

# Beeville ISD



***BISD...Inspiring Bold Innovative Leaders***

## **Board of Trustees Standard Operating Procedures**

*Board Approved August 20, 2016*

***Beeville Independent School Districts  
Vision, Mission, Values  
June 2017***

***Vision:***

***Inspiring bold innovative leaders.***

***Mission:***

***Together, we empower today's students to be tomorrow's leaders.***

***Values:***

- ***Integrity***
- ***Innovation***
- ***Positive attitude***
- ***Leadership***
- ***Achievement***
- ***High expectation***
- ***Growth mindset***

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## **1. BOARD MEETING AGENDA**

### **a. Placement of Items on the Agenda**

- i. In consultation with the board president, the superintendent shall prepare the agenda for board meetings.
- ii. Any trustee may request that a subject be included on the agenda for a meeting.
- iii. The superintendent shall include on the preliminary agenda all trustee-related topics that have been timely submitted.
- iv. Before the official agenda is finalized for any meeting, the superintendent shall consult with the board president to ensure that the agenda and the topics included meet with the president's approval. In reviewing the preliminary agenda, the president shall ensure that any topics the board or individual trustees have requested to be addressed are either on that agenda or scheduled for deliberation at an appropriate time in the near future. The board president shall not have authority to remove from the agenda a subject requested by a trustee without that trustee's specific authorization.
- v. The agenda for meetings of the board normally will be closed at noon of the fifth calendar day preceding regular meetings and at noon of the third calendar day for all other meetings. The notice of any emergency addendum to the agenda must be posted at least two hours before the meeting.
- vi. The final agenda, with accompanying synopses and documentation, will be made available via mail to the board on or before the Friday prior to the scheduled board meeting.
- vii. Board members may pick up the agenda packets at the BISD Central Office at 1:00 PM on Friday prior to the board meeting. If the board member wishes to pick up the agenda packet, every effort should be made to notify Central Office staff.

### **b. Consent Agenda**

- i. The consent agenda shall include items of a routine and/or recurring nature, grouped together as one action item.
- ii. The board president shall determine which items qualify for inclusion in the consent agenda.
- iii. Background material for each consent agenda item shall be furnished to the board in the meeting's supporting documents.
- iv. All consent agenda items shall be acted upon by one motion and one vote without separate discussion.
- v. Any board member may request that any item on the consent agenda be pulled for individual discussion and consideration.

- c. Voting
  - i. The board president shall have the right to discuss, make motions, and resolutions, and vote on all matters coming before the board. (BDAA LOCAL)
  - ii. No member shall vote on a motion in which he or she has a direct pecuniary interest not common to other members of the board. (part of BBFA LEGAL)
  - iii. When a proposal is presented to the board, a discussion shall be held and a decision reached. Although there may be dissenting votes, which are a matter of public record, each board decision shall be an action by the whole board binding upon each other.
  - iv. All votes, including, dissenting and abstaining votes, shall be recorded in the minutes of the board meeting.
- d. Meeting Preparation
  - i. Board members shall come to meetings prepared having read their agenda packet material.
  - ii. Clarifying questions should be addressed to the superintendent one day in advance of the meeting.

## **BE(LOCAL)**

### **MEETING PLACE AND TIME**

The notice for a Board meeting shall reflect the date, time, and location of the meeting.

### **REGULAR MEETINGS**

Regular meetings of the Board shall normally be held on the third Tuesday of each month at 5:30 p.m. When determined necessary and for the convenience of Board members, the Board President may change the date, time, or location of a regular meeting with proper notice.

### **SPECIAL OR EMERGENCY MEETINGS**

The Board President shall call special meetings at the Board President's discretion or on request by two members of the Board.

The Board President shall call an emergency meeting when it is determined by the Board President or two members of the Board that an emergency or urgent public necessity, as defined by law, warrants the meeting.

### **AGENDA DEADLINE**

The deadline for submitting items for inclusion on the agenda is the fifth working day before regular meetings and the fifth working day before special meetings.

### **PREPARATION**

In consultation with the Board President, the Superintendent shall prepare the agenda for all Board meetings. Any Board member may request that a subject be included on the agenda for a meeting, and the Superintendent shall include on the preliminary agenda of the meeting all topics that have been timely submitted by a Board member.

Before the official agenda is finalized for any meeting, the Superintendent shall consult the Board President to ensure that the agenda and the topics included meet with the Board President's approval. In reviewing the preliminary agenda, the Board President shall ensure that any topics the Board or individual Board members have requested to be addressed are either on that agenda or scheduled for deliberation at an appropriate time in the near future. The Board President shall not have authority to remove from the agenda a subject requested by a Board member without that Board member's specific authorization.

