



Navigating Legal Trouble

a presentation by Davis School District



Agenda

INTRODUCTION

CAUTIONARY TALES

HOW NOT TO BE A TERRIBLE BOARD
MEMBER

HOW TO HANDLE THE MEDIA

CONCLUSION



3

INTRODUCTION

► “Politics is the art of looking for trouble, finding it everywhere, diagnosing it incorrectly, and applying the wrong remedies.”

► Groucho Marx



FOX 4

10:01 55°

WHAT WENT WRONG?

- How did this issue start?
- What do you gather about media involvement in the work of school boards?
- What can you do to keep the focus on the kids?
- “Sunshine laws” are briefly mentioned? What are those?

“Sunshine Laws” and Practice Pointers

Utah’s Open and Public Meetings Act (UCA 54-2-101 et. seq.)

1. Transparency is the Default
2. Closed Sessions--Limited and Specific List of Reasons to Close
3. Notice and Records Matter

Board Ethics-- Teamwork

“I will recognize that a board member has no legal authority as an individual and that decisions can be made only by a majority vote at a board meeting.”

“I will take no private action that might compromise the board or administration and will respect the confidentiality of privileged information.”



The graphic features a central dark blue square with a thin red border. Inside this square, the words "DEVELOPING" and "STORY" are written in white, bold, sans-serif capital letters. "DEVELOPING" is on the top line, and "STORY" is on the bottom line, with the "S" in "STORY" partially overlapping a red rectangular background. The entire square is centered on a background of concentric blue and red circles, creating a tunnel-like effect. The background is slightly blurred, with the red circles being more prominent on the left and right sides.

DEVELOPING STORY

WHAT WENT WRONG?

- How did this issue start?
- What did the man say that precipitated the removal from the public meeting?
- Then what happened?
- What possible fallout from the attempt to remove the man from the meeting?
- When can you remove a person from a public meeting?
- Is that a different answer than when SHOULD you remove?

WHAT DOES THE LAW SAY ABOUT REMOVAL?

[<< Previous Section \(52-4-210\)](#) [Download Options](#) [PDF](#) | [RTF](#) | [XML](#) [Next Section \(52-4-302\) >>](#)

[Index](#) **Utah Code**

Title 52 Public Officers

Chapter 4 Open and Public Meetings Act

Part 3 Enforcement

Section 301 Disruption of meetings.

52-4-301. Disruption of meetings.

This chapter does not prohibit the removal of any person from a meeting, if the person willfully disrupts the meeting to the extent that orderly conduct is seriously compromised.

Enacted by Chapter [14](#), 2006 General Session

REMOVAL PRACTICE POINTERS

1. Identify Disruption
2. Issue a Warning
3. Invoke Rules of Order
4. Remove only if behavior continues
5. Document the removal with articulable reason why

Board Ethics—Free Expression and Fair Play

“I will represent all school district constituents honestly and equally and refuse to surrender my responsibilities to special interest or partisan political groups.”

“I will abide by majority decisions of the board while retaining the right to seek changes in such decisions through ethical and constructive channels.”

~~BAD~~ HABITS

Board Bad Habits

01

Speak for the Board

02

Come to Board Meeting Unprepared

03

Be Unwilling to Compromise

Terrible District Teamwork

01

Humiliate a District Employee in Public

02

Micromanage the Superintendent

03

Solicit Complaints from Teachers and Staff

Scenarios

In your groups, please discuss:

