

# **ASBA Regional Meeting**

## **Getting Ready for the 92<sup>nd</sup> General Assembly**

**Presented  
Fall, 2018**



# Dinner Activity at Your Table

## Your Influence and the Legislature

- Select a recorder and a spokesperson at your table.
- Have a discussion to answer the 2 questions asked during your meal.
- Using page (side 1 and side 2) provided (pink), record notes of your discussion for sharing.
- Prepare to share table discussion with others later in the evening.

# Dinner Activity

## RESPOND TO THE FOLLOWING:

1. What measures/actions are you and your board willing to make/take to influence lawmakers both before and during the 2019 legislative session?
2. We are often asked by legislators, media, etc. to share information about changes in legislation and the impact of that legislation on school districts. Please share any comments, positive or negative, that you believe resulted from the change in school election dates (Act 910 of 2017).

# Welcome and Business Meeting

# Training Agenda for Tonight

## Part 1: ESSA - What Board Members Need to Know and Do

- **A Brief Overview of NCLB to ESSA- What Really Changed and What do Boards Need to Know?**
- **Using MSI to Understand the ESSA School Index**
  - Empowering boards to understand how well their schools are serving all students
- **A Systems Approach for Supporting our School**
  - Going beyond academics as the focus for school improvement
  - Understanding the systems and supports for improvement
- **A Guide for Boards to use Throughout the School Year to Insure They are Staying Informed About All Systems**
  - Question for Boards to Ask
  - The Board's Role in Continuous Improvement Process
- **Q & A**

# Training Agenda for Tonight

## Part 2: ASBA & the Upcoming Legislative Session

- **How We Prepare the ASBA Agenda for a Legislative Session**
- **Current ASBA Legislative Agenda for 2019**
  - Degree of Consanguinity
  - Child Abuse Hotline Reporting Immunity
  - Out-of-State Teaching Credit
  - Audit Training Timeline
  - School Board Member Ethics Enforcement
- **Flashback from the Past – A Look into the Future?**
- **What Can You Do?**
  - Prior to the Election
  - Before and During the Session
- **What's Ahead? Board Professional Development**
- **Ideas and Questions**
- **Closing**

# Why Prepare a Legislative Agenda?

- Helps organize ASBA efforts and actions prior to session
- Focuses legislation in a way favorable for students and districts
- Creates opportunity to educate legislators regarding education issues
- Promotes positive interactions with legislators toward common goals
- Strengthens relationships with key legislators
- Possible reduction of unwanted legislation being introduced

