

Up-to-Date Expectations

Policy 101

Heather Bennett, Salt Lake City School District
September 9, 2011

A Primer on Policy and Board Authority

Based on

- The work of the NSBA Council of School Attorneys "A School Law Primer" and
- Recent and historical experiences of the Salt Lake City Board of Education.

Sound Familiar?



Rule #1

Assess, reassess, and **prioritize** your policy needs.

- **First** things first.
- **Students** are always first.
- **Less is** (usually) **more**.
- **Reach out** to stakeholders and identify responsible administrators.

Legal Review

- Simplify.
- Balance risks and rewards.
- When in doubt, ask your lawyer.
- The school district has no queen.

Rule #2

Focus on the board's **policy-making role** and know the **boundaries** of board authority.

- State and federal laws often mandate the existence of a policy but leave many specific details to local boards (Wellness, Bullying).
- Policy guides day-to-day administrative decisions and may address important issues not required by law (Electronic Devices).

Boundaries

- Courts are reluctant to interfere with board decisions but will invalidate a board action that is arbitrary, capricious, or outside the board's legal authority.

Policy or Procedure?

- Distinction between policy-making role of the board and the administrative role of the superintendent is not always clear.
- Superintendent is the CEO. Keep the lines of communication open.
- Some “policies” are not board policies. Some “procedures” should be policies. Some “practices” should be policies, too.

Rule #3

Know your own policies....
and follow them.

- Policy **FLA** and how it helped me sue the school board.

From the Utah State Supreme Court Ruling in

SAVE OUR SCHOOLS v. BOARD OF EDUCATION OF SALT LAKE CITY

**SAVE OUR SCHOOLS et al., Plaintiffs and Appellants, v. The BOARD OF EDUCATION OF SALT LAKE CITY et al.,
Defendants and Appellees.**

August 30, 2005

¶ 3 The sole issue before the trial court was whether the Board acted arbitrarily and capriciously in deciding to close the two schools because it allegedly failed to consider one of its closure policies, Policy FLA, in making its determination. The trial court held that the Board's closure decision should be upheld unless it was arbitrary and capricious. The court further held that such a finding could be made only if there was no reasonable basis for the Board's decision.

¶ 4 The Plaintiffs argued that the Board's decision was illegal because the Board ignored Policy FLA, a basic closure policy the Board enacted in 1973 to guide school closure decisions. Policy FLA was comprised of the following six factors:

- (1) keeping neighborhood schools as close to students and community as economically possible;
- (2) safety of students in travel to school and within the buildings they occupy;
- (3) minimize the amount and distance of transportation required to place students in neighborhood schools;
- (4) placement of students in efficient and educationally functional buildings;
- (5) newer schools with more adequate facilities and less maintenance costs should be selected, if available in any given area, in preference to older schools; and
- (6) replacement of old schools by building strategically placed new schools.

¶ 5 The Plaintiffs contended that because the Board members did not receive a copy of Policy FLA and some members were unaware of the specific policy itself, the Board should be precluded from asserting that it properly considered the policy in making the decision to close the two schools. The Board, on the other hand, maintained that all of the factors enumerated in Policy FLA were fully incorporated into new documents that guided the determination to close Rosslyn Heights and Lowell. Thus, the Board argues, regardless of whether all the Board members specifically knew about Policy FLA, its contents provided the basis for the decision and the Board therefore properly adhered to its closure policies.

¶ 6 At the conclusion of trial, the court made the factual finding that the Plaintiffs had “not proven that the Board failed to follow its closure policy in making its decision to close the two schools,” and thus concluded that the Board had not acted arbitrarily or capriciously. It deferred to the Board's decision, holding that it could not do otherwise unless there was no reasonable basis for the Board's action. Accordingly, the trial court upheld the Board's decision and the Plaintiffs appealed. [The Supreme Court upheld the trial court decision.]

- **Moral:** Courts uphold policies that are clear and understandable, rationally related to school concerns, and not arbitrary or capricious.
- **Consider** applicable policies before you are deposed — and preferably before you act.

Pitfalls

- Employee discipline
- Student discipline
- Civil rights
- Board ethics
- Open meetings

Delete Useless Policies



Unsustainable policies



Misleading policies



Micromanaging policies



Rule #4

Keep policies **current**.

- Insure legal **compliance**.
- Reflect community **values**.
- Address **relevant** issues.

Rule #5

Develop a **process** that works for you.

- Be patient and persistent. Policy development is like mowing the grass.
- Be responsive and open to differing points of view.
- Share the work.
- Manage controversy without compromising principles.

Not this Process



Request for Review

I am a 5th grade teacher at Mountain View Elementary. Some other teachers and I would like to propose a review of policy I-7 for a possible change. Currently only "G" rated movies are allowed in elementary school, but this prohibits the use of many appropriate "PG" rated movies that are directly related to upper grade core literature. We would like to propose that the policy be changed so that "PG" rated movies would be allowed in the upper grades with parent's signed permission, as is the current policy for the middle schools. Could you please let me how we can make a request for this policy to be reviewed?

Below I've included a list of a few "PG" rated movies that are related to upper grade core literature, but are currently prohibited:

Holes (by Louis Sachar)

The Chronicles of Narnia: The Lion, the Witch, and the Wardrobe (by C.S. Lewis)

Bridge to Terabithia (by Katherine Paterson)

Tuck Everlasting (by Natalie Babbitt)

Salt Lake City's Process

- Subcommittee meets monthly (three board members and the superintendent).
- Agenda includes policies on the revision schedule plus issues raised by changes in the law, problems in implementation, or community questions.
- Committee recommends drafts to be discussed and voted on by the whole board.

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What's happening in our district...

