Bubbles, Boundaries & Other Legal Advice for School Board Members
Northwest AR: 6 counties, 30 school districts
Those districts are very different! Some examples . . .

- Lead Hill, 355 students
- West Fork, 1078 students
- Bentonville, 13,556 students
- Springdale, 18,659 students
- Charter schools are like smaller districts
School Boards are different too

- Smaller, more rural districts have different issues than larger, urban or suburban districts
The experience of being a board member is different from district to district
My theory

- Some board members are so immersed and integrated into their communities, their biggest problem is to enforce boundaries with people who want to give them “too much information.”
This is a particular problem in communities where you live down the road from, go to church with, and may be related to, multiple school district employee and/or patrons, all of whom have known you for years.
Some of you serve large districts. Your neighbors don’t know you, or know you are on the board. No one recognizes you as a board member at the grocery store. Likely, boundaries are not your problem. No one is ambushing you about school at Target.
On the other hand . . .

- Some board members may have lives so different from the lives of their students’ families, their biggest challenge is to enlarge their understanding and to relate. We all have filter bubbles; it is part of being human. We all make unconscious assumptions, based on our experiences and backgrounds. We all start with the assumption that everyone sees the world like we do.
One size doesn’t fit all!

- If you need help with boundaries, talking to you about your filter bubble isn’t relatable.
- If you realize you need more information and diverse experiences, talking to you have creating boundaries is frustrating.
How do you know whether you need help with overcoming filter bubbles or setting boundaries?
Answer:

A totally unscientific quiz!

(You will not be asked to share this or report it out!)
INCOME DIVERSITY
Median Income

- **Median income** is the amount that divides the **income** distribution into two equal groups, half having **income** above that amount, and half having **income** below that amount.
## Source: US Census

<table>
<thead>
<tr>
<th>County</th>
<th>Population (est. July 1 2017)</th>
<th>Median Family Income</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benton</td>
<td>266,300</td>
<td>$59,016</td>
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<tr>
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<td>203,065</td>
<td>$45,442</td>
</tr>
<tr>
<td>Income Range</td>
<td>Percentage</td>
<td></td>
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<tr>
<td>---------------------------</td>
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</tr>
<tr>
<td>$20,000 to 39,999</td>
<td>4.15%</td>
<td></td>
</tr>
<tr>
<td>$40,000 to 59,999</td>
<td>9.27%</td>
<td></td>
</tr>
<tr>
<td>$60,000 to 79,999</td>
<td>13.10%</td>
<td></td>
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<tr>
<td>$80,000 to 99,999</td>
<td>15.02%</td>
<td></td>
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<tr>
<td>Over $100,000</td>
<td>46.17%</td>
<td></td>
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Source: 2014-15 ASBA survey
What about board members, statewide?

Source: 2014-15 ASBA Survey

$80 to $99  15.02%
$100K or over  46.17%

61% of board members have larger family incomes than the $42,336 median Arkansas family income
Question One: Income

- Does your family (add income from all earners living in your house) make about the same, more or less than the median income in your county?
- If your family makes more, how many times more?
- Score: 10 for less, 5 for the same, 0 for twice or more.
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According to Bankrate’s latest financial security index survey, 34 percent of American households experienced a major unexpected expense over the past year. However, only 39 percent of survey respondents said they would be able to cover a $1,000 setback using their savings.
Most Americans don’t have savings

● A 2016 GOBankingRates survey found that 69% of Americans had less than $1000 in total savings, and 34% had no savings at all.

Source: https://www.cnbc.com/2018/01/18/few-americans-have-enough-savings-to-cover-a-1000-emergency.html
Your car breaks. Or, your tooth breaks. It is going to cost $1,000. Do you:

1. Handle the unexpected expense from ordinary cash flow, or savings. (score 1)
2. Pulling from savings doesn’t work. Put it on a credit card and spread it out over time. (score 5)
3. Worry, and start thinking about what other bills can be postponed. (score 20)
Do you socialize with people who have significantly less money than you do?

- Do you socialize with any single parents who don’t get child support?
- Do you socialize with anyone whose sole income is from disability?
- Do you socialize with a retired person whose sole income is from Social Security?
A related question:

HOW ECONOMICALLY DIVERSE IS YOUR FAITH COMMUNITY?
Score

- Give yourself 1 point for everyone you socialize with who makes significantly less money than you do.