|                            |   |
|----------------------------|---|
| NOTICE TO MEMBERS          | Members of the Board shall be given notice of regular and special meetings at least 72 hours prior to the scheduled time of the meeting and at least two hours prior to the time of an emergency meeting.   |
| CLOSED MEETING             | <p>Notice of all meetings shall provide for the possibility of a closed meeting during an open meeting, in accordance with law.</p> <p>The Board may conduct a closed meeting when the agenda subject is one that may properly be discussed in closed meeting. [See BEC]</p>  |
| ORDER OF BUSINESS          | The order of business for regular Board meetings shall be as set out in the agenda accompanying the notice of the meeting. At the meeting, the order in which posted agenda items are taken may be changed by consensus of Board members.   |
| RULES OF ORDER             | The Board shall observe the parliamentary procedures as found in <i>Robert's Rules of Order, Newly Revised</i> , except as otherwise provided in Board procedural rules or by law. Procedural rules may be suspended at any Board meeting by majority vote of the members present.  |
| VOTING                     | Voting shall be by voice vote or show of hands, as directed by the Board President. Any member may abstain from voting, and a member's vote or failure to vote shall be recorded upon that member's request. [See BDAA (LOCAL) for the Board President's voting rights]   |
| CONSENT AGENDA             | When the agenda is prepared, the Board President shall determine items, if any, that qualify to be placed on the consent agenda. A consent agenda shall include items of a routine and/or recurring nature grouped together under one action item. For each item listed as part of a consent agenda, the Board shall be furnished with background material. All such items shall be acted upon by one vote without separate discussion, unless a Board member requests that an item be withdrawn for individual consideration. The remaining items shall be adopted under a single motion and vote.               |
| MINUTES                    | <p>Board action shall be carefully recorded by the Board Secretary or clerk; when approved, these minutes shall serve as the legal record of official Board actions. The written minutes of all meetings shall be approved by vote of the Board and signed by the Board President and the Board Secretary.</p> <p>The official minutes of the Board shall be retained on file in the office of the Superintendent and shall be available for examination during regular office hours.</p>   |
| DISCUSSIONS AND LIMITATION | <p>Discussions shall be addressed to the Board President and then the entire membership. Discussion shall be directed solely to the business currently under deliberation, and the Board President shall halt discussion that does not apply to the business before the Board.</p> <p>The Board President shall also halt discussion if the Board has agreed to a time limitation for discussion of an item, and that time limit has expired. Aside from these limitations, the Board President shall not interfere with debate so long as members wish to address themselves to an item under consideration.</p> |

## **2. CONDUCT DURING A BOARD MEETING**

### **a. Audience Participation**

- i. Audience participation at a board meeting is limited to the portion of the meeting designated for that purpose. At all other times during a board meeting, the audience shall not enter into discussion or debate on matters being considered by the board, unless recognized by the presiding officer.
- ii. Persons who wish to participate in this portion of the meeting shall sign up with the presiding officer or designee before the meeting begins and shall indicate the topic about which they wish to speak.
- iii. No presentation shall exceed five minutes.
- iv. Delegations of more than five persons shall appoint one person to present their views before the board.

### **b. Board Response to Patrons Addressing the Board**

- i. Board members will not respond to or enter into discussions with the speakers or the audience during the meeting since items on the agenda will be discussed as appropriate and scheduled on the agenda.
- ii. Discussions of items not on the agenda are not permitted.
- iii. Specific factual information or recitation of existing policy may be furnished in response to inquiries, but the Board shall not discuss or deliberate, or decide regarding any subject that is not included on the agenda posted with notice of the meeting.
- iv. Public comments may be on items listed on the agenda or other areas of district operations, but shall not include complaints or comments about individual students, employees or officials of the district. Speakers with specific complaints regarding students or District personnel shall be referred to the appropriate board policy and the grievance process. Appropriate policies includes:
  1. FNG for student or parent complaints
  2. DGBA for employee complaints
  3. GF for local complaints

## **BED (LOCAL)**

### **LIMIT ON PARTICIPATION**

Audience participation at a Board meeting is limited to the public comment portion of the meeting designated for that purpose. At all other times during a Board meeting, the audience shall not enter into discussion or debate on matters being considered by the Board, unless requested by the presiding officer.

### **PUBLIC COMMENT**

At regular meetings the Board shall allot a limited amount of time to hear persons who desire to make comments to the Board. Persons who wish to participate in this portion of the meeting shall sign up with the presiding officer or designee before the meeting begins and shall indicate the topic about which they wish to speak.

No presentation shall exceed five minutes. Delegations of more than five persons shall appoint one person to present their views before the Board.

### **BOARD'S RESPONSE**

Specific factual information or recitation of existing policy may be furnished in response to inquiries, but the Board shall not deliberate or decide regarding any subject that is not included on the agenda posted with notice of the meeting.

### **COMPLAINTS AND CONCERNS**

The presiding officer or designee shall determine whether a person addressing the Board has attempted to solve a matter administratively through resolution channels established by policy. If not, the person shall be referred to the appropriate policy (see list below) to seek resolution:

Employee complaints: DGBA

Student or parent complaints: FNG

Public complaints: GF

### **DISRUPTION**

The Board shall not tolerate disruption of the meeting by members of the audience. If, after at least one warning from the presiding officer, any person continues to disrupt the meeting by his or her words or actions, the presiding officer may request assistance from law enforcement officials to have the person removed from the meeting.



### **3. INDIVIDUAL BOARD MEMBERS**

- a. Standard of Behavior: Board members will be knowledgeable of the Board of Trustees Code of Ethics and the code's implications of their day-to day actions.
- b. Violation of Board Operating Procedures: Infractions of board operating procedures will result in the president meeting with and discussing the concern with the member, and thereafter reporting to the board.
- c. Individual Board Member Authority
  - i. Board members as individuals shall not attempt to exercise any authority over the district, its property, or its employees.
  - ii. Except for appropriate duties and functions of the board president, an individual member may not act on behalf of the board without the express authorization of the board. Without such authorization, no individual member may commit the board on any issue.
  - iii. Board members will avoid personal involvement in activities the board has delegated to the superintendent.
- d. Board Member Requests for Information
  - i. Individual board members shall not direct or require district employees to prepare reports derived from an analysis of information in existing district records or to create a new record compiled from information in existing district records.
  - ii. Directives to the superintendent or custodian of the records regarding the preparation of reports shall be by board action.
  - iii. Information requested by a board member will be provided to all trustees
- e. Individual Board Member Access to Information
  - i. An individual board member, acting in his or her official capacity, shall have the right to seek information pertaining to district fiscal affairs, business transactions, governance, and personnel matters, including information that properly may be withheld from members of the general public in accordance with the Public Information Chapter of the Government Code.
  - ii. Individual board members shall not have access to confidential student records, unless there is a legitimate educational interest in the records in accordance with policies FL (LEGAL) and (LOCAL).
  - iii. Individual board members shall seek access to record or request copies of record from the superintendent. When a custodian of records other than the superintendent provides access to records or copies of records to individual trustees, the provider shall inform the superintendent of the records provided.
  - iv. Requests by board members for existing district information or documents should be made to the superintendent. The superintendent shall notify other board members of such requests.

