

# PPS Board Operating Protocols Recommendations

## I. Roles and Responsibilities

As elected members of the Board of Education for Portland Public Schools, our roles and responsibilities are outlined in Board policy and statute; these expectations and protocols do not replace or override Board policies, District administrative directives, or any applicable law.

Highlights of board responsibilities include:

- A. Establishing an overarching educational vision for the district and setting actionable district goals and guardrails to equitably provide the highest quality educational experience for each PPS student;
- B. Providing financial oversight and direction for the District, including reviewing and adopting a student-focused annual budget, establishing general financial goals, authorizing bonds, and exercising taxing authority;
- C. Hiring and evaluating the Superintendent annually, and maintaining a mutually supportive relationship with the Superintendent in pursuit of established district goals;
- D. Focusing on policy making, goal setting, monitoring, and evaluation to further the goals and priorities of the District,
- E. Acting as an ambassador to the community, both sharing District information with the public, including working to make students and the community aware of the goals and priorities, and communicating public thought to the District.

As Board members do this work responsibly, we commit to:

- A. Honoring student voice; centering and prioritizing the voices and experiences of our students of color.
- B. Utilizing a Racial Equity Lens in decision-making with the goal of closing the achievement and opportunity gap for Black, Native American and Students of Color.

C. Respecting the role of the Superintendent as the chief executive officer of the District, which includes sole authority over directing employees with the exception of the employees in the Office of the Independent Performance Auditor whose work is directed by the Board of Education.

D. Making decisions as a whole Board only at public meetings. Individual members have no authority to take stand-alone action in policy or in district and school administrative matters or to speak on behalf of the Board without express delegation of authority.

E. Complying with Board policies, understanding our fiduciary responsibilities, and being aware that our actions at all times reflect on the integrity, reputation, and functioning of the District.

F. Encouraging and modeling constructive public discourse in Board decision making.

## II. **Priority Setting and Board and Superintendent Evaluation**

### A. Student Outcomes Focused Priority Setting

1. The Board will adopt a vision that describes what the community expects all students to know and be able to do. Then the Board will adopt one to five SMART goals that describe the high priority student outcomes that the District will focus on for the next three to five years.

2. The Board may adopt one to five guardrails that describe the high priority, non-negotiable values of the community that must be honored by the District as it pursues accomplishment of the goals.

3. The Board will align its work with the Board-adopted goals and guardrails. The Superintendent will develop a strategic plan and proposed budgets that align with the Board-adopted goals and guardrails.

4. The Board will monitor the District's progress in meeting these goals every month with an intention of investing at least half of its minutes each month in board meetings into goal monitoring.

5. Board Leadership will meet regularly with the Superintendent and key staff to evaluate past Board meetings and determine the agenda for upcoming Board meetings. The Board Leadership will solicit input from Board members.

6. Board leadership will regularly check in with the full Board regarding the Board meeting structure, progress on Board goals, and addressing Board member priorities.

B. Board Professional Development and Board Self Evaluation

1. The Board will self-assess its performance at least annually using a research-informed instrument that provides specific feedback regarding areas for improvement. Board leadership will regularly evaluate Board meetings and work sessions. All Board members are encouraged to provide feedback to the Board leadership to improve the Board's performance. The Board leadership will annually set expectations and priorities for Board professional development. Board leadership will annually review the Board Office budget to ensure there are sufficient funds to support the Board's professional development.

C. Superintendent's Evaluation

1. The Board will evaluate the Superintendent annually based on accomplishment of the Board-adopted goals and adherence to any Board-adopted guardrails. The Board will engage in a process that provides for thoughtful and deliberative discussion of the Superintendent's work based on those goals and guardrails at least annually.

2. The Board will check-in with the Superintendent quarterly to collaboratively assess progress toward achieving district goals, identify any barriers to success, and make course corrections as necessary.

