

Policy Updating

What requires board adoption?

By Kimberly Small and Angie Powell



A school board governs through written policy, with an Illinois policy manual including an average of approximately 175 policies that carry the force and effect of law. In order for the board to focus on its governance role, it is important to understand the policy updating process, as well as the differences between the board's policy governance role and the administration's role in implementing board policy.

Ever-changing state and federal laws, regulations, court cases, and community values mean that a school board's policy manual requires frequent updating. **PRESS**, IASB's policy and procedure information and updating service, publishes updates to its Policy Reference Manual approximately three times per year. These updates may include changes to

- Legally required policy language
- Governance best practices
- Optional policy language for the board to consider
- Footnote information
- Cross references
- Legal references
- Sample administrative procedures and exhibits

In addition to IASB's **PRESS** sample updates, your board, staff, community, or attorney may

recommend changes as well. Some of these changes require formal adoption by the board, and others do not.

The adoption of a policy serves to supersede all previously adopted versions of that policy. One adoption date should be listed at the bottom of each adopted board policy, and should be replaced with a new date with each board action on that policy. Some boards list all revision history dates and that is OK. Substantive edits should be considered at a first and second reading, allowing time for staff and community input.

The answer to whether a policy must go through a first and second reading depends upon the board's local policy manual and/or practice. State law does not require two readings except in a few very specific instances involving bonds, tax anticipation warrants, and situations when the board attorney would provide guidance specific to the facts. But a second reading allows boards to hear feedback from interested parties, including staff, parents, students, and community members. Always check with the board policy manual and the board attorney if there are any questions as to whether a second reading is required.

Administrative procedures and exhibits that provide guidance for the work of the administrative staff

do not require formal board adoption. They should be included in a separate administrative procedures manual rather than within the board policy manual, which distinguishes work that is the role of the board from work that is the role of the staff. This practice also helps avoid confusion as to whether an administrative procedure should be adopted by the board when it is changed by the superintendent and/or district staff in order to remain current.

The graphic on page 11 explains the elements of the **PRESS** Policy Reference Manual that may be updated in a **PRESS** update issue and whether or not the change requires board adoption. A subscription to **PRESS** Plus, IASB's customized, full-maintenance updating service provides districts with only the relevant changes that require board action for the subscribing district, taking into consideration all of the factors that follow, as well as the customization previously adopted by the board.

Does the change require formal adoption by the board?

Policy Language: YES. The School Code requires the board "to direct, through policy, the superintendent in his or her charge of the administration of the school district."

Each **PRESS** sample policy has one or more of the following basic functions or purposes: ensure legal compliance, direct or authorize the superintendent or staff members, establish board processes, and/or provide information. The board policy manual is the voice of the board to the community. Anyone may propose new language or edits to existing board policy language, and the board must formally adopt the policy each time changes are made. When comparing a **PRESS** sample policy change to the district's adopted policy, consider whether the text that has been changed in the **PRESS** sample policy is included in the board's adopted policy. For example, an option or alternative from the footnotes of a **PRESS** sample policy may have been previously chosen instead. Or, the language may not apply due to the individual circumstances in the district.

Legal Reference: YES. The list of legal references contains citations to State and federal statutes, implementing State and federal agency regulations, and/or important court decisions that govern the policy's subject matter.

Cross Reference: NO. The list of cross references directs readers to other policies on related topics.

Contact Information: NO. Contact information found within the board policy manual, such as Nondiscrimination Coordinator and Complaint Manager names and phone numbers, must be updated as necessary by the superintendent or designee at any time without adoption by the board. The superintendent should ensure he or she notifies the board when the names and contact information change.

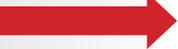
Footnote: NO. While footnotes are an important part of a **PRESS** sample policy and the value that a district receives in its subscription to **PRESS**, they must be removed before a board formally adopts it. Footnotes contain important information, such as legal citations, background, resources, best practices, and implementation guidance. The intent of footnotes is to help school boards understand the policy. Inclusion of footnotes may make a policy ambiguous, thereby harming its governance qualities. They are not intended to provide legal advice on specific situations. Districts should seek assistance from the board attorney before relying on information in a footnote because the law is always changing, exceptions frequently exist, multiple sources of law may be applicable to a specific question, and the facts of a situation often dictate the result. Footnotes may also contain alternatives to the language in the default policy or optional additional language for the board to consider adopting into the body of the policy.

Administrative Procedure: NO. Administrative procedures, which guide the implementation of policy, are developed by the superintendent, administrators, and/or other district staff members using the direction and authorization given by adopted board policy. They allow the superintendent and district staff the flexibility they need to keep the procedure current.

Exhibit: NO. Both board policies and administrative procedures may have related exhibits, which provide information and forms intended to be helpful to the understanding or implementation of either

Does the change require formal adoption by the board?

Change in...

Policy Language		YES.
Legal Reference		YES.
Cross Reference		NO.
Contact Information		NO.
Footnote		NO.
Administrative Procedure		NO.
Exhibit		NO.

a board policy or administrative procedure. Exhibits guiding the work of the Board should be dated for implementation by the board and included in the board policy manual; exhibits guiding the work of the staff should be dated for implementation by the administrative staff and included in the administrative procedures manual.

For more information about which updates may require board adoption for your district from particular **PRESS** update issues, view the free **PRESS/PRESS Plus** Issue webinars available in the Online Learning tab at iasb.com. ■

Kimberly Small is General Counsel for the Illinois Association of School Boards and Angie Powell is IASB Director of Policy Services.