THE LEGAL AND WORKING RELATIONSHIP OF THE ADMINISTRATOR TO THE BOARD OF EDUCATION

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by

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CHAPTER I

INTRODUCTION

Problem

For many years the problem of School Board and Superintendent relationship has intrigued me. I have often wondered just what that relationship is, and if it could be improved. It has appeared to me that the relationship has not always been good and if it could become better our educational systems would improve considerably. It is my opinion that many board members, as well as administrators, are not aware of their duties or are not following them as prescribed and if they were, fewer problems would exist. Therefore, my intention is to discover what each of their duties are and work out a basis for a better relationship between the board of education and the superintendent.

Justification of Problem

If a problem of this nature exists, which I am convinced does, and if that problem impedes the education of our youth, it must be pin-pointed and eliminated. It appears to me anything which may help to improve this situation, regardless of how small, is justification for this investigation.

Statement of Objectives

I hope to bring to the readers attention the duties and functions of both the board of education and the super-

intendent so all can understand and determine what the best methods are in establishing a favorable and satisfactory relationship between these two departments. State laws provide for some duties of the superintendent whereas the board has much broader powers. The board must have a list of regulations besides state laws, to govern their action and each, the board and superintendent, must follow these.

The superintendent is compelled to act in accordance with the regulations established by the board and by state law. I am convinced that both are guilty at times of overlapping their duties too often and this in time will lead to discontent. They must recognize their duties and functions and operate accordingly.

Throughout this paper will be found methods established by state law and authorities by which these two branches must work until more complete information is provided.

Review of Literature

It is my desire to bring out the importance of a good relationship between the Board of Education and the Superintendent since I believe the relationship between these two departments is not always the best. We have an abundance of material available to substantiate the question involved. The material has been made available by many individuals that have been in both fields many years and even though many people have provided information, the majority of them have arrived at approximately the same conclusions.

The bulk of my material has come from three or four authorities such as published in the American School Board Journals, American Association of School Administrators in their annual year books, Montana School Law book and the magazine of The School Executive.

The one weakness of research in this field is that the majority of authors have all boiled the problems down to a very limited number of opinions. Even though many have written on it they have arrived at similar conclusions.

CHAPTER II

A BRIEF HISTORY OF SCHOOL BOARDS

American education began wherever there were American pioneers--the sea coast, the frontier. Schools sprang up wherever there were children with their questions and wise parents eager to supply the right answers. And so began an American tradition: free schools for a free people.

Russell and Judd,[1] in their history of education, point out that when it became apparent in the United States that the public-school system must provide the universal education necessary for the success of democracy, some agency for the oversight of the local school had to be created. In the early period the affairs of the public school were handled by the local governmental authorities in much the same way as they handled other public business. As early as 1800, however, there began to grow up the tendency to differentiate the school business from the conduct of other public business. In New England, for example, the custom was established of appointing for school affairs a special committee, acting under the authority of the selectmen as the local governing agency. This special committee came to be known as the school committee. The following record shows the appointment of a school committee in a Massachusetts town.

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[1] Russell, John D. and Judd, Charles H., The American Education System, Houghton Mifflin Company, 1940, p. 125-128.

> At a legal meeting of the inhabitants of Town of Fitchburg assembled on Monday the Seventh day of March AD 1808....
>
> Voted and Chose Joseph Fox Esqr., Capt. James Cowdin, Jona. Lowe, Abraham M. Farwell, Joseph Downe, Jr., Verin Daniels, Joshua Stickney, Josiah Brown, Benja. Herrick, Elias Messenger, and Amos Lawrence Jr. school Committeemen....School Committee
>
> Voted to Chose a Committee to examine the schools the present year
>
> Voted that the committee consist of Eleven
>
> Voted and chose the Rev'd Titus T. Barton, the Revd Mr Bascom, Wm. Cunningham, Joseph Fox, Joseph Richardson, Doct Snow, Deacon John Thurston, John Muzzy, Robert Allen, David Boutell, and Abraham Willard.
>
> Voted that the Committee be requested to attend the schools when they begin and at the time of closing the schools and it shall be the duty of the school Committeemen of each destrict to inform the examining committee when the schools shall begin
>
> Voted that the school Committeemen shall the last week in August make out an exact return of the number of scholars in his destrict and present the same to the selectmen by the first monday of Sept. that an accurate apportionment of the money may be made, that the town clerk be directed to furnish the school Committee with this vote.

The school committee usually included the minister of the local church since he was one of the leading intellectuals of the community. In addition, certain other public-minded citizens served.

As the management of schools took on more importance in each community, the next step was the creation of a special trustee and in larger communities a board for the local management of the schools. The school trustee or board generally came to be an agency separate from the executive branches of government in charge of other local public affairs. By the

second quarter of the nineteenth century the special school authority was fully established as in control of the education of the young people of the community.

In most of the other countries of the world, public education is administered from national centers. This central control has lost much of the personal touch which the American school board system gives to its schools. The local control has proved very effective, giving us an educational system unsurpassed in history. According to the American Association of School Administrators[1] the one weak spot of this system has been the lack of financial support supplied by local groups. With the aid of federal and state agencies, much is now being done to relieve the financial burden without destroying the local initiative.

> "The early school boards exercised more complete control over the schools than they do today. They selected the teacher and supervised his work in detail. They visited the classes, questioned the children and, at times, even directed the disciplinary action to be taken against unruly students."[2]

The American Association of School Administrators[3] states that the education of the teachers was not uniform in early times, and verbal examinations were often given applicants to discern their qualifications.

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[1] American Association of School Administrators, School Boards in Action, Twenty-fourth Yearbook (Washington, D.C.: American Association of School Administrators, 1946), p. 47.

[2] Ibid., p. 10.

[3] Ibid., p. 11.

Such direct management passed into oblivion along with the little red schoolhouse. The modern board of education is still responsible for the maintenance of good schools. But it is concerned with the school program in a more general way; including the other educational agencies of the community into its planning. The radio, public library, museum, television, theater have all entered into this field.

Teaching, supervision, and administration have become specialized professions, no longer demanding the direct concern of the school board. It now devoted its energies to the study of needs and possibilities, to formulation of policies, and appraisal of results. Many boards now employ a capable superintendent and hold him responsible for the results. The superintendent takes over the time-consuming supervision of purchasing, discipline, janitor work and direction of teaching methods formerly done by the school board members themselves.

Mr. Becker,[1] who writes in the School Executive, states that the basic requirement for successful relations between the board of education and the superintendent is thorough understanding as to their respective responsibilities. I believe if this is understood and practiced at all times there would be a very great improvement in their relationship and both would realize a great accomplishment.

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[1] Becker, Roy J., "The Board of Education and The Superintendent," School Executive, Vol. 64, May, 1945, p. 64.

CHAPTER III

DUTIES AND FUNCTIONS OF A BOARD OF EDUCATION

There are many duties of board members which must be known and exercised in order to provide good schools. One of the first considerations is to make sure that it is working in accordance with the law. Most of these laws are state laws since education is fundamentally a state function. Boards should have a set of by-laws to govern its own work, these should be simple, brief and specific. Comprehensive statements of policy principles, and procedures are also necessary to guide the boards relationship to the administrative staff and to the school system as a whole. The board is a representative group elected by the people, therefore, they must be aware of public wishes and also aware of pressure groups. It is their responsibility to provide the best school possible as elected representatives of the community.

The board of education sprang from the old town meetings in which people met and represented themselves and voted taxes for school support. Today the board of education still represents the people in the matter of school and exercises legislative control over the education provided for children at public expense. The board member will find that the relationships of the board to the superintendent are tremendously important. The superintendent, as a technical expert in the field of education, is intimately acquainted with the day-to-day

operation of the school system. He is a source of expert information, advice, and counsel upon many matters. He often can point out subsequent results which will indirectly develop through proposals under board consideration, where such results may not easily be foreseen by the board members themselves since they are not as closely connected with the school.

It is the duty of the board to be constantly aware of the public's interests and concerns about the kind of educational program which is offered and provided for the community. Since board members are the elected representatives of the citizens and since they are little concerned with the myriad details of operating practices, they are in a position to keep as closely in touch with the wishes and problems of the people as is the superintendent. In addition, there are more of them.