f. Complaints to Individual Board Member

- i. If employees, parents, students, or other members of the public bring concerns or complaints to an individual board member, he or she shall refer them to the superintendent or other appropriate administrator, who shall proceed according to the applicable complaint policy.
- ii. Board members shall not conduct investigations of allegations on their own. Board members shall inform the superintendent of complaints first, and then, if dissatisfied with the response of the superintendent, may bring the matter to the attention of the board during executive session, if appropriate for executive session.
- iii. When the concern or complaint directly pertains to the board's own actions or policy, for which there is no administrative remedy, the trustee may request that the issue be placed on the agenda.

g. Board Member Expense Guidelines

- i. Board members shall be reimbursed for reasonable expenses incurred in carrying out board business at the board's request and for reasonable expenses incurred while attending meetings and conventions as official representatives of the board.
- ii. An amount for board member travel expense reimbursement shall be approved in the budget each year.
- iii. If the board authorizes travel reimbursement rates that exceed those authorized for state employees in the current state appropriations act, the superintendent shall ensure that accounting records accurately reflect that no state or federal funds were used to reimburse those excess amounts.
- iv. Advancement for use of personal car at the mileage rate currently approved by the board, or the actual cost of lowest available fare for commercial transportation, plus parking and taxi fares and expenses for lodging, meals, and other incidental expenses. Board members shall file a statement and, to the extent feasible, attach receipts documenting actual expenses for which reimbursement is requested.

**BBE(LOCAL)**

**BOARD  
AUTHORITY**

The Board has final authority to determine and interpret the policies that govern the schools and subject to the mandates and limits imposed by state and federal authorities, has complete and full control of the District. Board action shall be taken only in meetings that comply with the Open Meetings Act. [See BE(LEGAL)]

**TRANSACTING  
BUSINESS**

When a proposal is presented to the Board, the Board shall hold a discussion and reach a decision. Although there may be dissenting votes, which are a matter of public record, each Board decision shall be an action by the whole Board binding upon each member.

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| INDIVIDUAL<br>AUTHORITY FOR<br>COMMITTING<br>THE BOARD | Board members as individuals shall not exercise authority over the District, its property, or its employees. Except for appropriate duties and functions of the Board President, an individual member may act on behalf of the Board only with the express authorization of the Board. Without such authorization, no individual member may commit the Board on any issue. [See BDAA]  |
| INDIVIDUAL<br>ACCESS TO<br>INFORMATION                 | An individual Board member, acting in his or her official capacity, shall have the right to seek information pertaining to District fiscal affairs, business transactions, governance, and personnel matters, including information that properly may be withheld from members of the general public in accordance with the Public Information Chapter of the Government Code. [See GBA]   |
| LIMITATIONS  | <p>If a Board member is not acting in his or her official capacity, the Board member has no greater right to District records than a member of the public. An individual Board member shall not have access to confidential student records unless the member is acting in his or her official capacity and has a legitimate educational interest in the records in accordance with policy FL.</p> <p>A Board member who is denied access to a record under this provision may ask the Board to determine whether the record should be provided or may file a request under the Public Information Act. [See GBAA]</p>           |
| REQUESTS FOR<br>RECORDS                                | <p>An individual Board member shall seek access to records or request copies of records from the Superintendent or other designated custodian of records. When a custodian of records other than the Superintendent provides access to records or copies of records to an individual Board member, the provider shall inform the Superintendent of the records provided.</p> <p>In accordance with law, the District shall track and report any requests under this provision, including the cost of responding to one or more requests by any individual Board member for 200 or more pages of material in a 90-day period.</p> |
| REQUESTS<br>FOR REPORTS                                | No individual Board member shall direct or require District employees to prepare reports derived from an analysis of information in existing District records or to create a new record compiled from information in existing District records. Directives to the Superintendent or other custodian of records regarding the preparation of reports shall be by Board action.  |
| CONFIDENTIALITY  | At the time a Board member is provided access to confidential records or to reports compiled from such records, the Superintendent or other District employee shall advise the Board member of the responsibility to comply with confidentiality requirements.   |

## REFERRING COMPLAINTS

If employees, parents, students, or other members of the public bring concerns or complaints to an individual Board member, he or she shall refer them to the Superintendent or another appropriate administrator, who shall proceed according to the applicable complaint policy.

[See (LOCAL) policies at DGBA, FNG, and GF]

When the concern or complaint directly pertains to the Board's own actions or policy, for which there is no administrative remedy, the Board member may request that the issue be placed on the agenda.

#### **4. BOARD MEMBER VISIT TO CAMPUS**

- a. Board members are encouraged to attend any school's events as often as possible as their time permits. However, Board members should use good judgment with regard to actions, discussions and frequency of visits.
  - i. Board members may visit campus in her/his role of parent. It is often difficult for staff members to view board members as parents rather than as board members. When visiting a campus or classroom as parents, board members shall observe protocol as follows:
    - 1. Make it clear that they are acting as parents.
    - 2. Follow the same rules and guidelines for all parents regarding campus visits.
    - 3. Never request nor accept extraordinary consideration for their children.
  - ii. Board members are not to go unannounced into teacher's classrooms. Classroom visits will be made by invitation only.
  - iii. Board members shall not visit a campus in an attempt to evaluate or direct personnel.