- 2010-11 AYP and U-PASS Results
- Register for Fall 2011 Community Education Courses
- State Legislature Policy and Budget Issues
- "Insights" - Community Newsletter/Annual Report
- Bid Solicitations & Awards
- Financial Reporting

Board of Education Information

September 8, 2011 - Board Business Meeting Agenda

August 2, 2011 - Board Report

August 2, 2011 Board Business Meeting and Tax Hearing Agenda

Salt Lake City School District News and Events...

Contest Winners

Two Highland High School students were named winners of the Salt Lake City Police Student Anti-Drug Ad Contest. Their winning entries are now visible on billboards in Salt Lake City.

• [More information...](#)

Updated September 7, 2011

Online Education

The Salt Lake Tribune has published an article regarding the growing number of online classes for Utah high school students and how the Salt Lake City School District is leading the charge in this issue.

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We're Hiring!



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Policy Resources
Board Policy Forms
Board Policy Review Schedule

Policies

The Salt Lake City School District Board of Education has the unique authority and responsibility for policy development. The following policies have been reviewed and approved by the board in an open public meeting.

Board Policies	Policies specific to board authority, responsibility, and operation.
Community Policies	Policies developed to support community involvement in our schools.
Financial Policies	Policies developed to guide the appropriate use of resources.
General Policies	Policies developed to support all district stakeholders.
Instructional Policies	Policies developed to guide teaching and learning.
Personnel Policies	Policies developed to guide employee expectations and interactions.
Student Policies	Policies developed to support student achievement and safety.

Translations

The Salt Lake City School District utilizes Google Translate to quickly translate our website into different languages. However, the translations are not perfect and may contain small errors, and some words or phrases may not be translated at all. Official translations are available when listed; otherwise if you need an official translation of a district document, please contact our [Translation Services Department](#) at 801.575.8375.

Internet Policies

Are You A Student? Student Internet Acceptable Use Policy (AUP) Policy 118 Administrative Procedures AUP Application/Contract The Web Release Forms are no longer used. For guidelines on publishing student information, see Policy 52 and the Annual Notice .	Are You An Employee? Employee Internet Acceptable Use Policy (AUP) Policy 118 Administrative Procedures AUP Application/Contract Web Guidelines
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36 Policies

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Board Policy Forms

Board Policy Form	Index	Board Policy	Official Translation
Absences and Truancy Notification Forms	34	Student Attendance and Exemptions	
Advanced Grade Placement Request	18	Student Progress and Academic Achievement	
Annual Notice, Student Records, Privacy Rights, and Release of Information	52	Student Records, Privacy Rights, and Release of Information	
Attendance or Truancy Notification Forms	34	Student Attendance and Exemptions	
AUP Employee Form	P8	Employee Internet Acceptable Use Policy AUP	
AUP Student Form	118	Student Internet Use Policy AUP	
Charter School Application	14	District Sponsored Charter Schools	
Clubs School Application	118	Student Clubs Equal Access Act	
Clubs School By-Laws	118	Student Clubs Equal Access Act	
Clubs Student Application	118	Student Clubs Equal Access Act	
Clubs Student By-Laws	118	Student Clubs Equal Access Act	
Complaint, Concern, and Resolution Request	018	Complaint Resolution Process	
Complaint for Equity and Compliance Form	019	Discrimination, Harassment, and Retaliation Prohibited	
District Property Sign Out Form	010	Safe, Secure, and Efficient Facilities	
Fee Schedule	510	Student Fees, Fines, and Fee Waivers	
FERPA, Annual Notice, Student Records, Privacy Rights, and Release of Information	52	Student Records, Privacy Rights, and Release of Information	
Field Trips: Parent Permission for Student to Operate a Private Vehicle for School Activities	08	Transporting Students	
Field Trips: Driver of Private or Rental Vehicle Transportation Record	08	Transporting Students	
Field Trips: Permission for Student to be Transported in Private Vehicles	08	Transporting Students	
Fund-Raising Evaluation Form	117	Student Fundraising Activities	
Fund-Raising Proposal Form	117	Student Fundraising Activities	

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www.slcschools.org/policies/Board-Policy-Review-Schedule.php

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Board Policy Review Schedule

Index	Policy Name	Last Reviewed	Committee Agenda
P3	Nepotism Prohibited	3/5/2008	8/12/2011
C7	Records Management	4/8/2008	
S10	Student Fees, Fines, and Fee Waivers	6/16/2009	
G1	Management Team	4/8/2008	10/3/2011
G18	Complaint Resolution Process	4/8/2008	
PT	Security Inspections	4/8/2008	11/7/2011
S13	Annual Student Population Review Process	4/8/2008	
C5	Distribution/Posting of Promotional Literature	5/6/2008	12/5/2011
F3	Conference Attendance and Travel Expense Reimbursement	5/6/2008	
H4	Student Planning (Comprehensive Guidance and Work-Based Learning)	5/6/2008	1/9/2012
IS	School Day for Students	6/3/2008	
C2	Visitors to the School	7/1/2008	2/6/2012
F2	Purchasing	11/4/2008	
P4	Discipline of District Employees	12/2/2008	3/12/2012
P5	Work Place Violence	12/2/2008	
G16	Naming or Renaming Facilities	1/6/2009	4/2/2012
G4	Biological Pathogens Exposure Control	2/3/2009	
Q8	Food Service Management	2/3/2009	5/1/2012
Q10	Safe, Secure and Efficient Facilities	2/3/2009	

The Salt Lake City School District Board of Education and its administration are interested in receiving comments or questions from patrons, staff, and students on policies which are scheduled for review.

Most Important Rules

- Insist on **training** and **communication** of policy changes.
- Monitor **compliance**.
- Review procedures for **consistency** and **clarity**.

Avoid heroic policies



Contact

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