Mr. Becker,[1] suggests that when proposals for educational practices, programs, and policies are presented to the board by interested individuals or from lay groups, it is the obligation of the board to refer these matters to the superintendent for his study. The superintendent's report, embodying his recommendations and suggestions for the consideration of the board, constitutes the end product of careful study by him. He will also have embodied in the report the recommendations of various administrators and other experts who are best qualified to pass judgment upon the desirability and practicability

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[1] Ibid., p. 64.

of the proposal and to predict its probable results both direct and indirect.

It is the responsibility of the board to give careful consideration to the report of the superintendent and his staff as well as to such other evidences as may be presented by parents, taxpayers and other public groups and to make its final decisions as to old policies which should be modified or new policies which should be adopted. The development of the program which is planned in compliance with the approved policies of the board, however, returns to the superintendent as the distinct responsibility for him and for his staff. The board should, at all times be kept informed as to the character of the program and as to expected or unexpected developments as the program gets underway.

In addition to receiving such continuing reports from the superintendent, the board members should make a special point of becoming acquainted with the actual operation of new programs and of the schools in general through personal observation and visitation. Such visitations should be only for the purpose of observation, however, and board members should refrain from making decisions or giving changed instructions during the time they are visiting the school. Their observations should be taken up and discussed with the superintendent, administrators and other board members to determine whether or not the results of the visits coincide with those of other board members and with the reports to the superintendent from

his administrators, and should discuss whether the observed practices and results can be adjusted and improved within the adopted plan or whether some modification of the plan is perhaps necessary. Where educational statesmanship is evident, both on the part of board of education and on the part of the superintendent and his administrators as well, there education is understood, accepted and constantly advancing.

According to Willis H. Reals,[1] the most important duties and functions of a board of education are: (1) selecting a superintendent, (2) determining policy, and (3) providing support. Most all authorities accept this as true and encourage boards to take every means to select the best superintendent available, then help him and support the program. The intelligence and seriousness with which these are exercised determine the excellence of the school system.

Mr. Reals,[2] as well as the 1956 yearbook of School Administrators, confirms the idea that the most important duty of all, and a most difficult one by a board of education, is the selection of the superintendent. It is he who gives tone to the system and who determines whether there will be merely a job of "school keeping" or whether real professional improvements will be made. He will be limited naturally in what he can accomplish by the policies set up by the board and by the financial support provided, but other things being equal,

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[1]Reals, Willis H., "Duties and Functions of Boards of Education," School Executive, Vol. 64, May, 1945, p. 62.

[2]Ibid., p. 62.

it is the superintendent who makes a difference between a really good school system and a mediocre or poor one. Many school systems are financially prosperous but suffer because they are leaderless. The difficulties which face a board of education in employing a superintendent are many. Let a vacancy be announced in any fairly attractive community and hundreds will apply. It often appears the poorer the candidate the more persistant he is in presenting his case, the more pressure he will use, and the more "recommendations" he will secure.

A board of education in a city of approximately 35,000 had the recent experience of selecting a superintendent. It decided early that it would accept applications only on invitation and it attempted to study very carefully the kind of leader it desired and then sought help through professional channels to secure names of the type of men who would best suit its requirements. Scores of unsolicited applications came in. One man came three hundred miles in spite of gasoline rationing to make a personal application without first filing a written application or arranging for an appointment. He was allowed to file his application and immediately a barrage of testimonials came to the board unsolicited, even a telephone call from a supporter in a college more than one hundred miles away. A letter was sent from a member of the state legislature representing the local district who had never seen or heard of the applicant and who knew nothing of him until, pre-

sumably, the applicant induced a friend of his who knew another man in the legislature to contact this legislator. This applicant had a fine personality, and an attractive wife, whom he brought apparently to bolster his case. The man's record showed he had advanced quite steadily in his promotion to larger school systems. Undoubtedly he possessed a technique in applying for a position which made his applications impressive. When an array of such "talent" is available, boards of education often make a choice of a man with a reputation rather than one who possesses real educational leadership.

The lay public who employs school administrators have no professional criteria by which to evaluate them. The public in any community believes its school is superior. They do not know what superior schools are. They judge their leaders on the apparent smoothness of operation of the system and lack of dissatisfaction expressed. Many educators believe this. One school man, not many years ago, said that he must be running a good school system for no one was complaining.

So it is difficult for most boards of education to select a really professional school man who is not content with mere mediocrity, and with simply keeping a school's machinery well-oiled, but who is convinced of the possible contributions the school can make to a dynamic society and whose professional knowledge, ability, and fortitude can lead the system in the right direction. Some boards of education have in the last few

years realized the difficulty involved in choosing a real leader, and they have selected panels of members engaged in the educational profession to help them do their job. This method is also suggested by Elaine Exton[1] who provides seventeen steps to take in selecting the superintendent.

The second important function of the board is the development of policies in consultation with the superintendent which will allow him to exercise the duties and responsibilities of his office as a really professional leader without improper interference from the board or by the public. It should hold him responsible for carrying out these duties. The board must clearly realize that although it is responsible for the conduct of the schools, it must not run them. All available material agrees to this and particularly that found in the American Association of Administrators yearbook. This is the job of a competently trained professional leader selected for that purpose. Some board members, like certain persons elevated to public office, seemed almost over-night to have developed remarkable ability in handling technical and professional problems.

Mr. Reals[2] suggests that the board of education can learn much from the management of a large industry. A board of directors doesn't run a large mercantile establishment; it determines policies under which it expects the firm to be conducted

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[1]Exton, Elaine, American School Board Journal, "Seventeen Steps in Selecting the Superintendent," March, 1955, p. 53.

[2]Reals, op. cit., p. 63.

and then leaves the details of administration to persons technically and professionally competent, then holds them strictly accountable. But boards of education are very often guilty of meddling or attempting to handle problems not logically theirs. They receive requests and complaints from teachers, they attempt to pass upon the merits of teachers and employees and they encourage the public to present requests directly to them. It is not good business for a board of directors to administer a corporation, it is not good business nor is it good for the educational welfare of the community, for a board of education to administer the educational program.

Plenty of money to spend will not guarantee a good school system. It may lead, as it often has in the public treasury, to unwise expenditure. The board of education should safeguard the expenditure of public school money as carefully as the individual members would their own. In appropriating funds, board members should bear in mind that schools are set up and administered for only one purpose; the education of children and every expenditure should be considered in the light of its probable effect in improving the living and learning conditions for boys and girls.

A board of education which is wise enough to select a real professional leader, which by its policies and procedures limits its activities to those logically belonging to it and leaves the superintendent free to develop his own ideas, and which provides adequate finances, will render an outstanding

community service. A member of such a board of education will be rendering a service second to that of no other civic or political office. Mrs. Fred A. Radke[1] makes this point clear in her article in School Executive of October, 1955.

The American Association of School Administrators[2] indicates that the duties of the board are often regulated by law so that the board must act as a unit on all business. The president, secretary, and treasurer have minor individual duties but any action involving the school's problems are the responsibility of the committee of the whole.

Often one member of a board will have a problem brought to his attention by a patron of the school. It would be very easy for an impulsive board member to try to solve this problem by himself in a short time. Requiring the action of the whole group upon such a problem does away with any hasty action and often allows for a better accumulation of facts pertaining to the case.

Often such a problem does not come up at a committee meeting, however. The board member may handle the matter by bringing it to the attention of the superintendent or at an informal conference including his colleagues and the superintendent. In no case can the individual member attempt action by himself.

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[1] Radke, Mrs. Fred A., "The Effective School Board Member," School Executive, Vol. 82, October, 1955, p. 31.

[2] School Boards in Action, op. cit., p. 37.

It seems Montana might profit greatly if a manual for school boards could be published and adopted for use by all boards throughout the state. This could be divided so to be specific for boards of each class school; first, second, and third.

If board members know their duties and functions and perform accordingly, more unity among all concerned is bound to result. It seems then, the people of each community must recognize their responsibility toward their schools. It is important and necessary for the communities to select board members wisely for good education to be the expected result.

