DISCLAIMER:
This presentation is educational only and does not constitute legal advice. If related legal advice is wanted, you would need to contact me through appropriate District procedures with the specifics of the request.
Sources of School Law
• Title 14 of the Alaska Statutes - Education, Libraries & Museums. “AS 14”
• Title 4 of the Alaska Administrative Code - Education and Early Development. “4 AAC”

Sources of School Law
• School board policies and board bylaws must be formally adopted at regular school board meetings. AS § 14.14.100(a).

Sources of School Law
• Administrative regulations do not need to be formally adopted by the school board but must be in written form and readily accessible to all school personnel. AS § 14.14.100(b).
AASB Role in School Board Policy

• AASB Policy Service tracks changes in federal & state law and regulations and provides an Annual Policy Update reviewed by attorneys and complies with current law and regulations.

School Board Policies and Administrative Regulations

1. Community Relations
2. Administration
4. Personnel
5. Students
6. Instruction
7. Construction
8. Advisory School Boards
9. Bylaws of the Board

School Board Duties - AS 14.14.090

(1) determine employee compensation;
(2) provide educational program;
(3) withhold salary until teacher or administrator submits required reports;
(4) transmit reports to assembly or council;
(5) keep minutes and records of meetings;
(6) make records and files open to public inspection;
(7) establish procedures for selection;

(8) provide employees with information on housing in rural areas;
(9) train on mandatory reporting requirements;
(10) provide for preventive maintenance program; and
(11) establish training procedures.

Board Policy 9000 - Role of Board and Members

• General control and direction of district.
• Governance functions - establish policies and bylaws.
• Executive functions - delegated to Superintendent.
• Judicial functions - hear and resolve grievances, complaints and criticisms.

Board Role in Personnel Matters

• Superintendent has “general supervision” of all personnel. BP 2120.
• Superintendent is responsible for disciplinary action. BP 4118; 4218.
• The Board may provide a judicial role.
What Happens if the District is sued?

A school board shall insure or indemnify and protect the board, the individual members, and any member of the school district against financial loss and expense, including reasonable legal fees and costs arising out of any claim, demand, suit, or judgment by reason of alleged negligence, alleged violation of civil rights, or alleged wrongful acts resulting in death or bodily injury to any person or accidental damage to or destruction of property inside or outside the school premises, if the board member, at the time of the occurrence, was acting under the direction of the school board within the course or scope of the duties of the board member...
Contracts

- Superintendent may enter contracts. BP 3312.
- Competitive Bidding required for contracts more than $150,000.
- Board must approve or ratify all contracts.
- Legal review, where appropriate.

Open Meetings Act

- School Board meetings must comply with the open meetings act (OMA), AS 44.62.310.
- The purpose of the open meetings act is to provide citizens with the opportunity to attend and participate in government agency meetings.
Open Meetings Act

- School Board meetings may be held by video conference or teleconference, but require:
  1. Notice of meeting & conference site;
  2. Availability of meeting materials; and
  3. Notice of the vote of each member (“roll call vote”). AS 44.62.310(a).
- Board Bylaws authorize teleconferences or video conferences.

(a) All meetings of a governmental body of a public entity of the state are open to the public except as otherwise provided by this section or another provision of law.
What is “Reasonable Public Notice?”

- An annual calendar listing the time, date and place for each regularly schedule meeting.
- Notice of regular meetings and a tentative agenda posted at least five days before meeting.
- 24-hour notice for special meetings.
- Contact local media for emergency meetings.

AS 44.62.310

"meeting" means a gathering of members of a governmental body when:

(A) more than three members or a majority of the members [meet]
The Open Meetings Act applies to:
• Regular Meetings
• Executive Sessions
• Special Meetings
• Work Session Meetings
Executive Sessions

• First convened as a public meeting.
• A majority of board must vote to go into executive session based on a motion describing the subject of the executive session.
• Only subject(s) mentioned in the motion may be discussed.

Executive Sessions
1. Matters which would clearly have an adverse effect on the finances of the District.
2. Subjects which would prejudice the reputation and character of a person.*
3. Confidential matters.
4. Matters involving government records not subject to disclosure.

Executive Sessions
A school board may not take action during an executive session except to give direction to an attorney or labor negotiator.
Next week's school board meeting agenda indicates there may be an executive session to discuss non-retention of non-tenured teachers.

One of the teachers requests to tell the board her side of the story.

Does she have the right to address the board?

CAN I ATTEND AASB MEETINGS WITH THREE OR MORE OF MY FELLOW SCHOOL BOARD MEMBERS?

(7) meetings held for the purpose of participating in or attending a gathering of a national, state, or regional organization of which the public entity, governmental body, or member of the governmental body is a member, but only if no action is taken and no business of the governmental body is conducted at the meetings;
SCHOOL LAW BASICS

QUESTIONS?