

governance

& POLICY SERVICES

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If you have any comments, suggestions or questions about CSBA's sample policies and regulations or our various policy services, please contact Martin Gonzalez, assistant executive director, Governance and Policy Services, at (800) 266-3382 or mgonzalez@csba.org.

High school exit examination

Students with disabilities

In May, the parties reached a settlement in the litigation challenging the requirement that special education students must pass the California High School Exit Examination in order to receive a diploma. The settlement in *Kidd v. California Department of Education* did not extend the exemption that had been granted by previous legislation to students with disabilities in the classes of 2006 and 2007. Instead, it only requires the California Department of Education to contract for a study on the issue.

Thus, students with an individualized education program or Section 504 plan must pass the exam unless they receive a waiver. The waiver process, outlined in AR 6162.52 - High School Exit Examination, authorizes a governing board to grant a waiver to a student with disabilities who took the exam with one or more modifications, received a passing score, and satisfied other conditions as specified in Education Code 60851.

There are several bills currently pending in the legislature that could affect this requirement, including a proposal to modify the waiver process (AB 1503), extend the exemption from the requirement to pass the exam to the classes of 2008 and 2009 (SB 1446), and require the CDE to develop an alternative assessment (AB 2040). Because of these various legislative proposals, BP and AR 6162.52 were not reissued in the July packet of policies. However, they will be revised as necessary as soon as the fate of these bills is known.

New report on early intervention

Students at risk of failing the high school exit exam can be identified and assisted as early as grade 4, according to a new report by the Public Policy Institute of California. *Predicting Success, Preventing Failure: An Investigation of the California High School Exit Exam* (June 2008) suggests that resources would be better spent on early intervention with elementary students than on tutoring students in grade 12 and beyond as required by current law.

Using a cohort of 10th-grade students slated to graduate in 2006 in the San Diego Unified School District as a test case, the study examined the students' performance from grade 4 through graduation and found that grade 4 student characteristics are almost as useful as those from grade 9 in predicting passage of the test. Specific findings of the study include:

- Academic grade point average in grade 4 is the highest predictor of eventual outcomes on the exit exam.
- Some nonacademic characteristics, such as absences and classroom behavior, as reported on elementary school report cards, are also significantly related to exit exam passage.
- African American, English learner and special education students are less likely to pass the exam, even after controlling for grades and California Standards Test scores.
- The importance of English learner status changes over time. Grade 4 English learners are just as likely as others to pass the exam, but grade 9 English learners are not.
- Interventions in grade 12 or beyond are unlikely to yield great success. In this study, few of the seniors who failed to graduate re-enrolled in school or took the exam the next year, nudging the passing rate only marginally from 90.4 percent to 90.7 percent.



These findings led the report's authors to recommend that policymakers develop an "early warning system" to forecast which elementary or middle school students will be at risk of failing the exit exam and target additional tutoring funds toward those students. The report suggests that districts be allowed more flexibility in how they spend state funding for supplemental instruction and that such funding be aligned with federal supplemental service funding for schools that repeatedly fail to make "adequate yearly progress" under No Child Left Behind.

A copy of the report is available at www.ppic.org.

Grade 8 algebra requirement

On July 9, the State Board of Education made a decision to require all students in grade 8 to take and be assessed in Algebra I. The speed with which the issue was raised and approved took many by surprise and raised concerns that there were insufficient opportunities to engage in a meaningful discussion of the proposal.

The SBE's action was in response to a U.S. Department of Education finding that the state's grade 8 math assessment is noncompliant because it does not reflect the state's algebra standards. Currently, students in grade 8 who are not taking a standards-based math course take the General Mathematics Test of the California Standards Tests. The Algebra I CST is an end-of-course test taken by students enrolled in that course.

In order to respond to the findings of the USDOE, the SBE had earlier directed the CDE to develop an alternative assessment, based upon a subset of Algebra I standards, that would replace the General Mathematics Test. In doing so, it was rejecting a plan to require all grade 8 students to take Algebra I. This alternative assessment had been essentially approved by the USDOE. However, in a letter to the SBE, the governor urged the SBE to "do away with the below grade-level general mathematics test and chart California's course to lead the nation in 8th grade math."

The new requirement will become effective in three years. It is possible that interim benchmarks will be established for each of the next three years, but no details have yet been worked out.