CHAPTER IV

QUALIFICATIONS OF SCHOOL TRUSTEES

It is not necessary that board members be college graduates but they should have the desire to promote and encourage good educational policy for their school. People of a community must recognize the qualities in individuals which are necessary for good board members and work through organized groups to solicit their efforts in being candidates for school boards.

A genuine interest in and devotion to education should be the first qualification of a school board member, issues the American Association of School Administrators.[1] Everything else being equal this should be the guiding factor in board member selection. But personalities differ; the lack of courage or the ability to act independently, snobbishness, loyalty to other groups, all can contribute to the failure of an individual as a board member regardless of his real interest in the school.

A good board member must have more than average ability in many ways. He must be broadminded and willing to contribute much of his time to his responsibilities toward the school. He must, at the same time, be willing to refer to the superintendent in matters of administration. Some people cannot turn over

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[1] School Boards in Action, op. cit., p. 27.

the management of a program to some one else and still give it their time and devotion. Such people do not make good board members.

A good school board member must retain his sense of humor and capacity for human understanding even in the face of criticism. The good member must be able to divorce prejudice and personal interest from his decisions. His main objective must be the creation of better schools in his community.

A good member likes people and sees many of them. He has friends and is affiliated with community groups. He has influence and he uses it to get good salaries and working conditions for the teachers and to keep his schools abreast of changing community needs. The leadership he exercises comes as near being unselfish as human beings attain.

In most school systems ninety per cent of the board members are men; ten per cent women. They are middle-aged--the national median is 48.5 years. Their income level is slightly under $4000.00 a year. Thirty per cent are college graduates; fourty-two per cent graduated from high school. This indicates that board members come largely from the higher social levels of the community.[1]

It is not difficult to find good material for school board members. Many people have the necessary qualifications

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[1] Ibid., p. 28.

to some degree, and many will develop these qualities once given sufficient motivation.

Community groups often have as members people suitable for board work. There is no foolproof way of selecting good candidates but if interest in schools is an alive and real factor in community life, good candidates will usually emerge.

School District 76, Evanston, Illinois, has organized an interesting method of selecting persons for the candidacy of board membership. From a caucus composed of representatives of the following organizations, persons were chosen for election: American Legion, Boy Scouts of America, Business and Professional Women's Club of Evanston, the five PTA organizations of the district, Council of Democratic Action, Evanston Chamber of Commerce, Evanston Dental Association, Evanston Medical Association, Evanston Real Estate Board, Evanston Women's Club, Daughters of the American Revolution, Girl Scouts, Kiwanis Club, Lions Club, Optimists, Rotary, Young Men's Christian Association, Young Women's Christian Association, and Zonta. These organizations are all non-sectarian and are not interested in partisan politics.

By Montana law[1] first class districts select their candidates for board membership on the same principle as above. Candidates are nominated by a bona fide public meeting where at least twenty persons are in attendance. In the 2nd and 3rd class districts, members are nominated by the signatures

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[1] School Laws of the State of Montana, Helena, Montana: State Publishing Company, 1953.

of any five qualified electors on a petition. Elaine Exton, Mrs. Fred Radke, and the Administrators yearbook all substantiate these views in qualifications of school trustees and encourage group action in securing candidates.

The one important qualification of board members is that they be interested in promoting good schools within the means available to them. It is then necessary and important for communities to accept their responsibilities in selecting the candidates which have the qualifications to become good board members and to encourage them to be candidates.

CHAPTER V

METHODS OF SELECTING SCHOOL TRUSTEES

All communities should establish a definite method of selecting board members. This could be done through the local P.T.A. or any civic minded group which is interested in good schools for the youth of their community. Too often it is a matter which is left up to two or three persons and this may lead to the selection of individuals for personal advantage. The case in some communities today is the matter of getting someone to accept the candidacy. Very often these communities have made board membership so unpopular and financially unwise for people qualified, that it becomes nearly impossible to get a candidate to accept. If individuals could be supported by civic and community-spirited organizations or groups, it appears to me it would be easier to secure a candidate.

There are several methods of selecting school board members. The most widely used method is that of popular election. Others are appointed by mayors or state officials. Nearly 85 per cent (84.5 per cent) of the boards studies by the Research Division of the National Education Association were elected by the people; 15.5 per cent were appointed.[1]

Villages, rural areas, and township districts nearly always elect their school boards while appointment is used

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[1] School Boards in Action, op. cit., p. 30.

more frequently (2 in 10 boards) in city systems and county boards.[1] Candidates at large, elected on special non-partisan tickets, are quite free of outside pressures and are able to make decisions solely for the welfare of the schools. Members elected by wards feel responsibility towards their wards, while those appointed may be influenced by those appointing them.

In 59.3 per cent of the cases reported to the NEA Research Division the school board is chosen at a special election; in 38.6 per cent the school election is combined with a general election; in 2.1 per cent both special and general elections are used. Special elections are most frequently used in cities under 100,000 in population, villages and small rural districts. Combinations with general elections occur in a majority of the large city, county, and rural town boards. In 86 per cent of the cases school elections use non-partisan ballot. Very little difference on this point is shown by the reports for either cities of various sizes or urban as compared with rural-school systems.

Appointed city boards are most likely chosen by councilmen or aldermen (65.1 per cent), or by the mayor (26.1 per cent).[2] Other types of power to appoint boards are judges, county boards,

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[1] Ibid., p. 30.

[2] Ibid., p. 31.

state legislatures, the governor, various courts, and the county superintendent. State and regional practices produce variations of appointment methods.

A method of overlapping the terms of the board's members whether appointed or elected is often wise as this prevents a complete turnover of board members at one time. If not protected many boards may be "padded" for political reasons or for the whim of some appointing official.

Under the law of Montana[1] board members are elected for a three-year term in all public schools except the county high schools where they are appointed for three-year terms. Montana's system of election is on a non-political basis and by law is held on the first Saturday in April. At no election can a majority of the members be elected.

As is noted, there are several methods of obtaining board members, with the elective method by the people most prominent. It is my opinion that if the proper effort is put forth in securing candidates then there is no question that the elective method is the best and certainly the most democratic. With the gradual elimination of county high schools fewer and fewer of the school trustees in Montana will be appointed.

People must recognize the importance of their schools and the place they occupy in formenting the future for America.

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[1] School Laws of the State of Montana, op. cit., p.

Through their efforts and understanding it is important that every effort be made to select board members qualified to serve the schools and America with their utmost energies.

CHAPTER VI

SIZE OF BOARDS

Montana law establishes the number of members on school boards with some variation as to specific size or class. Those which are now three-member boards and within the law are making an effort in most cases to enlarge the membership to five members which is a more effective working unit.

The size of the board of education is very important to its effective operation. Too large a board cannot meet conveniently nor discuss problems as fully as a smaller board. A board from five to nine members seems to be the most satisfactory.

The American Association of School Administrators[1] in their yearbook for 1946 and the articles by L. O. Lobdell in the School Executive agree that a school board should be of such size that (a) no one school election would change the majority of its members; (b) frequent meetings could be called without involving too many people; (c) there would be enough to represent the different points of view in the community; and (d) there would be enough members so that close friends could not dictate action. Montana school law provides for most of these items.

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[1] School Boards in Action, op. cit., p. 41

The least efficient arrangement is the three-member board. All neighborhoods contain at least two factions, and this size board is controlled by first one faction and then the other. Usually these boards have three-year terms and therefore, a new member is elected each year. This throws the balance of power from one faction to the other; depriving the community of a smoothly operated school and often bringing about a complete change of school personnel from year to year.

Boards of three members should have their membership raised to at least five. This may mean consolidation of many one-room schools but with motorized travel bringing small communities together, this may be the best plan. Though local control of schools is for the best, the area which this includes may be increased without losing any of its advantages.

The meeting of the entire committee with the superintendent is a satisfactory method of transacting school business With all members present, there is less danger of cliques forming where action is planned by a few members instead of the entire group. It is unethical for the superintendent to meet with a few members to discuss a matter before it has been discussed by the entire committee. This is the chief reason for having only one standing committee--the committee of the whole.