(Do not count people who work for you or whom you have power over)
EDUCATIONAL DIVERSITY
# Education

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<th>HS graduate, age 25+</th>
<th>BA+, age 25+</th>
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<tr>
<td>Benton</td>
<td>87.2%</td>
<td>30.7%</td>
</tr>
<tr>
<td>Boone</td>
<td>85.0%</td>
<td>15.0%</td>
</tr>
<tr>
<td>Carroll</td>
<td>83.8%</td>
<td>17.7%</td>
</tr>
<tr>
<td>Madison</td>
<td>80.4%</td>
<td>11.3%</td>
</tr>
<tr>
<td>Newton</td>
<td>80.4%</td>
<td>14.8%</td>
</tr>
<tr>
<td>Washington</td>
<td>84.2%</td>
<td>31.2%</td>
</tr>
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Arkansas

- HS: 85.2%
- BA+: 21.5%

If you have a BA or greater, you have more education than almost 80% of the rest of the state.
Education

- How does your own educational attainment compare to that of your county?

- Score 10 if your own education is like the majority of people in your district.
- Score 20 if you have more education than most people in your district.
Do you socialize with people who have significantly less education than you do?

- Give yourself 5 points for every person in your social circle that has zero personal experience with education past grade 12.

- Don’t count people who work for you.
What about board members, statewide?

We know board members, as a group, are wealthier than other Arkansans. They are also more educated than the average Arkansan.

Source: 2014-15 ASBA Member Survey
Level of Education—Board members

- HS diploma or GED: 10.06%
- Some college: 17.09%
- Associates: 10.70%
- BA: 26.04%
- Masters+: 33.71%
Level of Education—Board members

- 59.75% of board members have a BA or greater

- 21.5% of Arkansans have a BA or greater
QUIZ OVER. DO MATH.
In your head: What was your score on my little test?

I predict that board members from smaller districts will have higher scores than board members from larger districts.
I predict, that generally, people in smaller districts may live in more rural settings than our board members who live in the suburbs of larger districts.
I suspect, that board members in smaller districts have a circle of acquaintance that is more income diverse and more educationally diverse than that of board members in our larger districts.
I suspect, that board members who themselves grew up and went to K-12 in the same county where they now live will have higher numbers than board members who did not.
But other boards will be mixed

- Some boards will have a mixture of members with low scores and with high scores.
A higher score means you may need help with boundaries.

A lower score suggests you may wish to enlarge your bubble.
So what about those scores?

Probably, the people with lower scores would benefit from thinking about how to meet more district patrons who aren’t just like them, to understand the needs of district families better, who are likely to be less educated and less financially secure.

Probably, people with higher scores would benefit from talking about boundaries.
Some people are mixes

- You may be super vertically integrated in one context but have bubbles in other contexts.

- For instance, I was very proud of my son’s “rainbow diverse” set of elementary friends. Then I realized *we* were the “poor people!”
BUBBLES
Have your experiences shaped you?

Table talk: What were the one or two experiences, good or bad, that enlarged your personal experience?

What were your “Wow” moments when you realized not everyone was like your family, good or bad?
Everyone likes to be comfortable

- Instinctively, we want to be with people “like us.” We often pick a church filled with people “like us.”
- Our friends may tend to see the world like we do, and may share formative experiences.
- Our workplaces work hard to select new employees who are like the existing employees. They call this “fit.”
Me too!

- I live in a (very, very lovely) bubble too.
My personal bubble experience

When I’m in my affluent bubble, I can’t see it and I’m not thinking about it.

I only see my bubble when, for some reason, I’m jolted out of it.
*Everyone* makes unconscious assumptions

We assume our experiences are typical, and assume other people are basically like us, and agree with us.

This is totally common and totally human.

(But it isn’t supported by statistics)
And gradually, over time, our bubbles get filled with people who look like us, think like us, live in houses like us, and we accidentally start to think that is what the world is, because that is the world that we see.
My personal bubble experience

For me, being aware of my bubble makes me a better person.

It makes me more compassionate.
It makes me grateful.

It makes me feel lucky. I’m not smarter than other people. I’m lucky.
DOROTHY, YOU ARE NOT IN KANSAS ANY MORE!
Sometimes, this is so unconscious, we don’t notice it.

