

**PORTAGE PUBLIC SCHOOLS
BOARD OF EDUCATION
POLICY GOVERNANCE RETREAT
CONFERENCE RM #1, PORTAGE PUBLIC SCHOOLS' ADMINISTRATION BUILDING, 8107 MUSTANG
DRIVE, PORTAGE, MI 49002
FEBRUARY 13, 2023, 4:00 PM
AGENDA**

VISION STATEMENT

An exceptional, continuously improving learning culture with high expectations, committed to all!

MISSION STATEMENT

Portage Public Schools will educate all students to achieve their potential.

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ADMINISTRATION BUILDING, CONFERENCE ROOM #1
FEBRUARY 13, 2023, 4:00 P.M.**

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II. Revisions/Approval of Agenda

Recommended Motion:

Motion offered by _____, seconded by _____, that the Board of Education approve the Agenda as printed (or as amended).

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III. Comments or Communications

1. By Citizens

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IV. Discussion Items

1. Board Work Moving Forward (EL 2.6)
 - a. EL 2.6 – Asset Protection
 - b. Ends 1.0

POLICY TYPE: EXECUTIVE LIMITATIONS

2.6 POLICY TITLE: *ASSET PROTECTION*

The Superintendent shall not allow corporate assets to be unprotected, inadequately maintained or unnecessarily risked.

Further, without limiting the scope of the foregoing by this enumeration, he or she shall not:

1. Assume property or casualty risk unnecessarily, including risk against liability losses to board members, staff and the organization.
2. Allow unbonded personnel access to material amounts of funds.
3. Subject facilities and equipment to improper wear and tear or insufficient maintenance.
4. Unnecessarily expose the organization, its board or staff to claims of liability.
5. Make any purchase: (a) wherein normally prudent protection has not been given against conflict of interest; and (b) where the amount exceeds 5 times the number of dollars over which the State of Michigan requires the letting of bids without following a stringent method of assuring the balance of long term quality and cost. Orders shall not be split to avoid these criteria.
6. Allow intellectual property, information and files to be inadequately protected from piracy, loss, theft, electronic data breach, or from suffering significant damage.
7. Receive, process or disburse funds under controls which are insufficient to meet the board-appointed auditor's standards.
8. Invest or hold operating capital in insecure instruments, including uninsured checking accounts and bonds of less than AA rating at any time, or in non interest-bearing accounts except where necessary to facilitate ease in operational transactions, within reason.
9. Endanger the organization's public image or credibility, particularly in ways that would hinder its accomplishment of Ends.
10. Change the organization's name, logo, or substantially alter its identity in the community.

Adopted: 9/22/08
Revised: 10/23/08, 10/27/14

POLICY TYPE: ENDS

1.0 POLICY TITLE: *GLOBAL ENDS*

Mission: Portage Public Schools will educate all students to achieve their potential.

Vision: An exceptional, continuously improving learning culture with high expectations, committed to all!

Global Ends Statement: Portage Public Schools will educate all students to achieve their potential, at a level such that the results justify the costs.

Ends: The following ends statements all contribute to a successful graduate of Portage Public Schools.

ACADEMIC SUCCESS

- 1.1 Students demonstrate continuous improvement in the mastery of core curriculum standards with results approaching or exceeding the highest performing comparable districts.

LEARNING AND LEADERSHIP SKILLS

- 1.2 Students have 21st Century Learning Skills including:
- critical thinking,
 - creativity,
 - communication, and
 - collaboration skills to equip them to learn and to lead with confidence.

RESILIENCE IN LIFE

- 1.3 Students have social-emotional learning competencies including:
- skills in self-management,
 - self-awareness,
 - social awareness,
 - relationship skills, and
 - responsible decision-making to build resilience to navigate life.

POST-GRADUATION SUCCESS

- 1.4 Students have the knowledge and skills necessary to succeed at post-secondary institutions without remediation and have the employability skills necessary to obtain meaningful employment.

RESPONSIBLE CITIZENS

- 1.5 Students demonstrate good citizenship through ethical behavior and respect for individual differences and cultures other than their own.

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IV. Discussion Items

2. Monitoring (GP 4.4)
 - a. GP 4.4 – Monitoring Superintendent Performance
 - b. Monitoring Report Evaluation Form

POLICY TYPE: BOARD/SUPERINTENDENT CONNECTION

4.4 POLICY TITLE: *MONITORING SUPERINTENDENT PERFORMANCE*

Systematic and rigorous monitoring of Superintendent job performance will be solely against the only expected Superintendent job outputs: organizational accomplishment of board policies on Ends and organizational operation within the boundaries established in board policies on Executive Limitations. Accordingly:

1. Monitoring is simply to determine the degree to which board policies are being met. Data which do not do this will not be considered to be monitoring data.
2. The Board will acquire monitoring data by one or more of three methods: (a) by internal report, in which the Superintendent discloses compliance information to the Board; (b) by external report, in which an external, disinterested third party selected by the Board assesses compliance with board policies; and (c) by direct board inspection, in which a designated member or members of the Board assess compliance with the appropriate policy criteria.
3. In every case, the standard for compliance shall be *any reasonable Superintendent interpretation* of the board policy being monitored. The Board is final arbiter of reasonableness, but will always judge with a “reasonable person” test rather than with interpretations favored by board members or by the Board as a whole.
4. All policies that instruct the Superintendent will be monitored at a frequency and by a method chosen by the Board. The Board can monitor any policy at any time by any method, but will ordinarily depend on a routine schedule, which is found on the next page and included in this policy by reference.
5. The Superintendent will normally submit a Monitoring Report(s) with the Agenda Packet before a Work Study Session. Prior to the Work Study Session, Board members will individually assess the Monitoring Report(s) using the evaluation form (Appendix B) to determine: 1) Is the Superintendent’s interpretation reasonable; and 2) Does the evidence provided indicate compliance. At the Work Study Session, the Superintendent will review highlights of the Monitoring Report(s) and answer questions from Board members. Completed evaluation forms should be turned in to the Board President at the end of the Work Study Session.
6. The Presiding Officer will request a motion affirming that the Monitoring Report(s) has been read and that it provides a reasonable interpretation of policy and evidence of compliance with that reasonable interpretation.
7. If a Monitoring Report is approved, it signifies that a majority of the Board is satisfied that the organization is achieving a reasonable interpretation of Ends or avoiding a reasonable interpretation of unacceptable means for Executive Limitations. If the Monitoring Report is not approved, the Board must identify what is not a reasonable interpretation and/or what data is missing to access compliance. In this situation, discussion should focus around clarifying the Board’s assessment and expectations for compliance rather than prescribing means.

Portage Public Schools
Board of Education

Monitoring Report Evaluation Form

Policy: _____

Is the Superintendent's interpretation reasonable? Yes No

Comments:

Is evidence of compliance reasonable? Yes No

Comments:

Comments Regarding Further Policy Development

1. Do you have a concern that is not addressed in this policy?

2. What policy language would address your concern?

Evaluation submitted to Board President By: _____

Adopted: 9/22/08
Revised: 5/25/09, 3/22/10, 2/26/18

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3. Public Expression of Board Members (BL 0143.1)
 - a. BL 0143.1 – Public Expression of Board Members
 - b. BL 0167.6 – Use of Social Media
 - c. MASB Guidance – Social Networking Websites

bylaw

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The President will assign new Board member a “Board Buddy” to develop an orientation plan and to be a resource for the new Board member for training and Board service.

Revised 10/28/19

0143 - AUTHORITY

Individual members of the Board do not possess the powers that reside in the Board of Education. The Board speaks through its minutes and not through its individual members. An act of the Board shall not be valid unless approved at an official meeting by at least a majority vote of the members elected to and serving on the Board. M.C.L. 380.1201

No member of the Board shall be denied documents or information to which s/he is legally entitled and which are required in the performance of his/her duties as a Board member.

0143.1 - PUBLIC EXPRESSION OF BOARD MEMBERS

The Board President functions as the official spokesperson for the Board.

From time-to-time, however, individual Board members will make public statements on school matters.

If the statements imply, or if the readers (listeners) could infer that the opinions expressed or statements made are the official positions of the Board, the Board members shall, when writing or speaking on school matters, make it clear that their views do not necessarily reflect the views of the Board or of their colleagues on the Board.

- A. This bylaw shall apply to all statements and/or writings by individual Board members not explicitly sanctioned by a majority of its members, except as follows:
1. correspondence, such as legislative proposals, when the Board member has received official guidance from the Board on the matters discussed in the letter
 2. routine, not for publication, correspondence of the Superintendent and other Board employees

bylaw

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3. routine "thank you" letters of the Board
 4. statements by Board members on nonschool matters (providing the statements do not identify the author as a member of the Board)
 5. personal statements not intended for publication
- B. Board members may choose to engage on social media for personal reasons and for purposes of community interaction with the District. Board members are representatives of Portage Public Schools and recognize they are held to a higher standard of conduct than the general public with regard to ethics and standards of conduct when using social media.

Board members must operate within appropriate guidelines when using social media; therefore, Board members will:

1. Clarify that he/she is speaking as an individual Board member and not as an official spokesperson for the Board.
2. Avoid posting or engaging in communication that violates the Open Meetings Act, State or federal laws, issues relating to the creation of a public record or violates BYLAW 144.2 BOARD MEMBERS ETHICS, including abiding by and supporting all majority decisions of the Board.
3. Avoid deliberating District business with other Board members and District employees.
4. Not communicate confidential information that has not been released to the public.
5. Not damage the reputation of the District, employees, students, or their families.
6. Direct complaints or concerns presented online to the Superintendent.
7. Comply with the District's acceptable use policy when using District-issued devices and technology resources, including direct internet access on a personal device.

Adopted 5/21/18, Revised 11/26/18, 2/22/2021

bylaw

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0167.4 - ADMINISTRATIVE PARTICIPATION

The Superintendent and those administrators directed by the Superintendent shall attend all meetings, when feasible. Administrative participation shall be by professional counsel, guidance, and recommendation - as distinct from deliberation, debate, and voting of Board members.

0167.5 - USE OF ELECTRONIC MAIL

E-mail and text messages are forms of communication that could conflict with the Open- Meetings Law.

Under no circumstances shall Board members use emails or text messages to discuss among themselves Board business that is only to be discussed in an open meeting of the Board, is part of an executive session, or could be considered an invasion of privacy if the message were to be monitored by another party.

There should be no expectation of privacy for any messages sent by text or email. Messages that have been deleted may still be accessible on the hard drive, if the space has not been occupied by other messages. Messages, deleted or otherwise, may be subject to disclosure under the Freedom of Information Act, unless an exemption would apply.

Revised 2/22/2021

0167.6 - USE OF SOCIAL MEDIA

Social Media, as defined in Bylaw 0100, shall not be used to conduct any form of Board business. A Board member's personal or private use of social media may have unintended, negative consequences for the Board member and/or the District, including possible violations of the Open Meetings Act and issues related to the creation of a public record. Postings to social media should be done in a manner sensitive to the Board member's responsibilities, applicable District policies, and legal obligations. Refer to **BYLAW 0143.1 - PUBLIC EXPRESSION OF BOARD MEMBERS.**

Adopted 11/26/18, Revised 2/22/2021

contact information for the military service member be provided at the same locations where regular and special meeting notices are posted.

Email. The Michigan Court of Appeals has concluded that email communications can constitute a “meeting” under the OMA. In the case *Markel et al v Mackley et al, unpublished*, No. 327617 (2016), members of a Parks and Recreation Commission accused other members of violating OMA by using email to discuss and decide commission matters outside of a public meeting. The facts of the case indicate that four commissioners (a quorum) received emails about commission business, but only three of the commissioners actively exchanged messages. The fourth member of the quorum simply received the emails without responding to them.

The Court of Appeals ruled that the email deliberations violated OMA based on the following findings: (1) when a commissioner did not affirmatively reply to an email, their tacit agreement was later demonstrated at the public meetings by acting consistently with decisions made in the email; (2) none of the commissioners replied objecting to their inclusion on the emails; and (3) because there were many emails, responding to some emails, but not to others, could indicate participation on behalf of a commissioner.

Even though the *Markel* case is an unpublished opinion and is not binding on Michigan courts, it is instructive that the Michigan Court of Appeals has concluded that email communications could violate OMA. MASB, therefore, recommends that a quorum of board members not engage in email discussions or communications.

Two-Way Electronic Communications. There is a presumption that two-way, electronic communications between two board members is not a violation of OMA, *if limited to only two people*. In Michigan, the Court of Appeals has ruled that a board member may contact other members of the board one at a time to lobby one another (see “Decision v Canvassing” page 15). Thus, the assumption is that this ruling also would apply to electronic communications. For example, if one board member sends an email message to another board member, the recipient may respond to the sender because this is merely an electronic conversation between two board members, exchanging their opinions or information. However, if either the sender or recipient makes “courtesy” copies of their email messages available to other board members, they may well be conducting a group discussion in violation of OMA.

As a best practice, board members should include a “do not copy/forward” alert when emailing a message concerning school business to another board member. The following is an example of such an alert: “**BOARD MEMBER ALERT:** *This email is not for interactive discussion purposes. The recipient should not forward it to any other individual or copy a reply to other board members.*”

Social Networking Websites. Board members should be careful about discussing school-related business on their Facebook, LinkedIn, Twitter or other social networking webpages. At least one state attorney general (Florida) has issued an opinion that posts on Facebook would be subject to OMA. It is also likely that the analysis applied to emails by the Court of Appeals in the *Markel* case would apply to social networking posts. If posted comments about school issues prompt responses from other board members, the back-and-forth dialogue on a social networking page could amount to a quorum of the board deliberating outside of an open meeting in violation of OMA. And, even using the “like” button on a board member’s Facebook page may result in deliberating toward a decision on a school district issue. Therefore, school board members should refrain from using their social networking webpages to communicate to the public or other board members about matters involving the school district.

Emailing and Text Messaging at Meetings. It’s not uncommon to see board members using electronic mobile devices and computer tablets during meetings. In most cases, the board members are likely taking notes or multitasking. However, if a quorum of school board members are emailing or text messaging back-and-forth during a board meeting about an agenda item, the communications would still likely result in an illegal meeting under OMA even though the board members are sending the messages during an open meeting. The electronic communications are still private. Under such a scenario, you would have a “meeting within a meeting”—one public and one private—and likely illegal.