CSBA executive director Scott P. Plotkin responded to the decision by saying it "is a classic example of a manufactured crisis. This is a time when the state should be celebrating the progress made in the number of students taking Algebra I in the eighth grade. The real crisis is how schools will be able to meet this requirement, the cost of which Secretary of Education David Long testified would be in the billions, when the state budget proposes to cut public education by a similar amount."

A statement issued by Superintendent of Public Instruction Jack O'Connell points out that "educators throughout the state have placed almost half of our 8th grade students in general mathematics despite the fact that doing so has negative implications for their schools in our accountability system. But, they do it because it is a more educationally appropriate choice for certain students. And for that roughly half of the 8th grade population deemed by teachers, principals and parents not to be ready for algebra, a disturbingly low 23 percent are proficient or advanced on what amounts to 7th grade standards. ... Just putting students in algebra, regardless what the data tell us, is not a responsible course of action."

CSBA will monitor the implementation of this requirement and revise BP 6142.92 - Mathematics Instruction and/or AR 6143 - Courses of Study as appropriate.

Sexual health and HIV/AIDS prevention instruction

State law requires districts to provide HIV/AIDS prevention education once in middle school and once in high school, and it authorizes, but does not require, districts to provide comprehensive sexual health education. When either subject is taught, districts must comply with requirements governing content, parental notification and consent, and professional development. Districts' policies and procedures regarding this instruction will be reviewed during the state categorical program monitoring process.

CSBA has revised BP/AR 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction following a clarification of Education Code 51930-51939 by the CDE and adoption of the *Health Education Content Standards for California Public Schools* by the SBE. The clarification, issued by Superintendent of Public Instruction Jack O'Connell, emphasized that abstinence-only education is not permitted in California public schools. HIV/AIDS prevention instruction must cover condom effectiveness in preventing HIV in addition to abstinence, and sexual health instruction in grades 7-12 must provide information about both abstinence and all methods of preventing pregnancy and sexually transmitted diseases that are approved by the Food and Drug Administration.

Parents must be notified of upcoming instruction and be allowed to remove their child from class if they so request. For HIV/AIDS prevention instruction, schools may use only passive parental consent (opt out), whereby the student receives the instruction unless the parent otherwise notifies the district.

Charter school facilities requests

In January, the SBE adopted revised Title 5 regulations (5 CCR 11969.1-11969.10) regarding facilities requests by charter schools under Proposition 39. The new regulations took effect March 29 and will apply to facilities requests received by districts in the fall of 2008 for the 2009-10 school year.

The amended regulations, which significantly diminish school districts' discretion over how facilities are allocated, were adopted over strenuous objections from CSBA and other members of the education community. CSBA's Education Legal Alliance has filed litigation challenging the new regulations on the grounds that many of the provisions exceed the SBE's legal authority.

To help districts understand the new requirements, CSBA has revised its sample administrative regulation and added a new sample board policy on this topic (see BP/AR 7160 - Charter School Facilities). However, BP/AR 7160 will be revised again as necessary to reflect the outcome of any court action.

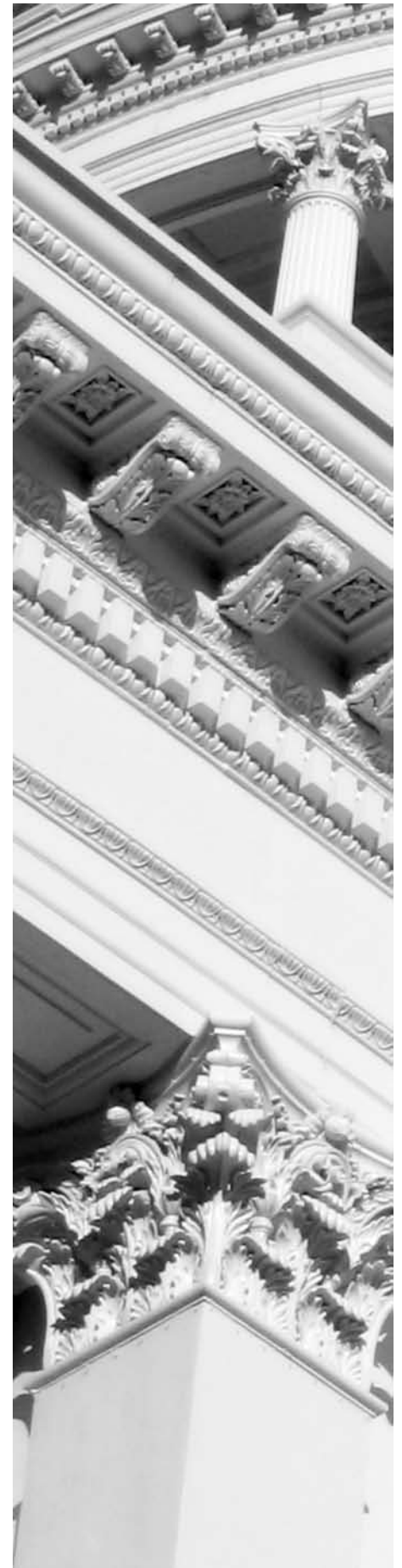
"It's important that districts plan for the worst," said Judy Cias, assistant general counsel and director of CSBA's Policy Update Service. "We are hopeful that the court will agree with CSBA's position and overturn the regulations or delay their implementation; however, it's impossible to predict the timing of any court action. As of now, the new rules are applicable to requests received by districts starting in the fall. We reissued our sample policy and regulation in the July packet so that districts would be able to adopt their own materials in time to process any requests."