## 5. COMMUNICATIONS

### a. Board Member Communication with the Media

- i. The board president serves as the official spokesperson for the board team to the media/press on issues of media attention.
- ii. Media calls should be directed to the board president or superintendent.
- iii. Board members asked for individual comments or opinions by the media/press are to qualify those statements as being the opinion of the individual board member and not representative of the board as a whole or the school district.

### GBBA(LOCAL)

#### NEWS RELEASES

News releases concerning political or controversial issues or the overall operation of District schools, or involving more than one campus, shall be made only by the Superintendent or designee.

Other news releases concerning athletic events, programs, and activities at an individual campus shall be made by the Superintendent or designee.

#### COMMUNICATIONS DURING A CRISIS

In any crisis situation affecting the District or an individual campus, the Superintendent shall be the official District spokesperson and shall be responsible for all communication with the news media.

- b. Communication between Board Members: For the purpose of this document, “communications” includes electronic communications, including email correspondence and text messaging.
  - i. Board members are free to communicate with each other on a one-to-one basis.
  - ii. To avoid public speculation that the Open Meetings Act has been violated, board members must exercise extreme caution at social functions and avoid gathering in groups.
  - iii. Unless a committee meeting has been posted according to the Open Meetings Act, board members that are not serving on the committee are not to attend the committee meeting.
  - iv. Communications should not be sent from one board member to more than two other board members, even if no reply is requested, expected, or received.
  - v. Board members who have received messages should not forward them if the result is that a quorum of board members will receive the message.
  - vi. If a board member wishes to provide information to the entire board, the information should first be submitted to the superintendent, who will provide the information to all board members.

## BE (LEGAL)

A board may act only by majority vote of the members present at a meeting held in compliance with Government Code Chapter 551, at which a quorum of the board is present and voting. A majority vote is generally determined from a majority of those present and voting, excluding abstentions, assuming a quorum is present.

*Education Code 11.051(a-1); Atty. Gen. Op. GA-689 (2009)*

## DEFINITIONS “MEETING”

“Meeting” means a deliberation among a quorum of a board, or between a quorum of the board and another person, during which public business or public policy over which the board has supervision or control is discussed or considered, or during which the board takes formal action. “Meeting” also means a gathering:

1. That is conducted by a board or for which a board is responsible;
2. At which a quorum of members of a board is present;
3. That has been called by a board; and
4. At which board members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee of a district, about the public business or public policy over which the board has supervision or control.

*Gov’t Code 551.001(4)*

A communication or exchange of information between board members about public business or public policy over which the board has supervision or control does not constitute a meeting or deliberation for purposes of the Texas Open Meetings Act if the communication is posted to an online message board or similar Internet application in compliance with Government Code 551.006.

*Gov’t Code 551.006*

[See BBI(LEGAL)]

## “DELIBERATION”

“Deliberation” means a verbal exchange during a meeting among a quorum of a board, or between a quorum of a board and another person, concerning any issue within the jurisdiction of the board or any public business.

*Gov’t Code 551.001(2)*

## “RECORDING”

“Recording” means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed.

*Gov’t Code 551.001(7)*

## “VIDEO-CONFERENCE CALL”

“Videoconference call” means a communication conducted between two or more persons in which one or more of the participants communicate with the other participants through duplex audio and video signals transmitted over a telephone network, a data network, or the Internet.

*Gov’t Code 551.001(8)*

The term “meeting” does not include the gathering of a quorum of a board at a social function unrelated to the public business that is conducted by the

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| SOCIAL<br>FUNCTION<br>OR<br>CONVENTION           | board, or the attendance by a quorum of the board at a regional, state, or national convention or workshop, ceremonial event, or press conference, if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event, or press conference.<br><i>Gov't Code 551.001(4)</i>   |
| LEGISLATIVE<br>COMMITTEE OR<br>AGENCY<br>MEETING | The attendance by a quorum of a board at a meeting of a committee or agency of the legislature is not considered to be a meeting of a board if the deliberations at the meeting by the board members consist only of publicly testifying, publicly commenting, and publicly responding to a question asked by a member of the legislative committee or agency.<br><i>Gov't Code 551.0035(b)</i>   |
| SUPERINTENDENT<br>PARTICIPATION                  | A board shall provide a superintendent an opportunity to present at a meeting an oral or written recommendation to the board on any item that is voted on by the board at the meeting. <i>Education Code 11.051(a-1)</i>  |
| OPEN TO PUBLIC                                   | Every meeting of a board shall be open to the public. A board may, however, exclude a witness from a hearing during the examination of another witness in a matter being investigated and may enter into a closed meeting, as provided by law. <i>Gov't Code 551.002, .084, Ch. 551, Subch. D</i><br>[See BDB and BEC]  |
| PARENTAL ACCESS                                  | A parent, as defined in Education Code 26.002, is entitled to complete access to any meeting of a board, other than a closed meeting held in compliance with the Open Meetings Act. <i>Education Code 26.007(a)</i>   |
| RECORDING  | All or any part of an open meeting may be recorded by any person in attendance by means of a recorder, video camera, or any other means of aural or visual reproduction. A board may adopt reasonable rules to maintain order at a meeting, including rules related to the location of recording equipment and the manner in which the recording is conducted. These rules shall not prevent or unreasonably impair a person from exercising the right to record a meeting that is open to the public.<br><i>Gov't Code 551.023</i> |
| MINUTES  | A board shall prepare and keep minutes or make a recording of each open meeting. The minutes shall state the subject matter of each deliberation and indicate each vote, order, decision, or other action taken.<br><i>Gov't Code 551.021</i>   |
| BOARD MEMBER<br>ATTENDANCE                       | The minutes or recording, as applicable, of a regular or special meeting of a board must reflect each member's attendance at or absence from the meeting. <i>Education Code 11.0621</i><br>The minutes and recording are public records and shall be available for public inspection and copying on request to a superintendent or designee.  |



