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City council 12 mo.

County Board Super. (4) 1 public Tues

Los Angeles
Unified School
District
Governance

Committee On
Effective School
Governance
2001 Report

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Committee on Effective School Governance

LAAMP recognizes that effective school district governance is a needed component for school reform. Local schools and school families do not operate in isolation from the overall governance of the district.

In Fall, 1998 LAAMP convened a task force to consider issues of school district governance. Soon, the members of this task force chose to focus their efforts on the Los Angeles Unified School District. Thus the Committee for Effective School Governance was created.

The Committee developed a detailed report of findings and recommendations; publicized their recommendations in the media; and sponsored a series of candidate forums to draw attention to these issues during the 1999 elections for the Los Angeles City Board of Education.

Following the election of 3 new board members and the re-election of a fourth, Committee members met with all the board members to urge support of their recommendations for improved governance.

The Committee continues to advocate for its recommendations.

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site map selections

Committee on Effective School Governance

- Roy A. Anderson** Chairman Emeritus, Lockheed Corporation;
Member, LEARN Working Group
- Sam Bell** President, Los Angeles Business Advisors
- Roger Benjamin** Director, RAND Education, Vice Chairman,
LAEP
- Doug Brengel** Managing Director, Salomon Smith Barney;
Chairman, LAEP
- Ezunial Burts** President, Los Angeles Area Chamber of
Commerce
- María Casillas** President, LAAMP
- Leo Denlea** Chairman and CEO (retired), Farmers
Group Inc.; Member, LEARN Working
Group
- Robert Erburu** Chairman (retired), Times Mirror Company;
Board of Governors, LAAMP
- David Fleming** Of Counsel, Eatham & Watkins; Chairman,
Economic Alliance of the San Fernando
Valley; Member, LEARN Working Group,
LAEP
- Antonia Hernandez** President and General Counsel, Mexican
American Legal Defense & Education Fund
(MALDEF); Board of Governors, LAAMP
- Stewart Kwoh** Executive Director, Asian Pacific American
Legal Center; Board of Governors, LEARN,
LAEP
- Ken Lombard** President, Magic Johnson Development

- Corp.; Member, LEARN Working Group
- John W. Mack** President, Los Angeles Urban League; Member, LEARN Working Group
- William Ouchi** Sigoloff Professor of Management and Vice Dean, The ~~Anderson~~ School of Management, UCLA; Chair, LEARN Working Group
- Alberto Pimental** Morgan Samuels Company
- Connie Rice** Co-Director of the Advancement Project; Civil Rights Attorney; Former Harvard College Admissions Officer
- Virgil Roberts** Managing Partner, Bobbitt & Roberts; Chairman, LAAMP; Chairman, California Community Foundation
- Mike Roos** President and CEO, LEARN
- James M. Rosser** President, California State University, Los Angeles; Board of Governors, LAAMP
- Steven Sample** President, University of Southern California; Board of Governors, LAAMP; Board Member, LEARN
- William Start** President and CEO, EXED-LLC "Education Company"; Chairman of the Board, Disney Hall I; Member, LEARN Working Group
- Arturo Vargas** Executive Director, National Association of Latino Elected & Appointed Officials (NALEO) Educational Fund
- Richard Weston** Partner, Major Clients Agency; Member, LEARN Working Group
- Harold Williams** President Emeritus, the J. Paul Getty Trust; Board of Governors, LAAMP; Of Counsel, Skadden, Arps, Slate, Meagher, and Flom

B B Bond
oversight committee

Robert Wycoff President ARCO (Retired); Board of Governors, LAAMP; Member, LEARN Working Group

Charles Young Chancellor Emeritus, University of California, Los Angeles; Board of Governors, LAAMP

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Committee for Effective School Governance

A Renewed Call to Action

The Committee for Effective School Governance is a volunteer committee of citizens from a broad selection of business, civic, and educational backgrounds, with a strong understanding of the way our schools work and don't work. Established in late 1998, the Committee published a report in early 1999 documenting the ineffective governance practices of the Los Angeles Unified School Board and how these practices impede efforts to improve student achievement.¹ In light of its findings, the Committee issued a Call to Action wherein School Board members and candidates were asked to adopt the principles of effective governance articulated in the report, and to pledge a reform of the Board's policies and practices no later than July, 1999.

The purpose of this update is threefold. First, to summarize and applaud the progress that has been made since the time of the original report, second, to reiterate the five fundamental principles of effective governance, and third, to issue a renewed Call to Action, recognizing that substantial change still confronts the School Board.

Effective Governance Principles Critical To Improving Student Achievement

We believe a more focused and disciplined leadership is critical to helping LAUSD meet the many difficult challenges it faces. Whether the challenge is helping all students learn to read, building new schools, or attracting more well-prepared teachers, it is essential that the District develop thoughtful plans and then stay focused on carrying out these plans over a sustained time period. None of these challenges can be met in an environment of constant meddling and continuous distractions.