"Many of these proposed revisions are detrimental to school districts," added Stephanie Farland, senior policy consultant for CSBA. "For example, the district will not be able to move a charter school from a district site without approval of the charter itself or an SBE waiver. We believe that the SBE has exceeded its authority in such a way that districts no longer have the necessary discretion to act in the best interests of their students."

Farland outlined some of the most troubling and potentially serious requirements in the new rules. They include:

Reasonably equivalent furnishings and equipment: Proposition 39 specifies that charter school facilities provided by districts must be "furnished and equipped." The regulations state that a facility will be "furnished and equipped" if it includes "reasonably equivalent" furnishings and equipment such as are found in the comparison group schools. The new regulations greatly expand the definition of "furnished and equipped" to include furniture, vehicles, machinery, motion picture film, videotape and intangible assets such as major software programs. The regulations allow a district to exclude furnishings and equipment obtained through non-district resources, such as donations or PTA-sponsored items, when determining reasonable equivalence. However, the new language goes well beyond what was contemplated when Proposition 39 took effect and is contradictory to other sections of the regulations that specify that districts are not required to use general funds for facilities given to charter schools.

Conversion charters: Conversion charter schools are those schools that are created when a district school's parents or faculty submit a petition to convert a district-operated school into a charter school or those charters created as a remedy for poor performance under the state's Public Schools Accountability Act. Currently, Proposition 39 provides that a district may not move a charter school to another site "unnecessarily." Under the new regulations, a conversion charter school will





be entitled to remain at the school site where it was operating before it became a charter school as long as the charter school requests the site from the district on an annual basis. In addition, the amended regulations require a district to obtain a waiver from the SBE in order to move a conversion charter school away from the previous location. Given that the regulations were approved by the SBE, it is unlikely that many such waivers would be approved.

Revised timelines for responding to facilities requests: The amended regulations shorten the time period for districts to respond to charter school facilities requests and impose deadlines for each action to be taken during consideration of the request. In addition, the amendments impose consequences for missed deadlines. Charter schools must submit facilities requests for the next school year to districts by November 1. Districts then have until December 1 to review a charter school's enrollment projections, express any objections in writing and calculate the enrollment projections that the district considers reasonable. If the district misses this deadline, the charter school's enrollment projections stand and the district must base its facilities offer on those projections. For districts that receive more than one facilities request, or for districts with small administrative office staffs, the new timeline will require significant staff time and resources.

The regulations contain many other troublesome changes, Farland said. CSBA will provide continuing updates on the litigation undertaken by its Education Legal Alliance, and will issue advisories to school districts as needed. Please contact Stephanie Farland for additional information at 800-266-3382.

School bus emissions

CSBA's sample BP/AR 3514 - Environmental Safety was significantly expanded in July 2008 to, among other things, reflect state regulations which limit idling by school buses, student activity buses and other commercial motor vehicles in order to reduce exposure to diesel exhaust and other air contaminants. 13 CCR 2480 requires drivers of such vehicles to keep their engines turned off when stopped at a school or within 100 feet of a school, except under specified conditions.

This issue continues to be a priority at the state level, with increasing attention turned toward efforts to reduce emissions from all heavy-duty diesel vehicles, including school buses. The California Air Resources Board has proposed regulations which would, beginning in 2010, require districts to buy new school buses or retrofit older ones with an emissions control system that meets specified standards. The ARB is currently conducting public hearings around the state and is expected to make a final decision on the proposed regulations this fall.

