

WASHINGTON STATE SCHOOL DIRECTORS' ASSOCIATION



Governing Through Policy: A Guide for School Board Members

This Policy Guide is intended to help school board members better understand the workings of their district's ***Policy Manual***. Many districts develop their manuals in collaboration with WSSDA Policy Services. All these manuals share a uniform policy category structure (essential, priority, and optional) and consistent document format that includes: (1) Policy; (2) Procedure; (3) Cross References; (4) Legal References; and (5) Management Resources. Every district policy manual, however, is as unique as the district it serves. Each defines the legal foundation upon which a particular local school district is built, and each defines local priorities and principles.



THE BOARD'S ROLE IN POLICYMAKING

State law provides the local school board with the “broad discretionary power to determine and adopt written policies not in conflict with other laws...” WSSDA's Policy Development Services is the primary means through which this fundamental legal responsibility is accomplished. According to state law, it is the duty of the school directors' association, to “take such action as the Association deems advisable to effect a coordination of policymaking, control, and management of the school districts of the state.”

Policy defines the board's vision for the district, the structure for accomplishing the vision, and the system of accountability for all involved in realizing the vision. Board policy directs the footsteps of students, parents, and staff. It also directs those of the board itself in:

- responding to emerging issues, conflict, and controversy,
- clarifying its own roles and responsibilities and those of the superintendent and staff,
- defining the decision-making process, and
- ensuring timely evaluation of programs, personnel, and activities.

Once adopted, local policies are as binding on the district, including the board of directors, as any other local requirement. No school board can or should operate without current policies. Among those policies are ones that are required by law and therefore deemed “essential” in WSSDA’s categorical process, those that are “priority” or very important and recommended to have, and those that are “optional.”

For example, the state legislature has required a fair number of local policies that no district can be without, including policies that address:

- Harassment, Intimidation and Bullying
- High School Graduation Requirements
- Nutrition and Physical Fitness

There are also policies that are required or “essential” if the district participates in a specific program or offers the service at issue. For example, if board members are provided with compensation, the district must have a policy that complies with the state’s requirements. Similarly, the district is required to have a drug-free workplace policy if it receives federal money. Lack of current “essential” policies can impact a district’s compliance with state and federal requirements.

Some policies are not essential, but are considered a priority for districts. Examples are policies that describe appropriate and inappropriate religious-related activities or practices, regulate student use of electronic devices, or govern the use of school-owned vehicles.

Other policies are important to a local school district even though they are not required. Optional policies tend to address specific priority issues unique to a local community or school. In Washington, Boards may adopt written policies not in conflict with other laws that will promote the education of kindergarten through twelfth grade public school students, or will promote the effective, efficient or safe operation of the schools. This give school boards broad policy making authority and supports policies that create continuity and consistency in the governance and administration of a school district.

In summary, policies establish a legal record and a standard of conduct for school districts. Policies can provide a bridge between the school board's philosophy and goals and the every day administration of programs.



POLICYMAKING

Washington state law requires that school boards adopt written policies governing the operations of schools and make these policies easily accessible to school employees, parents, and the general public. Because policymaking is central to the board's governance and oversight responsibilities, it is imperative that adopted policy be clearly written, up-to-date, and legally viable.

Specific board and staff roles in policy development, adoption, implementation, review, and evaluation are as follows:

- Policy development is a cooperative effort involving the board, staff, and community.
- Policy adoption is the responsibility of the board.
- Policy implementation is the responsibility of the superintendent and staff.
- Policy review and evaluation is the responsibility of the board based on information received from the staff, community, and other sources.

The policymaking process should result in policy that (1) reflects the board's intent and articulates a definite course of action; (2) delegates key responsibilities; and (3) declares desired outcomes.

Written board policy fosters stability and continuity, establishes a legal record—and a legal basis—for many board actions, forms the core of the district's written communication system, and provides a framework for the superintendent and staff to confidently assign duties and execute those assignments.