## AVAILABILITY

*Gov't Code 551.022; Education Code 11.0621*

### NOTICE REQUIRED

A board shall give written notice of the date, hour, place, and subject(s) of each meeting it holds.  
*Gov't Code 551.041*

### CONTINUED MEETING

If a board recesses an open meeting to the following regular business day, the board is not required to post notice of the continued meeting if the action is taken in good faith and not to circumvent Government Code Chapter 551. If an open meeting is continued to the following regular business day and, on that following day, a board continues the meeting to another day, the board must give the required written notice of the meeting continued to that other day.  
*Gov't Code 551.0411(a)*

### INQUIRY DURING MEETING

If a member of the public or of a board inquires at a meeting about a subject for which notice has not been given, the notice provisions do not apply to a statement of specific factual information given in response to the inquiry or a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda of a subsequent meeting.  
*Gov't Code 551.042*

### LOCATION

A board must hold each public meeting within the boundaries of the district, except:

1. As otherwise required by law; or
2. To hold a joint meeting with another district or with another governmental entity if the boundaries of the governmental entity are in whole or in part within the boundaries of the district.

*Education Code 26.007(b)*

### TIME OF NOTICE AND ACCESSIBILITY

Notice of a board meeting shall be posted on a bulletin board at a place convenient to the Public in the central administration office for at least 72 hours before the scheduled time of the meeting. That notice or a notice posted at another board-designated place shall at all times be readily accessible to the public for at least 72 hours before the scheduled time of the meeting.

*Gov't Code 551.043(a), .051; City of San Antonio v. Fourth Court of Appeals, 820 S.W. 2d 762 (Tex. 1991)*

If a district is required to post notice of a meeting on the Internet, the district satisfies the requirement that the notice must be posted in a place readily accessible to the general public at all times by making a good-faith attempt to continuously post the notice on the Internet during the prescribed period.

A district must still comply with the duty to physically post the notice in the central administration office and if the district makes a good-faith attempt to continuously post the notice on the Internet during the prescribed period,

the physically posted notice must be readily accessible to the general public during normal business hours. *Gov't Code 551.043(b)*

## INTERNET POSTING

If a district maintains an Internet website, in addition to the other place at which notice is required to be posted, a board must also concurrently post notice of a meeting on the Internet website.

A district that contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more must also, concurrently with the notice, post on the district's Internet website the agenda for a board meeting, if the agenda differs from the posted notice.

The validity of a posting of a district that made a good-faith attempt to comply with the Internet posting requirements is not affected by a failure to comply that is due to a technical problem beyond the control of the district.

*Gov't Code 551.056*

## SPECIFICITY OF AGENDA /NOTICE

Agendas for all meetings shall be sufficiently specific to inform the public of the subjects to be deliberated at the meeting, setting out any special or unusual matters to be considered or any matter in which the public has a particular interest. Deliberations or actions pertaining to a superintendent and principals are of particular public interest, and notice of those subjects must be worded with such clarity that the public will understand what a board proposes to discuss or accomplish. *Cox Enterprises, Inc. v. Austin Indep. Sch. Dist.*, 706 S.W.2d 956 (Tex. 1986); *Point Isabel Indep. Sch. Dist. v. Hinojosa*, 797 S.W.2d 176 (Tex. App.—Corpus Christi 1990, writ denied); *Atty. Gen. Ops. M-494* (1969), *H-419* (1974), *H-662* (1975), *H-1045* (1977)

The terms “employee briefing” or “staff briefing” do not give adequate notice of the subject matter to be presented to a board by employees or staff members.

*Atty. Gen. Op. JC-169* (2000)

The subject of a report or update by district staff or a member of the board must be set out in the notice in a manner that informs a reader about the subjects to be addressed.

*Atty. Gen. Op. GA-668* (2008)

## EMERGENCY MEETING OR EMERGENCY ADDITION TO AGENDA

In an emergency or when there is an urgent public necessity, the notice of a meeting or the supplemental notice of a subject added to an agenda posted in accordance with law is sufficient if it is posted for at least two hours before the meeting is convened.

An emergency or urgent public necessity exists only if immediate action is required because of an imminent threat to public health and safety or a reasonably unforeseeable situation. A board shall clearly identify the emergency or urgent public necessity for each item in the notice of an emergency meeting and each item added in a supplemental notice.

The sudden relocation of a large number of residents from the area of a declared disaster to a district's jurisdiction is considered a reasonably unforeseeable situation for a reasonable period immediately following the relocation. Notice of an emergency meeting or supplemental notice of an emergency item added to the agenda of a meeting to address a situation described by this subsection must be given to members of the news media as provided by Government Code 551.047 not later than one hour before the meeting.  
*Gov't Code 551.045*

## CATASTROPHE

A board prevented from convening an open meeting that was otherwise properly posted under Government Code Section 551.041 because of a catastrophe may convene the meeting in a convenient location within 72 hours pursuant to Government Code Section 551.045 if the action is taken in good faith and not to circumvent Government Code Chapter 551. If a board is unable to convene the open meeting within those 72 hours, the board may subsequently convene the meeting only if the board gives the required written notice of the meeting.