The ARB and other proponents of the new regulations believe that these regulations are needed to improve air quality and reduce the potential health risks (cancer, premature death and other health problems) caused by toxic air contaminants.

However, in the *Capitol Weekly* (June 12, 2008), Stephen Rhoads of the School Transportation Coalition, which represents school districts, points out that some older buses will need more than new engines to accommodate the required exhaust trap; they will need to be replaced. He estimates that the proposed rule would cost school districts statewide some \$500 million to buy or retrofit approximately 3,000 buses.

One source of funding to replace or retrofit buses is through Proposition 1B (the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006). Proposition 1B funds are allocated to local air quality districts which must, under SB 88 (Ch. 181, 2007), first dedicate sufficient funding to replace pre-1977 buses since these pre-date minimum federal motor vehicle safety standards and were not subject to emission control. Remaining funds may be allocated at the discretion of the local air district to replace buses from 1977-1986 which were subject to minimal controls or to retrofit 1987 and newer in-use diesel buses. However, the ARB acknowledges that the \$200 million available through Proposition 1B will not be sufficient to upgrade every bus eligible for replacement.

School districts are not required to provide matching funds when replacing pre-1977 school buses, but are required to provide \$25,000 in matching funds when replacing eligible 1977-1986 school buses. All school buses eligible for replacement must be replaced with 2007 or newer buses that are appropriately equipped.

For further information on the proposed regulations or state funding programs, see the ARB Web site at www.arb.ca.gov/bonds/schoolbus/schoolbus.htm.

Draft physical education framework

The SBE will consider a new draft framework for physical education at its September 10-11 meeting and is accepting public comment until then. The new framework is based on state grade-level standards for content knowledge and fitness goals, gives educators specific examples on how to put together successful programs, includes guidance for understanding the standards, and suggests ways to measure whether physical education programs are working.

Martin Gonzalez, CSBA's assistant executive director for Governance and Policy Services, encourages local school districts and COEs to review and comment on the new framework.

"Physical education and activity are critical components in the campaign to curb the childhood obesity epidemic," Gonzalez said. "Research shows that students participating in daily physical education and activity exhibit better attendance, a more positive attitude toward school and superior academic performance."

Jean Schultz, CSBA student wellness consultant, said the new framework proposes "broad and clear recommendations about what schools need to do" to get students up and moving.

The draft framework and instructions for filing comments are available at www.cde.ca.gov/ci/pe/cf.

Postemployment benefits (GASB 45)

Implementation of Government Accounting Standards Board Statement No. 45 (GASB 45), pertaining to financial reporting of postemployment benefits, began in 2007-08 for districts with FYE 1999 revenues over \$100 million and will begin in 2008-09 for districts with revenues between \$10-100 million and 2009-10 for districts with revenues under \$10 million. GASB 45 requires districts to recognize postemployment health and welfare benefits and other non-pension benefits as a current expense during the working years of an employee and, to the extent not prefunded in an irrevocable trust, a liability on the district's financial statements.

Lou Filliger, FSA, an actuary with Demsey Filliger & Associates who specializes in retiree medical programs for both public and private sector clients, recommends that school boards adopt a clear, written funding policy describing how they will address their GASB 45 liability over time. This statement would be available to show bond rating agencies and other users of the district's financial statements.

CSBA's Policy Services staff is working with Filliger and with staff from CSBA's GASB 45 Solutions program to expand BP/AR 3460 - Financial Reports and Accountability as necessary this fall and to provide additional resources that would be useful to districts in determining strategies to address their unfunded GASB 45 liability.

For more information visit www.csba.org/Services/Services/DistrictServices.aspx.

What's new at CSBA

Policy brief on indoor air quality

With funding support from The California Endowment, CSBA has issued a new policy brief on *Indoor Air Quality: Governing Board Actions for Creating Healthy School Environments* (July 2008). The brief addresses factors that contribute to poor indoor air quality in schools; potential impacts of





poor IAQ on health, student learning and longevity of facilities; and actions that can be taken for the prevention and early intervention of IAQ problems.

The release of this brief coincides with the revision of CSBA's sample BP/AR 3514 - Environmental Safety which includes expanded provisions on IAQ. Districts are encouraged to review these materials together prior to updating their own policy and administrative regulation on this topic.

This brief is posted on CSBA's Web site at www.csba.org/Services/Services/PolicyServices/PolicyAdvisoriesBriefs.aspx.

