

CHARLOTTE-MECKLENBURG BOARD OF EDUCATION OPERATING PROCEDURES MANUAL



Table of Contents

1.0 BOARD LEGAL STATUS	1
1.1 Legal Authority	1
1.2 Legal Liability of Board Members	1
2.0 GOVERNING	1
2.1 Powers and Duties of the School Board	1
2.2 Role of Board Members	1
2.3 Board Officer Roles and Responsibilities	2
2.4 Board Member Conflicts of Interest	2
2.5 Board Committees	2
2.6 Board Meetings	3
2.7 Board Agenda	3
2.8 Public Comment During Board Meetings	4
3.0 STANDARDS OF GOVERNANCE	4
3.1 Board's Code of Conduct	4
3.2 Consequences for Board Member Misconduct	5
3.3 Board Self-Evaluation	5
4.0 DELEGATION	5
4.1 Delegation to the Superintendent	5
4.2 Superintendent's Role	5
4.3 Superintendent Evaluation	6
4.4 Board Member Concerns About Superintendent Performance	7
4.5 Board Member Concerns About Staff Performance	7
5.0 COMMUNICATIONS	7
5.1 Communication Norms Between Board Members	7
5.2 Communication with Staff	8
5.3 Communication with the Public	9
5.4 Media Inquiries	9

1.0 BOARD LEGAL STATUS

1.1 Legal Authority

The Charlotte-Mecklenburg Board of Education (“Board”), as established under North Carolina law, is the governing body for the public school district of Mecklenburg County.¹ Accordingly, the Board is responsible for control and supervision of the public schools located in Mecklenburg County and the enforcement of school law in Mecklenburg County.

1.2 Legal Liability of Board Members

Board members are eligible to be covered by the Board against any legal action taken against individual Board members for decisions made by the Board. This coverage includes the Board providing legal defense and assuming any costs of the legal action. If an individual Board member acts outside of his or her lawful authority and legal action is taken against the Board because of that individual Board member’s act, then the Board is not required to provide legal coverage to that individual Board member. The individual Board member may also lose immunity protections afforded to the Board.

2.0 GOVERNING

2.1 Powers and Duties of the School Board

Members of the Board shall attend Board meetings, discuss items presented on the agenda, suggest other items for consideration and vote upon motions presented. All official Board actions and decisions will take place only when the Board convenes formally.

2.2 Role of Board Members

Board members have no authority over school affairs as individuals. Individual Board members or groups of Board members do not have independent authority to speak for the Board and cannot obligate the Board without the Board’s consent. The Board’s consent must be specifically set forth in Board policy or in the minutes of a public Board session. The Board is not responsible for or obligated by any promises, statements or agreements made by individual Board members.

¹ CMS is not a separate organization from the Board and has no legal authority apart from that of the Board. CMS is an alias/assumed named for the school district located in Mecklenburg County.

2.3 Board Officer Roles and Responsibilities

The Board Chair and Vice-Chair are elected by the Board annually at its December regular meeting. The Board Chair shall preside at Board meetings, create regular Board meeting agendas in conjunction with the Superintendent, create the meeting agendas for special Board meetings, appoint the membership and leadership of the Board's standing committees and sign all documents that require the signature of the Board chair.

The Board Chair shall have the same rights as other members of the Board to discuss motions and vote thereon. The Board Vice-Chair is responsible for assuming the duties of the Board Chair when the Board Chair is unavailable and shall act in the capacity of the Board Chair in the Board Chair's absence.

2.4 Board Member Conflicts of Interest

Board members have an obligation to conduct all Board-related business transactions without actual or potential conflicts of interest. Each Board member must, therefore, avoid incurring any kind of financial or personal obligation that might affect his or her judgment in acting on behalf of the Board of Education with outside firms or individuals. Board members also must take all necessary precautions to avoid any actual or potential conflict of interest. An actual or potential conflict of interest occurs when a Board member is in a position to influence a decision that may result in direct benefit, personal gain, or advantage for that individual or his/her relative or associate as a result of the Board of Education's business dealings. Board members should seek advice from General Counsel.