In our original report, we described five key principles of effective governance that, when taken together, create a system that is accountable for delivering higher student achievement. These principles are:

1. *Goals and policies:* Set specific and measurable goals for improving student achievement, and articulate clear governance policies to support those goals. Identify priorities and assess progress toward the District's goals. Report regularly to the public on the District's performance relative to its goals.

¹ Los Angeles Unified School District Governance - Our Future at Risk, February 18, 1999

2. **Strategic plan:** Based on recommendations from the Superintendent and his or her management team, adopt a long-term strategic plan for achieving the District's goals. The plan should include instructional policies, program implementation plans, and timetables for assessing progress.
3. **Personnel:** Hire the Superintendent, an individual capable of designing and executing a long-term strategy. Give this person the power and responsibility to do so, including the authority to make all personnel decisions, to "reconstitute" schools if and as appropriate, and to execute collective bargaining. Oversee the Superintendent's performance, holding him or her accountable for meeting the District's goals.
4. **Finance:** Agree on a budget in concert with the Superintendent. Once the budget is approved, review only large expenditures to determine their alignment with strategic objectives, and delegate authority for most expenditure decisions to the Superintendent. Establish an external audit procedure.
5. **Self-discipline:** Be free of undue external influence. Conduct all meetings and affairs with an eye on the strategic plan and the goals and principles it serves. Leave the District's daily operations to the Superintendent.

Taken collectively, these five principles represent a board governance philosophy that holds management, and specifically the Superintendent, as the responsible agent in driving performance. Once the goals have been established and plans to achieve them approved, the board's primary role is to evaluate progress and hold the Superintendent accountable. Partial adoption of these principles is inconsistent with the above philosophy and as such, inconsistent with effective school governance.

Some Progress Has Been Made Over Last 2 Years

In the two years since the release of the Committee's original report, the Board has made some progress in embracing the recommended principles of effective school governance. Illustrative of this progress, highlighted below are some of the major Board actions:

- Provided the current Superintendent with a 3-year contract
- In practice, delegated to the Superintendent broad authority in personnel matters
- Empowered the Superintendent to lead the labor relations negotiating team
- Increased the expenditure threshold that requires Board approval from \$25,000 to \$250,000 with a stated intent to extend this threshold to \$1,000,000 over time

- Approved the creation of an Inspector General position with a defined charter to ensure that a reliable audit process is in place
- Directed the current Superintendent to draft a 5-year strategic plan, which is currently under Board review²

We also recognize that with respect to the working relationship between the Superintendent and the Board, the last two years has been a period of transition, often marked by turbulence. More specifically, the Board has been faced with a number of difficult leadership and organizational decisions:

- Naming a Chief Operations Officer to help improve the management of the District
- Replacing the then-Superintendent with an interim Superintendent
- Selecting a new Superintendent
- Reorganizing LAUSD into 11 local districts

We want to acknowledge the progress the board has made and urge it to move forward aggressively to realize the rest of the recommendations.

Time for Renewed Call to Action

While the Board's actions to date give us cause for optimism, we remain convinced that the Board's culture must further change for its responsibility to our students to be fulfilled. The Board must be more systematic in changing its way of operating or the District will remain overwhelmed by too many conflicting demands, too many competing initiatives, too many distractions that are not central to improving student achievement, and too little sustained attention on the most important priorities.

The sense of urgency for adopting these principles could not be greater, given the recent hiring of the new Superintendent. Therefore, we ask the Board, in conjunction with the Superintendent, to 1) define LAUSD's goals for student achievement over the next 5 years; 2) agree on the set of initiatives to achieve these goals and their relative priority; 3) empower the Superintendent and management team and; 4) give him autonomy but hold him strictly accountable

² LAUSD Superintendent's Five Year Strategic Plan was presented at the March 15, 2001 meeting of the Augmented Business, Finance, Audit and Technology Committee and was recognized to be a good start towards developing an actionable and comprehensive plan for improving student achievement. The Committee for Effective School Governance has not formally evaluated the plan and therefore is not in a position to assess its quality at this time.

and be prepared to replace him if he fails to perform.³ Specifically, we call on each Board member and candidate to pledge their support to the following:

1. *Goals and policies:* By no later than September, 2001, set 5-year goals for student achievement for LAUSD as a whole, which can be disaggregated by local district, high school feeder pattern, and ultimately, school-based goals.⁴ By January, 2002, adopt a clear statement of policy that supports implementation of the strategic plan and supercedes all existing policies unless otherwise noted.
2. *Strategic plan:* Working with the Superintendent, complete the development of the 5-year strategic plan that will achieve the District's goals and approve said plan by no later than January, 2002. This plan should clearly link each major initiative to its impact on the goals, specify the resources required (and the source of these resources), clarify the accountabilities for successful implementation, and identify the mechanisms for monitoring progress and enforcing accountability.
3. *Personnel:* At the first meeting of the Board in July, 2001, adopt a resolution that 1) requires all Board members to direct requests for information from LAUSD management to a single point of contact identified by the Superintendent; 2) directs the Superintendent to monitor Board compliance (both collectively and individually) with said resolution; and 3) directs the Superintendent to test for consensus of the majority of the Board before executing any individual Board member requests that have the potential to be labor intensive and/or time consuming. By April, 2002, revise the Superintendent's employment contract as necessary such that its length is aligned with the time horizon of the strategic plan.
4. *Finance:* By the first meeting of the Board in July, 2001, adopt a resolution that 1) going forward, places on the consent calendar all expenditure items less than \$1,000,000 until such time as the spending threshold for decisions requiring Board approval is increased to \$1,000,000; and 2) requires a minimum of three votes by the Board to take up discussion on any item on the consent calendar.
5. *Self-discipline:* By the first meeting of the Board in July, 2001, adopt a resolution that 1) requires the Board to restructure its meeting approach such that its business can be consolidated into single monthly meetings; and 2) limits routine Board meetings to once a month (including both open and closed sessions), unless a finding is made by the Superintendent that

³ The Superintendent's performance assessment should reflect both his effectiveness at implementing his plan for improving achievement (near term) and the extent to which student achievement ultimately improves (medium to longer term).

⁴ Building on the LAUSD Superintendent's Five Year Strategic Plan work in progress

an action of the Board is required by law to be taken on an intervening date. Additional meetings may be scheduled for special purposes, including establishing goals, developing a strategic plan, and monitoring the District's progress towards attaining these goals.

By August, 2001, adopt and publicly announce the Board's working schedule for setting student achievement goals, reviewing, refining as necessary, and approving the Superintendent's strategic plan, and defining the superceding set of policies that are required to successfully implement said plan. Also at that time, establish an annual calendar of monthly Board meetings with the agenda of each tied to the monitoring and oversight of the various elements of the strategic plan.

An Unclear Future

Many believe that the problems with the system today are so intractable that any hope of addressing them lies in fundamentally changing the District's governance and/or organizational structure (e.g., appointment vs. election of the Board, breakup and restructuring of the District). The Committee is not calling for such fundamental change in the governance and management structure, but rather we view adoption of these five principles as an essential prerequisite for any successful effort aimed at improving student achievement. Again, until and unless the Board fully empowers management with a clear and sustained mandate to drive change, LAUSD will continue to be characterized by a revolving door of Superintendents, 5-year plans, and little or no progress.

The Committee does not naively view adoption of these principles of effective school governance as a panacea. Improving student achievement in the second largest school district in the country will not be accomplished easily nor will it be achieved overnight. There are no shortcuts; there are no "silver bullets." We must resist the temptation to overreact to the latest crisis or to adopt the "flavor of the month" in educational reform. Instead, improving student achievement requires a thoughtful and integrated plan, coupled with disciplined implementation. Persistence and unwavering commitment on behalf of the Board will be the key to sustained success.

However, should the adoption of these more effective governance practices prove unachievable, either in policy or in practice, then the Committee must ask whether there is a more viable governance structure that will accelerate student achievement and provide greater accountability for it.

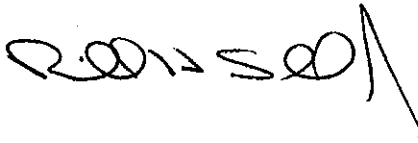
LOS ANGELES UNIFIED SCHOOL DISTRICT
Inter-Office Correspondence

original

TO: Board of Education

DATE: June 26, 2002

FROM: Richard H. Sheehan, Jr.
Special Counsel



SUBJECT: **BOARD GOVERNANCE**

On June 27 the Board will meet to discuss various governance matters. On March 8, 2002, the Board met to discuss many of the same matters. Enclosed as Exhibit "A" is a draft agenda of items to be discussed at Thursday's meeting. Enclosed as Exhibit "B" is a copy of my memorandum dated March 5, 2002, which served as the starting point of the March meeting. There was full agreement at that meeting on many of the recommendations in my memorandum, and substantial agreement on others, either with modifications or subject to further research or thought. A copy of the summary of the meeting, prepared by Robin Kramer, who moderated the meeting, is enclosed as Exhibit "C". The section beginning with the last line of the fourth page of her memorandum is the most relevant to our June 27 meeting.

The Ad Hoc Committee on Corporate Governance, comprised of Ms. Canter, Chair, Ms. Young and Ms. Hayes, held a number of meetings in April and May, concentrating particularly (but not exclusively) on the role of the Board's Committees. Enclosed as Exhibit "D" is my memorandum of May 28 summarizing the preliminary recommendations of that Committee to the Board of Education.

Everything on the agenda was discussed at the March 8 meeting and/or contained in the Ad Hoc Committee Report, with the exception of Item (9), which consists of a number of suggestions made to me by one or more Board Members and/or the Superintendent or his senior staff during the past several months.

In the last paragraph of this memorandum I list several items which have been discussed but which do not appear on the agenda for the Thursday meeting. In most cases, the decision not to put those items on the agenda was driven by time constraints, and not substance.