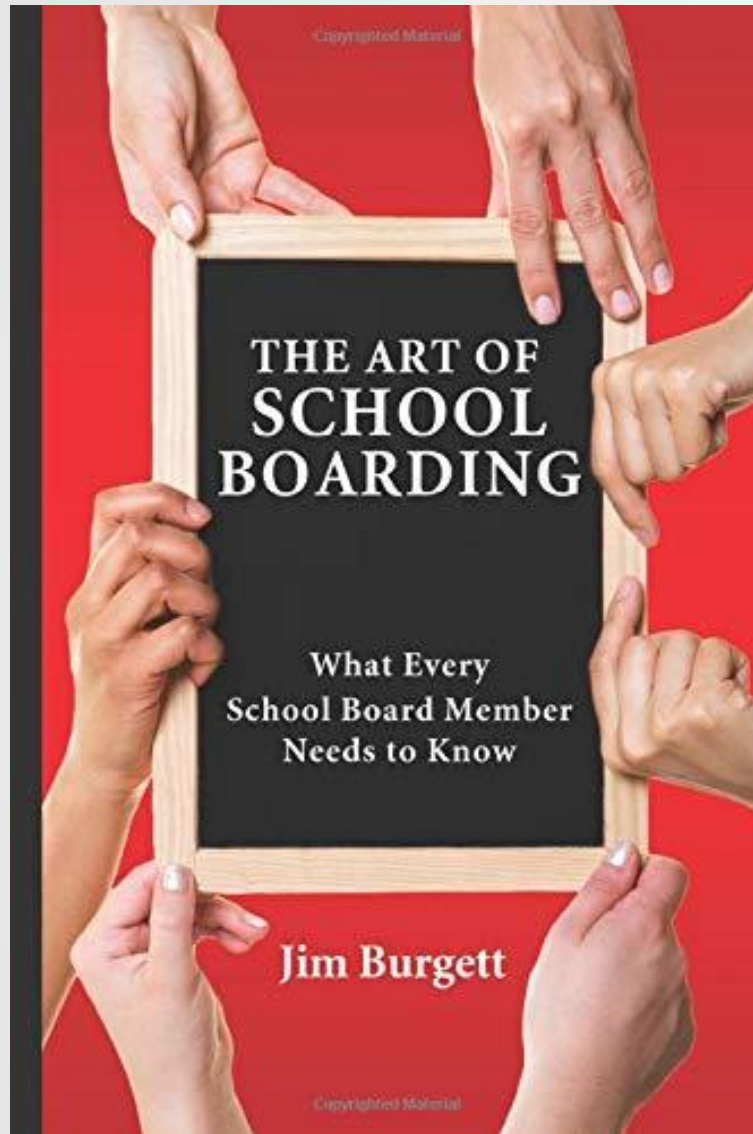
- What went wrong?
- What would you do differently?
- What ethics rules were violated?

NOT How to Be a Terrible School Board Member

Lessons for School
Administrators
and Board
Members

Richard E.
Mayer



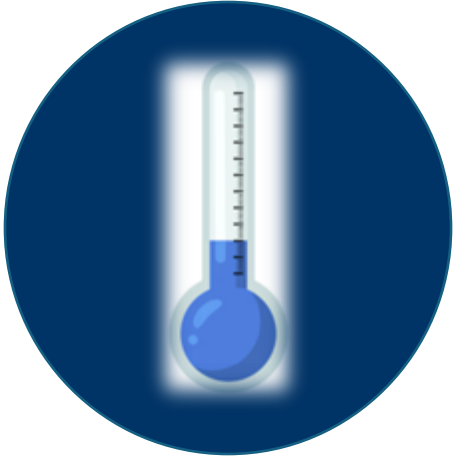


“THE FOUNDATION FOR COMMON SENSE IS THE ABILITY TO KNOW THE DIFFERENCE BETWEEN RIGHT AND WRONG AND THEN HAVE THE COURAGE TO STAND UP FOR WHAT IS RIGHT!”

-Jim Burgett

“The Art of School Boarding”

Handling the Media During Controversial Stories



Be clear



Be calm



Be consistent

Core Principles

Stay in the pocket: Be focused and avoid distractions

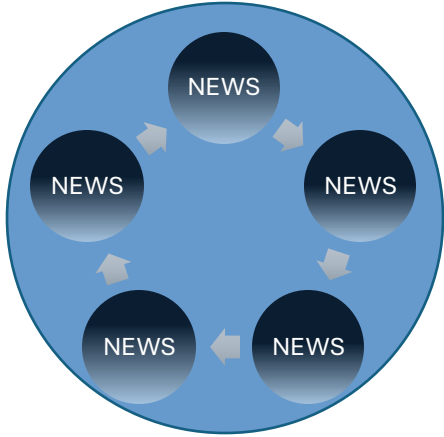


Avoid being self-indulgent or defensive

Lead with values, not emotion

Remember: The media thrives on extending the story

The News Cycle Trap



Story breaks →

You defend →

The other side responds →

Then you defend again →

They respond →

You defend →

They respond →

Etc., Etc., Etc. →

**What should be a 24-hour cycle
can stretch to a week (or two)**

Your Response



Make one clear statement

Strong enough to stand on its own

Concise enough to be printed in full

Professional tone—even if it feels "corporate"

Sample Response



"The Metro School District is committed to the safety and success of every student. We take parent and community concerns seriously, and we will continue to review our practices to ensure they reflect our values and responsibilities. Our focus remains on supporting our students and staff each day."

Key Takeaways



**Be clear
and
boring, not
dramatic**



**Don't
defend,
debate, or
speculate**



**Let your
values
speak for
you**



**Deliver the message
once—then direct
everything back to
the message**



**Stay
disciplined**



THANK YOU

President Brigit Gerrard

Superintendent Dan Linford

Ben Onofrio, General Counsel