Funding opportunity

The U.S. Environmental Protection Agency, Region 9, Indoor Air Program, has posted a Request for Proposals for projects to support demonstration, training and outreach and/or education projects to reduce exposure to indoor pollutants in K-12 schools and homes. Districts and COEs may submit proposals for projects addressing (1) improving indoor air quality in schools or (2) indoor asthma trigger management education in schools. Proposals must be received (not postmarked) by September 10, 2008. The full text announcement with project descriptions, application/submission information and eligibility information is available at www.epa.gov/region09/funding/indoor-environments.html.

School health services: Survey results

The results of a statewide study examining school health services provided by California school districts and COEs will be available in a research brief and discussed in an upcoming Webinar in early September.

The study was commissioned by CSBA with funding support from The California Endowment. Through an online survey and focus groups, the study examined the perceptions of board members and superintendents regarding the impact of school health services on students and the district/COE, the priority placed on health services in comparison to other issues, the types of services currently offered, anticipated change in demand for services, anticipated expansion of services, barriers in providing school health services, and information and support that would be useful to districts.

The research brief will be posted at www.csba.org/Services/Services/PolicyServices/PolicyAdvisoriesBriefs.aspx.

CSBA has scheduled a Webinar to provide more detailed information about the study and how it informs districts' efforts to close the achievement gap and promote success for all students. Scheduled for September 4, 2:00-3:00 p.m., the Webinar will highlight key research findings and present recommendations for governing boards, superintendents and district staff. Interested persons may register through the Events Calendar at www.csba.org.

Following up on this study, CSBA is preparing to review and revise BP/AR 5141.6 - Student Health and Social Services and issue a related policy brief containing background information and policy considerations for districts/COEs that maintain or are considering establishing a school-based health center. The updated materials are expected to reflect research on best practices and characteristics of high-quality school-based health centers.

Education opportunities

Register now for any of the following continuing education opportunities. For further information about these events, see the Events Calendar at www.csba.org.

1. Annual Education Conference. CSBA's 2008 Annual Education Conference will be held December 4-6 at the San Diego Convention Center. Along with outstanding general sessions featuring motivational speakers, attendees will have opportunities to attend workshops and table talks on model district programs and key policy issues facing school districts and COEs. CSBA staff will be participating in policy workshops on "The role of the board policy manual in effective school governance;" "Brown Act: Serious fun;" "Providing school health services in California;" "Wellness

policy report to the board;” and others. In addition, the conference offers an opportunity to see a demonstration and talk to CSBA staff about the variety of policy and governance technology services available to districts and COEs.

2. Back-to-School Conference Webcast. On September 19, CSBA’s annual Back-to-School conference will be offered, at no charge to participants, in a new Webcast format. Learn how to respond to changes in state and federal laws, policies and regulations. CSBA encourages COEs or neighboring districts to coordinate a group showing of the Webcast, as registration is limited to the first 250. Space is offered on a first-come, first-served basis.

3. AgendaOnline Webinar and lunch-and-learn. On September 30, CSBA’s Governance Technology staff will demonstrate CSBA’s *AgendaOnline* service in this complimentary 60-minute Webinar. *AgendaOnline* allows districts and COEs to develop, publish and search board meeting agendas, minutes and back-up documents. Participants will learn about the major features of *AgendaOnline* and see this service from the board member, staff and public views.

Alternatively, district staff and board members can learn about *AgendaOnline* while enjoying a catered lunch at Charter Oak Unified School District in Covina on October 15, 12:00-2:00 p.m. In addition to a short presentation, participants will be able to hear first-hand experiences from and ask questions of the guest panel members from the host district.

4. Roadmap to policy updates. This complimentary session teaches participants how to navigate through the policy development and maintenance process using CSBA’s GAMUT Online and Manual Maintenance services. Participants will explore and discuss best practices and procedures for keeping the district’s policy manual current and discover pathways for accessing district policies online. The only remaining presentation currently scheduled will be held September 24 in Bakersfield.

5. Online course for charter school authorizers. CSBA has launched its first eLearning course, “The Role of the Charter School Authorizer,” as the inaugural course in the Charter School Focus 2008 series. This free online course provides a detailed description of the important and complex process of evaluating charter school petitions, essential information for governing boards, superintendents and district and county staff. Once registered, participants can view the course 24 hours a day, seven days a week, and can proceed at their own pace. Visit <http://elearning.csba.org> for more information.