“Catastrophe” means a condition or occurrence that interferes physically with the ability of a board to conduct a meeting, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
2. Power failure, transportation failure, or interruption of communication facilities;
3. Epidemic; or
4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence. *Gov't Code 551.0411(b), (c)*

## SPECIAL NOTICE TO NEWS MEDIA

A district shall provide special notice of each meeting by telephone, facsimile transmission, or electronic mail to any news media that has requested it and agreed to reimburse the district for the cost of providing the special notice. When an emergency meeting is called or an emergency item added to an agenda, a board president shall notify by telephone, facsimile transmission, or electronic mail any news media who have previously requested special notice of all meetings.  
*Gov't Code 551.047, .052*

## QUORUM

A majority of a board (e.g., four members of a seven-member board or five members of a nine-member board, regardless of the number of vacancies) constitutes a quorum for meetings of the board.

*Gov't Code 551.001(6), 311.013(b)*

## DISASTER

Notwithstanding any other law, a quorum is not required for a board to act if:

1. The district's jurisdiction is wholly or partly located in the area of a disaster declared by the president of the United States or the governor; and
2. A majority of the members of the board are unable to be present at a board meeting as a result of the disaster. *Gov't Code 418.1102*

## SECRET BALLOT

No vote shall be taken by secret ballot. *Atty. Gen. Op. H-1163 (1978)*

## MEETING BY TELEPHONE CONFERENCE CALL

A board may hold a meeting by telephone conference call if an emergency or public necessity exists within the meaning of Government Code 551.045 and the convening at one location of a quorum of the board is difficult or impossible, or if the meeting is held by an advisory board.

Each part of the telephone conference call meeting that is required to be open shall be audible to the public at the location specified in the notice of the meeting. The location designated in the notice as the location of the meeting shall provide two-way communication during the entire telephone conference call meeting and the identification of each party to the telephone conference shall be clearly stated prior to speaking.

## NOTICE

The telephone conference call meeting is subject to the notice requirements applicable to other meetings. The notice must specify as the location of the meeting, the location where meetings of the governmental body are usually held.

## RECORDING

The conference call meeting shall be recorded and made available to the public. *Gov't Code 551.125*

## MEETING BY VIDEO- CONFERENCE CALL

A board member or district employee may participate remotely in a board meeting by means of a videoconference call if the video and audio feed of the board member's or employee's participation, as applicable, is broadcast live at the meeting and complies with the provisions below. A board member who participates by videoconference call shall be counted as present at the meeting for all purposes.

A meeting of the board may be held by videoconference call only if:

1. The board makes available to the public at least one suitable physical space located in the district's geographic jurisdiction that is equipped with videoconference equipment that provides an audio and video display, as well as a camera and microphone by which a

member of the public can provide testimony or otherwise actively participate in the meeting;

2. The board member presiding over the meeting is present at the physical space; and
3. Any member of the public present at that physical space is provided the opportunity to participate in the meeting by means of a videoconference call in the same manner as a person who is physically present at a board meeting that is not conducted by videoconference call.

The location where the presiding officer is physically present shall be open to the public during the open portions of the meeting.

*Gov't Code 551.001(7), .127*

## NOTICE

A meeting held by videoconference call is subject to the notice requirements applicable to other meetings in addition to the notice requirements applicable to meetings by videoconference call.

The notice of a meeting to be held by videoconference call must specify as a location of the meeting the location where the presiding officer will be physically present and specify the intent to have the presiding officer present at that location.

## QUALITY OF AUDIO AND VIDEO SIGNALS

Each portion of a meeting held by videoconference call that is required to be open to the public shall be visible and audible to the public at the location specified in the notice. If a problem occurs that causes a meeting to no longer be visible and audible to the public at that location, the meeting must be recessed until the problem is resolved. If the problem is not resolved in six hours or less, the meeting must be adjourned.

The physical location specified in the notice, and each remote location from which a member of ~~the~~ board participates, shall have two-way audio and video communication with each member who is participating by videoconference call during the entire meeting. The face of each participant in the videoconference call, while that participant is speaking, shall be clearly visible, and the voice audible, to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the physical location described by the notice and at any other location of the meeting that is open to the public.

The quality of the audio and video signals perceptible at each location of the meeting must meet or exceed standards specified by the Department of Information Resources. The audio and video signals perceptible by members of the public at each location of the meeting described by the notice and at any other location of the meeting that is open to the public

must be of sufficient quality so that members of the public at each location can observe the demeanor and hear the voice of each participant in the open portion of the meeting.

#### RECORDING

A board shall make at least an audio recording of the meeting. The recording shall be made available to the public.

#### REMOTE PARTICIPATION BY THE PUBLIC

A board may allow a member of the public to testify at a meeting from a remote location by videoconference call even if a board member is not participating in the meeting from a remote location.

*Gov't Code 551.127; 1 TAC 209.10-.11*

#### VIDEO AND AUDIO RECORDING OF MEETING

A board for a district that has a student enrollment of 10,000 or more shall make a video and audio recording of reasonable quality of each regularly scheduled open meeting that is not a work session or a special called meeting. In addition, the board may broadcast a regular scheduled open meeting on television.

The board shall make available an archived copy of the video and audio recording on the Internet not later than seven days after the date the recording was made. The board shall maintain the archived recording on the Internet for not less than two years after the date the recording was first made available. However, a board is exempt from the requirements in this paragraph if the board's failure to make the required recording of a meeting available is the result of a catastrophe, as defined by Government Code 551.0411 [see CATASTROPHE, above], or a technical breakdown. Following a catastrophe or breakdown, the board must make all reasonable efforts to make the required recording available in a timely manner.

