



Public Schools of North Carolina

# **NC Textbook Commission Meeting**

***February 16, 2021***

# AGENDA

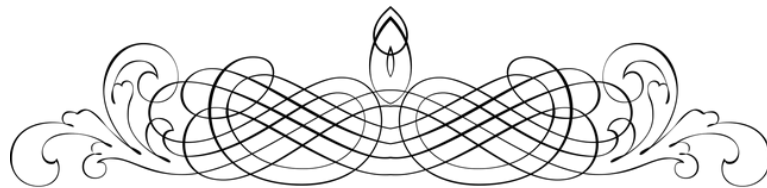
Call to Order and Welcome	Commissioner Linker
Roll Call	Dr. Carmella Fair
Approval of Minutes	Commissioner Linker
Meeting Norms	Commissioner Linker
Ethics Training	Ms. Allison Schafer
Operations Manual/Policies	Dr. Carmella Fair
Textbook Evaluation Process Draft Timeline	Commissioner Linker
Questions	Commissioner Linker
Next Steps	Commissioner Linker
Closing Remarks	Commissioner Linker
Adjournment	Commissioner Linker



# Textbook Commission Meeting

## February 16, 2021

- Call to order and welcome
- Roll call
- Approval of minutes

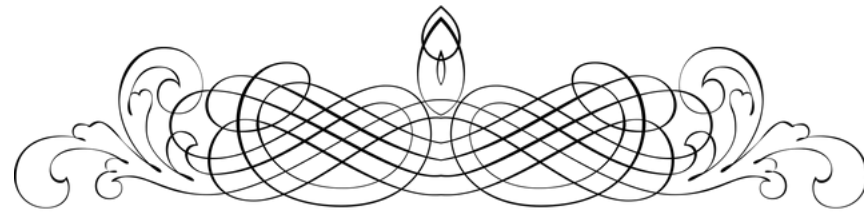


# Meeting Norms

- **Be ready**
  - Ensure that your equipment is working
  - Join the meeting early to be sure you are connected appropriately
- **Mute yourself if you are not talking**
  - Prevent background noise
- **Be present**
  - Avoid texting and emailing during the meeting
- **Participate**
  - Identify yourself when you speak.
  - Comment and ask questions



# Ethics Training





Public Schools of North Carolina

# **LEGAL OVERVIEW: Public Records, Open Meetings, and Board Member Conduct**

Allison Schafer

General Counsel, State Board of Education

February 2021

# Overview

- Public Records
- Open Meetings
- Board Member Conduct





Public Schools of North Carolina

# **PUBLIC RECORDS**

## **G.S. 132**



# Definition

"Public record" or "public records" = all...

- documents
- papers
- letters
- maps
- books
- photographs
- films
- sound recordings
- magnetic or other tapes
- electronic data-processing records
- artifacts, or
- other documentary material regardless of physical form or characteristics (e.g., email) **made or received** in connection with the transaction of public business by any agency of North Carolina government or its subdivisions.



# More examples...

Examples of email, email attachments, and text mail messages that are public records:

- Policies or directives
- Final drafts or reports and recommendations
- Correspondence and memos related to official business
- Work schedules and assignments
- Meeting agendas or minutes
- Any document or message that initiates, facilitates, authorizes, or completes a business transaction
- Messages that create a precedent, such as issuing instructions or advice



# What Isn't “public” (general)?

- Written communications from an attorney to any public board, council, or other governmental body that fall within the attorney-client privilege
- Tax records
- Trade secrets, if properly submitted to a government entity
- Information that reveals an account number for electronic payment
- Settlement documents in medical malpractice actions against a hospital
- Information technology security features (passwords, security standards, procedures, processes, configurations, software, and codes)
- Criminal investigative records
- Medical records
- Anything other than basic personnel information



# What isn't public (for schools)?

- Student files and other education records
- Former student records
- Student PII
- Mediation records for children with disabilities
- Student records derived from contractors
- Juvenile court records
- Special education records
- Criminal history checks
- Certain Information in an Employee Personnel File
- Licensure investigation files
- Emergency Response Plans



# Who can access public records, When, and How?

- Any person
  - We do not have to know who is requesting records or why
- At reasonable times under reasonable supervision
- In any media (format) available



# Time to Respond

- Reasonable time and manner
- What is reasonable?