The three-member board is still in existence in Montana however, the trend is toward doing away with this system. Some third class districts have three-member boards and some have five-member boards. Second class districts have five and first

class districts must have seven. County high school boards are composed of seven appointed members. All are elected or appointed for three-year terms.[1]

The size of a board may well determine the results which guide or direct the school. Too large a board is going to make it more difficult to arrive at conclusions whereas the too small a board will not be as representative and may not be able to investigate problems as thoroughly. States should make more of an effort to establish the size of board that will give the best results and represent the majority of the people.

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[1] School Laws of the State of Montana, op. cit.

CHAPTER VII

LENGTH OF TERM AND TENURE

States should take a more active part in determining a more uniform system for board operation. The state, with proper representation from local districts, should establish the length of term as well as the size of boards. In some cases the length of term is too short for an average person to become acquainted with the duties of a board member and exercise those duties in providing a good school system. Too long a term may endanger the school system in as much as the member may become stagnant or even dictatorial and not represent the people properly. The trend is toward three year terms and it is my opinion that three year term is the most advisable.

According to the American Association of School Administrators,[1] the length of terms vary from one region to another. The majority (57 per cent), however, are chosen for three year terms. This length of term is popular in rural areas and small towns with larger cities preferring four or six year terms.

In nearly 70 per cent of the communities one or more board members are chosen each year. Twenty-seven per cent make changes in membership every two years. Frequency of change is characteristic of rural-school districts with more urban areas choosing less frequent changes.

These changes usually do not affect the majority of the

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[1] School Boards in Action, op. cit., p. 43.

boards. In cities this possibility is greater, but there the terms are longer and changes less frequent.

Most board members serve from two to nine years; the median is approximately seven years. Little variation is noticed between rural or urban areas as to length of time served by members. Slightly more than six per cent have served over twenty years.

Too often a community expects a board member to do too many things, failing to realize that he, too, must make a living. The length of time a member is on a board may, and often does, affect his occupation. Yet when he consents to become a candidate he must recognize the time involved and a three year term seems to be long enough for a member to become acquainted with the job and should be able to decide if he can continue on for another term.

CHAPTER VIII

COMPENSATION

The question as to pay for board members has been considered many times but the final answer as of today is still that it would be unwise to pay board members. Many people in many communities readily recognize the time spent and effort made in being a school board member and would like some way to compensate them but no way is available which could justly reward them while still accomplishing the purpose desired of board members.

The duties and obligations of being a school board member demand much time and energy of the individual serving on the board. It is only natural that the question of compensation would arise: should a school board member be paid for his services? Almost universally the answer has been: No, a board member should not be paid above the amount required for expenses connected with his school work.

The amount feasible to pay members is not enough to attract the services of the quality of people necessary for capable board work, however, any amount will often appeal to the less capable. And it is necessary for the welfare of the schools that only capable and accomplished individuals be attracted to board work.

Another reason for not paying salaries is that membership on a board would become more desirable from a political

view. On appointed boards especially it is important that no salaries be paid.

Many people would feel that they have to earn their salaries if compensation were made. There is little a member can do when attempting to "earn" his money other than try to take over some of the work which the superintendent is hired to do.[1] This will naturally lead to friction between the school board and the superintendent and to inefficiency in the administration of the school.

The American Association of School Administrators[2] found that 74 per cent of the school boards checked by the NEA Research Division do not compensate their members. Nine out of ten county or parish boards do pay their members, however, but less than 20 per cent of city districts provide compensation.

Persons serving on school boards will find that the satisfaction derived from rendering service to their community will far outweigh any money paid them. They will also know they are helping to decide important questions which deal with the future of their nation for the children in the schools today are the future of this nation.

When school boards select a good superintendent and the school improves they can realize the part they have had to play to encourage this improvement. The superintendent will help the

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[1] Ibid., p. 42.

[2] Ibid., p. 40.

board considerably. It is important that they work together, understanding their specific jobs or duties. This will make each job easier and add to the pride the board receives when they see their school improving. Improvement can only come about through both the board and the superintendent performing their duties as capably as possible and understanding what their duties are.

CHAPTER IX

SUPERINTENDENT AND SCHOOL BOARDS

Probably one of the biggest problems in school administration is knowing the duties and powers of each the board and superintendent. Both the board and superintendent must operate by their designated powers and still accept some of the powers that are necessarily overlapping. The specific duties must be kept as such and the overlapping ones must be worked out by both. Therefore, it is necessary for the board and the superintendent to understand their duties and have a harmonious working relationship if good school legislation is to be the end result.

Mr. H. B. Mulford,[1] after many years of study of superintendents and school boards, contributes that the students of school administration have long agreed that the administration of a school system requires the performance of three functions, namely: the legislative, the executive, and the appraisal. They agree that the functions should be performed in the order named.

The legislative function is that of formulating and adopting policies of enacting legislation. This function should be performed by the school board; in fact, state laws require it to be performed by the board. Examples of legislation are: the decision of whether to establish evening schools; whether

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[1] Mulford, H. B., "School Boards in Action," American School Board Journal, Vol. 112, April, 1946, p. 26.

to teach agriculture in the high school; whether to have a salary schedule for school employees and what kind of a schedule to have; whether to make the length of the school term eight or nine months; (state law) whether to establish the junior high school organization; whether to erect a new school building; and whether to bar married women from teaching positions. Of course, school boards do not have an entirely free hand in school legislation, because all legislation which is enacted by them must be in agreement with the statutes of the state and with the state constitution. Since education is a state function, boards are primarily agents of the state; secondarily, they are representatives of the people of the local school district.

W. G. Reeder[1] believes that when it is realized that the merit of our schools will largely determine the welfare of our local communities, our states, our nation, and when it is realizes that school boards have large discretion in enacting legislation which largely determines the merit of our schools, the importance of the position of school board members becomes immediately apparent. Bad school legislation is sure to help to cause inefficient schools; on the other hand, good school legislation is certain to beget more efficient schools, especially if the legislation is well executed. School legislation is, therefore, a necessary means to an end; that end is the best education

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[1] Reeder, W. G., "Problems and Procedure in Implementing the Principles that the Board Should Legislate and the Superintendent Execute," American School Board Journal, Vol. 112, May, 1946, p. 23.

possible for all the children of the community.

After legislation has been enacted by the school board, it must be executed by someone; it can never be self-executing. The execution of the legislation should be delegated to the chief professional expert of the board--that is, the superintendent who will, of course, be assisted in performing the executive function by all other school employees. School boards do not have time to execute legislation nor do they usually have the professional preparation necessary for this technical work. The function of a school board is not to run the schools but to see that they are properly run by school employees. School boards should not attempt to execute policies to run the schools, any more than a board of directors of a private corporation, or any more than the board of directors of a hospital should attempt to select the nurses and the physicians, to prescribe diets for patients, and to perform similar functions of an executive and technical nature.

After legislation has been enacted by the school board and has been executed by the superintendent and the other employees of the board, the task remains to ascertain how well it has been executed. This is the inspectorial or appraisal function, and it should be exercised by the board. The board will exercise it primarily on the basis of information which it obtains from the superintendent. It is the duty of the superintendent to enlighten the board on all school matters; for example, on how efficiently the various subjects are being taught, how well each teacher and other employees are doing

their work, and how well a certain material is functioning. When such information is in the hands of the school board, it may, if it is deemed desirable, modify its legislation or enact entirely different legislation. It is necessary that the board and superintendent cooperate since there is usually a twilight zone between the legislative and executive functions. If this cooperation is given in the fine spirit of democracy and with the best interests of the pupils always at heart, there will be little or no occasion for conflict between the board and the superintendent over their respective functions. Mr. Reeder[1] is convinced the above mentioned policies must be followed if good school legislation and execution is to result. He is supported in his views by A. B. Moehleman, Mr. Mulford and many other authorities on this subject. In fact, all material available to me substantiates this view.

What part should the superintendent play in the enactment of legislation for the school system? Although it is the unquestioned function of the school board to legislate for the schools, the board should expect the superintendent to play a part in the legislative process. The board should not enact legislation without obtaining the opinion of the superintendent on the legality, the educational merit, and the general feasibility of the proposal.[2] No legislation should be enacted except on the basis of adequate information as to

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[1] Ibid., p. 23-24.

[2] Ibid., p. 24.

its need and its merit, and left to their own initiative and devices, boards of education find it difficult to obtain this information. One of the chief functions of the superintendent of schools is to obtain, to organize, and to present to the board such information as it may desire or need for performing its legislative functions. Of course, board members should feel obliged to recommend legislation, but they should invite the opinion of the superintendent on the proposals before adoption; they should request his opinion in spite of the fact that the procedure will sometimes place him "on the spot." But a superintendent who is a real leader cannot avoid finding himself occasionally "on the spot." Moreover, a superintendent who is a real leader deems it to be one of his functions to recommend legislation on his own initiative.

In the suggestions that the board should obtain the advice of the superintendent on all proposed legislation, it is not implied that the board should abdicate and become a mere "rubber stamp" for the superintendent. Quite the contrary is meant; the board should obtain the advice of the superintendent, not necessarily accept it; the board should do its own thinking at all times. Sometimes the board will have to reject the advice of the superintendent; sometimes it will have to call on him to execute legislation which he has opposed.[1]

In making his recommendation to the board, the superintendent should keep in mind that which is not omnipotent.

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[1] Ibid., p. 24-25.

He should not permit himself to acquire the view that he is always right and that his board is always wrong. He should not violate that famous rule, "Don't take yourself too seriously." When the board fails to approve one of his recommendations, which it will do occasionally or often, he should not consider this a personal affront and Achilles-like "sulk in his tent." Win or lose, he must be a good sport. When one of his recommendations is not accepted, he should seriously question whether the recommendation was really good, or whether it was presented to the board in the most convincing way and at the proper time. Reflection upon these matters will frequently show the superintendent that he is more at fault than the board; then and there he should resolve to do better next time. And he should mark this well. If he finds that his recommendations are constantly being rejected, he may safely conclude that the board has lost confidence in him and that it will terminate his services at the first opportunity. A wise superintendent will steer between the Scylla of making too many or ill-advised recommendations and the Charybdis of making too few or no recommendations.[1] A superintendent is judged by what he doesn't do as well as by what he does.

The importance of the superintendent keeping the board well-informed and assisting them cannot be over-emphasized. All information suggests this importance and encourages the superintendent to find time to make this information available.

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[1] Ibid., p. 27.

Mr. Reeder, who has gathered his information from wide sources indicates the importance of this procedure.

This is what a practicing superintendent had to say concerning the action of the board. "In the larger communities the members of the boards of education are likely to have had more opportunity for experience in the delegation of executive duties than those in smaller communities." The urban board may be composed of members who are directors of banks, foremen in factories, managers of corporations, or others with daily practice in delegating duties. The successful delegation of duties may, in fact, be the very basis for their success in daily life.

When such people are elected to a board of education it strikes them at once that the wise thing to do is to refer managerial responsibilities quite completely to those trained for the specialized work. Such men have neither the time nor the inclination for executive detail outside their own realm of training. They are used to formulating policies and assigning the execution of them to others. They carry this principle naturally into their actions and reactions as board members.

In contrast, the characteristics of the typical small community board member are apt to be strikingly different. Such a board member may be the proprietor of a small business responsible for the direction of a few or no employees, a doctor who is his own bookkeeper, a lawyer who does possibly all of his own work, or a housewife unaccustomed even to direct-

ing servants.

With such a background of daily experience it is not difficult to conceive the attitude that these smaller-community leaders will take toward their responsibilities if they find themselves on a board of education. They are used to doing things directly and personally, without delegating much, if any, work to others. To them the implication of their responsibilities as board members is plain. They have been elected by the people to run the schools. The job looms as a personal obligation--just as their daily work is an obligation to roll up their sleeves and wade-in. Soap, pencils, paper, and desks need to be bought. Teachers need to be employed. So they proceed to purchase the supplies and to interview applicants for the teaching vacancies that exist. They proceed to get these things done in the best way they know.

Ralph V. Hunkins,[1] brings forth the fact that a complaint from a school patron to one of these board members constitutes, in his mind, a personal assignment to look into the matter and make an adjustment. It does not naturally occur to such board members that it would be better and simpler and easier for them to delegate such responsibilities to the superintendent of schools.

It is this situation which makes the small-town school

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[1] Hunkins, Ralph V., Superintendent and School Boards, (Lincoln, Nebraska; University of Nebraska Press, 1949), p. 38.

superintendency a difficult position to fill satisfactorily. Proper working conditions in connection with the division of responsibilities for the administration of the schools, by the nature of the situation, are difficult to establish and to maintain. It is under such a burden that the typical inexperienced and untried school superintendent is destined to begin his career.

Little but confusion can prevail until the superintendent can draw for his board an understandable picture showing the distinction between those duties which rightfully belong to the board. Until then the superintendent and the board are likely to be working at cross purposes. Board sessions will resolve themselves into discussions of trivial matters with a waste of precious time that should be given to a consideration of fundamental policy.

Where there is misconception about the respective functions that should be performed by the superintendent and the board it becomes the superintendent's first duty and major obligation to straighten out the thinking. It is the superintendent who has been trained to know what the proper functions are for himself and for the board. It therefore, becomes his obligation to educate the board to understand the basic principles involved as a prerequisite to putting them into practice.

The superintendent has a difficult assignment if the board is not aware of their duties. The superintendent must

make every effort to inform the board of their duties and their responsibilities and where these duties and responsibilities end. This, of course, puts the superintendent in a precarious position unless he has a very understanding and cooperative board and the proper ability to establish a good relationship.

CHAPTER X

THE EXECUTION OF LEGISLATION

What part should the board play in the execution of school legislation? The board will have performed its chief function when it has enacted good legislation for the school system, and when it has employed a competent superintendent and delegated to him and other employees the execution of the legislation. This does not mean, of course, that the board should delegate the executive function and then forget all about it. As a representative both of the state and of the local community, the board is obliged to see that the school laws of the state as well as its own policies are efficiently executed. In fulfilling this obligation, the board must keep informed on all phases of the administration of the schools; as a rule, the members will do this through information collected for them by the superintendent but they will also do it through their own devices and resourses. Although it may implicitly trust him, a school board should not depend entirely on its chief executive for its information.

Just as the superintendent should be a friendly adviser of the board in its enactment of legislation, so the board should be the friend-advisor of the superintendent in the execution of legislation. If the board believes the superintendent could improve his executive work in some manner, it should so advise him either formally or informally.

Unless this help is mutually given, the administration is bound to suffer. Moreover, without this cooperation, personal relations between the board and the superintendent are likely to be placed under stress, and such stress usually results in a loss to personal efficiency. For the welfare of the school there must be an inclination on the part of both the board and the superintendent to "give and take;" each must respect the views of the other. These matters should be particularly enjoined upon the superintendent because he is an employee of the board and subject to its will. Hamilton's News Letters and School Executive magazines will clearly substantiate the fact that court decisions have almost unanimously concluded that school board members are the only officials of the schools. In the typical state, the powers and duties of superintendents given to them by state law, could be easily counted on the fingers of one hand while school boards, on the contrary, are given hundreds of powers and duties by the statutes of the typical state.

The superintendent must make every effort to perform his duties and at the same time keep the board and their responsibilities in mind. It is the responsibility of the board to accept in many cases the suggestions of the superintendent, however, when they do not the superintendent must not take this as a personal defeat. It is important then for the superintendent to make every effort to establish a good relationship between himself and the board, recognizing that he cannot always be right.

CHAPTER XI

BOARDS RELATIONSHIP TO SUPERINTENDENT

The most important job the superintendent has is to establish a good relationship between the board and himself. Without this relationship little, if anything will develop toward the betterment of the school system. It is necessary for the superintendent to establish this relationship yet he must not play two ends against the middle, faculty against board or one member against another or any other person against the board or faculty. The superintendent must know how, and what actions are necessary, to create a good working relationship. With the superintendent carrying out his duties to the fullest and best of his ability and being capable of doing so, the board's relationship to him will be of a much higher caliber and the entire school system will benefit.