### III. Meetings

A. Agenda Creation

1. The Board Chair, Vice Chair, Superintendent, and/or designee(s) shall review the agenda before it is printed and the Board Chair shall have final authority over whether any item on the agenda is placed in accordance with Board policy. In making this determination, the Board Chair will prioritize items that the Board is legally required to consider or that have a direct impact on student achievement. All other agenda requests will be considered "optional" and will only be placed on the agenda if Board Leadership or a majority of the board determine that the item be a focus of the board's work.

## B. Board Agenda Timeline For Regular Meetings

1. 12 Days Before Board Meeting: For each Board meeting, the Superintendent will provide a draft of all items to be considered – including legal documents, support materials, staff presentations, etc. – to Board Members at least 12 days prior to the Board meeting during which the items will be considered. The Superintendent will provide a draft agenda to the public and all appropriate supporting documentation at least 12 days prior to a Regular Board meeting. The Superintendent will always provide a substantiated recommendation for items that require Board approval. All consent-eligible items will be placed, by default, on the consent agenda. Once Board Members receive the materials, they may immediately begin submitting questions to the Superintendent. Any items not provided to the Board at least 12 days in advance will not be eligible for consideration and will be moved to the subsequent meeting agenda.
2. 8 Days Before Board Meeting: Board Members will have 4 days to submit questions about the agenda items to the Superintendent.
3. 5 Days Before Board Meeting: The Superintendent will have 3 days to create a Q&A document of responses to Board Member questions. This document may not indicate who asked which questions so as to avoid creating a serial meeting.
4. 4 Days Before Board Meeting: Board members will have by end of day four days prior to the board meeting to request items be removed from the “consent” agenda and placed on the “regular” agenda for discussion and consideration. If a board member requests an item be moved from the consent agenda, the Superintendent will immediately make the change.
  - If a majority of board members vote to remove an item from the consent agenda during the board meeting, this motion will table the item to the next regular board meeting's regular (non-consent) agenda.
  - If Board members need to recuse themselves from participation in an item on the agenda because of a conflict of interests, they must declare that in writing to the Superintendent and copy the Board Chair. If the Superintendent receives a declaration, they will create a second consent agenda item -- a “recusal consent” agenda -- to place items on that are subject to a conflict of interests so that Board members can vote on the standard consent agenda without voting on an item on the conflicted consent agenda.
  - In situations where Board Members have not identified conflicts in advance, they may still vote, “Aye, with the exception of contract x as to which I recuse myself” to remain in legal compliance.
5. 3 Days Before Board Meeting: The Superintendent will post the final agenda 72 hours in advance of the meeting. The Board meeting agenda must include a copy

of the Q&A document. No additional changes will be made to the Board agenda during the 72 hour period prior to the Board meeting.

6. Day of Board Meeting: No items may be added or removed from any part of the agenda by Board members during the Board meeting. Motions to that effect will be ruled out of order by the Board Chair. A majority of the Board can vote to add an item to a future board agenda.

C. Additional Meeting Expectations

1. Board members will be prepared for each meeting by reviewing materials in advance and agree to attend regularly scheduled Board meetings. Board members and board office staff will collaborate on scheduling special meetings and/or work sessions.

2. The times allotted at board meetings for each agenda item are estimates and are to be used as a guideline by the Chair in managing the meeting.

3. Board members agree to strive to start and end meetings on time.

4. Board members agree to uphold the legal requirement for confidentiality on all matters arising from Board executive sessions and any other confidential communications or information.

5. Board members agree to listen carefully and with courtesy when other people are speaking during Board meetings. Discussions between Board members will serve as a model for acceptable public dialogue. Members will seek to clarify issues by soliciting each other's points of view.

6. Board members are expected to cast a vote or abstain on all matters except when a conflict of interest arises and an abstention is dictated by the ethics policy.

7. If they miss a meeting, Board members and Leadership Team staff agree to review the video of that meeting to remain current on the Board and district's work.

8. Board members will submit all technical and tactical questions prior to the board meeting. The board should not expect the superintendent to be prepared to respond to technical or tactical questions that are asked, for the first time, during school board meetings. Instead, the superintendent will respond to those questions in writing during the following week's regular board update.