If Board members need to recuse themselves from participation in an item on the agenda because of a conflict of interests, they must declare that in writing to the Board Services office and copy the Board Chair.

2.5 Board Committees

The Board's standing committees help the Board with its policymaking, oversight, and legislative agenda-related responsibilities. The committees meet multiple times per year. Before a committee meeting can occur, the public must be given notice of the time and place of the meeting.

Committees composed of Board members, may be selected for special assignments. The Board must approve a charter for such ad hoc committees prior to appointing members to the committee. The charter must contain, among other items, the committee's membership, purpose and responsibilities, and the period of time during which the ad hoc committee is expected to function.

All recommendations of a committee must be submitted to the Board for action. The role of the Board's committees is to advise and support the work of the Board, not to advise or direct district staff.

2.6 Board Meetings

The Board shall meet regularly. The Board may meet in regular, special, emergency, work session, or closed session meetings. A majority of the members of the Board shall constitute a quorum for the transaction of business. Regular meetings will be held twice monthly on the 2nd and 4th Tuesdays of every month except for July, November, and December, when the Board will have only one regular meeting. Special and emergency meetings of the Board may be held upon the call of the Board Chair, either upon request of a majority of the Board members or upon request of the Superintendent. All action taken by the Board shall become official at the time it is taken, unless otherwise provided when the action is taken or when policies are adopted, revised or replaced.

With few exceptions, all business of the Board must be transacted in an open meeting with the Superintendent present. Before a meeting of the Board can occur, the public must be given notice setting forth the time and place of the meeting.

Closed sessions are designated private portions of a public meeting. The Board may go into closed session only under circumstances permitted by statute, which include conducting student and employee hearings; receiving advice and counsel from an attorney; giving instructions to staff in acquiring real estate; assessing qualifications, interviewing and evaluating employees; and discussing certain aspects of school safety. The minutes of the Board shall show in each instance any final action taken in closed session.

2.7 Board Agenda²

- **Eleven (11) calendar days before the regular Board meeting:** The Superintendent will provide all items to be considered -- including support materials, staff presentations, etc. -- to Board members at least 11 days prior to the next regular Board meeting in which the items will be considered. The Superintendent will always provide recommendations for items that require Board approval. All consent-eligible items will be placed on the consent agenda. Once Board members receive the materials, they may immediately begin submitting questions to the Superintendent. Any items not provided to the Board at least 11 days in advance will be moved to the subsequent meeting agenda.
- **Seven (7) calendar days before the regular Board meeting:** Board members will submit questions about the agenda items to the Superintendent on the Tuesday before a regular Board meeting.
- **Five (5) calendar days before the regular Board meeting:** The Superintendent will create a Q&A document of responses to Board member questions and share them with the full Board.
- **One (1) calendar day before the regular Board meeting:** If at least three board members request an item be moved from the consent agenda to the regular agenda by the Monday before the meeting (one day prior to the meeting), Board Services will immediately make the change to the agenda. This is the only time before or during Board regular meetings that items can be moved from the consent agenda to the regular agenda.

² All deadlines refer to the close of business on that day.

2.8 Public Comment During Board Meetings

The Board desires to hear the viewpoints of community stakeholders throughout the district and considers the responsible presentation of these viewpoints vital to the efficient operation of the district. At a regular Board meeting, individuals who have signed-up to speak may address the Board on agenda or non-agenda items, except for discussions of individual employee or student matters. During public comment, the Board will not answer questions or engage in dialogue with speakers.

When necessary for effective meeting management or to accommodate large numbers of individuals wishing to address the Board, the Board Chair may adjust public comment time limits in accordance with Board policy. The Board Chair will be responsible for recognizing all speakers, for maintaining proper order, and for adhering to any time limits.

3.0 STANDARDS OF GOVERNANCE

The Board must act as a whole, with all members informed and prepared to act objectively and impartially on business properly brought before them. Once the Board has acted, individual Board members are free to express their disagreement but shall refrain from questioning the legitimacy of the action or the motives of other Board members.