# Legislative Agenda Preparation

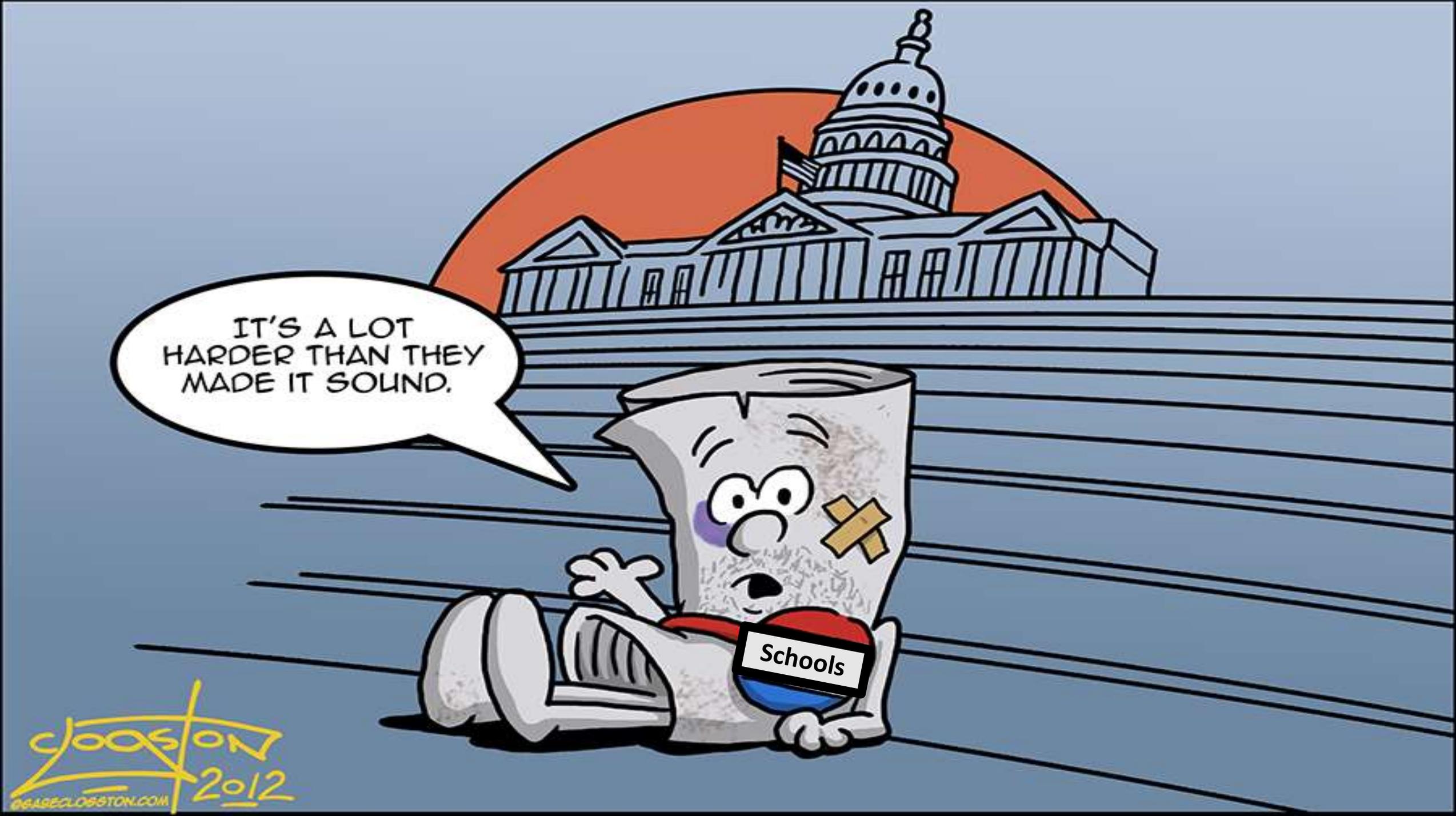
- Input from board members, administrators, legislators, etc.
- Information from previously filed legislation
- Issues revealed through member interactions
- Gathering of possibilities is ongoing
- Questionnaires collected from members
- Accumulated list of over twenty-five (25) possible issues

# Review and Selection of Agenda Items

- LegTeam reviews and discusses possible agenda issues
- ASBA filters are applied
- Ensure issue aligns with ASBA Beliefs and Resolutions
- Consider possible legal restraints or barriers
- Determine probable effect and impact on all districts
- Prioritize the list
- Ongoing research and discussion sometimes alters direction
- Actual drafts are often “tweaked” during the process

# Current ASBA Legislative Agenda for 2019

- Degree of Consanguinity (blood-relatedness)
  - Child Abuse Hotline Reporting Immunity
  - Out-of-State Teaching Credit
  - Audit Training Timeline
  - School Board Member Ethics Enforcement
- \* finance, facilities, teacher salaries, vouchers, etc. are ALWAYS on our agenda



IT'S A LOT  
HARDER THAN THEY  
MADE IT SOUND.

Schools

CLOOSON  
2012  
@BASECLOSTON.COM

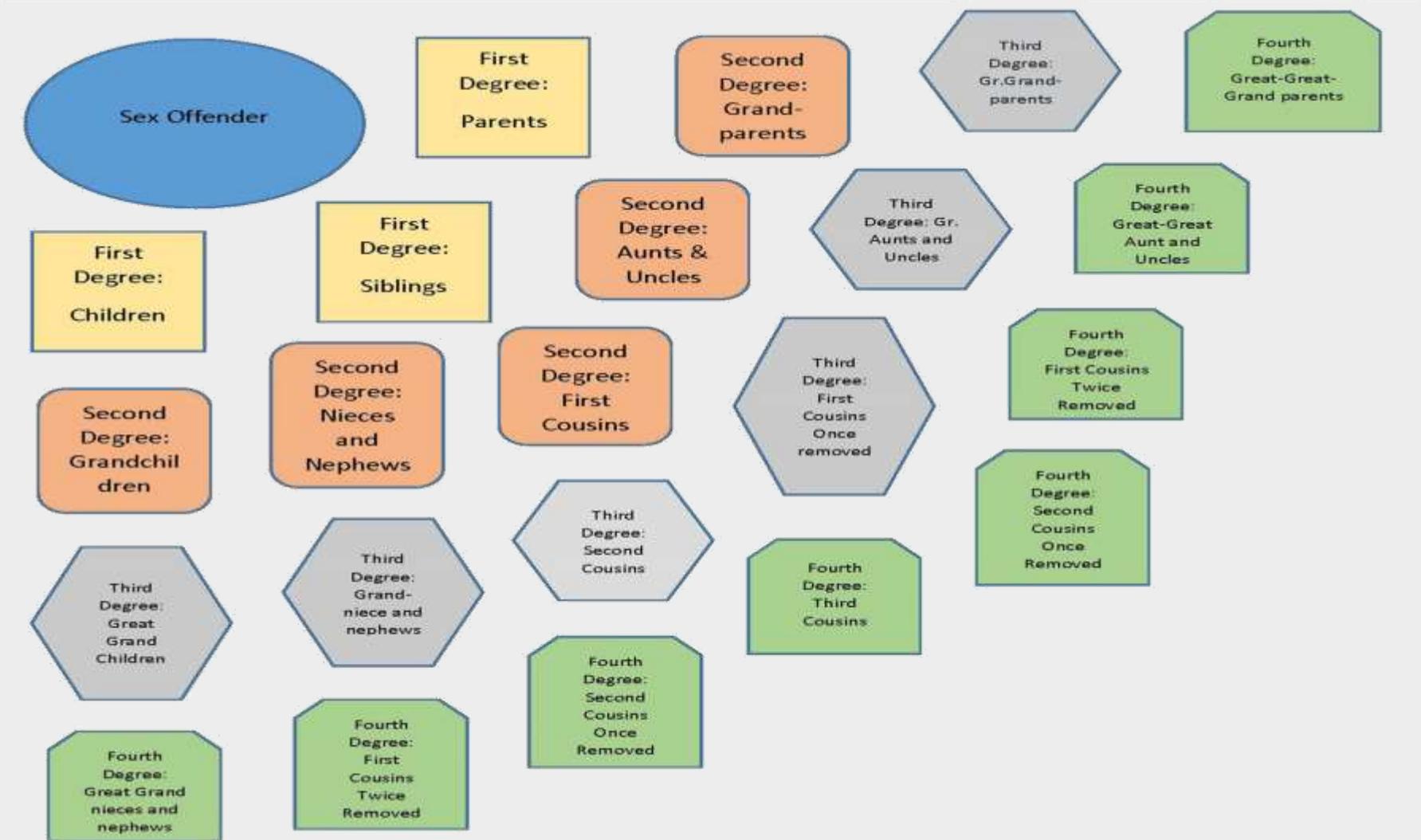
# SEX OFFENDERS ON SCHOOL CAMPUS

- Act 267 of 2017 modified existing law (known as Megan's Law) concerning Level 3 and Level 4 sex offenders at certain school events
- Arkansas law now takes notification requirement out to four places of relationship (kin) for Level 3 offender
- Level 4 offenders are prohibited from attending ticketed events but can still attend some specific events on campus
- Neither Level 3 nor Level 4 offenders can attend away on-campus ticketed events
- Does not apply to off campus events (non-school sites)
- Consanguinity is confusing and hard to understand by school administrators and the general public as to what relationships the places represent
- Proposal would narrow the degrees of consanguinity for a Level 3 sex offender to attend a ticketed event from four to two
- Level 3 sex offenders related at the third degree and beyond would be prohibited from attending ticketed events period.

# Sex Offenders on Campus

Act 267 of 2017 modified the existing law concerning the presence of Level 3 and Level 4 Sex Offenders on a School Campus (otherwise known as Megan's Law). **There are no restrictions placed on Level 1 and Level 2 Sex Offenders.** An update to Policy 6.10 was released on May 12, 2017 to comply with the new law. While a Level 4 Sex Offender may not attend a paid admission, ticketed, school sponsored event, at all, under the new law, a Level 3 Sex Offender may attend a paid admission, ticketed, school sponsored event if 24 hours' advance notice is given to school administration and the Level 3 Sex Offender is related within the fourth degree of consanguinity to a student enrolled in that school district, as defined by ACA 28-9-212. To assist school officials in evaluating whether the relationship asserted by a Level Three Sex Offender meets the qualifying statutory guidelines, we provide the following graphic:

# Degrees of Consanguinity (kon-sang-win-ity) Under Arkansas Law (Graphic)



# CHILD ABUSE HOTLINE REPORTING IMMUNITY

- Calls specific attention to immunity from criminal and civil liability for mandated reporters when contacting the child abuse hotline for good faith reports
- Would apply to individuals listed under ACA § 12-18-402 (includes teachers, school counselors, school officials, preschool workers)
- It would add an additional level of reassurance against criminal prosecution or lawsuits for required reporting of maltreatment

# Out-of-State Teaching Credit

- Proposal addresses out-of-state teaching credit for purposes of salary only
- Clarifies ACA § 6-17-2403 (Arkansas Minimum Salary Schedule)
- Statute appears to prohibit the acceptance of years of teaching experience in states other than Arkansas unless teacher held an Arkansas teaching license
- Acceptance of out-of-state teaching experience (all or partial) in the calculation of salary could assist districts (especially border districts) in hiring quality educators
- Proposal allows, but does not require, districts to adopt a policy to accept out-of-state teaching experience for purpose of salary
- Could help address teacher shortage issue in Arkansas

# Audit Training Timeline

- Need for proposal is due to change in school election timelines
- Act 910 of 2017 allows choice of two dates for annual school election
- Current timeline for school board members to complete audit training is 15 months from election
- With old September school election 15 months closely aligned with the December 31 deadline for new members to get the 9 hours of training required by statute
- Proposal standardizes deadline for new school board member to get audit training as December 31 of year following election
- Proposal aligns audit training deadline with required 9 hours of training for new members

# Andy and Ethics



ALL THOSE IN FAVOR OF WHAT WE DISCUSSED IN OUR E-MAIL THREAD AND AT LARRY'S SON'S BIRTHDAY PARTY SAY 'AYE'

'Aye'

'Aye'

'Aye'

I

... HAVE NO IDEA WHAT'S GOING ON

I THOUGHT THIS MEETING WAS OPEN?

WINK NUDGE



# Activity

## DISCUSS AT YOUR TABLE:

What types of board member or whole board behaviors are you aware of that have been a problem in other districts? (Please do not identify any individual board member or school district). Be prepared to report out.

# School Board Member Statutory Ethics

- ASBA spent countless hours opposing changes to school election laws for years
- Act 910 of 2017 passed anyway but likely worse without ASBA input
- Similar issue involves desire to address school board ethics laws
- Taxpayers feel helpless when laws are broken or not followed and they seem to have no recourse
- Leadership summit in 2016 selected this issue to address with legislation

# School Board Member Ethics, continued

- A bill was filed in 2017 session to address **board ethics violations**
  - Bill wasn't presented in committee, but gathered general support in regard to need
  - House Bill 1738 (referenced on previous slide) filed by Rep. Douglas in 2017 session would have placed board member ethics review under Arkansas Department of Education (ADE)
  - The bill died at end of session with no action taken
- A board member recall bill was also filed designed to address **undesirable school board member behavior**
  - Bill also not presented in committee, but lots of discussion about it

# School Board Member Ethics Enforcement

- Current process to address certain school board ethics complaints not effective because not used
- ASBA sees need to help shape a solution rather than allow continued known abuse
- ASBA's proposal will require additional funding