From Albert J. Huggett[1] comes the belief that the young executive should never forget that the final legal authority for the management of nearly everything connected with the school rests with the board of education. To the members of this body the laws of every state entrust the final responsibility for school management. In the ideal relationship, of course, the board is the policy-making body while the superintendent is the advisor of the board and the executive re-

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[1] Huggett, Albert J., Practical School Administration, (Champaign, Ill.; Garrard Press, 1950), p. 65-66.

sponsible for carrying out the policies that have been established. There are schools where the board does most of the executive work, particularly in small communities, but these are not common at the present time. Perhaps one reason why such board-administered schools are not so common as in the past is because superintendents are now better trained and naturally merit more confidence. If the superintendent shows the board of education that he can be trusted, he will usually find that he will have delegated to him most administrative duties, because boards are usually only too glad to leave as many things as possible to the superintendent.

A board of education can usually be educated quite easily to the fact that it has no power outside of board meetings. Each member is a citizen of the community and nothing more, except when the board is in session. Mr. Huggett[1] points out that members can usually see, too, that it is far easier to entertain complaints at a board meeting than it is for each member to have to listen to them alone. Members soon become accustomed to say to complainers, "Come to the board meeting next Wednesday night if you wish to make a complaint." As it works out, people seldom come to the meeting. They certainly will not come for some little, petty thing. Their grievance usually has to be something that really matters to them.

A few small town superintendents seldom attend a board meeting. This practice though cannot be defended if the board

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[1] Ibid., p. 66.

is willing to have him attend. In fact, it is impossible to see how this type of executive can run a satisfactory kind of school or expect any respect from the board. Most superintendents never miss a board meeting when in town, unless they are ill. Certainly no superintendent, even in the smallest village can afford to miss many sessions. If superintendents have not been invited to attend then it is time to do some educating of the board.

In a small town, the problem of keeping the board of education informed as to what is transpiring is a serious one. The superintendent is usually elementary and high school supervisor, superintendent of schools and sometimes high school principal. Add to this, he often, if not usually, has some teaching to do. With such a multiplicity of duties, it is no wonder that the board is often neglected. For the best kind of school administration we need an active, informed board--a board which can intelligently discuss issues before it and which can arrive at decisions accurately because it possesses objective evidence. A big problem in the smaller communities is how to keep this governing body informed with the amount of time that one has at his disposal. Some of the following devices are suggested by Albert J. Huggett[1] who arrived at them by talking with administrators throughout the country:

Personal Contact:

Often this means of informing the board is

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[1] Ibid., p. 67-68-69-70.

abused as they depend too much on personal contact to the neglect of other forms. Abused as this means often is, the personal side can never be disregarded and still is very important in every good program.

The Press:

Strange as it may seem, board members get sometimes their most accurate knowledge of school affairs through the press, as it is usually the superintendent who has the job of writing the news of the school for the local papers.

The Meeting:

The board meeting is rightly the place for questions. Not only does the board member have the right to ask the superintendent questions but also any interested patron. Secrecy has no place in the ordinary run of school administration and frank answers are the best insurance against charges of covering up. One should not hesitate to talk things over with the board, frankness is a necessity.

The Trip:

An excursion to inspect equipment or to attend educational meetings is very effective in giving a board of education an insight into modern school problems, with specific applications to the local situation. It does any one good to see what others are doing as it gives new ideas and often strengthens existing plans and practices. It is good public relations for a board to know that their school in general is following up-to-date practices.

The Public Entertainment:

Board members usually attend basket-ball games, plays, etc. If these are well conducted the members secure an idea about extra-curricular activities at least. To encourage them to attend, it is always well to send them complimentary tickets for the members and wives.

Visiting School:

> Should the superintendent drop all his work and leave his visitors when members of the board of education call at the school? It is a good policy to stop what you are doing unless it is of an emergency nature. Most things can be put off until a later date.

Open School Nights:

> In this, not only the board but the public should be invited. It is best to have classes conducted as much like they ordinarily are as possible, this will give the people as well as the board a chance to witness the regular routine of the class.

Written Notes:

> One of the most effective agencies for informing a board of education is that of sending written notes in advance of the meeting. These may take a very informal form or may be more formal than others; a variety of types may be used. It should be a major aim of a superintendent's philosophy to write just as complete and adequate notes as he can to be sent to the board of education.

Favoritism to Members:

> One may grant occasional favors to board members, but he should never show favoritism toward them. There is a difference, such as ordering books wholesale or he may see that they are given free tickets to plays, games, etc. Such favors are probably due to members of the board because he is rendering a service to the community without any remuneration whatsoever. On the other hand, there should be no favoritism for members or their offspring of any kind. A firm refusal in the beginning would save much trouble later on.

There are many ways the superintendent can achieve a good relationship with the most important mentioned above.

There are, however, other ways which may be advantageous to specific cases and individuals. The important thing for all administrators to remember is that a good relationship must be established and it must be done through honesty, sincerity, straight forwardness and with the objective of providing a better educational opportunity for those involved.

CHAPTER XII

CONCLUSION

Superintendent and Board Relationship

From the viewpoint of the state, the primary responsibility of the board is to put into effect the community plan of education. It becomes, therefore, imperative that the board and superintendent work very closely in bringing about the best possible educational program for the children.

Throughout this study it has become evident to me that a close relationship between the legislative and executive powers are mandatory in some of our school systems if better results in education are to be attained.

I believe that if the legislative, (the board), and the executive, (the superintendent), understand more fully their legal and moral responsibilities, a better relationship would evolve and consequently, a better school system in which we could do a better job of educating our youth.

The partnership of school board and superintendent faces an exciting future. There is need for vision and courage in leading the schools to meet the challenge and opportunity of the uncertain future that lies ahead. Problems of growth alone present a myriad of difficult situations for school management. The future is complex. Will it be peace or will it be war? How cold and how long will the cold war remain? What is the economic future? In what kind of social and political arena will today's youth live as adults?

No one knows the answers to these questions. But they have to be considered in answering the great question which faces the school partnership: What kind of an educational program can best prepare America's young people? Plans are not made now on the basis of the past and a stable present, with a fairly certain future; rather, things are moving so rapidly that in planning a school program the present must be regarded as the past.

Schools need courageous leadership. School boards must make it possible for school superintendents to dream, to create, to plan, and to lead. School boards need to encourage school administrators in their professional organizations. Likewise, school superintendents need strong and stout-hearted school boards and should encourage strong school board organizations. Scientific advances have brought automation and new forces into being, but old prejudices remain undented. The school board-school superintendent partnership has heavy responsibility for charting an educational course. Each has an important role. Each needs the help, support, and encouragement of the other.

One hope for the years ahead is that school board members and superintendents will see their joint duty of raising certain prior questions. Underlying their month-by-month and day-by-day labors and decisions are the questions: What is the job of the schools? How and by whom shall schools be supported? Who shall control education? Considered answers might change the face of public education in many communities.

The critical importance of free public education in the life of America places the school board-superintendent team in an important leadership role in the community. Effective leadership from the schools will have its effect on the community, not only in the direct outcomes of education, but in more subtle ways, such as the force of example in long-time planning.

As the board and superintendent team faces basic issues, or works on immediate problems, there is continuing opportunity to exert statesmanlike leadership. Leadership may be a team job involving the whole board, or the board and superintendent, as policy is adopted and specific programs are launched. Sometimes leadership is a personal thing, as when the school superintendent or an individual school board member steps forward to define a policy or action program which reflects the thinking and beliefs of the board and superintendent.

The leadership role requires smooth board-superintendent relationships; it also requires effective community contacts. In the long run, the more people included, the more permanent will be the accomplishment. Citizen committees, parent-teacher associations, and other civic groups are becoming more influential.

These community contacts are best for the school team when relationships are best within the team. The board more easily becomes a cohesive operating unit when there are good personal relationships amoung the board members as individuals, and when the same affinity exists between the individual board

members and the superintendent. The important factor, however, lies in the mutual acceptance of roles--the basic relationship of the board as a unit with the superintendent as their chief administrative officer. Only with this background of community-board-superintendent good will and understanding is it possible for teachers and other members of the staff to give themselves whole-heartedly to getting on with the urgent business of education.

There was a time when school leadership could drift along, as underpowered as it was underpaid, and barring a case of moral turpitude or out-and-out thievery, nobody was much concerned about the school board or administration. If classrooms were kept up, roofed and staffed, or if taxes didn't go up enough to draw the attention of the real estate lobby, boards and superintendents could make their routine motions--budgeting, hiring, firing, and purchasing--inert imitation of the past. If there is a district today where this mediocre man's Shangri-La exists, it must be some place where highways do not run and newspapers, radio, and television do not reach.

Problems are here and must be faced now. There can scarcely be postponement, let alone avoidance of issues. It is in such a setting, with pressures from everywhere, that the school board and school superintendent must serve.

Everywhere there is a consciousness of change. The challenge of a world in transition is in the air, and with it a sense of compulsion that the needs of this generation of

children must be met. The call is for leadership!

Executive

The chief executive of a school must recognize his position and put forth all his effort to do the best job possible. He must understand his duties as prescribed by law and those prescribed by his employers as well as those desired by the community. Not only must he know these but he must follow them. He must know the board's regulations and recognize that the board is his boss and he should follow their requests. It is necessary, too, that he understand that his suggestions are important to the board for them to formulate policies. He has a difficult position to fill but it is his duty to know his job and do his utmost to fulfill it.

Legislative

The board must recognize their responsibilities to the community and the youth of their community. They must do their best in providing a system which is desired by their community. It is the superintendent who executes their policy so they must consider and respect his suggestions and recognize that he is the trained person to manage the school. Only through the team work of the superintendent and the board can any school profit. It is the responsibility of the board to see that the policies they have established are fulfilled and that the school is progressing. The people of a community depend upon

the board and the board depends upon the superintendent so both must know their duties and perform them to the best of their abilities at all times.

BIBLIOGRAPHY

BIBLIOGRAPHY

American Association of School Administrators, School Boards in Action. Twenty-fourth Year book. Washington, D.C.: The Association, 1946.

_____, School Board-Superintendent Relationships. Thirty-fourth Yearbook, Washington, D.C.: The Association, 1956.

Becker, Roy J., "The Board of Education and The Superintendent," School Executive, May, 1945.

Code of Montana School Laws, The, Helena, Montana: Mimeographed, 1947.

Exton, Elaine, "Seventeen Steps in Selecting the Superintendent," American School Board Journal, March, 1955.

Huggett, Albert J., Practical School Administration. Champaign, Illinois: Garrard Press, 1950.

Hunkins, Ralph V., Superintendent and School Board. Lincoln, Nebraska Press, 1950.

Mulford, H. B., "School Boards in Action," American School Board Journal, April, 1946.

Radke, Mrs. Fred, "The Effective School Board Member," School Executive, Vol. 82, October, 1955.

Reals, Willis H., "Duties and Functions of Boards of Education," School Executive, May, 1945.

Reeder, W. G., "Problems and Procedure in Supplementing the Principles that the Board Should Legislate and the Superintendent Execute," American School Board Journal, May, 1946.

Russell, John D., and Judd, Charles H., The American Education System. Houghton Mifflin Company, 1940.

School Laws of the State of Montana. Helena, Montana: State Publishing Company, 1949.

_____, Helena, Montana: State Publishing Company, 1953.

APPENDIX

APPENDIX

SCHOOL LAWS OF THE STATE OF MONTANA

School Boards

985. Qualifications of. Any person, male or female, who is a qualified voter at any election under this act, shall be eligible to the office of school trustee in such districts.

986. Number of. In districts of the first class, the number of trustees shall be seven, in districts of the second class the number of trustees shall be five, and in districts of the third class the number of trustees shall be three.

987. Elections. An annual election of school trustees shall be held in each school district in the state on the first Saturday in April of each year at the district school house, if there be one, and if there be none, at a place designated by the board of trustees. In districts of the third class having more than one school house where school is held, one trustee must be elected from persons residing where such outside schools are located.

988. Elections in districts of second and third class--nominations. In districts of the second and third class, the names of all candidates for membership on the school board must be received and filed by the clerk and posted at each polling place at least five days next preceding the election. Any five qualified electors of the district may file with the clerk and the nominations of as many persons as are to be elected to the school board at the ensuing election.

989. Conduct of Elections. In districts of the second and third classes, the election of school trustees shall be held and conducted under the supervision of the board of school trustees. The clerk must, fifteen days before the election, post notices in three public places in said district, specifying the time and place of election, and the hours the polls will be open. The trustees must appoint three judges of the district and the clerk must notify them by mail of the appointment. The judges appoint one of the group to act as clerk. The voting must be by ballot, form of ballot, or manner of voting, and the polls shall be open for such length of time as the board of trustees may order; provided, that such

polls must be open from two p.m. to six p.m..

990. Elections in districts of first class - nominations and conduct of elections. In districts of the first class, no person shall be voted for or elected as trustees unless he has been nominated therefore at a bona fide public meeting, held in the district not more than sixty days nor less than forty days before the day of the election, and at which at least twenty qualified electors were present, and a chairman and secretary were elected, and a certificate of such nomination, setting forth the place where the meeting was held, giving the names of the candidates in full, and if there are different terms to be filled, the term for which such candidate was nominated, duly certified by the chairman and secretary of such meeting, shall be filed with the district clerk within ten days after such public meeting.

991. Board of trustees to call election. The board of trustees shall, at least thirty days before the annual election of school trustees, by an order entered upon the minutes of their meeting, designate and establish a suitable number of polling places and create an equal number of election precincts to correspond, and define the coundaries thereof.

992. Same - note of. The district clerk shall, at least fifteen days before the election districts of the first class, give notice of the election to be held in all such districts, by posting a notice thereof in three public places in the district, and in incorporated cities and towns in each ward, which notices must specify the time and place of the election, the number of trustees, and the terms for which they are to be elected, and the hours during which the polls will be open. They may if they deem it necessary publish the notice in the papers.

993. Hours of election. In districts of the first class the polls must be opened at twelve o'clock noon and be kept open until eight o'clock p.m..

994. Judges. The board of trustees will appoint the judges for the election and the judges will select their clerk.

995. Ballots and method of voting. In districts of the first class, the ballots shall show the name or names of the candidates and the length of time for which they are to be elected.

996. Poll and tally-list, certificate of judges, and canvass of votes. At every election a poll list shall be kept and after the election the judges shall count them to see if there is the same number of ballots as names on the tally-list.

997. Term of office - vacancy - oath of trustees. Trustees elected shall take office immediately after qualifiying, and shall hold office for the term of three years except as elsewhere expressly provided herein and until their successors are elected or appointed and qualified. The clerk of the district shall, at the time of issuing certificate of election to a person elected as trustee, deliver to such person a blank oath of office. Every trustee shall file his oath of office with the county superintendent of schools within fifteen days of the receipt of the certificate of election and blank oath of office from the clerk. Any trustee failing to qualify as herein provided shall forfeit all rights to his office, and the county superintendent of schools shall appoint to fill the vacancy caused thereby.

998. Vacancy in school board. A vacancy in the office shall be filled by appointment by the county superintendent of schools. The trustee so appointed shall hold office until the next annual election. The absence from the school district for sixty consecutive days, or failure to attend three consecutive meetings of the board of trustees without good excuse, shall constitute a vacancy in the office of trustees.

999. Trustees - how removed. Any school trustee may be removed from office by a court of competent jurisdiction by law for removal of elective civil officers; provided, however, that upon charges being preferred and good cause shown, the board of county commissioners may suspend a trustee until such time as such charges can be heard in the court having jurisdiction thereof.

1000. Vacancy in office of clerk. Should the office of the clerk of the school district become vacant, the board of school trustees shall immediately fill such vacancy by appointment, and the chairman of the board of school trustees shall immediately notify the county superintendent of such appointment.

1001. Rearangement of terms to prevent the election of a majority of the trustees. When at any annual school election the terms of a majority of the trustees regularly expire in districts of the first class, three trustees, in districts of the second class, two trustees, in districts of the third class, one trustee, shall be elected for three year terms, and the remaining trustee or trustees whose terms expire shall hold over for one or two years as may be necessary to prevent the terms of a majority of the board of trustees expiring in a one year term; provided that it shall be determined by lot what trustee shall hold over and for what term.

1002. Qualifications of electors. Every citizen of the United States of the age of 21 years or over who has resided in the state of Montana for one year, and thirty days in the school district next preceding the election, may vote thereat.