I hope that the Board can act quickly on Items (1) - (6). Each of these was discussed extensively at the March 8 meeting and there was either unanimous, or nearly unanimous, agreement on each of these. Mr. Tokofsky was not present at the March 8 meeting.

Following action on Items (1) - (6), I suggest that most of the remaining time be devoted to items (7) and (8), since the full Board has not had an opportunity to discuss these proposals.

Mr. Crain and I believe that Items 7(a) - (d) do not require Board Resolutions this week. If any or all of these matters are approved in principle, they should be included in the form of resolutions to be adopted at the annual organizational meeting, presently scheduled for July 2. Item 7(e) will not require a Board resolution in and of itself but, assuming its approval, will require an increase in Dr. Rasmussen's budget.

If there is any time remaining it should be devoted to Item (9). None of the recommendations contained in Item (9) have been discussed at any length by either the Board or the Ad Hoc Committee and, in some cases, they have not been discussed at all.

Enclosed as Exhibit "E" is a proposed resolution for Item (1). Exhibit "F" is for Item (2). (I have not yet completed Schedule "1" to Exhibit "F", but should have it to each of you prior to Thursday). Exhibit "G" relates to Item (3), and Exhibit "H" to Items (4), (5) and (6).

None of the issues covered by Item (9) require a Board resolution, except for 9(c), as to which Mr. Crain and I are preparing materials describing a number of possible changes to our existing Speaker rules which should simplify the process, as well as prevent abuses.

Finally, the following is a brief list of items which the Board may wish to discuss at a future meeting on Board Governance matters:

- (1) The Superintendent's authority to transfer funds within the overall budget limitation
- (2) Reductions in the number of Board Committee meetings to be televised
- (3) Improvements in the orientation process for new Board members, particularly in the areas of conflicts of interest, ethical issues and Board practices
- (4) The role of the Committee of the Whole
- (5) The difficulties caused by the need to discuss major policy issues (class-size reductions, as an example) in the context of the budget and/or labor relations. Can a better mechanism be devised to handle such matters?

| | | |
|----|----------------|--------------|
| c: | Mr. Romer | Mr. Mullinax |
| | Mr. Kwalwasser | Mr. Crain |
| | Dr. Rasmussen | Mr. Wohlers |

EXHIBIT "A"

AGENDA

1. ~~1.~~ Resolution delegating authority to Superintendent to approve expenditures up to \$1,000,000, subject to later ratification. *money is already spent*
2. Resolution delegating authority to Superintendent to approve (i) all non-financial items which do not require Board approval (with exceptions) and (ii) those non-financial items which do require Board approval, subject to ratification by the Board.
3. Resolution amending Board Rules to require a recommendation from the appropriate committee to the Board for each matter coming from that committee.
4. ~~4.~~ Resolution amending Board Rules to place all matters on the Consent Calendar which come to the Board with a committee recommendation of approval, all matters previously approved by the Superintendent pursuant to delegated authority, and all matters received at a prior meeting (subject to 5, below).
5. Resolution amending Board Rules to require three votes to move an item from the Consent Calendar to the Regular Calendar.
6. Resolution adopting a Board Rule limiting debate on any Consent Calendar item to 10-15 minutes.
7. Discussion of committee practices and procedures, to include:
 - (a) Required quarterly meetings of each committee
 - (b) Preparation as soon as possible after July 1 of each year, of an agenda for the coming year
 - (c) Regularly scheduled meetings between each Committee Chair and the Superintendent
 - (d) Transfer the supervision of "Beyond the Bell" matters to the Health and Safety Committee, and provide for twice-annual reports by the Parent Advisory Council to either the full Board or the Committee of the Whole.

- (e) Authorizing expansion of the IAU and one analyst from that unit to be assigned as responsible staff for each Board Committee. One analyst may serve as the responsible staff for more than one committee, depending upon the workload.
8. Discussion of practices relating to the tenure of the Board President, and selection of Committee Chairs
9. Discussion of Board Meeting practices, including the following:
- (a) Attendance of senior staff and outside consultants and attorneys
 - (b) Limitations on the number of Special Reports at any one Board Meeting
 - (c) Changing the public speaker rules to (i) reduce duplication between committee meetings and Board meetings (if a Board Committee permits public speakers on a matter, the Board does not have to permit public speakers on the same matter when it comes before the Board), (ii) limit Board meetings to [4-5] hours and require a two-thirds vote of the Board to extend such time, (iii) limit the amount of time permitted for public speakers and/or (iv) establish a time limit for each agenda item (i.e., 5 minutes per item) and divide that time equally between everyone who signs up to speak for that item.
 - (d) Discussion of the relationship between Board Members personal staffs and the District staff
 - (e) Discussion of the role of District staff and/or Special Counsel in review of Board Member resolutions prior to introduction

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FROM: Richard H. Sheehan, Jr., Special Counsel to the Board of Education
TO: Board of Education
DATE: March 5, 2002
SUBJECT: SPECIAL REPORT ON BOARD GOVERNANCE

Several months ago, I was asked by Caprice Young, Board President, to examine existing Board of Education governance matters, with particular attention to the relationships between Board Members and between the Board and the Superintendent. Ms. Young's request was similar to a prior request from Ms. Hayes in late 2000 or early 2001. Ms. Young asked me specifically to examine which matters go to the Board for review and/or approval, why such matters appear, and the manner in which they are handled before, and when, they get to the Board. I was asked to make recommendations for improving both the process and the substance relating to Board decisions, as well as suggestions for improving communications between Board Members as well as between the Board, the Superintendent, and the District staff.