## IV. Communication

### A. Communication Between Board Members & Community Members

1. Board Members recognize that they may not speak on behalf of the Board unless authorized to do so; and may not commit the Board or staff to any particular action.
2. For general comments or feedback, the Board Member will:
  - Listen respectfully.
  - Relay information about the District in a manner that is constructive and that seeks resolution.
  - Provide the community member with information about how to contact the appropriate staff person, or if that is not known, to the Superintendent's designee for general comments. Board members will not contact District staff on behalf of community members.
3. For specific comments or complaints, the Board Member will:
  - Ask if the individual has followed the District's procedures and/or chain of command.
  - If the individual does not know the correct procedures or chain of command, the Board Member will refer to the appropriate staff member or, where appropriate, will provide information about the District's complaint procedures and the online system for filing complaints.
  - Board members will not contact District staff on behalf of community members.
  - The Superintendent will maintain a system to ensure that Board Members are informed of the resolution of any referred comment/complaint.
4. Board members should apply a racial equity lens to communications with constituents. Board members may hear more from communities and individuals who already have a lot of social capital in our system. Board members should proactively engage with historically underrepresented communities/constituents to broaden their understanding of the entire system.

### B. Communication Between Board Members & Staff Who Do Not Report To The Board

1. Board Members will not initiate communication about District business with District staff except for the Superintendent or designee. This is intended to protect staff from inappropriate behavior from board members, not prevent staff from initiating communication with board members.
2. If contacted by District staff without the direction of the Superintendent, Board Members will follow the procedure, "Communication Between Board Members & Community Members". If the communication from district staff could have legal or

financial implications for the district, the board member should notify the superintendent.

3. Board members agree to communicate directly with the Superintendent or the Superintendent's designee when Board members have a substantive question, or when a significant concern about PPS operations is voiced by a staff member, student, parent, or other community member.

#### C. Communication Between Board Members & Staff Who Report Directly To The Board

1. The only staff members who report directly to the board are the superintendent and internal audit staff.

2. In their communication with staff who report directly to the Board, Board Members will recognize that the staff report to the Board as an entity and not to any individual Board Member, including the Board Chair.

- All requests made by Board Members should be made to the Direct Report or their designee and copy Board leadership.

- If a Board Member makes a written request for a document that already exists, the Direct Report will provide it no later than seven (7) business days after the request.

- If a Board Member makes a written request for a document that does not already exist that the Direct Report believes can be handled in fewer than fifteen (15) minutes of staff time to complete or create, the Direct Report shall provide the document no later than seven (7) business days after the request.

- If a Board Member makes a written request for a document that does not already exist that the Direct Report believes will take more than fifteen (15) minutes of staff time to complete or create, the Direct Report is required to:

- Notify the Board Chair; and
- With the Board Chair's approval, add the request to the next Board Meeting agenda for the full Board to decide on.

4. Any response to a question or request, whether written or verbal, that is submitted by a Board Member to a Direct Report of the Board must be shared with all Board Members in the weekly update that is emailed to all Board Members.

5. Board Members understand that most information requests to the Board's Direct Reports will be addressed in a weekly written update that is emailed to all Board Members each Friday unless the Direct Reports determines that a more immediate response is required.

6. Because the Superintendent reports to the Board as an entity, and not to any individual Board Member, only the Board as a whole may make obligations on the Superintendent's time or delegate authority to individual Board Members to do so.

7. The Board and Superintendent should operate on a “no surprises” basis. A high level of communication between board members, the superintendent, and senior staff is appropriate, desired, and beneficial.

8. When receiving questions from Board members, the Superintendent or designee will confirm receipt of the communication in a timely way and indicate how and when a response will be made.

D. From time to time, the Board may be required to make findings of fact that can be appealed to another government agency (e.g., personnel matters or charter school application hearings). In these situations, no Board member will discuss the substance of the matter with any person(s) directly involved in the issue, other than PPS staff, outside the formal hearing and deliberation process.