When a school board adopts a policy, it is acting like a small legislature. The proposed policy is like a bill. It must be considered, and, if adopted, it becomes a law for the district.

There are few statutory requirements limiting the way a school board adopts policy. WSSDA's Policy Services Department recommends a two step adoption process. A proposed policy is introduced to the board at a meeting, and preliminary discussion takes place. Then, at a subsequent meeting, the board takes final action on the policy. Policy adoption, like any other board action, can only take place at properly held open public meetings. Informal public hearings should be part of the policy adoption process, especially when the policy is of public concern. Further, the public should have adequate notice that a particular policy is under consideration. The board must also provide an opportunity for public written and oral comment, and an opportunity for the board to consider the comment that it receives.

The District Policy Manual

The District ***Policy Manual*** defines local governance. It contains (1) legally referenced policies applicable to the individual district; (2) local policies reflecting the decisions of the board regarding the education needs of students and the priorities and values of the community; and (3) procedures for implementing the policy. Only the policies are adopted by the board; each policy should bear the date of board adoption.

Local policies required by state or federal law or recommended by WSSDA form the heart of the local policy component of the policy manual. Other local policies are added, as needed, by the district during the policy adoption process. The board policies are updated, reviewed and revised periodically based on the needs of the district and requirements of law. Many districts subscribe to WSSDA's Policy News Service which provides updated policies six times per year. Alternatively, policies are accessible via the Internet through, WSSDA's subscription online service, EduPortal. This online service links the WSSDA Policy Reference Manual and the education sections of the Revised Code of Washington (RCW), Washington Administrative Code (WAC); and Attorney General Opinions (AGOs).

WSSDA Reference Manual

The ***WSSDA Reference Manual*** is a comprehensive set of Washington specific sample policies in the areas of operations for the Board of Directors, Instruction, Students, Community Relations, Personnel, Administration, and Non-instructional Operations.

The WSSDA Policy Reference Manual is also available online through the WSSDA subscription service, EduPortal. The reference manual sample policies are updated regularly through the WSSDA Policy News Service, and provide a reference for districts to (1) assist in local policy development; and (2) access specific cross references and legal references relative to each sample policy.

What Makes Good Policy?

Policy must be carefully and accurately phrased to convey the board's intent and describe the district's programs and practices. Simple, direct, unambiguous statements are invaluable to district staff in fulfilling board mandates and help ensure that the policies are readily understood by all.

In general, policies that point to a course of action should give clear guidance by defining governing principles and designating responsi-

bility but should not unduly limit administrative discretion or professional judgment. In other words, these policies should define what the board intends or requires, with the “how” of implementation and administration left up to the superintendent or designees.

Some policies, however, necessarily run against this grain. Policies that define procedural due process (such as grievance procedures) or that grant specific rights or benefits (such as sick-leave benefits) should be both explicit and detailed. The topic and intent of any policy define a balance between general and specific statements, suggest where board directive ends and where administrative discretion begins, and guide the use of mandatory or permissive language (e.g., “shall” or “may”).

- Policy is explicit and directive.
- Policy is in the scope of the board’s discretionary authority granted by state law.
- Policy is consistent with state and federal law and the provisions of the Constitution.
- Policy promotes education of K-12 students or promotes effective, efficient, and/or safe operations/management of the district.
- Policy is consistent with other policies, administrative guidelines, or written agreements and reflects current practice.
- Policy is a guideline for judgment, reflects sound judgment, and is judicious and fair.
- Policy is reasonable and free from arbitrariness and capriciousness.
- Policy has a substantial relationship to a legitimate purpose and is measurable.



POLICY VERSUS PROCEDURE

A process or plan implementing district policy is commonly defined as an administrative regulation or procedure. The development and implementation of these regulations or procedures are appropriately left to the district's administrators. Procedures guide implementation of policy, define standard operating procedure, and generally allow room for professional discretion and judgment, as appropriate. Procedures should be reviewed and revised by administrators as policy changes or circumstances warrant. Procedures are not adopted by the board.

Policies are the legally binding and enforceable mechanism by which the board establishes the governance framework of the district.