The board may make the archived recording available on an existing Internet site, including a publicly accessible video-sharing or social networking site. The board is not required to establish a separate Internet site and provide access to archived recordings of meetings from that site.

A district that maintains an Internet site shall make available on that site, in a conspicuous manner, the archived recording of each meeting or an accessible link to the archived recording of each such meeting.

*Gov't Code 551.128(b-1)–(b-6)*

#### INTERNET BROADCAST

A board that is not subject to the provisions above at VIDEO AND AUDIO RECORDING OF MEETING may broadcast an open meeting over the Internet. If a board broadcasts a meeting over the Internet, it shall establish an Internet site and provide access to the broadcast from that site. A board

shall provide on the Internet site the same notice of the meeting, within the time required for posting that notice, that the board is required to post under the Open Meetings Act. *Gov't Code 551.128(b), (c)*

#### ATTORNEY CONSULTATION

A board may use a telephone conference call, videoconference call, or communications over the Internet to conduct a public consultation with its attorney in an open meeting of the board or a private consultation with its attorney in a closed meeting of the board. [See BEC]

Each part of a public consultation by a board with its attorney in an open meeting must be audible to the public at the location specified in the notice of the meeting as the location of the meeting.

#### EXCEPTION

This does not apply to a consultation with an attorney who is an employee of a district. An attorney who receives compensation for legal services performed, from which employment taxes are deducted by a district, is an employee of the district. *Gov't Code 551.129*

#### HEARING- IMPAIRED PERSONS

In a proceeding before a board in which the legal rights, duties, or privileges of a party are to be determined by the board after an adjudicative hearing, the board shall supply for a party who is deaf or hearing impaired an interpreter who has qualifications approved by the Texas Department of Assistive and Rehabilitative Services.

For purposes of this requirement, "deaf or hearing impaired" means having a hearing impairment, regardless of the existence of a speech impairment that inhibits comprehension of a proceeding or inhibits communication with others. *Gov't Code 558.001, .003*

## **6. MEDIA INQUIRIES TO THE BOARD OR INDIVIDUAL BOARD MEMBER**

- A. The Board President or his/her designee shall be the official spokesperson for the Board to the media/press on issues of media attention.
  - 1. All Board members who receive calls from the media should direct them to the Board's

spokesperson and notify the Board President and Superintendent of the call.

**BE(LLEGAL)**

**SPECIAL NOTICE  
TO NEWS MEDIA**

A district shall provide special notice of each meeting by telephone, facsimile transmission, or electronic mail to any news media that has requested it and agreed to reimburse the district for the cost of providing the special notice. When an emergency meeting is called or an emergency item added to an agenda, a board president shall notify by telephone, facsimile transmission, or electronic mail any news media who have previously requested special notice of all meetings. *Gov't Code 551.047, .052*

**7. BOARD MEMBER COMMUNICATION WITH THE SCHOOL DISTRICT'S  
ATTORNEY/LEGAL COUNSEL**

- i. The board authorizes the superintendent to contact legal counsel on behalf of the district.
- ii. Board members are also authorized to contact legal counsel on behalf of the district.



- iii. Board members who contact legal counsel are to advise the board president of the nature of the contact with legal counsel.
- iv. The superintendent will update the board on a regular basis as to district issues resulting and ongoing and substantial billing from legal counsel.
- v. In the event, contact by individual board members is deemed excessive or unnecessary by a majority of the board, the board may take action to suspend ii. above. If such action is taken, the school's attorney is to be notified by the board president of the revised process to be followed by the board when contacting counsel.
- vi. Items i. through v. in this operating procedure does not apply to the superintendent.

**BDD(LOCAL)**

The Board shall retain an attorney or attorneys, as necessary, to serve as the District's legal counsel and representatives in matters requiring legal services. Services to be performed and reasonable compensation to be paid by the Board shall be set forth in a written contract between the Board and the attorney or attorneys.

In accordance with the written contract, individual Board members shall channel legal inquiries through the Superintendent, Board President, or Board's designee, as appropriate, when seeking advice or information from the District's legal counsel.

Staff shall submit requests for legal advice from the District's legal counsel through the Superintendent or designee.

Upon request of the Board or when deemed necessary by the Superintendent, the Superintendent shall report advice from legal counsel.

**BDD(LEGAL)  
PROCUREMENT OF  
LEGAL SERVICES**

The purchasing requirements of Education Code 44.031 do not apply to a contract for professional services rendered by an attorney. *Education Code 44.031(f)* [See CH(LEGAL)] The District may request the assistance of the attorney general on any legal matter.

**ATTORNEY GENERAL**

The District must pay any costs associated with the assistance.

*Education Code 11.151(e)*

**BOARD MEMBER COMMUNICATION WITH DISTRICT STAFF**

- i. Board members have the same rights as others to communicate with district employees regarding issues involving their own children.

- ii. Board members have the right to communicate with district employees in personal conversation and social settings as long as such communication does not circumvent the role and authority of the superintendent. Circumvention occurs when the board member's intent is to persuade employees, direct employees, elicit a position from employees, or obtain information from employees without the board's knowledge or superintendent's knowledge and/or consent.

## **8. SUPERINTENDENT EVALUATION**

- A. The summative evaluation will generally be conducted in June.
- B. The formative evaluation will be conducted in April and November.

- C. The Board President obtains input from all other members on the approved indicators in January.
- D. Evaluation is conducted by consensus in executive session.
- E. Board and Superintendent will develop goals in July of each year.