3.1 Board's Code of Conduct

As a member of the Board, I will strive to be an advocate for students and to improve student outcomes by demonstrating appropriate behavior and conduct at all times. To that end:

1. I will abide by the Board's [Code of Ethics](#).
2. I will have integrity in all matters and support the full development of all children and the welfare of the community.
3. I will always remember that the foremost concern of the Board is to improve outcomes for all students enrolled in CMS.
4. I will attend at least 80% of scheduled board meetings, including meetings of committees on which I serve. I will come to each Board meeting informed about the issues under consideration.
5. I will encourage the individual expression of opinion and will communicate with my colleagues in a professional and respectful manner.
6. I will refrain from questioning the motives of my fellow Board members and the legitimacy of Board actions.
7. I will educate the community about the issues facing our students and inform the community of all Board actions and policy decisions.
8. I will be transparent in my actions as a Board member.
9. I will respect the confidentiality of privileged information.
10. I will make no individual decisions or commitments that might compromise the Board or administration.
11. I will refrain from using my position on the Board for personal or partisan gain and avoid any conflict of interest or the appearance of impropriety.

12. I will use all Board resources (funds, facilities, equipment, and materials) only in my capacity as a Board member.
13. I will honor the delegation of authority to the superintendent and will not interfere with the administration of the schools.
14. I will not give unsolicited operational advice or directives to staff members.
15. I will refer all complainants through the appropriate complaint process.

3.2 Consequences for Board Member Misconduct

1. Private meeting with the offending member and Board Chair and Vice-Chair;
2. Multiple infractions will be followed up with an email to the offending member and/or full Board;
3. Possible removal by the Board chair from any leadership or committee positions;
4. Public reprimand/censure as a means of separating the Board's focus and intent from those of the offending member.

3.3 Board Self-Evaluation

The Board believes the efficiency of Board operations directly impacts student outcomes. The Board shall regularly conduct formative self-evaluations to assess the effectiveness of the Board in the completion of its goals; the discharge of its duties and responsibilities; and its working relationship with the Superintendent. The Board shall self-evaluate using a research-based self-evaluation instrument.

4.0 DELEGATION

4.1 Delegation to the Superintendent

Under North Carolina law, the Board is responsible for general control and supervision of all matters pertaining to public schools in Mecklenburg County as well as the enforcement of school law in Mecklenburg County. Although the law allows the Board to delegate some of its duties to others, ultimately the Board is solely responsible for the entire operation of the school district and for ensuring that its employees comply with all Board policies, Board decisions, and applicable laws.

Board members will refrain from acting as arbitrators of complaints. All complaints will be submitted through the appropriate complaint process for investigation and resolution. If these matters require Board action, they shall be presented to the Board by the Superintendent or designee. Board members, acting as individuals, have no authority over school affairs, but have such authority when acting as a body duly called in session.

4.2 Superintendent's Role

The Board is the corporate policy-making body for the district and the Superintendent and staff provide the leadership to cause Board policies to be implemented. The Superintendent, as the Board's chief executive officer,

is responsible for ensuring that academic and business operations are being carried out in accordance with the lawful rules of the Board as either set forth by Board action or in Board policy. The Superintendent is also responsible for accomplishing any reasonable interpretation of the Board's goals within the boundaries provided by the Board's guardrails, Board policy, State, and federal law.

The Board and the Superintendent will strive at all times to preserve institutional integrity and support each other, the staff, and students. They will strive to maintain mutual respect for each other and be mindful that it is the solemn duty of each to fulfill the hopes and aspirations of the general school community and to always act within the framework of the local, State, and federal laws when implementing duly constituted Board policies.

State and federal law require Board adoption of policies on a variety of topics. The Board's adopted policies in the Board's Policy Book constitute compliance with these legal requirements. The Board, through its oversight function, holds the Superintendent accountable for executing the policies in accordance with the will of the Board. The Board should not, as far as possible, directly execute its policies. The application of policies shall be an administrative task to be performed by the Superintendent and staff who shall be responsible for and held accountable for preparing recommendations for policies to be adopted by the Board, overseeing implementation of adopted policies, and developing appropriate administrative regulations.

