the agenda?
 - How much notice must be provided to add items to the agenda?
 - What can board members do to handle surprise agenda items?



Public Participation

- Parents show up at every board meeting to criticize the football coach and demand his nonrenewal.
 - Is the board required to let the parents speak?
 - Can the board prevent them from attending?



Communications with Counsel

- Board president reserves the exclusive right to call the board's attorney, asks overly narrow questions and omits material facts. She distorts or suppresses advice she receives from the board's attorney.
 - Who is the client?
 - Who is authorized to speak on behalf of the client?
 - What is the relationship with client constituents? (SU/TRE)

Questions?



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