

Survival 101 for Board Members

Essentials of Arkansas Freedom of Information Act
Law, and Ethics/Nepotism Law

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What is your Role?

- To do the work of the school board, assigned by the Arkansas General Assembly
- To follow your policies and the law, including U.S. Supreme court decisions
- To follow and uphold AR Freedom of Information (FOI) law
- To follow the laws that govern doing business with and hiring your family members



Ethics and Nepotism

Ethics: Definitions are key

- Administrator
- Contract
- Family
- Financial Interest

Apply the Definitions!



Ethics: Numbers are important

- \$5000 is the threshold for having to get outside approval for contracts/purchases
- \$2500 is the threshold for being able to give a raise to the employee family member of a school board member
- 30 days is how long your family member can work for the school district as a substitute every fiscal year



How do you deal with this?

- Board member leaves
- Resolution is created
- Board votes
- Resolution is either filed (\$4999 and below) or sent to ADE Commissioner of Education (\$5000 and above) for permission
- Board member returns

What are the odds?



Freedom of Information Act

7 Key Points about FOI: Point 1

- FOI is not your job description!
- It is for all government in Arkansas, not just school boards.
- Other government has direct responsibility and involvement in personnel matters, unlike school boards.
- You can follow FOI law and, at the same time, violate other laws that apply only to school boards.



7 Key Points about FOI: Point 2

- Board meetings **MUST** be held in public!
- See page 12 of your FOI handbook.
- Website.
- 2 hours advance notice of a special or called meeting.

7 Key Points about FOI: Point 3

- A “meeting” for the purposes of FOI law can be two board members talking about board business.
- It doesn’t take a quorum to violate FOI law.
- See number 18 on page 21 of your FOI handbook for authority.



7 Key Points about FOI: Point 4

- Executive session is not your “get out of jail free” card
- It is a narrow exception, restricted to certain situations.
- See page 12.
- “Executive sessions will be permitted only for the purpose of considering employment, appointment, promotion, demotion, **disciplining** or resignation of any public officer or employee.”



7 Key Points about FOI: Point 5

- You are required by law to state the reason (which one of the 5 available to you) for going into executive session.
- Reason, not the person or persons.

7 Key Points about FOI: Point 6

- Voting is not necessary to go **into** executive session.
- Voting is not permitted **inside** executive session.



7 Key Points about FOI: Point 7

- Who may be in executive session is strictly defined by law.
- Parents and patrons: No
- Lawyers and architects: No
- People who are allowed in (like the superintendent) can be sent out.