## **V. Requests for Information or Decision making**

A. Providing Documents to Board for Review in Advance of Meetings.

1. The Board Chair and Vice-Chair(s) in consultation with the Superintendent will establish the agenda and major business agenda items for full Board meetings no fewer than 14 days prior to the Board meeting.

2. Notes from agenda setting meetings will be sent out to the entire Board by the Board chair. Board agendas are made up of action and discussion items, with reports from the Student Representative and Superintendent.

3. The majority of items that require Board action will be first reviewed in a Board Committee meeting, an executive session, or a Board meeting.

4. If a PowerPoint presentation will be given by staff during a Board meeting, it will be included in the Board packet as well, with the understanding that there may be changes at the final Board presentation and any changes will be noted for the Board. Copies of final materials and presentations will be posted as part of the meeting materials.

5. For contracts listed in the Business Consent Agenda, staff will provide memos for each Personal Services Contract and the actual contract will be available electronically to Board Members as requested. Memos and contracts will be posted as part of the meeting materials.



## VI. **Committee Protocols**

- A. At the beginning of each academic year, the full Board determines the committee structure. Board leadership appoints Board members to create the membership and leadership of each committee. No committee may ever meet unless the Board chair has assigned:
  - 1. a specific written deliverable that the committee is to produce and
  - 2. a timeline for when the deliverable must be provided to the full board.
- B. Any time a committee ceases to have a current assigned deliverable and/or due date, it is immediately dissolved.
- C. Committees represent the full Board and are intended to provide a mechanism for deeper monitoring and analysis of board work –Committees are expected to keep the full Board apprised of important issues under their purview and produce recommendations for action to be considered for adoption.
- D. The annual agenda and meeting agendas for Committee and Task Force meetings are co- developed by the Committee Chair and staff lead[s] designated by the Superintendent, with input from the entire Board. Committee meeting materials will be provided at least 48 hours in advance of the meeting. Absent extenuating circumstances, committee meetings will be publicly noticed 48 hours ahead of time and agendas will be posted prior to the meeting.
- E. Recommendations coming from a Committee should be referenced in a written committee chair report for discussion items and resolutions for action items before the full Board.
- F. The Committee Chair will review all minutes before they are sent to the rest of the Committee and posted on the Committee web page.
- G. All Committee meetings will be recorded for record keeping purposes and are available upon request, excluding executive sessions.

## VII. **Performance Concerns**

- A. Board Member Concerns About The Performance Of Staff Who Do Not Report Directly To The Board
  - 1. When a Board Member becomes concerned about the performance of District employees they must direct their concerns to the Superintendent or

designee. Board Members must remain cognizant that District personnel are the responsibility of the Superintendent, not the Board. Such concerns must be limited to:

- Actions by staff which are/could be illegal
- Actions by staff which are/could be violations of Board policy

2. No Board Member should speak publicly about concerns with staff performance without first completing the steps above.

**B. Board Member Concerns About The Performance Of Staff Who Report Directly To The Board**

1. In general, concerns that Board Members have about the performance of the Board's Direct Reports should model the District's belief in restorative practices by attempting to address the matter in a non-public, healing manner. That is the intention of the following steps that follow a graduated approach to performance concerns, except in cases of illegal conduct.

- In the event of alleged or suspected illegal conduct, Board Members should confer with the District's legal counsel about appropriate steps to take.
- Steps in this process should be skipped if compliance with the process would create a violation of open meeting laws.

2. If, at any time, a Board Member becomes concerned that a Direct Report may have (1) breached any term of the Direct Report's contract; (2) violated a Board Policy or Operating Procedure; or (3) failed within a reasonable amount of time to address a specific issue identified by the Board, the following process will be used:

- One-on-One Communication: The concerned Board Member will meet privately with the Direct Report to discuss their concerns in order to resolve the issue(s).
- One-on-One, Two-on-One, or Full Board Communication: If the concerned Board Member does not feel that the resolution is satisfactory, the Board Member may take their concern to the Board Chair. The Board Chair may choose to meet privately with the Direct Report, meet jointly with the Direct Report, or bring the matter before the full Board at a subsequent closed session Board meeting.

**C. Board Member Concerns About The Performance Of Board Members**

1. In general, Board Member concerns about the performance of other Members should model the District's belief in restorative practices by attempting to address the matter in a non-public, healing manner. In the event of alleged illegal activity, Board Members should confer with the District's legal counsel to determine if this process is most appropriate or if an alternative process would be more appropriate.

2. One-on-One Conference: If a Board Member believes another Member has violated the Conflict of Interest rules, Board Rules and Procedures, Board Policy, State or Federal law, it is the responsibility of the concerned Board Member to discuss the alleged violation directly with the other Board Member in private, unless the nature of the allegation requires immediate escalation to the Board Chair or legal authorities. Notably, the Board Member should not first go to other Board Members, social media, or anywhere else other than the Board Member who they believe has committed a violation. The Board Member may choose to include the Board Chair at their discretion.

3. Full Board Conference: If, after the one-on-one or small group conference, the concerned Board Member remains unsatisfied that the alleged violation has been addressed, the Board Chair may call a special meeting of the Board to determine whether the allegations are substantiated. During the special meeting one of the following three motions must be made and seconded: a motion to dismiss allegations, a motion to substantiate allegations, or a motion to find the allegations are unsubstantiated.

- Dismissal: A motion to dismiss allegations concludes these procedures and exonerates the accused Board Member. Once a motion to dismiss allegations has passed concerning a given alleged violation, no other motions concerning that alleged violation are in order unless new information comes to light that was previously unavailable. A motion to dismiss allegations requires a majority vote to pass.

- Substantiated: A motion to substantiate allegations is the Board's formal assertion that the allegations are founded in evidence. This is an administration finding, not a criminal or civil finding. A motion to substantiate allegations requires a majority vote to pass.

If, after the special meeting of the Board to discuss the alleged violation, the Board determines that the allegations are substantiated, the Board should inform the Board Member in writing that the allegations have been substantiated and that the Board Member is to refrain from any further such behavior.

- Unsubstantiated: A motion to find the allegations are unsubstantiated is the Board's formal assertion that the allegations are not founded in evidence. This is an administration finding, not a criminal or civil finding. A motion to find the allegations are unsubstantiated requires a majority vote to pass.

4. Full Board Action: If, within the six months after the full Board has substantiated the allegations, the concerned Board Member remains unsatisfied that the substantiated violation has been addressed, the Board Chair may call a special meeting of the Board to consider the potential consequences for the violation. During the special meeting, in order for the alleged violation to be considered, one of the following three motions must be made and seconded: a motion to dismiss allegations, a motion to admonish, or a motion to censure.

- Dismissal: A motion to dismiss allegations concludes these procedures and exonerates the accused Board Member. Once a motion to dismiss allegations has passed concerning a given alleged violation, no other motions concerning that alleged violation are in order unless new information comes to light that was previously unavailable. A motion to dismiss allegations requires a majority vote to pass.

- Admonition: An admonition is a one-time punitive action which serves as a penalty imposed for wrongdoing but carries no fine or suspension of the rights of the Board Member as an elected official. A motion to admonish must be presented in writing and must contain the exact language of the alleged violation and the proposed admonition. A copy of the motion to admonish must be provided to the accused Board Member at least seventy-two (72) hours prior to discussion of the motion. A motion to admonish requires a majority vote to pass.

- Censure: A censure is an action that is a change in Board Member status that is permanent unless and until lifted by the Board via a majority vote of the Board. A censure serves as a penalty imposed for wrongdoing but carries no fine or suspension of the rights of the Board Member as an elected official. A motion to censure must be presented in writing and must contain the exact language of the alleged violation and the proposed censure. A copy of the motion to censure must be provided to the accused Board Member at least seventy-two (72) hours prior to discussion of the motion. A motion to censure requires a 2/3 majority vote to pass. A motion to censure can only be lifted by a motion to dismiss censure that occurs at least one (1) meeting after the motion to censure was passed. If the censure is imposed by the Board, it carries two key enforcement elements: