

THE FOLLOWING PAPER WAS GIVEN ON APRIL 18, 2005 TO A WORKSHOP OF PRIVATE SCHOOLS. THE TOPIC OF THE WORKSHOP WAS: "PRIVATE SCHOOLS AND THE MANAGEMENT OF LEGAL ISSUES" AND WAS SPONSORED BY THE TORONTO LAW FIRM OF SHIBLEY RIGHTON, LLP.

WORKING EFFECTIVELY WITH YOUR BOARD

PREAMBLE:

There is no "Ministry course" or other such paper qualification where you can learn how to work effectively with your board. Dealing effectively with members of your board is both a skill and an art and is learned by on the job training. I receive calls from a variety of private school boards and senior school leaders to provide a mentoring program for them. Having been a private school principal and a Ministry of Education private school inspector, I will share my observations with you.

THEME:

In private schools, your ability to work effectively with your board is often the determining factor of your performance evaluation rather than your personal skill set and past record of accomplishment.

Each of your schools has a different organizational structure with different titles. For purposes of clarity, I refer to the governing body of your school as the board and to the principal or director as the head. What I am discussing is the personal and professional relationship between you and your board.

THE BOARD:

Let me start by talking a bit about the board of a private school:

The board is responsible for protecting and ensuring the continued existence and future of the school. It establishes basic policies and major programs and delegates to the head the day to day administration and the carrying out of the approved policies. The board relies on the head to administer its policies and programs. The board should limit itself to broad considerations of policy; the head operates the school to implement these policies. Here is a general outline of the functions of a board:

Functions of a board:

1. electing its Chair and other officers

2. ensuring that By-Laws are respected and reviewed regularly
3. selecting and evaluating the Head
4. complying with all governmental and local regulations and statutes
5. establishing general policy in the following areas, and communicating this information to the appropriate parties:
 - a. organization
 - b. curriculum and instruction
 - c. position, classification, and compensation for school faculty and administration
 - d. admission of students, including setting a priority ranking of children for enrolment
 - e. governmental and public relations
 - f. employee welfare and relations
 - g. fees and tuition
 - h. overall administration of the school
 - i. hiring of personnel

The head operates the school and requires board approval for the following:

- a) hiring, objective-setting and evaluating senior staff
- b) curriculum
- c) disposition of all property and real property, including mortgages and leases
- d) insurance policies covering assets of the school
- e) salary budgets, ranges and increases
- f) capital and financial budgets
- g) capital outlay expenditures, loans, and other important financial matters
- h) admissions of students and class size
- i) expulsion of pupils
- j) dismissal of personnel
- k) creation, change and elimination of employee positions
- l) establishment of fees and tuition
- m) hiring policies

An annual report as well as frequent reports to the board by the head allows both you and your board to review performance and appraise results in relation to approved aims, policies and programs.

The fundamental difference between members of the board and the head involves the distinction between policy and administration. However, the line between these differences is often blurred.

THE RELATIONSHIP BETWEEN THE HEAD AND THE BOARD

The various functions outlined above require a clear job description so that your role and relationship to your board is clearly delineated. Your job description outlines your general areas of authority. It is important that you know the limits of your authority. One of the school's by-laws should permit the board to delegate its executive powers to the head to manage the school according to the board's policies. If there is such a by-law, the board will hold the head responsible for the administration of its policies, the execution of its decisions and the operations of the school and its internal machinery. Such a by-law ensures that a head will not face the dilemma of being accountable without having authority.

An effective set of by-laws should require the head to "bring to the attention of the School Board":

- a. any matter referred to her/him that cannot be resolved administratively
- b. an administrative decision which (s)he believes, in his/her judgment, should receive prior approval of the board and
- c. any other administrative decision which (s)he feels should be brought to the attention of the board, such as the management of a crisis.

Because the relationship between the board and its head is crucial to the smooth functioning of the school, the board must be committed under its by-laws, to devote all or part of one meeting, at least annually, and at least nine months prior to the expiration of the head's contract, to a discussion of the head's performance and the overall working relationship between the head and the board.

WORKING MORE EFFECTIVELY WITH YOUR BOARD

Board members look to the head for leadership in managing change and establishing a positive school climate.

Your board has many different expectations of you. You are the public face of the school. Board members see you as the person who has been entrusted to lead the school – to inspire teachers and students, to set the tone for the school and to be responsible for the standard of instruction. You are the board's change agent and you serve *in loco parentis* for the children who attend your school. Yours is a multi-faceted role.

Your challenge is to ensure that your board understands the complexities of your role. You should have strategies so that your board is always aware of the issues you face. One way your board gains an understanding of these issues is by the way you conduct yourself at board meetings and in the public domain. Your communication skills, both oral and written are scrutinized by parents and your community at all times. If e-mail is one of your preferred means of communication, be extremely mindful of its potential for wider distribution.

The key to success in managing your board is to know what to change and when to effect that change. If your board is not on side with your proposed changes, you will have a difficult time. Managing the board is a time consuming task. Heads of very large schools frequently spend most of their time engaged in this activity. A recent research study in the U.S. indicated that in private schools, heads spend up to 40 % of their time in board related activities, board supervision or cultivation of board support. Although this expenditure of time may appear to be excessive, in fact, you may have no alternative. Understanding the present and potential contributions of board members, anticipating their needs and obtaining their support are critical components in the successful management of a board. Heads must know that boards are “behind them”, but not too far behind. When a crisis occurs, as inevitably it will, board members will support a head who they know and trust.

The head of a school needs to be acutely aware of the importance of building relationships with key board members. In addition, the head needs to be acutely aware of potential divisions or factions that may emerge within the board itself. Siding with one faction can lead to difficulties. Managing board members is a crucial challenge as more and more heads, boards, and schools are vulnerable to an “attack” from faculty, alumni and/or parents. These attacks are often unexpected, and the board and head may be caught off guard searching for an appropriate measured response. The use of e-mail as an organizing tool against school heads and boards has already reached the level of an art form.

If you review recent job advertisements for heads of private schools, you will usually see that boards want leaders with “vision”. This requirement usually means having a sound, consistent philosophy of education that is articulated through consistent decision making and policy implementation. Search committees seek individuals who can articulate a school’s mission statement and who can inspire and lead parents, board members, teachers and students. Boards want individuals who can tie the school’s vision to the past and can also ensure that the vision is innovative and relevant to present times. The head must challenge the faculty and parents to make that mission valid for the future.

MEDIA INVOLVEMENT:

Be ready for media attention, particularly if a crisis erupts. How the print or broadcast media initially report a crisis will be the dominant impression left with the public and your board members. Remember, the media frequently works under very tight timelines, and it may be in your interests, as well as their interests, to provide information as soon as possible.

First and foremost, ensure that your school has a clearly written, regularly reviewed media policy. It is generally preferable that the head have the exclusive authority to speak with the media. Assuming that is the case, then the head should have the office, home and cell numbers of the board chair, as well as his/her e-mail address. If the chair cannot be immediately reached, then a back-up person should always be available.

When time does not allow the head to contact the board chair or back-up person before speaking to the media, then he/she should immediately and fully inform the board chair of what transpired. It may be necessary to a special board meeting to be called.

There must be a consistent response to parents who may be concerned. All school employees should also be kept informed. Teachers should know what to say to students. Be prepared to send letters home with students if the crisis warrants such action. If a crisis looms so large, almost invariably there will be a legal aspect to it. This is the time when legal advice should be obtained.

COMMITTEES OF THE BOARD:

Aside from the obvious responsibility of conducting the business of a private school, board committees serve another purpose. A head's attendance at various committees of the board provides the venue and opportunity for a head to establish both formal and informal links with board members. An ongoing source of tension between a head and the board is the mutual belief that each has been blind sided by the failure of the other to provide full information about an important school issue. Informal discussions at regularly scheduled committees of the board frequently allow the head to maintain close communication with board members.

THE CARE AND FEEDING OF THE BOARD:

It is a given that every board will have its factions. Sometimes the variance of views promotes a healthy dialogue and constructive debate. At other times, the competitive atmosphere among factions evolves into an adversarial system which can threaten the school's viability.

To ride out the storm, it is important that you not be drawn into the vortex. To the fullest extent possible, try to remain aloof from the two or more camps which compete with each other. If mediation appears to be warranted, a volunteer parent whose objectivity is not in question, may be the appropriate person. If funds are available, an outside party may be the best response. Regardless, do not personally assume the role of mediator.

Regardless of the time of day, always ensure that your board has ample refreshments. To this day, I remain convinced that low blood sugar and empty stomachs derail more meetings than are generally appreciated.

SOME PRACTICAL SUGGESTIONS/POINTS TO CONSIDER:

- Board minutes are very important, not only in what is recorded, but how things are stated. Ensure you have control in managing the minutes before they are distributed.

- Does your board have a written policy dealing with a code of ethics and conflict of interest?
- Be sure your board has a set of By-laws that deals with your role in case of emergency (as referenced earlier).
- Does your school have a board manual and orientation for new board members?
- Is there a procedure in place for you to annually file and present your report to the board?

- What you say to a board member on the golf course or at a cocktail party could come back to haunt you. Members want to be able to demonstrate to other members and parents that they have “inside” information. Because you work closely with your board and possibly with individuals, you should be cautious about developing personal relationships with individual members.
- As head of a school, you should not totally abandon curriculum responsibility to coordinator. It is critical that you have a working knowledge of the school’s program.
- Does your school have a development program to train future lay leaders?
- Establish a system of regularly reviewing all policies
- You need not be a trained lawyer, but heads of schools are expected to know a minimum of basic education law. Workshops such as this, as well as keeping informed about recent legal school issues are important measures you can take to give you and your board confidence in your leadership ability.
- **Admit you don’t always have all the answers!!!** When necessary, seek advice from professionals, particularly during a potential or actual crisis.