Before getting into the substance of my report and recommendations I wish to stress that this report is NOT intended in any way to reorganize the day-to-day management of the District. The responsibility for those matters lies exclusively with the Superintendent, and, although there are a number of recommendations relating to the Superintendent's authority and responsibility, they are not intended in any way to impact upon his management of the District except insofar as they may relate to which matters come to the Board, how and why they come, and how they are ultimately handled by the Board.

I would like to begin my report with a quote from some materials written several years ago by the Aspen Group International, a consulting firm specializing in leadership development for governing boards:

“School boards don’t spend time doing what Board members say they want to do. Our observations suggest most boards devote less than 20 per cent of their time to the issues members acknowledge to be most important – student performance and achievement.

So what does consume school board meeting time? How about buses, buildings, boilers, budgets, bonds and butting into issues that really aren’t board work at all?

Reacting, ratifying, second guessing, listening to endless reports members already have in writing and approving administrative recommendations about programs and operational strategies do not constitute meaningful board-level leadership for the school district. Little leadership exists in any of these activities. There should be a higher level of contributions that the board – and only the board – can make to the district.

We find most board members eager to talk about redrafting their roles to allow them to add value to their districts. The trick is to create a governance structure, culture and agenda that allow that shift to occur.”

At LAUSD, the problems described in the preceding quote appear to be even greater than at many other Boards. Much of this is caused by two practices and policies. First, the Board has not delegated the authority to the Superintendent that the law permits as to either financial or non-financial matters. Second, not enough authority has been delegated to the Board's own committees.

RECOMMENDATIONS

(1) At present, the Superintendent has delegated authority to approve expenditures up to \$250,000, subject to later ratification (as provided in the Education Code) by the Board of Education. In light of the District's almost \$10 billion budget, this is an absurdly small limit, which I recommend be immediately increased to at least \$1 million and preferably \$2 to \$3 million. Simultaneously, the Board should replace the present outdated provisions relating to transfers within the budget, to permit the Superintendent the same amount of discretion in transferring items within the budget that he will have in incurring expenditures.

(2) Numerous non-financial items now come before the Board which either do not require Board approval at all or do require action by the Board, but the authority for which could be delegated to the Superintendent, subject to subsequent ratification by the Board. Mr. Crain and I believe that at some Board of Education meetings, as much as 75% of the matters that come to the Board for approval fit into the categories described above. I recommend that the Board adopt resolutions similar to those attached hereto as Exhibit "A", delegating to the Superintendent the authority to take any action not legally required to be taken by the Board, as well as the authority to take any other action which the law permits to be delegated by the Board, subject to the Board's ratification. There may be some matters

described in the preceding sentence, which the Board may wish to retain prior approval of, even where such approval is not legally required, but such exclusions should be narrowly carved out of the resolutions to assure a broad interpretation of the Superintendent's authority.

Attached as Exhibit "A" are draft resolutions which would accomplish (1) and (2), above.

I also have several recommendations with regard to the Board's Committee structure:

(3) Each committee should make formal recommendations as to those matters referred to it which require action by the Board, and such recommendations should be placed on the consent calendar for ratification by the Board.

(4) The Committees should be staffed. I recommend that the IAU be increased to a size such that each Standing Committee will be able to utilize the services of one-half of an analyst. For example, if there are four Standing Committees, two new analysts would be hired by Dr. Rasmussen, and each of them would be assigned the staff responsibility for two committees. An ancillary benefit of this process would be the elimination of what has effectively become the use of Board Members personal staffs to staff committees – a practice which has blurred the lines between the Board and the District staff and created a great deal a friction.

Draft resolutions are attached as Exhibit "B" to put into effect recommendations (3) and (4), above.

I also suggest several changes to the Board process that could significantly reduce the length and number of Board meetings.

(5) The Board Rules should be amended to provide that all matters coming to the Board with a committee recommendation and all matters – financial, contractual or

otherwise, coming to the Board for ratification of the Superintendent's prior approval, be placed on the consent calendar.

(6) Any matter on the consent calendar can be removed to the regular calendar only upon the request of three members of the Board, and

(7) A limit be placed on the amount of time permitted for debate on any item on the consent calendar. I would suggest no more than 10 to 15 minutes. Of course, once a matter is moved to the regular calendar, there would be no debate restrictions other than those presently in place.

Assuming the adoption of most or all of the recommendations above, I believe that the present schedule of twice-monthly Board meetings can be reduced to one per month. Even once-a-month meetings would be less directed to minutiae and more devoted to policy discussions of student performance and student achievement. There may be technical legal reasons, particularly with regard to expulsions and personnel matters, that would require Special Board Meetings, but these should not be very frequent or time-consuming. Further, I see no reason why Closed Sessions of the Board should not be held monthly. There may be occasions when a personnel matter or a lawsuit settlement requires a Special Closed Session (and, of course, during the peak periods of labor negotiations more frequent meetings would be necessary) but again, such Closed Session could certainly be held much less frequently than now.

EXHIBIT "C"

March 22, 2002

To: Members of the LAUSD Board and staff

From: Robin M Kramer

Re: Summary of the proceedings
LAUSD Board Workshop
Saturday, March 9, 2002

The following represents my summary of your work. It is drawn from the flipchart notes of the day plus my own hand-written scrawls. In re-reading these, I see the day's conclusions as reaching (surprising to me) a great deal of start-up common ground. I observe the grist for a great deal more inquiry and refinement, not only of the specific issues related to the delegation of authority and the structure of your deliberative and decision-making processes, but also the substantive clarification of the role of the board and how it will actualize this in the future as a governing body focused on student achievement.

I look forward to your next steps. Thank you for the opportunity to be part of a productive prologue.

1. Context for this session

RMK comment: The context setting launch, described below, established that there was sufficient common ground to continue the discussion, even though the introductory conversation was swift and therefore incomplete and without great depth.

1a. Question: What is the role of the Board?

Answer: "Should be..."

- To look ahead
- To make major policy determinations
- To hire, evaluate Superintendent
- Different from corporate model, to be the public's voice, representative
- In oversight, to watch out for the taxpayers' dollars

1b. Question: What is policy? What is management?

Answer:

Policy is...

- Setting the course
- Articulating belief systems
- Indicates where we wish to go, our vision
- Establishing the constitutional framework
- Establishing rules and decision-making guidelines
- Evaluating implementation: Were outcomes achieved? Do policies need revision?
- The "what"

Management is...

- Sailing the journey
- Following through
- Implementation
- Accountable for outcomes
- Day to day operations
- Managing for the long term
- Providing guidance to policy makers
- The "how"

Group comment: There are overlaps and gray areas:

- Raising issues and communicating require cross-over to both policy and management.
- Establishing priorities is a function of both management and policy-makers, and in a high functioning system, their work here is keenly connected.
- In evaluation, policy is concerned with outcomes and process; management is concerned with how to conduct a robust evaluation; both are concerned with how to utilize the results.
- When there is a failure of action on the part of management, the board sometimes acts as management, perhaps inappropriately.

- Sometimes there is mutual agreement to mix management and board expertise to foster action and to utilize talent.
- There is a difference, not always understood, between intervention versus intervening on the part of the board.
- Governance is a shared responsibility.

1c. Question: Is this discussion about “strengthening governance an urgent one? How so or not?

This is an important question, but not a burning one.
This facet of our work needs attention.
This conversation may get us beyond tactics to strategy.
Our unique role makes the discussion interesting.

2. Question: Given the board’s role, what are the characteristics of the deliberative process we wish to have? *From what to what—what are our aspirations?*

From:

- Reactive mode; consideration of matters imposed by outside deadlines and rules
- Lack of a robust strategic plan and calendar to guide policy making and communication and to promote accountability
- Poor information quality and quantity
- Micro-management
- Lack of context for making key decisions
- Inconsistent
- Personalized/narrow interest
- Adversarial
- Late arrival of the Board in the information loop
- Redundant decision-making and organizational structure
- Uneven utilization of and trust in staff at all levels
- Insular
- Directing the Superintendent to deal with particular vendors, programs

To:

- Proactive
- Actions made in alignment with core beliefs.
- Focus on essential issues and benchmarks tied to student achievement in the strategic plan
- Decisions in which resources are allocated in alignment of our priorities
- Clear structure and data focusing on student achievement and the known-knowns in the academic calendar
- Consistent preparation by all, board and staff
- Comprehensive cost-benefit analysis presented
- Behavior and actions reflecting keen appreciation for the board's role as policy maker and the superintendent's role as manager
- Collaborative enterprise, board and staff with common purpose
- Open and complete communication among all stakeholders
- Goal and outcome driven
- Decisions resulting from complete and thorough analysis and recommendations and underlying logic clear
- Engagement of stakeholders' views
- Streamlined, efficient, accountable organizational structure
- Decisions made in context of the realities of our student and stakeholder body, the broader community, and the environment
- Valued, respected staff; valued, respected Board

3. What are some specific ways to make progress toward these aspirations?

RMK note: The Board's Special Counsel prepared seven recommended actions the board could take to strengthen its governing and deliberative processes. There was strong consensus by the board and top staff about aspirations for this process in the discussion just proceeding. Two groups considered Mr. Sheehan's recommendations contained in a memo of March 5, 2002, as part of their deliberations. There was strong consensus for support or for further action on several of these recommendations, as follows:

Recommendation 1: In the context of a \$10 billion budget, crease the Superintendent's delegated authority to approve expenditures of up to \$1, or preferably \$2 or \$3 million.

Group Y response: Yes. \$1 million. Uncertain about aggregating transfers. Need more info.

Group X response: Yes. Support \$1 million delegation policy in concept. Not sure about infrastructure. Start from scratch on transfer authority.

Recommendation 2: Remove the non-financial items on the Board agenda which either do not require Board approval at all or do require action by the board, but the authority for which could be delegated to the Superintendent, subject to subsequent ratification by the Board. Mr. Crain and Mr. Sheehan examined two recent agendas and found that about 75% of the items fit these categories. The recommendation specifically would be for the Board to adopt resolutions delegating to the Superintendent the authority to take action described above.

Group Y response: Yes.

Group X response: Yes, support concept. Show us the list of items and how this would work.

Recommendation 3: Each committee's formal recommendations on those matters referred to it and which require action by the Board should appear on the Board's consent calendar.

Group Y response: Yes, but need context of these recommendations put forward.

Group X response: Yes. And...regular reports from committees at board meeting; at minimum, in board book.

Recommendation 4 Committees should be staffed, perhaps increasing the IAU to a size so that each standing committee could utilize the services of one-half of a consultant. An ancillary benefit would be the elimination of the use of board members' staffs to staff committees.

Group Y response: Yes.

Group X response: Yes. Committees should be staffed. Need details, follow-up, and flexibility to assign/utilize other district staff for committees, such as curriculum and instruction. With staff in intention, we need to make sure committee agendas are aligned with district goals and contain excellent reporting.

Recommendation 5: Amend the Board rules to provide that all matters coming to the Board with a committee recommendation and all matters coming to the board for ratification of the Superintendent's prior approval, be placed on the consent calendar.

Group Y response: Yes. Let's try this.

Group X response: Yes.

Recommendation 6: Any matter on the consent calendar can be removed to the regular calendar only upon request of three members of the Board.

Group Y response: Yes.

Group X response: Yes, but we suggest ...2 membersand/or the Superintendent

Recommendation 7: A limit be placed on the amount of time permitted for debate on any item on the consent calendar...10 to 15 minutes.

Group Y response: Undecided.

Group X response: General consensus for this.

Other recommendations emerging from Group X and Y for which there was general consensus:

- In September, the Board should develop an a plan of action and its priorities for the coming two years and develop agendas in alignment with this calendar on a two year cycle
- The Board should have an organization meeting in July, outlining and affirming roles, rules, processes and expectations of the staff and the Board.
- We are unsure about the suggestion made by Mr. Sheehan regarding the Board meeting once monthly.
- If the committee work is more focused and works as outlined above, we will need to think about a different function of the committee of the whole.
- If the Board agenda is to be successfully and deeply restructured to focus on students reaching their full potential, we need to deepen the Board's individual relationships with one another, develop trust, keep excellent communication with each other and the Superintendent, and build into the committee redesign a greater role and responsibility for committee chairs and members.

4. Next steps

The group agreed to "start with where we can...implementing piecemeal"...based upon the recommendations and areas of consensus outlined above. The goal is to implement to provide specific recommendations for action by June and to implement in July. Those responsible for presenting these are Dick Sheehan, Jefferson Crain, Roger Rasmussen, and Maria Ott.

Dick Sheehan and Caprice Young volunteered to brief David Tokofsky.

LOS ANGELES UNIFIED SCHOOL DISTRICT
Inter-Office Correspondence

CONFIDENTIAL
Attorney-Client Privilege

TO: Board Members

DATE: May 28, 2002

FROM: Richard H. Sheehan, Jr.
Special Counsel

The following summarizes the preliminary recommendations to the Board on which consensus has been reached by the ad hoc Board Governance Committee.

COMMITTEES

Most of the proposed changes revolve around the Board committees, so I address that area first.

(1) The committee concurred in principle with the informal consensus of the Board at its March 9 retreat meeting that most, if not all, matters coming to the Board from a committee with a recommended approval, should be placed on the consent calendar, and only removed to the regular calendar upon the request of three Board members. Everyone at the March 9 meeting, as well as all the committee members, recognized that these proposals would have the practical effect of giving substantially more power to the Board's committees than they presently have and, therefore, most of the discussion centered around changes to the committees to ensure that they would be able to properly use this new authority.

(2) Each committee should be staffed by a member of the Independent Analysis Unit (IAU), and not by either District staff or Board Members' personal staff. This would require hiring two to three new professionals in the IAU. The IAU representative would be responsible for working with the committee chair in order to (i) prepare the annual rolling agenda and the regular meeting agendas, (ii) meeting with the appropriate staff to ensure that matters on the agenda for each meeting are properly agendaized, prepared and forwarded to all Board Members and ex officio members on a timely basis and (iii) following up on action items requested during or between committee meetings. Ministerial matters, such as calendaring and proper posting of committee meetings, as well as the mechanical aspects of photocopying and distributing committee meeting materials, should be handled by the Board Secretariat's office.