6. Online Masters in Governance course. Masters in Governance online learning is expected to become a reality later this summer as CSBA launches the first of the eLearning modules. The human resources eLearning module contains nearly four hours of video in 12 lessons that cover the board’s role and responsibilities in the area of human resources. Topics include establishment of a framework supporting effective governance, the superintendent search process, the superintendent’s contract, successful leadership transition, superintendent evaluation, employment classifications, roles and responsibilities of the board and superintendent, legal requirements and accountability, personnel policies and procedures, board self-evaluation and legal/ethical issues. Related assessments and links to resources are also included.

In addition, CSBA is now offering professional development, upon request, to help districts with **wellness policy implementation and evaluation**. Many boards will be reviewing their student wellness policy in their upcoming policy evaluation cycle and thus district staff will be preparing a report to the board on the implementation of the policy. To assist district staff with this responsibility, CSBA offers single-district or multi-district professional development which includes a template and other materials to make the job easier and produce an exemplary report to the board. Costs include mileage or other travel expenses for the consultant and the cost of materials. To arrange a session, contact Jean Schultz, CSBA student wellness consultant, at jschultz@csba.org or 800.266.3382 ext. 3259.

Special education review service

CSBA has entered into a partnership with School Innovations & Advocacy, an education services company, to begin offering the Special Education Review service to school districts and COEs. This service will help districts and COEs identify service delivery options that may be expanded or modified to realize savings and results that can be reinvested to enhance special education programs. Experienced consultants work directly with special education personnel and the chief business official to:



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MASTERS IN GOVERNANCE PROGRAM:

Stephanie Goodlett, Senior Program Consultant
Cherise Revell, Assistant Program Consultant
Cynthia Bingham, Administrative Assistant

CONTACT US AT (800) 266-3382.

- gather documentation on special education programs
- conduct a thorough operations analysis
- provide results and recommendations aligned with district/COE core values
- present a comprehensive report which covers both fiscal and policy perspectives

For further information, see CSBA's Web site at www.csba.org/Services/Services/DistrictServices/SpecialEducationReview.aspx.

Mandated cost reimbursement service

Mandated cost reimbursement claiming services are now available to school districts and COEs through a partnership between CSBA and School Innovations & Advocacy. Mandate PrepSM provides comprehensive and personalized service to ensure claims are fully compliant and filed on time for rightful reimbursement. Also available with Mandate Prep is SiteServSM, a mandate program that directly assists school sites.

Both programs feature hands-on service, training and planning; electronic or paper-based data logs; quality assurance and compliance checks; test claim monitoring; liaison with the State Controller's Office and the Commission on State Mandates; an audit support system; and a live help desk.

For further information, see CSBA's Web site at www.csba.org/Services/Services/DistrictServices/MandatePrepAndSiteServ.aspx.

Fine-tuning the governance team

Christopher Maricle, CSBA Governance Consultant

To make the district really sing, to make serious progress, the governance team needs to be in tune.

There are 15 relationships between the superintendent and a five-member board. It is like the strings of a guitar — six strings with 15 different possible pairs. When a string is changed, the guitar cannot be tuned right away because the string stretches. It is pulled by the guitar's structure and by the pull of the other strings. A board with a new member also needs time to let that board member stretch, and to let all the other team members be stretched by the new member who brings new ideas and perspectives to the team.

The irony is that as soon as someone starts playing a well-tuned guitar, the act of playing it pulls the strings out of tune. It's somewhat counterintuitive — that using the guitar for its intended purpose, making music, actually works against the structure that makes it possible, the strings being in tune. The same can be true of boards. Doing the hard work of providing guidance and oversight to the district can make trustees feel as though they are no longer working in harmony. For this reason, the governance team needs to give regular attention to how well it is managing its internal operations. By tuning up regularly, the governance team addresses concerns that, left unattended, can distract the team from focusing on the district's needs.

There is another important message to remember: When one string is out of tune, that string is not "wrong." The guitar is usually tuned to a piano, but when it is the only instrument in the band, it can be tuned to itself. The governance team members need to be in tune with each other.

CSBA's Governance Consulting Services offers members the service of fine tuning for the governance team. When new board members are elected or a new superintendent is hired, or when the existing governance team wants to strengthen effective practices, experienced consultants can help the governance team strengthen its leadership skills, improve its organizational effectiveness and keep district efforts focused on learning and achievement for all students. Visit www.csba.org/Services/Services/GovernanceServices/SingleDistrictGovernance.aspx for more information.