



# School Board Committees

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– Early Bird Session



# Purpose of school board committees

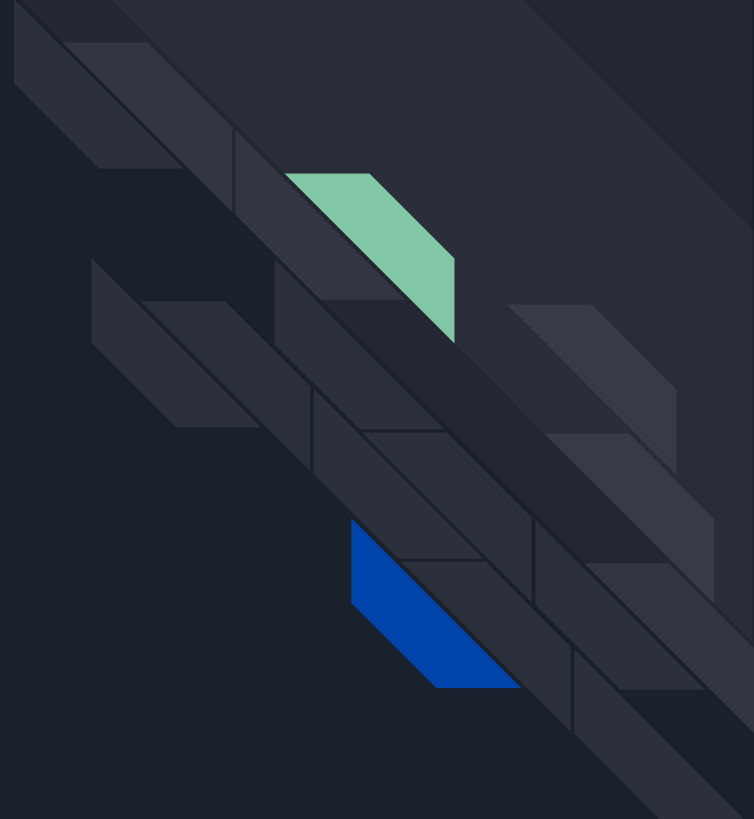
- Created to do work for or complete a task for the board
- To review and study issues in greater detail
- Serve as the starting point for policies, initiatives, or planning
- Make recommendations to the full board regarding public business
- Divide up the responsibility by category/issue/topic
- To help the Board do its job, not to help or advise the staff

# What is a board committee?

- ❑ Not specifically mentioned in NDCC, but NDCC 44-04-17.1(6) – “governing body”
- ❑ Generally, committee created when two or more people are delegated responsibility or task by board
- ❑ Doesn't need to be called “committee” to be a committee
- ❑ Doesn't require formal board action to create or include board members

# What is a board committee?

- ✓ Can be created by board policy or board action/consensus
- ✓ Policy BBBB – Board Committees
- ✓ Appointments by Board President, approved by board
- ✓ Removal procedures





# Standing Committees


- Permanent committees created by board to address regular business of board
- E.g., policy, curriculum, hiring, personnel, facilities, finance
- Created by board policy (policy BBBB)
- Can include board members, admin, other staff, patrons, etc.
- Members appointed at annual meeting, terms last one year



# Potential Cons of Standing Committees

- May not actually be useful for small boards
- Can encourage micromanagement (interfere with authority granted by board to supt)
- Create more work for board members
- Create factions on board
- Not all board members have access to same information at same time

# Ad Hoc or Special Committees

- Created for special purpose or specific task
  - Usually temporary in nature
  - E.g., construction project
  - Can include board members, admin, staff, patrons, consultants, business professionals, etc.
  - Once task complete, committee disbands
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# Some practice pointers...

- Recommend less than a quorum of board members on any one committee (Why?)
- Committees can include non-board members, but BE CAREFUL
  - Particular expertise or add value to work
- Committee size (too large can interfere with work of committee)
- Board should not delegate any final decision-making authority to committees





# A few more practice pointers...

- Committees may reasonably interpret board policies and relevant, past board actions in carrying out charge
- May take actions or make decisions to fulfill charge – what does this mean??
- Cannot exercise authority over staff
- Superintendent works for full board; should not need to seek approval from committee
- Avoid over-identification with organizational parts, rather than whole



# Committees and Open Meetings

- Board committee subject to open meetings requirements
- Definition of “governing body” of public entity includes any group of persons acting collectively pursuant to authority delegated by governing body
- Otherwise, could avoid compliance by simply delegating authority to committee

# Open Meetings Compliance

- Anytime a board delegates any of its public business to two or more individuals (no formal motion is needed and don't need to call it a "committee")
- Delegation by or to one individual does not count
- Must comply with same open meetings requirements (e.g., notice, public access, minutes)
- Anytime a quorum or more of committee gathers re committee work, "meeting" occurs
- When in doubt, comply!
- Executive session?

# Administrative Committees

- What about committees created by administration?
- NDAG 2022-O-13 recently issued
- MPS superintendent created committee to address precautions MPS could implement to keep schools safe following COVID-19 closures
- Committee members = public health, parents, staff
- No board members served or attended meetings

# More on Administrative Committees

- AG had issued two prior opinions re Superintendent's Cabinets (not committees subject to open meetings laws because no delegation from board)
- MPS Superintendent established committee pursuant to administrative responsibilities
- No involvement from board
- Committee did NOT meet definition of "governing body"
- What does this mean going forward?

# Negotiations Committee

- ✓ Usually a standing committee
- ✓ Choose these assignments carefully
- ✓ Consistency from season to season
- ✓ Size? Alternates?
- ✓ Record meetings? Executive session?
- ✓ Outside consultants
- ✓ Make sure you understand district budgetary and financial considerations
- ✓ Use superintendent, business manager as resources



## Final practice pointers...

- Find ideal committee size for work involved
- Determine if committee is really necessary
- Set meeting agendas in advance
- Create “job descriptions” for each committee
- Regularly review committee’s performance
- Public comment/participation?
- Publication of minutes?



Questions?