(3) Rolling agendas should be prepared by each committee chair as soon as practicable after July 1 of each year, following consultation with the committee members, the Board President and the Superintendent. Committee chairs should then hold regularly scheduled meetings with the Superintendent to review adherence to the rolling agenda and additions or deletions, as well as to ensure timely and efficient presentation of the scheduled items.

(4) Each committee should meet at least quarterly, and such quarterly meetings should continue to be televised. Some or all of the committees may wish to meet more frequently and such additional meetings should not be televised.

(5) The two existing ad hoc committees, one for the Parent Advisory Councils and one for "Beyond the Bell" matters, should be eliminated. Consideration should be given to having the Parent Advisory Councils report twice annually, either to the full Board or to the Committee of the Whole. Beyond the Bell matters should be assigned to the Health and Safety Committee.

(6) Future presidents should adopt a general practice of not naming newly-elected Board Members as committee chairs, although this should not be a hard and fast rule. In selecting Committee Chairs, the Board President should first consider the talents and experience of previously-elected Board Members, and should also consider special talents of newly elected members. The Board President should consider naming newly elected Board Members as Vice Chairs of committees, to ensure substantive knowledge of the respective committees' subject matter and, hopefully, a smoother succession in alternate years,

BOARD PRACTICES

The Board should consider electing the Board President for a two-year term instead of the existing one-year term, and a policy should be adopted of appointing committee chairs for two-year terms. There may be legal problems with the term of the President, but much of that problem can be resolved by an informal understanding that first-term Presidents will generally be reelected. The Board's previous policy of naming the vice president of the Board as the Chairman of the Committee of the Whole should not be re-instituted, since there is no real relationship between those two roles.

OTHER MATTERS

The committee is concerned about the lack of a formal process for discussing major policy issues. The best recent example of this is class size, which had to be discussed in the context of either labor negotiations or budgetary considerations. Although the committee does not have a specific recommendation for how these matters should be scheduled, they unanimously felt that some process should be instituted for these types of matters. This might be a good subject for discussion at the next "Board Retreat."

Board Members
May 28, 2002

Finally, the committee recommends that a better method be developed to orient and integrate new Board Members. Although the members felt that the orientation for substantive matters was satisfactory, the orientation for matters such as conflicts of interest, ethical issues and Board practices were not adequate. Strong efforts should be taken to remedy these deficiencies before July 1, 2003.

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rhs:ew
c: Jefferson Crain

wpdocs.ad hoc committee

EXHIBIT "E"

"Board Rule 960

The Superintendent shall have the authority to: (i) approve all purchases of goods and services up to a maximum expenditure of \$1 million, per transaction, subject to the submission of all such purchases for semi-annual ratification by the Board and (ii) annually adjust the "bid limit" referred to in Public Contract Code Section 20111(d)"

EXHIBIT "F"

"Board Rule 955

The Superintendent shall have, subject to the exceptions contained in Schedule "1" to this Rule: (i) the authority to approve all District transactions, other than those covered by Board Rule 960, as to which his or her ability to take action is not limited by any law, statute, regulation or similar promulgation governing the Los Angeles Unified School District and, (ii) the delegated authority to take any action otherwise requiring Board approval, which the law permits to be delegated to the Superintendent by the Board, subject to subsequent ratification by the Board."

EXHIBIT "G"

RESOLVED that Board Rule 142, Section C., is hereby amended to read as follows:

"To process communications, recommendations and reports submitted by Board Members or the Superintendent of Schools to the Board, and referred by the Board to the Committee, and to make recommendations to the Board that such communications, reports, and recommendations be approved, approved as modified by the committee, or disapproved."

The following is the text of Rule 142, Section C., as it presently stands:

"142. FUNCTIONS OF STANDING COMMITTEES OF THE BOARD OF EDUCATION

It shall be the primary function of each standing committee of the Board of Education ...

- C. To process and present to the Board, communications, recommendations and reports submitted by the Superintendent of Schools to the Board through the Committee concerned."

EXHIBIT "H "

"Board Rule 62

The Consent Calendar referred to in Rule 61.G. shall be comprised of items for action which (i) were reviewed by a committee of the Board and sent forward with a recommendation for approval or approval as modified, (ii) were previously approved by the Superintendent, and as to which the Superintendent has been delegated the authority for action pursuant to Rule 955, subject to ratification by the Board and (iii) were received at a previous meeting. All items on the Consent Calendar will be initially presented together for a single vote of the Board. Discussion on any one item contained in the Consent Calendar will be limited to 10 (ten) minutes. Individual items on the Consent Calendar may be separately addressed, with no time limit, when moved to the Regular Calendar for discussion, upon the request of three Board Members present at either the Board meeting at which the matter is received or the Board Meeting at which the matter appears for action.