

WHAT IS POLICY?

The board is a law-making body and the laws that it enacts are its policies. Unless some other law contravenes it, board policy on a topic governs what the district will do and how it will require others to act. Policies are those broad guidelines set by the school board to chart the district's course of action. They tell what is wanted, why that action is necessary and describe a means of accomplishment. They establish the responsibility of the appropriate administrator (usually the superintendent), but they leave enough leeway for the development of detailed directions on how to put policies into practice. The goals and plans that the board sets for the district be they fiscal, administrative or curricular should be accomplished through policy.

WHY DO BOARDS NEED POLICY?

Policy provides guidance and direction for the administration. The board's role is to decide the direction that the district will take. The superintendent's job is to see that those goals and plans are implemented, but he/she cannot know what the board wants done without coherent guidance. Board policies codify the board's intentions and point the way for the administration to proceed.

Policy demonstrates that the board operates from a philosophical base. A serious, deliberative body makes careful decisions based on well-considered philosophical tenets, not whims or faddish ideas. The policy process forces the board to proceed thoughtfully and with cool heads.

Policy shows that the board is fair, reasonable and even-handed, not arbitrary and capricious. A carefully crafted policy tells everyone that circumstances and individuals may differ, but in general this will always be the board's answer to that situation. Policy on critical topics helps to protect the board from legal challenges.

Policy makes it easier for the board to obey the law and informs the public that it does so. Education law in the State of Connecticut is extensive and, at times, complicated. It is very difficult for a board to know everything that the law directs it to do. Adoption of a policy informs the board of its legal obligations, and it informs the public that it is aware of its legal obligations and will honor them.

Policy allows the board to operate efficiently by making a single decision (policy) that applies across time, situations and individuals. When the board is presented with a problem, the first question asked should always be, "What is our policy on that?" If the policy manual is current and is true reflection of board philosophy and a copy of that manual is at every meeting, the board will get in the habit of referring to it to discover what has been its considered decision about that situation. Often, further discussion will be unnecessary and the problem will be resolved on the spot.

Policy will not solve all the board's issues instantly, but it is always a good idea to first determine what board policy has to say on any topic under consideration.

WHAT ARE ADMINISTRATIVE REGULATIONS?

Policies are broad guidelines, philosophical, statements that outline the direction that the board wants to take, but policy by itself does nothing. To be sure that philosophy is translated into action; you must set up a means of seeing that it is carried out. That is the job of the superintendent. He/she may or may not act as the policy coordinator and partner in the policy development process, but it is surely his/her job to see that policy is implemented with administrative regulations, sometimes referred to as procedures or guidelines. Whatever they are called in each district, their purpose is to fill in broad policy statements with the details that ensure that what the board wants done, actually happens.

Regulations are practical. They are specific to each district (some circumstances make them specific to each school in a district) and must be formulated by personnel within the district to suit the particular needs of that district. Whereas policy should answer the questions why, what and by whom, regulations should state precisely how often, exactly how many, where, etc. In addition to the superintendent writing regulations himself/herself, at times knowledgeable staff are recruited to prepare the actual procedures, i.e., the school nurse may write regulations on the exclusion of students with communicable diseases, the substance abuse coordinator may write those on drugs and alcohol or the director of pupil personnel services may prepare regulations on a wide range of student policies.

In theory, boards adopt policy and administrators approve regulations. Depending on the type of policy and the situation to which they are responding, or the audience to which they are addressed, administrative regulations can be brief and flexible or long and prescriptive, or combinations of either. In any event, regulations provide the details needed for consistent application of board policy.

Regardless of who participates in their development, all policies are adopted by the board. Most regulations, on the other hand, will emanate from and be approved by the office of the superintendent. Regulations are not adopted by anyone. They are devised and approved, normally by the superintendent. If current regulations need to be revised, it is the superintendent's responsibility to manage the revisions. The board may make a policy more explicit if it feels that the administrative regulations are not sufficiently clear or comprehensive enough to meet the board's intent, but it should not unilaterally revise the superintendent's regulations.

As the superintendent is a participant in the policy process, the board may be a participant at times in the approval of administrative regulations. Usually, administrative regulations do not require board adoption and/or approval. However, situations may exist where such adoption/approval by the board is required or desired. These are listed below.

When the law says it must At times, state statute and code may require the board to adopt policy and procedures on a topic. This does not mean that the board must actually write them. It does mean that the board should read and review them carefully prior to approval and dissemination to be sure board intentions are carried out.

When law requires board approval of regulations, the board will review the proposed regulations, checking to be sure all appropriate topics have been addressed. It' will then approve these regulations.

ADMINISTRATIVE REGULATIONS (continued)

When the administration wants to make the force of the board's authority explicit. This occurs most often when a subject is controversial and may cause consternation or disagreement among those affected. Approving the regulation along with the adoption of policy says very clearly that the board and administration have conferred and totally agree not only on the policy, but on the details of how it is to be implemented.

It is also recommended, when a board is involved in the process of totally reviewing and rewriting its policy manual, to consider at the time of policy adoption, a review of the proposed administrative recommendations. This review does not include adoption but serves the purpose of indicating to the administration that its newly adopted policies will be implemented in a manner desired by the board in keeping with the philosophy of the policy statement.

When the board is not sure that its policy is being implemented in the way it was intended. Occasionally mistrust or lack of understanding between board and administration cause the board to ask to review (and possibly approve) administrative regulations on a subject.

It is a good idea to have a bylaw on the approval of regulations, describing the circumstances above that would cause their approval by the board and establishing the same number of readings as for adoption of policies. It is unlikely that all policies in the policy manual will need regulations, some policies being so explicit or self-explanatory that there is nothing left to add. However, all regulations should be attributable to a policy or policies or contract language.

Where you file regulations is up to your board and administration. Some districts prefer to keep all regulations with accompanying policies in the policy manual. Others prefer to maintain a totally separate manual of regulations. CAFE recommends that the administrative regulation be kept in the district's policy manual, immediately following the adopted policy to which it refers.

Writing Regulations

Regardless of their source or destination, all regulations should answer the following questions:

1. Exactly what does the board want this policy to do?
2. What results will demonstrate that the policy is achieving the board's intent?
3. What does the policy require, permit or prohibit?
4. Are there laws or contracts that must be taken into account?
5. Will these regulations apply to the entire school system or only to one subdivision such as a school, class or grade?
6. Would it be advisable to have the board approve these regulations?
7. Are these regulations too lenient or too strict?
8. What is the worst that can be said about these regulations?
9. What defense can be raised about these regulations?
10. Am I willing to modify these regulations if they prove inappropriate?

WHAT ARE BYLAWS?

Bylaws are policies that guide the board in its own conduct and operations. They are internal mechanisms to establish orderly proceedings. As with other policies, they encourage efficiency, in that a single board decision then covers many situations and doesn't have to be made repeatedly. For example, when you have a bylaw that defines the duties of the board chairperson, determining if a certain responsibility belongs to the chairperson or to an administrator can simply be a matter of referring to the bylaw.

Bylaws help secure the authority of the board's actions by demonstrating that it is a duly deliberative body with sound, legal procedures. The Freedom of Information Act passed by the General Assembly in 1975 has a direct impact on some board bylaws and should be carefully regarded. Case law and the local city/ton charter they impact other actions of the board.

Important aspects of board operations that should be covered by written bylaws are:

- **Public statements** - designate official board spokesperson.
- **Committee structure and authority** - say whether the board operates as a committee of the whole or uses standing committees; address special or ad hoc committees; who appoints, duties; board officers including how and when elected.
- **Board member training and expense** - address desired training of new board members, other training, conferences, how opt of pocket expenses will be reimbursed.
- **Conflict of interest** - spell out opposition to board members' financial conflicts, board position on nepotism, assure adherence to board's bylaw on ethics.
- **Code of ethics** - adopt CAGE's or tailor one specifically to your board.
- **Policy, regulation and bylaw formulation, adoption and amendment** -. include process, time constraints, if any, the number of required readings for policies, regulations and bylaws; the required vote for adoption.
- **Public participation at board meetings** - allow procedures for the public to speak at regular meetings; address special meetings; and "sunshine" exemptions to public presence at meetings.
- **Agenda preparation** - address who prepares agenda; timelines for receiving it prior to meeting; and availability to public and press.
- **Voting method** - specify that regular business is enacted by a majority of those present and voting (at least a majority of the required quorum); list when more than a simple majority is required.
- **Minutes** - include components of meetings; time frame for public release; and audio and video taping, if a practice.
- **Board evaluation** - indicate the board, as part of the evaluation process of the superintendent, will also conduct a self evaluation, at least annually, of its own operation.