# Considerations

- Verbal Information
- Commingled (Public/Nonpublic) Records
- Creating Records



# Protocols

- Forward request to DPI Communications
- Communications directs to the appropriate DPI staff member (s).
- Request for email archives





# Remedies

- Order to compel release
- Attorney's fees





Public Schools of North Carolina

# **OPEN MEETINGS**

## **G.S. 143-318.9, *et seq.***

What are your legal responsibilities?

# Open meetings

- **A meeting is open to the public if a “public body” meets.**
- **A public body is defined broadly as any:**
  - Authority
  - Board
  - Commission
  - Committee (of or Advisory to the Board)
  - Council
  - Other body of state or local government



# Who Must Follow Open Meetings Laws?

- **The State Board of Education, its committees, CSAB**
- **Other examples within DPI are:**
  - Professional Educator Preparation & Standards Commission
  - Textbook Commission



# Which Meetings?

- All official meetings where a majority of the members are gathered
  - As long as the purpose of the meeting is to execute one of five functions:
    - legislative
    - policy-making
    - quasi-judicial
    - administrative
    - advisory
- Does not matter when, where, or how the meeting is held



# What should we be doing?

- **Public notice is required.**
  - Purpose
  - Time, date, location
  - Required length for notice depends on type of meeting
    - Regular
    - Special
    - Emergency
- **Minutes of the meetings must be kept and available to the public.**
  - Written minutes
  - Webinar recordings
  - Must reflect what happened



# Closed Session

- Procedures
  - Only during official meeting, after public body makes motion and gives reason
- Applies to
  - Confidential records (e.g. student)
  - Attorney Client privileged matters
  - Certain contract-related matters
  - Specific personnel matters
  - Trade Secrets



# Remedies

- **Injunction**
- **Invalidation**





# Resources

## Online:

- [www.ncdoj.com](http://www.ncdoj.com)
  - NC Department of Justice (primers on open government laws)
- [www.elon.edu/e-web/academics/communications/ncopengov/](http://www.elon.edu/e-web/academics/communications/ncopengov/)
  - NC Open Government Coalition, a group of organizations interested in promoting public access to government
- [www.sunshineweek.org](http://www.sunshineweek.org)
  - More info about open access to government



# Resources

## Print:

Institute of Government Publications:

- *Open Meetings and Local Governments in North Carolina: Some Questions and Answers*  
– *Seventh Edition* by David Lawrence
- *Public Records Law for North Carolina Local Governments*  
– by David Lawrence





Public Schools of North Carolina

# Ethics and Conduct

# Conflict of Interest Policy

## Policy: SBE/DPI Operation SBOP-026

<https://stateboard.ncpublicschools.gov/policy-manual/sbe-dpi-operation/conflicts-of-interest-policy>

Applies to all members of SBE's:

- Advisory Boards
- Committees
- Commissions
- Councils



# Conflict of Interest Policy

- Members are required to **comply with applicable laws**, regulations and policies. When the application of a law, regulation or policy is uncertain, the guidance and advice of the SBE's legal counsel should be sought.
- Members of the respective Board have a fiduciary obligation to the Board and to the SBE.



# Conflict of Interest Policy

- Members shall not use their position for financial gain, whether direct or indirect, for themselves or their families during their term in connection with service to the SBE.
- Activities that may create a conflict of interest are prohibited. Circumstances that create the appearance of a conflict of interest are to be avoided.



# Conflict of Interest Policy

- The Board is to be strictly nonpartisan.
  - The Board, as a whole, shall not support or take a position with respect to any legislative or political matters.
- Any conflict of interest, potential conflict of interest, or the appearance of a conflict of interest shall be reported to the Chair of the respective board immediately.



# Conflict of Interest Policy

- Violations of Conflict of Interest Policy may result in suspension or removal from membership of the Board, as determined by the SBE.





# Standards of Conduct Policy

## Policy: SBE/DPI Operation SBOP-004

<https://stateboard.ncpublicschools.gov/policy-manual/sbe-dpi-operation/standards-of-conduct-for-the-north-carolina-department-of-instruction>

Applies to all members of SBE:

- SBE
- DPI
- CSAB
- Other committees, commissions, councils



# Standards of Conduct Policy

## Conduct:

- Highest standards of **personal integrity, truthfulness, honesty and fortitude** to inspire public confidence and trust in NC schools
- Avoid any action or activity that is in conflict, or may appear to be in conflict, with the responsibility always to act for the best educational interests of children.