What Do Policies Do?

1. School board policies provide guidelines to chart a course of action.
2. Policies tell what is wanted—and may include why and how much.
3. Policies should be broad enough to admit discretionary action by the administration in meeting day-to-day problems.
4. Policies should also be specific enough to give clear guidance.
5. Policies should be reviewed on a consistent schedule and can only be modified through the formal analysis, review and adoption process.

What Are Procedures?

1. Procedures are the responsibility of the superintendent and staff. The superintendent can change procedures as the need arises.

2. Procedures establish the mechanics for implementing policy.
3. Procedures list the steps to be followed.
4. Procedures contain the important detail; the do's and the don'ts.
5. Procedures are not adopted, but are reviewed by the Board as needed.

The WSSDA Policy Development Process

The WSSDA Policy Reference Manual can be a valuable resource as the board develops or refines policy. The following considerations and steps will keep the process focused and efficient and the result durable:

- Keep in mind that a specific place exists within the design of the manual for virtually every imaginable topic. Familiarity with WSSDA's Reference Manual's seven sections (each with its own tab and table of contents) will be helpful.
- Each policy should reflect the critical board governance statements: a broad authorization of programs and services; specific directives or standards; restrictions; delegation of responsibility; and/or expected outcomes. In focusing on the substance of policy, consider whether any of these elements is missing and, if so, whether the board as a whole believes the missing element is best addressed at the board table or by administrative determination. Avoid becoming involved in administrative detail or micromanaging the district from the boardroom.
- Specific procedures and details, unless law or other legal authority requires otherwise, should be reserved for the administrative discretion and implementation. The board's time is limited. It is entirely appropriate for the board (1) to allow professional staff to decide how best to implement board policy, and (2) to hold the superintendent accountable for its implementation.

- Solicit input. The recommendations of professional staff, legal counsel, decision-making committees, and other advisory committees and informal input from the community should guide the policy determinations of the board. Input also might be sought from WSSDA's Policy Service www.wssda.org. WSSDA's staff familiarity with policy issues, work with other districts, and fingertip access to policy samples may save the local policy writer much time and toil.
- For new policies to be implemented successfully, those affected by the policy must know what the policy is. Policy copies need to be distributed promptly to all holders of hard-copy policy manuals, and key policy changes should be highlighted in news releases, internal publications, and staff meetings.

How Does The WSSDA Policy Reference Manual Work?

The WSSDA Policy Reference Manual is organized according to the WSSDA codification system that has evolved with the changing legal landscape and with emerging local issues. The manual's seven sections are devoted to the following areas of school governance:

A. Strategic Planning	(0000)
B. Board of Directors	(1000)
C. Instruction	(2000)
D. Students	(3000)
E. Community Relations	(4000)
F. Personnel	(5000)
G. Management Support	(6000)

Each section of the policy manual has its own table of contents that lists the policy topics in that section with their respective codes.

Some districts choose to use a different numbering system. Your district's manual, therefore, may or may not correspond to WSSDA's codification system.

However, utilizing the WSSDA codification system will maximize the use of WSSDA's Policy News services and the online WSSDA Policy Reference Manual and its links to the RCWs and the WAC. These are effective tools to maintain current policies that are in compliance with state and federal regulations.



TYPES OF POLICIES

The WSSDA ***Policy Reference Manual*** contains three types of policies: Essential policies, priority policies and optional policies. These policy classifications were developed by WSSDA policy services to assist districts in their review and adoption of local policies as they work to ensure compliance and determine the need for revision of local policies.

Criteria for Essential Policies

- Policy is required by state or federal law.
- Policy is required if a program is to be offered or to receive special funding.

Criteria for Priority Policies

- Policy is developed to respond to state or federal law in which a response is at the discretion of the school board or the district.
- Policy is important for the health, safety and/or welfare of students, employees, or directors.
- Policy sets forth the action of the board or district in response to a legal mandate and the board believes attention to the mandate or policy is needed.

- Policy is in response to a court ruling that affects or may affect the district.
- Policy is important for accountability of board or district.

Criteria for Optional Policies

- Policy is the best avenue for expressing an action or bringing attention to an action which is required or deemed necessary by the board, district or community.
- Policy is deemed necessary due to special circumstances of a board, district, or community.
- Policy communicates district philosophy that the board wants promoted to employees and/or the community.

The Policy Page

In the WSSDA Reference Manual, Policy type is identified in the lower left corner of each page as “(CLASSIFICATION).” Additional identifiers in the lower left corner are: adoption date, the space where the district should enter the date of board action in the official copy of the manual; school district name; and the revision date. In addition to margin notes, all legal references and management resources are included at the end of each policy text.

Policy Review and Revisions

All things change; policy is no exception. Changing leadership, priorities, resources, needs, and mandates all render policy dynamic. Consequently, regular policy review and maintenance are essential for effective and accountable local control.



PROCEDURES

Formalized procedures are identified as “(PROCEDURE)” in the upper right corner of each page of the WSSDA Reference Manual and printed on colored paper to distinguish them from the policies. They

are codified using the same number as the policy and adding a “P” to that number (e.g., 1220P)



WSSDA UPDATE SERVICES

Keeping abreast of changes in federal and state law, State Board rules, attorney general opinions, and case law affecting local school districts is a demanding job for district officials. WSSDA Policy and Legal Services assist districts by monitoring, researching, and digesting these changes. Policy Service accumulates these changes into updates in the Policy News and in School Law Digest. These publications are prepared by the legal staff in WSSDA’s Policy and Legal Services Department. Both publications detail new legal requirements and recommended local policy changes.

Each edition of Policy News contains articles on the latest policy developments and updated policies. Included are:

- Analysis of developing issues;
- New or amended sample policies; and
- Explanatory notes that give information about why, where, and how the policy text was revised.

Local District Updates

The superintendent and board are responsible for keeping the manual current with local needs and priorities. Locally initiated changes must comply with state laws and follow the policy adoption process.

Policy Consultant Services

Districts may contract with WSSDA’s Policy Consultant Services to have their manuals comprehensively analyzed. WSSDA consultants provide personalized policy analysis for your district. Districts select from a variety of services including a careful inspection by a

consultant for inconsistencies and missing policies. The consultant discusses his or her findings and recommendations in a review session with the board and district administrators. The consultant continues the work with an executive summary to the board.

This thorough review ensures the accuracy of the manual and increases the board's and administrators' knowledge of policy content and policymaking procedures. Comprehensive review every few years assures that all policies are current and broadly understood. Comprehensive review also tends to reduce the possibility of inappropriate action and, concurrently, unintended legal exposure.

Telephone assistance

WSSDA's Policy and Legal Service staff are available by telephone to assist districts with policy questions and procedures. Districts may request sample text to assist with revisions or new policies. The toll-free number for policy assistance is 1-800-562-8927.



QUESTIONS BOARD MEMBERS OFTEN ASK

Q *Why is the policy reference manual so big?
There's a lot of stuff that doesn't seem to apply to the board.*

A: The manual reaches beyond the collection of board policies to become a blueprint for the governance AND management of the district. It contains information critical to effective governance as well as information critical to effective day-to-day management. Many of the policies are “essential” and mirror the extent of the legal and regulatory environment shaping local control of public education.

Q *Isn't there an electronic alternative?*

A: Yes! A growing number of school districts are using Policy Service's Internet-based alternative to hard copy. ***Policy On Line*** allows users to nimbly search through the electronic manual to retrieve in an instant the policies they need and to save the time and trouble associated with maintaining hard-copy manuals. Contact WSSDA's Policy and Legal Services Office to learn more about policy online through EduPortal.

Q *How much does Policy Service cost?*

A: Surprisingly little. Most districts budget less than \$1,000 per year for Policy Service, far less than would be the cost of independently combing through statutory, regulatory, and case law changes for policy implications.