- When can you see this?
- Have you been to the DMV lately? Have you been to the ER? If that very average slice of your community was different than what you are used to, you just saw your bubble.
- Sometimes when you make a change or alter your routine, you realize you have moved into or out of a bubble.
Want a bigger bubble?

- Make a conscious effort to (safely) make yourself mildly uncomfortable. Go to the “other neighborhood.” Or the “other church.” Challenge yourself to shop and cook within SNAP limits.
- Go out of your way to spend time where you are on an equal footing with people with different life experiences and incomes less than yours.
- Be wary. “Volunteering” can reinforce, not reduce, bubbles.
A bigger bubble makes you a better board member

- It is easy (and universally human) to tend to take blessings and benefits and bullets dodged for granted. You have to have boots to have boot straps.

- Being open to other peoples’ lived experiences, or hard lives, helps you make school better for kids whose lives may be harder than your kids’ lives.
LET’S TALK ABOUT BOUNDARIES
This may apply to you if you had a higher score, if you know you are from a smaller district, or if you know you are in a public-facing job that makes you super easy to track down and talk to, or where you have to “be nice” like ministry.
Why are boundaries important?

- Legal reasons: you must remain uninformed and impartial to give a fair hearing, which is the essence of statutory due process for expulsions and employee hearings.
Why are boundaries important?

- **Pragmatic reasons:** If you are usurping your superintendent’s job, by getting in his or her business, you are risking destabilizing your district’s leadership.

- Good superintendents have options, and will opt out of a situation where the board tried to do his or her job.
(Remember!)

Eventually, every school board ends up with the superintendent they deserve.
Why can boundaries be so hard?

- The public totally misunderstands the job and role of a school board member.

- The public’s paradigm of board service is about 50 years out of date. It used to be different.
Staff: not your job, not your problem

Board members are not problem solvers.

Problem solvers get paid.
Board members are futurists

- Policy—planning for the future

- Budget—planning for the future.

If a problem needs a quick solution, odds are, it is not a board problem.
How to have better boundaries:
Step 1

- Be proactive. Start the conversation.

“You know, this board member thing is a lot different than I thought. Did you know that it is not actually the board’s job to take complaints or get involved in problems? Turns out, that is a big no and if I do that, it creates legal problems!”
Why this works

- You are being humble.
- You are confessing you that you, too, thought a thing that wasn’t correct.
- You aren’t asking anything of your listener, you are just delivering a personal insight.
If you start the conversation, you do two things:

- 1. You manage expectations on the front end.
- 2. You hopefully head off the awkward part when you have to stop the conversation. Or, you have a reference point for that future awkward conversation.
Step 2: Handling the information ambush

“Oh, gosh, Mary, I have to stop you. Remember when I told you how I was thinking wrong about board members being problem solvers? A staff problem needs to go to the principal. Let me give you that number. I do hate it that you are upset and having a hard time, but talking to the principal is the place to start.”
“Sam, I need to stop you. I can’t solve problems for school district employees and do the job the law gives me to do as a board member. That’s not my role. If you have an issue, go to your supervisor, and if that doesn’t work, go to his boss.”
Pick one and practice with a partner. Then switch.

Patron Ambush

“Oh, gosh, Mary, I have to stop you. Remember when I told you how I was thinking wrong about board members being problem solvers? A staff problem needs to go to the principal. Let me give you that number. I do hate it that you are upset and having a hard time, but talking to the principal is the place to start.”

Staff Ambush

“Sam, I need to stop you. I can’t solve problems for school district employees and do the job the law gives me to do as a board member. That’s not my role. If you have an issue, go to your supervisor, and if that doesn’t work, go to his boss.”
“Superintendent, I got a call from an upset parent from Happy Valley Elementary school, Mrs. Roseblume’s class. I referred her to the principal, but I wanted you to be aware.”
Why tell the superintendent privately instead of in executive session?

- Litigation strategy. You may have been “contaminated” by the attempted ambush and wind up having to recuse yourself from any resulting hearing. Privately telling the superintendent avoids contaminating the rest of the board with what the other side will claim is prejudicial information.
More about executive session

Many board members don’t realize that, if there is a lawsuit, they can and likely will be questioned, under oath, about what was said in executive session, and will have to answer the questions. There is no “privilege” (that allows testimony to be avoided) in executive session communications.
QUESTIONS?