# School Board Ethics Enforcement, continued

- First part of proposal deals with board member oath
- Requires clerk to accept or reject submission of oath based on deadline and qualification of person administering oath
- Provides for school board member to acknowledge receipt of ACA § 6-24-101 et seq.
- Establishes outcome if oath is not taken within legally established timeline (person not being qualified to serve, therefore, holdover)

# School Board Ethics Enforcement, continued

- This proposal shifts school board member ethics complaint enforcement to Arkansas Ethics Commission (AEC) in following areas:
  1. Use or attempted use of his or her official position to secure unwarranted privileges or exemptions for himself or herself or others;
  2. Accepting employment, contract, or engaging in any public or professional activity that a reasonable person would expect might require or induce him or her into disclosing any information acquired by the member by reason of his or her official position that is declared by law or regulation to be confidential;
  3. Disclosing any confidential information gained by reason of his or her position, including information acquired by attending an executive session under § 25-19-106 except as permitted by law; or
  4. Using information acquired by reason of his or her position for his or her personal gain or benefit.

# School Board Ethics Enforcement, continued

- Proposal gives AEC authority to:
  - (A) Dismiss the complaint as being unfounded;
  - (B) Issue a public letter of caution or warning or reprimand;
  - (C) Impose a fine of not less than fifty dollars (\$50) nor more than two thousand dollars (\$2,000) for negligent or intentional violation of this chapter; or
  - (D) Report its finding, along with such information and documents as it deems appropriate, and make recommendations to the local prosecuting attorney.

# School Board Ethics Enforcement, continued

- Proposal adds distinction between knowingly and should have known:
  - Any board member, administrator, or employee who knew or should have known that his or her actions were prohibited under subsection (a) may be prosecuted in accordance with § 6-24-118
  - Under this proposal, if a board member is prosecuted and found guilty, knowingly remains a felony and should have known has been added and would be a Class A misdemeanor.

# Flashbacks from the Past- A Look into the Future?

- Vouchers, Tax Credits, Tax Deductions, Scholarships
- School Board Member Recall
- Minimum Teacher Salary Schedule
- School Facilities Funding
- Legislature Sole Determining Source Regarding Adequacy
- School Board Elections and Millage Elections ALL to November
- Tax Cuts and Impact on Public Programs Funding

# Input from Networking Dinner Table Talk (#1)

What measures/actions are you and your board willing to make/take to influence lawmakers both before and during the 2019 legislative session?

Share your table's comments regarding how you or your board plan to influence lawmakers both before and during the 2019 legislative session

# Input from Networking Dinner Table Talk (#2)

We are often asked by legislators, media, etc. to share information about changes in legislation and the impact of that legislation on school districts.

Share your table's comments, positive or negative, that your group believe resulted from the change in school election dates (Act 910 of 2017).

# What Can You Do? -Prior to Election-

- Research the candidates' platform
- Contact the candidate and determine stance on education issues (face-to-face works best when possible)
- Let them know the important issues for your district
- Discuss what you learned with friends and relatives (not as a representative of the board)
- Attend community functions where candidates speak on the issues
- **VOTE**

# What Can You Do?

## -Before and During the Session-

- Stay abreast of pending legislation before and during the legislative session
- Keep your fellow board members informed (remember FOI laws)
- Contact your legislators regarding upcoming votes on important bills
- Tactfully let your legislators know you are aware of their voting record on bills, both favorable and not
- Remain active and attentive throughout the legislative session

**Local school board members contacting local legislators is often the most effective way to influence the vote**

# Reminder of Upcoming ASBA Events

## **2018 Fall Leadership Conference**

October 26, 2016

Chancellor Hotel, Fayetteville

## **2018 ASBA Annual Conference**

December 5-7, 2018

SHCC and Marriott Hotel, LR

## **New Board Member Bootcamp**

December 5, 2018

Marriott Hotel, LR

## **2019 Law Seminar**

February 12, 2019

Wyndham Hotel, NLR

## **2019 Joint Leadership Conference**

May 7, 2019

Wyndham Hotel, NLR

## **New Board Member Institute Administrative Professionals Workshop**

June 24, 2019

Hot Springs Convention Center

## **Southern Region Leadership**

Conference

July 25-27, 2018

New Orleans



# Session Evaluation and



Your Questions and Feedback Please