Of this cost, \$503.50 is for Policy News Service, a prerequisite for development and support of your ***District Policy Manual***. *Policy On Line* districts pay an additional cost of \$475 annually, funds that go toward the cost of sustaining a reliable, round-the-clock Web server

hosting our up-to-date policy reference manual along with links to the Revised Code of Washington, Washington Administrative Code and Attorney General Opinions.

Q *Does WSSDA provide Board training regarding governance?*

A: We're only a phone call away: 1-800-562-8927. WSSDA staff and consultants can help board members use the policy making process to govern their districts effectively. This will include board training on what makes a good policy, what other districts are doing in this regard, what effect this policy will have on others in your manual, what sample policies are available, community engagement and how to use policy development to increase student achievement.

Q *How can the Board monitor the implementation of policy while avoiding impacting the administrator's role?*

A: Two ways: First, the Board should make policy review and evaluation a priority by having an agenda item at each meeting for policy discussion. Second, the board should receive periodic reports from staff and administrators on the implementation and outcome of board policy. Based on that information the Board decides if policy modifications or revisions are necessary.



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Sample Policy

Policy No. 1115
Board of Directors

VACANCIES

In case of a board vacancy, the remaining board members shall fill such vacancy by appointment. The board will receive applications from any qualified persons seeking to fill the position after suitable public notice. The board will appoint one of the candidates to serve until the next regularly scheduled board election, at which time a director shall be elected for the unexpired term, if any.

The appointment shall be approved, by roll call vote, by not less than three members of the board. If there exists fewer than three members, the educational service district board members shall appoint a sufficient number to constitute a legal majority of the board. Should the board fail to fill a vacancy within ninety (90) days from the creation of such vacancy, the educational service district board members shall fill such vacancy. Appointees shall be United States citizens and qualified voters resident in the school district and appropriate director district, if any.

Cross References:	Board Policy 1114	Board Member Resignation
	Board Policy 1450	Absence of Board Member
Legal References:	RCW 28A.310.030	ESD Board
	RCW 28A.343.370	Directors--Filling vacancies
	RCW 28A.330.020	Certain board elections, manner and vote required
	RCW 42.30.110	Board member interviews in open public session

Adoption Date:
School District Name:
Classification: Optional

Sample Procedures

Procedure 1115P

Vacancies

When a vacancy occurs on the board, it is in the best interest of the district to encourage as many able citizens as possible to consider becoming a school director. To that end the following procedures shall be used to identify and appoint citizens to fill board vacancies:

- A. Announcement of the vacancy and the procedure for filling it shall be made in the general news media as well as general district publications to patrons.
- B. All citizens shall be invited to nominate candidates for the position provided that the nominees shall be registered voters who reside in the director district in which the vacancy occurs.
- C. The board secretary shall notify all nominees by sending them a summary of director responsibilities and soliciting from them a biographical sketch as well as a statement about their interest in being a board member. Upon their request, the board secretary shall provide nominees with orientation information.
- D. The board shall screen the nominees.
 1. If there are more than five, it shall select for interviews the five whose prior experience and expressed interest suggest that they will be most able to contribute breadth of view to the board's deliberations as well as effectively represent a large segment of the community.
 2. Possible topics to discuss during the interview are:
 - a. Review the WSSDA Code of Governance with the group of board nominees.
 - b. Give a brief biographical sketch of self: training, interests, experience on policy boards, community and/or school activities, etc.
 - c. Describe the major strengths of the district.
 - d. Describe the major shortcomings of the district.
 - e. Describe how your experience, training and interest can contribute to the improvement of the district.
 - f. Identify any commitments which might prevent you from attending regularly scheduled meetings, participation in workshops, reviewing study materials, etc.
 - g. Allow the nominee an opportunity to ask any questions.
- E. The board shall appoint the nominee who in the judgment of at least three members of the board is most likely to contribute to the growth and development of the district's educational programs and operations.
- F. The board secretary shall prepare for the signatures of all board members a letter thanking all nominees for the position and commending them for their interest in the district.

Date:

Revised: