

## BOARD OF EDUCATION

**PURPOSE:** To define elections and organization of the Board of Education and to outline requirements, duties, responsibilities, authority, and compensation for Board members.

Legal Status

State law provides public schools will be maintained and operated by local boards of education. Therefore, local school boards are legal instruments of the state and derive their powers from the Oklahoma Legislature. They have responsibilities to the local citizenry they serve, and by whom they are elected. Independent School District Number One, Tulsa County, Oklahoma, has seven school board members. Each board member is chosen by the electorate of a designated portion of the district to a four-year term of office.

Powers and Responsibilities

Members of the Board will exercise and retain full legislative authority and control over the schools. This jurisdiction will be in accordance with the policies established by the Board, the constitution and laws of the state of Oklahoma.

In exercising rights and responsibilities affecting the governance of the district, the Board will adopt policies serving as guidelines for the organization and administration of schools. Administrative authority, and the power to delegate such authority, will be given to the superintendent. The superintendent serves as Chief Executive Officer of the district in carrying out the policies of the Board.

The Board may exercise its powers only when convened in a legally constituted meeting.

School Board ElectionsCandidates

Candidates vying for office as a member of the Board of Education for TPS will file written declarations of candidacy at the Tulsa County Election Board. Candidates seeking election to a local school board are also required to file a statement of organization, a report of contributions and expenditures, and a statement of financial interests with the Clerk of the Board of Education. These statements must comply with all the procedural requirements established and enforced by the Oklahoma Ethics Commission and will be public records. The records will be maintained for 4 years by the Board Clerk and may be posted on the district's website. The filing period will begin at 8:00 a.m. on the first Monday in December through 5:00 p.m. on the following Wednesday.

### Eligibility

To be eligible as a candidate for member of the Board of Education, a person must have been a registered voter with the Tulsa County Election Board, residing within the geographical boundaries of the election district for which the person desires to become a candidate for six months preceding the first day of the filing period.

No person will be eligible as a candidate for, or elected to be, a member of the Board unless the person has been awarded a high school diploma or certificate of high school equivalency. No person will be eligible as a candidate for, or to serve on, the Board if currently employed by the district or related within the second degree by affinity or consanguinity to any other member of the Board or to any employee of the district. These prohibitions will not apply to members who were serving on September 1, 1992. A person who has been convicted of a misdemeanor involving embezzlement or a felony under the laws of Oklahoma or of the United States, or has entered a plea of guilty or nolo contendere to a misdemeanor involving embezzlement or a felony, or has been convicted of a crime in another state that would have been a misdemeanor involving embezzlement or a felony under the laws of Oklahoma, or has entered a plea of guilty or nolo contendere to such crime, will not be eligible as a candidate for, or be elected as a member of the Board for a period of 15 years following completion the sentence, or during the pendency of an appeal of such conviction or plea, unless the person has received a pardon.

### General Election

On the second Tuesday in February, a general election will be held, except in any year when a presidential preferential primary is held in February and then the election shall be held on the same day as the Presidential Preferential Primary. The electors of each election district in which a member's term is expiring or in which a vacancy exists will select nominees from among candidates for a member to represent such election district. If, in the general election, one candidate has a majority of all votes cast then a run-off election is not required and that candidate is elected to represent the election district. If no candidate receives more than 50 percent of the votes cast in the general election, then a run-off election will be held between the two candidates with the highest number of votes.

### Run-off Election

On the first Tuesday in April, there will be a run-off election in an election district in which no candidate received a majority of the votes cast at the general election. The electors of the election district will select one of the two candidates at such run-off election as the member of the Board representing such election district.

### Term of Office

The term of each member, except for members appointed to fill a vacancy, will be four years commencing on the first regular, special, or emergency Board meeting after the member has been certified as elected. Persons appointed to fill vacancies will serve only until the next succeeding regular election, at which time the office they

hold will be placed on the ballot for the balance of the unexpired term. Vacancies filled by appointment following the delivery of the resolution calling for regular elections to the Secretary of the Tulsa County Election Board will be filled until the next regular elections the following year. Persons elected to fill an unexpired term will begin the term of office at the next regular meeting of the Board following the election. If the Board does not fill the vacancy by appointment within 60 days of the date the Board declared the seat vacant, the Board will call a special election to fill the vacancy for the unexpired term.

#### School Board Unexpired Term Fulfillment

The Board has the power to fill by appointment any vacancy occurring within its ranks for a period extending until the next regular district election. An election will be held to fill the balance of the unexpired term. If the vacancy is not filled by the Board within 60 days, the Tulsa County Election Board will call for a special election to fill the vacancy for the unexpired term.

#### School Board Member Oath of Office

Each member of the Board will take and subscribe to the following oath:

"I, \_\_\_\_\_ (name) \_\_\_\_\_, hereby declare under oath, that I will faithfully perform the duties of member of the Board of Education of Independent School District Number One, Tulsa County, Oklahoma, to the best of my ability and that I will faithfully discharge all of the duties pertaining to said office and obey the Constitution and laws of the United States and Oklahoma."

#### School Board Member Code of Ethics

The Board desires its members to adhere to all laws regarding conflict of interest and to avoid actions that might embarrass themselves and the Board. Therefore, the Board will adhere to the following code of ethics:

As a member of my local Board of Education, I will strive to improve public education and I will:

Attend all regularly scheduled Board meetings insofar as possible and become informed concerning the issues to be considered at those meetings.

Recognize that I should endeavor to make policy decisions only after full discussion at public Board meetings.

Render all decisions based on the available facts and my independent judgment and refuse to surrender that judgment to individuals or special interest groups.

Encourage the free expression of opinion by all Board members and seek systematic communications between the Board and students, employees, and all elements of the community.

Work with other Board members to establish effective Board policies.

Communicate to other Board members and the superintendent expressions of public reaction to Board policies and school programs.

Inform myself about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by my state and national school boards' association.

Support the employment of those persons best qualified to serve as school employees and insist on a regular and impartial evaluation of all employees.

Avoid being placed in a position of conflict of interest and refrain from using my Board position for personal or partisan gain.

Take no private action that will compromise the Board or administration and respect the confidentiality of information that is privileged under applicable law.

Remember always that my first and greatest concern must be the educational welfare of the students attending the public schools.

#### School Board Member Conflict of Interest

District School Board members are expected to maintain the highest ethical standards in the conduct of district affairs.

A situation presenting a conflict of interest may take many different forms. No Board member should use the district affiliation for private or personal advantage. No Board member should have any outside business interests which might, in fact or appearance, interfere with the individual's loyalty to the district. No Board member should have any interest or association that interferes with, or appears to impair, the independent exercise of the judgment in the best interests of the district.

#### *Contracts with Board Members or Business in Which Board Members Have an Interest*

The district will not enter into any contract with a Board member or any company, individual, business concern, or other entity in which any Board member is directly or indirectly interested, except as otherwise provided by Oklahoma law.

The Board Clerk will request each new Board member to provide a statement of companies, individuals, business concerns, or other entities in which the new Board member has an interest. In addition, the Board Clerk will annually request a similar statement from each incumbent Board member. These statements will be provided to the district's Purchasing office. Any listed entity will be placed on a "no bid" list as long as the Board member continues on the Board or until the Board member notifies the Board Clerk that the affiliation no longer exists.

Questions concerning the application of this portion of this policy will be referred to the Board attorney for a written opinion.

### Gifts and Favors

A Board member shall not seek any gift, payment, fee, service, rebate, valuable privilege, hospitality, meal, entertainment, admission tickets, flowers, discount, travel, sporting event (including golf and other social athletic events), vacation, use of vacation property, loan (other than a conventional loan from a lending institution) or other favor from any person or business organization that does, or seeks to do business, with the district. No Board member shall accept or convert anything of value in exchange for referral of third parties to any such person or business organization.

A Board member shall not accept gifts or favors (including those described above) from any person or business organization where these might tend, or appear to tend, in any way to impair independent judgment concerning district operations. Board members MAY accept common courtesies, gifts, or meals of a nominal value (\$125 or less) usually associated with accepted business practices for themselves. Care should be taken to avoid accepting frequent common courtesies or gifts from the same person or business organization that does, or seeks to do business, with the district. Additionally, promotional and advertising novelties and tickets specifically used for advertising purposes are allowable. If an unsolicited gift of more than nominal value is offered or received, it must be declined or returned.

An offer of a gift or favor shall be reported promptly, in writing, to the Board President. Under NO circumstances is it permissible to accept a gift of cash or cash equivalents (for example: gift certificates, stocks or other forms of marketable securities).

### Travel

Board members will not accept or participate in travel that is paid or provided by a vendor or prospective vendor, even if the travel is deemed to benefit the district. Vendors or prospective vendors who extend travel opportunities to Board members will be advised of this policy.

### Unlawful or Unethical Payments

A Board member shall not give, or promise to give, any property, gift, business favor, or anything of value to another person or entity if the giving of such items is, or appears to be, improper or unethical.

It is in the best interest of the district to avoid even the appearance of impropriety. The district's concern is not only whether activity is technically legal or customary, but also whether or not the public might reasonably view such an act as improper or unethical if all the circumstances were fairly disclosed. The district intends to follow a uniform practice in all areas of its operation consistent with its basic policy.

### Competition

Representation of the district in transactions in which the Board member or any close relative has a substantial interest is prohibited. Competition with the district, directly or indirectly, in the purchase or sale of property or interests in property is prohibited.

### New School Board Member Orientation

The Board and superintendent, to the best of their ability, will assist each newly elected or appointed member to understand the Board's functions, policies, and administrative regulations.

In discussions with new members, the Board President and/or superintendent will clarify procedures involving:

- How a community member (parent/guardian, teacher, student, business representative, etc.) may make a request of the Board and what appropriate responses/actions of an individual Board member should be when a request is presented directly to the Board member.
- How Board members make arrangements to visit schools and the protocol associated with such visits.
- How Board members assigned a specific task may request information or services of the staff.
- How the Board receives and examines complaints relating to personnel.

Each newly elected or appointed member of the Board will be given selected materials for Board members and other pertinent district documents and data.

### Organization of the School Board

There are five basic statements dealing with the organization of the Board. These are:

- At the first regular, special or emergency Board meeting after the annual school election and certification of election of new members, the Board will elect officers and organize for the ensuing year. The Board may reorganize at any other time in which circumstances may require.
- Officers of the Board will consist of the President, Vice President, Treasurer, Director of Treasury Services, Encumbrance Clerk, Clerk and Deputy Clerk. Only the President and Vice President are required to be elected members of the Board. The President and Vice President shall serve a term of one year and until a successor is elected and qualified. The Treasurer, Director of Treasury Services, Encumbrance Clerk, Clerk and Deputy Clerk will hold office during the pleasure of the Board.
- Election of officers will be by nomination and voice vote unless the majority of the Board members request a vote by ballot. A majority vote of the members present and voting is required for election.
- All standing committees will be appointed by the Board President.
- By law, the superintendent is chief executive officer of the Board.

## School Board Officers

### President and Vice President

The Board President, in addition to the duties prescribed by law, will exercise such powers as properly pertain to the office. In carrying out responsibilities, the President will:

- Preside at Board meetings.
- Bring before the Board such matters that may require the attention of the Board.
- Make certain that the policies of the Board are properly enforced.
- Appoint or provide the election of any Board committee desired or required by decision of the Board.
- Sign contracts and warrants authorizing school expenditures.
- Perform other duties as may be required by the Board. In the absence of the President, the Vice President will have the powers of the President and perform such duties. When a quorum of the Board has convened, and neither the President nor the Vice President is present, and no other Board member has been designated by the President to chair the meeting, the members will select a member to serve as chairperson for that meeting.

### Treasurer and Director of Treasury Services

In addition to the duties and obligations imposed by state law, the Treasurer will perform other duties as may be required by the superintendent. In the absence of the Treasurer, the Director of Treasury Services will have the powers of the Treasurer and perform the duties.

### Clerk and Deputy Clerk

The Clerk will be present at all public meetings of the Board, keep an accurate journal of its proceedings, take charge of its books and documents, countersign all warrants drawn upon the Treasurer by order of the Board, maintain all required school board election related filings for a period of four (4) years, and perform other duties prescribed by law or required by the Board. The Deputy Clerk will serve in the absence of the Clerk and will have these responsibilities when serving in that capacity.

### School Board – Superintendent Relationship

The Board recognizes one of its greatest responsibilities is to establish a good working relationship with the superintendent. Failure to meet this responsibility results in disruption of the educational process and poor community attitudes concerning the schools. Unless harmony that is based on mutual trust and understanding exists, the children of the community become the losers.