1003. Challenges - oath of voters. Any person offering to vote may be challenged by any elector of the district, and the judges must thereupon administer the person challenged an oath or affirmation in substance.

1004. Expenses of election. All the expenses necessarily incurred in the matter of holding elections for school trustees shall be paid out of the school funds of the district. Judges of election of districts of the first and second class shall receive not to exceed three dollars per day each for all services connected with the election.

1005. Organization. The school trustees shall meet annually the third Saturday in April and organize by choosing one of their number chairman, and a competent person, not a member of the board, as clerk.

1006. Meetings. The board shall hold, in districts of the first class, at least one and not more than five meetings each month for the transaction of its business; and in all districts at least four meetings each year shall be held, to-wit.

1007. Quorum. Except when otherwise authorized by law every district is under the control of a board of school trustees, consisting of three members, majority of which constitutes a quorum for the transaction of business.

1008. Power over property. The board of trustees of each school district shall have custody of all school property belonging to the district, and shall have power in the name of the district or in their own names as trustees of the district, to convey by deed all the interest of their district in or to any school house or lot directed to be sold as hereinafter provided, and all conveyances of real estate made to the board of trustees of the district and to their successors in office; said board, in the name of the district, shall have power to transact all business necessary for maintaining schools and protecting the rights of the district; the trustees of the district shall have the power to lease any property belonging to the district which is not being used for school purposes.

1009. Repealed.

1010. Repealed.

1010a. Attendance of elementary school pupil at school outside of state. With consent of County Superintendent of schools the board has the power to transfer moneys to other schools, even out of the state, for pupils to attend that school if they desire.

1010.1. Dissatisfied person may appeal. If any shall be dissatisfied with any finding or determination of either the board of trustees or county superintendent of schools under the provisions of this chapter relating to transportation, rent, tuition or board, such person may appeal from such finding or determination by written petition to the state superintendent of public instruction.

1011. Night schools. The trustees shall have the power to organize and maintain outside of the regular school hours special sessions of the public schools, wherever, in their judgment, such sessions are necessary.

1012. Issuance of warrants against anticipated revenues. The board of trustees of any school district, shall have authority to issue warrants in anticipation of the collection of school moneys for which levies have been made, but which have not been collected, for the payment of current expenses of the schools of said district.

1013. Tender of funds. Children may attend public elementary schools in districts in the county outside of the district in which they reside or in a district in an adjoining county, or in a district in a county in another state when the district in such other state adjoins the district in which they reside, or is situated in a county in such other state, which county adjoins the state of Montana, when written permission is secured from the board of trustees of the district in which they are to attend school and when written permission has been given by the county superintendent of schools of the county in which the children reside. Permission must be granted for such children's residence when many various conditions exist.

1014. Call special election. The board of trustees shall have the power to call special elections.

1015. Duties of trustees. Every school board unless otherwise specially provided by law shall have power and it

shall be its duty:

1. To prescribe and enforce rules not inconsistent with law, or those prescribed by the superintendent of public instruction for their own government of schools under their supervision.
2. To employ or discharge teachers, mechanics, or laborers, and to fix and order paid their wages; provided, that no teacher shall be employed except under resolution agreed to by a majority of the board of trustees at a special or regular meeting; nor unless such teacher be the holder of a legal teacher's certificate in full force and effect. All contracts of employment of teachers, authorized by proper resolution of a board of trustees, shall be in writing and executed in duplicate by the chairman and clerk of the board, for the district and by the teacher.
3. To determine the rate of tuition of non-resident pupils.
4. To fix the compensation of the clerk.
5. To enforce the rule and regulations of the superintendent and to enforce the course of study.
6. To provide for school furniture and for everything needed by the school.
7. To repair and insure school houses and to rent, lease and let to such persons or entities as the board may deem proper, and to rent; all rentals shall be paid to the county treasurer for the credit of the school district.
8. To purchase, acquire, sell and dispose of plots or parcels of land to be used as sites for school houses, etc.
9. To hold in trust for their district all real or personal property for the benefit of the school thereof.
10. To suspend or expel pupils from school who refuse to obey the rules thereof, and to exclude from school, children under six years of age where the interest of the school requires such exclusion.
11. To provide clothing and medical aid for indigent children when it shall be made to appear that such aid is needed, and when deemed advisable to employ a physician or registered nurse, and to maintain the sanitary conditions of the school.
12. To require pupils to be furnished with suitable books, as a condition of membership in the school.
13. To exclude from school and school libraries all books, tracts, papers and other publications of immoral and pernicious nature.
14. To require teachers to conform to the law.
15. To make an annual report to the superintendent of schools on or before the first day of August of each year.

16. To make reports to the superintendent of schools when ever instructed to do so.
17. To determine what branches, if any, in addition to those required by law, shall be taught in any school in the district, subjects to the approval of the county superintendent, in districts of the third class.
18. To visit every school in their district at least once a term, and to examine carefully into its management, conditions, and needs. This clause applies to each of the trustees.
19. To provide for outhouses for both sexes where they do not exist.
20. To allow pupils residing in other districts to attend school in the district of which they have charge, if in their judgement there is sufficient room.
21. To provide a flag of the United States to be displayed daily in suitable weather and the flag shall not be less than four feet by six feet.
22. To close school at their discretion during the annual session of the state teachers' association, and to allow teachers to attend the same without loss of salary.
23. To provide food, cooks, janitor service and equipment for school lunches when deemed advisable by the board. Governed by its own judgement, the board may impose a money charge, produce or services from the pupils desiring to and participating in the program of school lunches.

1015.1. Validation of acts of school trustees concerning building and equipment for dormitories. The school board has the right to provide such dormitories after the passing of the act.

1015.2. Leasing of county lands for school purposes - limitation of term. Upon request by trustees the county commissioners may lease land for use of the school.

1016. Letting contracts and furnishing supplies, trustees not too interested in - advertising for bids required and when. It shall be unlawful for any school trustee to have any pecuniary interest, either directly or indirectly, in the erection of buildings, or for any of the facilities of the buildings, or to receive any compensation for their services, except as herein provided.

1017. Liability. Any board of trustees shall be liable, as trustees, in the name of the district, for any judgement against the district for any salary due any teacher

on contract, and for all debts legally contracted under the provisions of this title, and they shall pay such judgements or liabilities out of the school moneys to the credit for such district.

1018. Misdemeanor - penalty. When any school officer is released of his duties he shall turn over all school property.

1019. Limitation on purchase maps, charts, etc. The board of school trustees in any district of the third class shall not issue any warrant for maps, charts, or other apparatus, unless same is authorized and the warrant countersigned by the county superintendent.

District Superintendent of Schools

1262.39. The board of trustees of any school district may appoint a superintendent of schools for a term not to exceed three years. After his second successive election, his contract shall thereafter be deemed renewed for a further term of one (1) year, and successively thereafter for like terms of one (1) year each unless the board of trustees shall by majority vote of its members give written notice to such superintendent on or before the first day of February of the last year of his current term that his services will not be required after the expiration of his existing contract.

1262.40. Qualifications. No person shall be eligible for appointment as district superintendent of schools of any school district unless at the beginning of the term of his contract he be the holder of such teacher's certificate as the state board of education shall require; and any such district superintendent of schools who at any time during the term of his contract shall from any cause cease to be the holder of such teacher's certificate as the said state board of education may require shall thereupon be forthwith discharged by the board of trustees of the district, regardless of the unexpired term of his contract, and in no event shall receive compensation from the school district for any services rendered subsequent to the date of his ceasing to hold the required certificate.

1262.41. Duties. The district superintendent shall have general supervision of all the schools of his district, including high schools, both junior and senior, and all high school courses offered in any district school, but under the direction and control of the board of trustees. He shall be the executive officer of the board of trustees and shall perform such additional duties in connection with the school system of the district as the board of trustees may prescribe.

1262.42. Certain employment prohibited. No district superintendent of schools shall engage in any work or activity which the board of trustees may deem in conflict with his duties and employment as such superintendent.

1262.43. Selection of reference and library books. All reference and library books of the high school shall be selected by the district superintendent of schools with the approval of the board of trustees; but in districts where a district superintendent is not employed the principal of schools shall select such reference and library books likewise with the approval of the board.