# Standards of Conduct Policy

- Not solicit or accept, directly or indirectly, meals, travel, lodging, any other items of value, any favor or reward, or any promise of favor or reward from any person, group, association, organization or corporation that:
  - provides, or may reasonably be expected to provide, any service or any equipment, books, supplies, materials or other products to the Department of Public Education or local school boards;
  - has, or reasonably may be expected to seek, any contract, business or financial relationship with the Department of Public Instruction or local school boards; or
  - is subject to regulation or control by the Department of Public Instruction.



# Standards of Conduct Policy

The policy does not prohibit:

- Meals, travel, lodging or gifts provided solely because of a family relationship
- Acceptance of certain awards or honors
- Reasonable compensation for *approved* secondary / dual employment



# Standards of Conduct Policy

The policy does not prohibit:

- Meals, travel, lodging or gifts for meetings sponsored by organizations existing primarily for the purpose of improving education if the meeting or seminar is consistent with the purposes of these Standards.
- Primary consideration shall be given to the purpose of the meeting or seminar and extent to which the meeting or seminar will aid the person in performing his duties.
- *But remember:* One can't accept items of value from groups trying to do business with DPI



# Reading of the Ethics Statement

***“Commission members are reminded that it is our duty to avoid conflicts of interest and the appearance of conflicts of interest as we handle the work of this Commission. Does any member of the Commission know of any conflict of interest or any appearance of conflict with respect to any matters coming before us at this meeting? If so, please state them for the record. If during the course of the meeting you become aware of an actual or apparent conflict of interest, please bring the matter to the attention of the chair. It will then be your duty to abstain from participating in discussion on the matter and from voting on the matter.”***



# Additional Resources

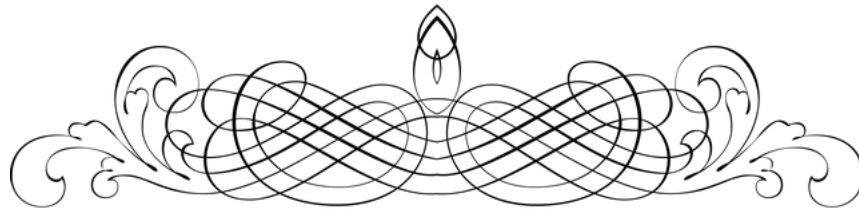
- Ethics Liaison: Allison Schafer (State Board of Education)(Change in Progress)
- North Carolina Ethics Commission
  - Advisory Opinions
- State Government Ethics Act
- Other statutes:
  - Bribery
  - Benefits from public contracts
  - Gifts / Favors



# Operations Manual

~

# Policies & General Statutes





# Operations Manual

## Rules of Procedure - Highlights

- Quorum
- Chair/Co-Chair
- Voting
- Meetings



# Operations Manual

## Bid Submissions - Highlights

Publishers are responsible for:

- determining grade levels/courses of materials
- labeling submissions using guidelines in the Invitation
- providing correlations



# Operations Manual

## Publisher Contact - Highlights

Publishers should not make contact to influence or attempt to influence the evaluation and adoption of textbooks or programs.



# Operations Manual

## Publisher Contact - Highlights

From the time the Invitation is approved and issued until the day after evaluation sessions with advisors, the following is prohibited in North Carolina:

- sampling
- piloting
- promotion

...of textbooks/programs under consideration for adoption



# General Statutes & SBE Policies - Highlights

- General Statutes include several topics including details about the appointment of Textbook Commissioners and the evaluation of textbooks.
- SBE policies include guidance on various aspects of textbooks including evaluation criteria and evaluation advisors

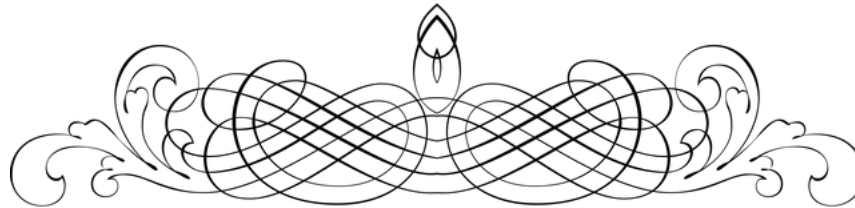


# Self-Reflection

- How familiar am I with the rules of order?
- How can I gain a better understanding of the guidelines for textbook evaluation?
- What is the importance of the General Statutes and State Board of Education policies in my role as a commissioner?
- What can I do if I need clarification?