The Board delegates to the superintendent primary responsibility for all matters of decision and administration that come within the scope as chief executive officer of the district as determined by the established policies of the Board. While the Board reserves to itself the right to make ultimate decisions on all matters related to policy, it will normally proceed in these areas only after receiving recommendations from its chief executive officer.

#### School Board – Staff Communication

The business of the Board is conducted with the superintendent who is responsible for implementation of its decisions. The superintendent usually delegates some responsibilities to subordinates, but exercises general supervision of their execution. However, subordinates are responsible primarily to their immediate supervisor and the superintendent. They are responsible only indirectly to the Board.

Recognizing this situation, Board members will generally refrain from dealing directly with staff on school matters. Exceptions are on such occasions as when employees are invited before the Board by the superintendent to assist in interpreting some phase of the school program or when the Board is conducting a fact-finding inquiry on a school matter about which these persons possess information.

The appropriate Cabinet member will work with Board committees in an advisory capacity regarding matters related to the committees' area of responsibility.

#### Continuing Education

Each Board member shall be required, within 15 months following or preceding election, to complete a two-day new school board member workshop sponsored by the State Department of Education in cooperation with the Oklahoma State School Boards Association. Other organizations and associations may conduct workshops if they represent district boards of education. Such workshops will include study and instruction on the subjects of: school finance, Oklahoma School Code and related laws, ethics and duties, and responsibilities of district boards of education members.

A Board member may attend 12 hours of other workshops conducted by OSSBA, or upon approval of the State Board of Education, by any organization or association representing district boards of education as an alternative to the above requirement. Once a new Board member has completed certification, a minimum of 15 hours of continuing education shall be required during the term of office. A Board member may attend and receive credit for approved workshops before the time the Board member is sworn in and seated as a member of the Board.

The Board Clerk will be responsible for notifying Board members of regular and continuing education requirements. If there is a change in Board membership, the Board Clerk will also notify the State Department of Education.

### School Board Memberships

The Board will maintain memberships in the national and state school boards associations and take an active part in the activities of these groups. It may also maintain institutional memberships in other educational organizations that the superintendent and Board find to be of benefit to members and district personnel.

The materials and services of these organizations will be available for use by the Board and the staff.

### School Board Legislative Program

The Board, as an agent of the state, must operate within the bounds of state and federal laws affecting public education. If the Board is to meet its responsibilities to the residents and students of this community, it must work vigorously for the passage of new laws designed to advance the cause of good schools and for the repeal or modification of existing laws that impede this cause. Recognizing this:

- The Board will keep itself informed of pending legislation and actively communicate its concerns and make its position known to elected representatives at the local, state and national level.
- The Board will work with legislative representatives, Oklahoma State School Boards Association, National School Boards Association and other concerned groups in developing an annual, as well as a long-range, legislative program.
- The superintendent or designee will be the official legislative representative of the Board. The superintendent will be authorized to speak on the Board's behalf with respect to legislation being considered by the Oklahoma State legislature or the United States Congress. In dealing with the Oklahoma legislature or Congress, the Board's representative will be guided by positions taken by the Board.

### School Board Member Conferences, Conventions, and Workshops

The Board encourages participation of its members at appropriate conferences, conventions, and workshops. Funds for these activities will be included in the district budget on an annual basis.

When a conference is not attended by the full Board, those who do participate will be encouraged to share information, recommendations, and materials acquired at the conference.

### School Board Member Compensation and Expenses

Board members will be paid \$25 for each regular, special, or adjourned meeting from the district's General Fund that they attend, not to exceed \$100 in a calendar month. All payments made to Board members are treated as employee compensation in determining applicable state and federal withholding requirements.

Expense reimbursement for Board members will be under the same guidelines in Policy 5204, "Expense Reimbursement," except that any required approval is granted by the Board President. Board members will use the same documentation for reimbursement for expenses and forms for reimbursement of travel expenses as required by Board policy for district employees.

Adopted: November 1982

Revised: April 2015

Reference: 5204, Expense Reimbursement

Legal Reference: 26 O.S., 5-105 (a)  
26 O.S., 13A-106  
26 O.S., 13A-110  
26 O.S., 13A-103  
26 O.S., 13A-105  
70 O.S., 5-107A-B  
70 O.S., 5-117  
70 O.S., 5-119  
70 O.S., 5-124  
70 O.S., 2-110 through 2-119