



Gowanda Central School District

Protocols for Board/Superintendent Communication

As a team, the Board and Superintendent, we recognize the importance of clear, transparent and timely communication. The Board of Education employs the superintendent as the chief executive officer and is responsible for the development, supervision, and operation of the school program and facilities. We recognize that the superintendent is the only employee of the district who reports to the Board of Education. It is expected the superintendent provide necessary information to the board as requested following the outlined protocol:

COMMUNICATION PROTOCOLS

Superintendent to Board of Education

The superintendent is committing to the following communication protocols:

1. No surprises (if some significant issue/item surfaces, the superintendent will make every effort to inform the Board).
 - a. Urgent items include but are not limited to student safety, lockdowns, and media requests.
 - b. Recognizing some items are unpredictable the Board will provide the superintendent grace.
2. Monthly board meetings.
3. Weekly written updates.
4. Multiple means of communication will be used depending upon the nature of the situation.
5. Responses to board member's questions (response to all members).
6. All media calls filtered through the superintendent's office (if press calls a board member, a note is sent to President/Superintendent then out to all board members. The Board reserves the right to identify a spokesperson).
7. Planning meetings and/or agendas with Board President's input.

8. If a concern arises around communication protocols, the superintendent will work with the board member and/or president.
9. Clear is kind. If a board member has a question or concern with superintendent communication a direct conversation will ensue.
10. When needed, a face-to-face meeting with individual board members.

Monitoring of Success: Semi-annual check in (informally) with board members. If necessary, a board agenda item will be added to review progress and success of communication protocols.

Board of Education Members to Superintendent

Board of Education members are committing to the following communication protocols:

1. No surprises (if some issue/item surfaces, the board members will call, email, or text the superintendent).
2. Communication will be directed to the superintendent and if information is requested, the superintendent will engage appropriate staff.
3. A reasonable amount of time will be given to process questions and responses (depending on the question and request, 1-3 business days). Every effort will be made to process the request as soon as possible.
4. Only board items acted upon and passed with a majority of the board reflect the work of the District and provide staff with board direction. Dialogue and discussion that occur during board of education meeting time should not be considered the will of the board.
5. On board matters, the Board President (or designated spokesperson) serves as the spokesperson for the board.
6. Board members agree that they represent constituents and refer any questions/concerns they hear to the superintendent to address and provide follow up. Moreover, board members will adhere to the communication chain of command and protocol. Concerns are best resolved: teacher/staff member, principal/supervisor, and then superintendent. When appropriate, Board members will let the Superintendent or Building Administrator/Supervisor know of concerns reported to them and who they referred the concern back to in the chain.
7. Committed to maintaining fidelity to fellow board members, board policies and governance team standards will be followed when communicating with constituents, staff and media.

Communication between Board Members

Regular and clear communication among board members is key in driving improved decision-making. Additionally, open communication promotes increased transparency, accountability, and alignment with the organization's mission, vision, core values and goals.

Board members should be mindful of the Open Meetings Law (OML) when communicating with other Board members outside of a posted meeting of the Board. Board members are prohibited from conducting Board business outside of properly convened meetings. Questions often arise about whether a board member may email, text message, instant message (IM), or otherwise send electronic communications to the rest of the board to discuss school business outside of public meetings. Electronic communications, including emails, texts, IMs, and online internet posts, are generally not exceptions to OML. An illegal meeting can occur if a quorum deliberates school business outside of a posted meeting, even if the quorum does not meet at one time or place or in person.

Board members should use caution if they are using electronic communications to talk privately to each other during a board meeting. Private exchanges that are unrelated to school business will not be subject to the OML or FOIL. However, the public perception that board members are attempting to conduct official business in secret is undesirable. Many boards are adopting a “no cell phone” policy for board meetings.

PUBLIC PARTICIPATION IN BOARD MEETINGS

The Board welcomes and values participation of the public at their meetings. However, the meeting is a meeting held in public and not a meeting of the public. Therefore, the following guidelines are utilized in seeking public participation.

1. Public participation follows rules expressed by the board, with an emphasis on civility and mutual respect.
2. Public opportunity to speak occurs during hearings and/or public comment, at the discretion of the board.
3. Public comment, when scheduled, will be restricted to five minutes per person. After all those wishing to offer public comment have done so, at the discretion of the President, additional comments may be heard provided no single person shall exceed 10 minutes total during one meeting. Note: the board may use its discretion to alter in any way the public comment period by a majority vote of the Board.
4. Members of the public should not expect answers to their questions or concerns to be addressed during the public comment section of the meeting. Rather this is an opportunity for the Board to hear from constituents. Any necessary follow-up contact will occur at another time.
5. Interruption of board discussion is not permitted.

The Board of Education continually strives to communicate openly and directly with the public and to provide easy and efficient access to District information. In its continued efforts to meet

these goals and to educate the public regarding the Open Meetings Law (“OML”), the District offers the following information:

Q: What, if any, laws apply to the scheduling and holding of meetings?

A: The Open Meetings Law (Article 7 of the New York Public Officers Law) (the “OML”) applies to Board of Education meetings. The specific laws as well as advisory opinions and other information can be found at the Committee on Open Government Website, <http://www.dos.ny.gov/coog/index.html>

Q: What is an “executive session”?

A: An executive session is a portion of a meeting when the Board is legally allowed to exclude members of the public. The OML details the reasons a Board is allowed to enter executive session. These are specifically enumerated by the OML to include the following:

- Subjects which would jeopardize public safety if disclosed to the public;
- Any issue that might disclose the identity of a law enforcement agent or informer;
- Information relating to current or future investigations or prosecution of a criminal offense that would imperil effective law enforcement if disclosed;
- Discussions regarding proposed, pending or current litigation;
- Discussions regarding collective labor negotiations;
- Discussions regarding the medical, financial, credit or employment history of a particular person, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
- The preparation, grading or administration of examinations; and
- The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by the public body, but only when publicity would substantially affect the value of the property at issue.

Additionally, discussions involving an issue deemed confidential by a specific state or federal statute may be conducted in executive session. Issues that have been deemed confidential by statute include, but are not limited to:

- Communications through which the Board obtains legal advice from its attorney;
- Public health issues specifically deemed confidential by public health statutes; and
- Education records of a particular student pursuant to the Family Education Rights & Privacy Act.

Q: How do I know when the Board is in or will be in Executive Session?

A: The OML requires that the Board passes a motion which identifies the subjects to be considered in executive session.

Q: Can the Board take action in executive session?

A: No formal action can be taken in executive session, except if legally required by law. For example, the preferring of charges pursuant to Education Law 3020-a (disciplinary charges against a tenured employee) must be voted on during an executive session. Minutes are taken when a formal vote takes place during an executive session. The minutes made available to the public will not include any information that is deemed confidential pursuant to statute.

With the exception of the preferring of charges pursuant to 3020-a, the Board never takes any action in Executive Session.

Q: Can I attend an Executive Session?

A: An executive session only can be attended by members of the Board and any other person(s) invited by the Board. Generally, the Board authorizes the Superintendent and administrators designated by the Superintendent to attend executive sessions. Other frequent invitees are the District's attorneys.

References:

GCS BoE Policy:

- #1310: Powers and Duties of the Board
- #1510: Regular Board Meetings and Rules
- #1520: Special Meetings of the Board
- #1530: Minutes
- #1540: Executive Session
- #4210: Administrative Organization and Operations
- #4310: Superintendent of Schools
- #4320: Superintendent-Board Relations
- Committee on Open Government: <http://www.dos.ny.gov/coog/index.html>

GCS Public Comment Procedure

A person who wishes to address the Board may do so by following this procedure:

1. Fill out the appropriate form and hand the form to the Board President.
2. The Board President will call upon the person to speak at the appropriate time.
3. Each such person will be permitted to speak for a time limited to three (3) minutes.
4. Please stand in front of the Board table and address the Board directly.
5. Under discretion of the Board, no more than three (3) people will be allowed to address the Board on a single topic.
6. Total time allowed for public comment is 15 minutes.
7. Board members will not engage in debate with members of the audience, but will take all public comments into consideration.