# Textbook Evaluation Process Draft Timeline



# NC TEXTBOOK COMMISSION DRAFT TIMELINE

## ✓ Tasks

Seek Out & Recommend Advisors

Receive & Check In Submission Samples

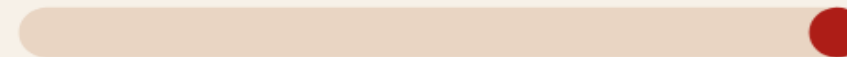
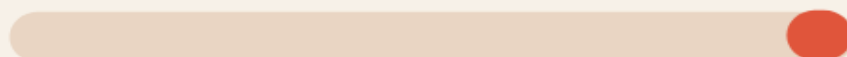
Evaluate Submission Samples  
(Commissioners & Advisors)

Prepare Written Evaluation of Submissions

Participate in Oral Evaluation of Submission  
(Deliberation and Reconsideration Meeting)

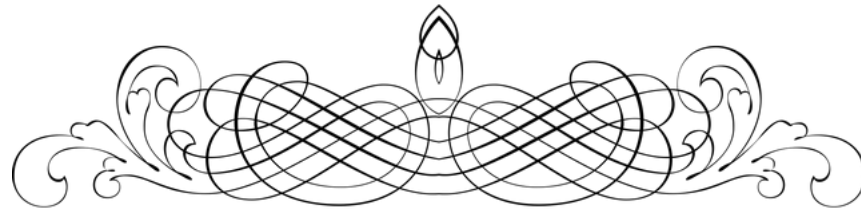
File Written Evaluation of Bid Submissions

Month 1    Month 2    Month 3    Month 4





# Questions



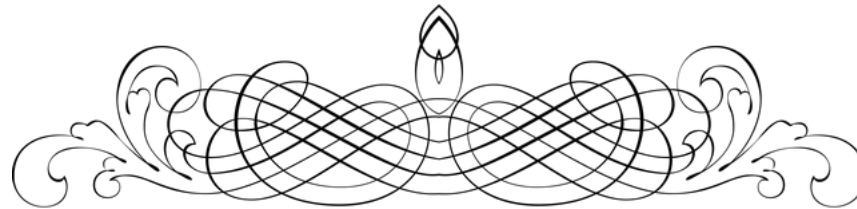
# What are...

- ...**3** things you learned?
- ...**2** things you are want to learn more about?
- ...**1** thing you don't understand?

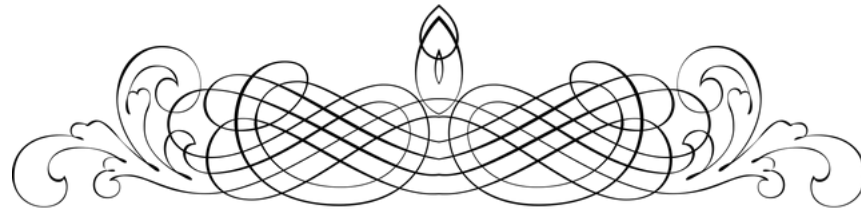




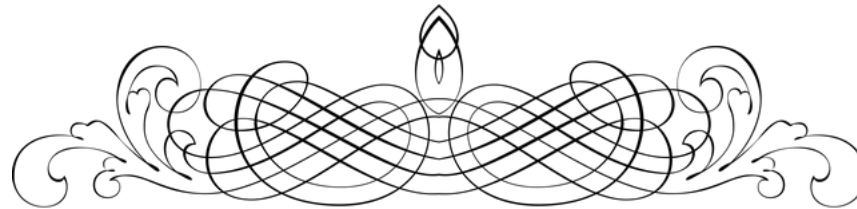
# Next Steps



# Closing Remarks



# Adjourn



# Thank You