4.3 Superintendent Evaluation

The Board shall annually evaluate the Superintendent based on the school system's achievement of the Board's goals and compliance with the Board's guardrails. The Board's goals, as aligned to the vision, are:

- Goal 1: The percent of Black and Hispanic 3rd grade students combined who score at the College and Career Ready (CCR) level – a 4 or 5 – in English Language Arts (ELA) will increase from 15.9% in October 2021 to 50.0%, by October 2024.
- Goal 2: The percent of high school students who score at the College and Career (CCR) level -- a 4 or 5 - - in Math 1 (grades 9-12) will increase from <5% (4.5%) in October 2021 to 25% in October 2024.
- Goal 3: The percent of graduates earning a state high school endorsement will increase from 61.2% in June 2021 to 75% by June 2024.
- Goal 4: The percent of schools who met or exceeded expected Educator Value Added Assessment System (EVAAS) growth will increase from 71.7% in October 2019 to 95% by October 2024.

In attaining the Board's goals:

- Guardrail 1: The Superintendent will not allow inequitable treatment of students.
- Guardrail 2: The Superintendent will not deprive students of access to a curriculum that is rich, diverse, and rigorous.
- Guardrail 3: The Superintendent will not neglect student social/emotional health and development.

4.4 Board Member Concerns About Superintendent Performance

If, at any time, a Board member becomes concerned that the Superintendent may have (1) breached any term of the Superintendent's contract, (2) violated a State or federal law, (3) violated a Board policy or (4) failed within a reasonable amount of time to address a specific issue identified by the full Board, the following process will be used:

- The concerned Board member will meet privately with the Superintendent to discuss their concerns in order to resolve the issue(s). Alternatively, the concerned Board member may elect to bring their concerns to the Board Chair, who will assist in resolving the issue(s).
- If the concerned Board member does not feel that the resolution is satisfactory, the Board member may request, through the Board Chair, that an item be placed on the next regular meeting agenda as a closed session item. The concerned Board Member must inform the Board Chair in writing of the specific nature of any concern(s) that prompted the request for a closed session discussion.
 - In closed session, the Board must listen to the concern(s) and determine if the issue raised is truly cause for concern.
 - If the majority of the Board determines that there is a violation or breach of one of the items listed above, the following process will be followed:
 - i. The exact nature of the deficiency will be documented and discussed with the Superintendent.
 - ii. A plan for remediation will be written, to include action(s) to be taken and timelines.
 - iii. The Board Chair shall monitor the plan for compliance and the results will be made part of the Superintendent's annual performance evaluation.
 - iv. It shall be the responsibility of the Board Chair to ensure that all documentation relating to performance deficiencies is appropriately placed in the Superintendent's personnel file.

4.5 Board Member Concerns About Staff Performance

When a Board member has concerns about the performance of district staff that relates to employee, student, Board or community safety, the Board member will notify the Superintendent and inform the Board Chair. Such concerns must be limited to:

- Actions that are illegal;
- Violations of Board policy; or
- Actions that are harmful to the district's or Board's reputation.

Board members must remain cognizant that district personnel are the responsibility of the Superintendent, not the Board. The Superintendent is obligated to listen to Board concerns, review the matter and notify the Board of the resolution of the matter, to the extent allowed by State law.

5.0 COMMUNICATIONS

5.1 Communication Norms Between Board Members

Board members commit to interact respectfully and civilly with each other and will not engage in personal attacks against their colleagues or any other constituency. Board members will honor confidentiality of discussions that

occur in closed session meetings, in small group meetings, and in Chair/Vice Chair meetings. The Board Chair will share topics discussed in the Chair/Vice Chair meetings with the full Board.

When a Board member has concerns about another Board member's conduct and believes that another Board member has violated Conflicts of Interest, Board policy, State or federal law, it is the responsibility of the concerned Board member to discuss the alleged violation with the other Board member in private prior to taking any other action, unless the nature of the allegation requires immediate escalation to the Board Chair.

- If, after the concerned Board member has privately discussed the alleged violation with the other Board member, the concerned Board member remains unsatisfied that the alleged violation has not been addressed, the concerned Board Member may submit, in writing, the allegation to the Board Chair. If the Board Chair is involved in the allegation, the concerned Board member may instead submit the allegation, in writing, to the Board Vice-Chair or the next most senior Board member not involved in the allegation who is then obligated to serve as arbiter.
- The Board members involved will conference to discuss the alleged violation. All parties are strongly encouraged not to allow any further escalation of these procedures and the Board Chair's duty is to work to avoid or resolve such escalation.

5.2 Communication with Staff

The work of the Board and the district is best accomplished when information is shared between the Board and the Superintendent.

Superintendent-Initiated Communication

The Superintendent will maintain regular contact with each individual Board member. Board members are encouraged to call the Superintendent whenever there is a concern or idea that they would like to discuss. The Superintendent will communicate to the Board on a weekly basis and through ongoing electronic or written communication as necessary to conduct the district's business.

- Weekly Updates – The Superintendent will send a weekly update to all Board members, which will focus on sharing newsworthy events and information about student, staff, and district accomplishments. The weekly update will be shared with staff and the media.
- Emergent Issues – The Superintendent shall inform the Board of new initiatives and decisions before they are presented in other venues.
- Urgent Issues – The Superintendent will immediately inform the Board of any emergency or potentially newsworthy event.

Board-Initiated Communication

Board members may contact the Superintendent, Cabinet staff members, or Learning Community Superintendents to ask clarifying questions. When Board members have conversations with staff, the staff members will share this information with the Superintendent. Individual Board members should avoid communicating directly with subordinate administrators without first informing the Superintendent.

All information and reports requested by an individual Board member shall be directed to the Superintendent or Cabinet staff members in writing with a copy to all Board members, with the expectation that the information will be provided in a timely manner.

- If the report exists, it shall be provided to all Board members.

- If the report does not exist, the Superintendent in consultation with the Board Chair shall determine if staff should be directed by the Superintendent to create the report. All reports generated by this process shall be provided to all Board members.

School Visits

Board members are encouraged to visit schools and attend special events. Board members must schedule the visit with the principal and learning community superintendent within 48 hours of a school visit unless attending a scheduled event. This does not apply to Board members acting in their capacity as a parent/guardian.

Board members should not go into an individual teacher's classroom for the purpose of investigation or evaluation and shall refrain from making promises, interfering with the school administration, or intervening in personnel or student issues during school visits.

5.3 Communication with the Public

Regular and meaningful communication with the public is essential. The Board embraces open communication in order to inform its stakeholders of its academic and business functions, and to engage the community in supporting public education. Effective communication depends not only on honoring laws, rules, and protocols but also on practicing the principles that help people understand, appreciate, and respect one another.

When speaking or meeting with individuals of the public, each Board member should make it clear that his/her actions are conducted as an individual and not on behalf of the Board. When Board members communicate directly with constituents, it is important to:

1. Listen respectfully and remain impartial.
2. Clarify that it is inappropriate for them to intervene directly with staff. But that it is their role to aid constituents with connecting to the appropriate staff members.
3. Ask if the individual has followed the district's procedures and/or chain of command.
4. If the complainant does not know the procedures or chain of command, the Board member may aid them in identifying the appropriate staff member. It is unethical and inequitable, however, for the Board member to communicate directly or indirectly with district staff on behalf of the individual.
5. Board members are encouraged to forward constituent concerns and complaints to Board Services.

5.4 Media Inquiries

The Board Chair is the official spokesperson for the Board to the media and other elected officials unless the Board Chair designates other Board members to speak on the Board's behalf. Board members who speak directly to the media should indicate that they are representing their views as an individual. Any Board member who communicates with the media shall inform the Board Chair.