**BJCD(LOCAL)**  
**CRITERIA**

The Board shall prepare a written evaluation of the Superintendent at annual or more frequent intervals and may at any time conduct an communicate oral evaluations to augment its written evaluations. The written evaluation shall be based on the Superintendent job description [see BJA] and other criteria identified by the Board.

The Board shall furnish the Superintendent with a copy of the completed evaluation and shall discuss its conclusions with the Superintendent in closed meeting.

**DEFINITIONS**

Formative Conference(s) - meeting held between Board members and Superintendent designed to modify and improve the ongoing performance of the Superintendent.

Summative Conference(s) - meeting held between Board members and Superintendent designed to make a final judgment about the continuation of the Superintendent's employment.

A formative evaluation is continuous. A summative evaluation is "one-time" and final.

**OBJECTIVES**

The Board shall strive to accomplish the following objectives in conducting the Superintendent's evaluation:

1. Clarify to the Superintendent his or her role, as seen by the Board.
2. Clarify to Board members the Superintendent's role, according to the Board's written criteria, as expressed in the Superintendent's job description and the District's goals and objectives.
3. Foster an early understanding among new Board members of the evaluation process and the Superintendent's current performance objectives and priorities.
4. Develop and sustain a harmonious working relationship between the Board and the Superintendent.
5. Ensure administrative leadership for excellence in the District.

**TIME OF  
EVALUATION**

Each year, prior to the September meeting of the Board, the Board and Superintendent shall meet in closed meeting and discuss the performance of the Superintendent.

**PROCEDURE**

In compliance with the Texas Education Code, the Board shall prepare a written

evaluation of the Superintendent, based on the Superintendent's job description. [See BJA] A copy of the completed evaluation shall be provided to the Superintendent prior to meeting with the Board in closed session. The summative evaluation shall reflect a consensus of the Board and the Superintendent regarding the performance of the Superintendent in the previous year and expectations for future performance. The feedback and direction provided by the Board to the Superintendent during the evaluation process is essential for quality leadership and goal attainment in the District.

If consensus cannot be reached regarding the evaluation and contract proposals, the Superintendent may request further consideration. He or she may request a public or private hearing regarding any aspect of the evaluation process.

Once consensus has been reached regarding the Superintendent's evaluation and proposed contract amendments and no later than the September Board meeting, the Board shall convene in Open Session to vote on the adoption of the Superintendent's evaluation and any amendments to be made to the contract.

Formative evaluation meetings may be held between the Board and the Superintendent during the year to review progress and to allow adjustments to performance expectations based on significant changes in the District.

#### **BJCD(LEGAL)**

##### **PENALTY FOR NONCOMPLIANCE**

Funds for the District may not be used to pay a Superintendent who has not been appraised in the preceding 15 months. *Education Code 21.354(d)*

##### **APPRAISAL PROCESS**

The Board shall appraise the Superintendent annually using either:

1. The commissioner's recommended appraisal process and criteria [see BJCD (EXHIBITZ)]; or
2. An appraisal process and performance criteria that are:
  - a. Developed by the District in consultation with the District-and campus-level committees; and
  - b. Adopted by the Board.

*Education Code 21.354(c)*

##### **ANNUAL PERFORMANCE REPORT**

The information in the annual report describing the educational performance of the Districts [see BQ series} shall be a primary consideration of the Board in Evaluating the Superintendent.

## **9. BOARD SELF EVALUATION**

- A. The board shall conduct an annual self-evaluation of board and board member performance in January. The evaluation shall consider such items as role recognition, relationship with others, performance at board meetings, and self- improvement activities.

## **BBD(LEGAL)**

### **OPEN MEETINGS ACT TRAINING**

Within 90 days after taking the oath of office, each Board member shall complete Training regarding the responsibilities of the Board and its members under Chapter 551 of the Government Code (Texas Open Meetings Act).

The training shall be not less than one and not more than two hours. The attorney general may provide the training and may also approve other acceptable sources of training.

The District shall maintain and make available for public inspection the record of its members' completion of the training. The failure of one or more members of the Board to complete the training does not affect the validity of an action taken by the Board.  
*Gov't Code 551.005*

### **PUBLIC INFORMATION ACT TRAINING**

Within 90 days after taking the oath of office, each Board member shall complete training regarding the responsibilities of the District and its officers and employees under Chapter 552 of the Government Code (Public Information Act). A Board member may designate a public information coordinator to satisfy the training for the Board member if the public information coordinator is primarily responsible for administering the responsibilities of the Board member or District under the Public Information Act. [See GBAA regarding public information coordinator training]  
*Gov't Code 552.012*

### **SBOE- REQUIRED TRAINING**

Each Board member must complete any training required by the State Board of Education (SBOE). The training requirement consists of orientation, team building, and annual continuing education. To the extent possible, the entire Board shall participate in training programs together.  
*Education Code 11.159; 19 TAC 61.1(b), .1(i)*

The SBOE's framework for governance leadership [see BBD(EXHIBIT)] shall be distributed annually by the Board President to all current Board members and the Superintendent.  
*19 TAC 61.1(a)*

No training shall take place during a Board meeting unless that meeting is called for the delivery of Board training. Training may take place before or after a legally called Board meeting in accordance with the Open Meetings Act.  
*19 TAC 61.1(c)*

Annually, the SBOE shall commend those teams that receive at least eight hours of training in team building and annual continuing education as an entire Board-Superintendent team.  
*19 TAC 61.1(k)*

### **REPORTING**

Annually, at the last regular meeting of the Board held during a calendar year, the Board President shall announce, and the minutes must reflect, the name of each

Board member who has completed the required training, who has exceeded the required hours of training, and who is deficient in the required training as of the date of the meeting. The announcement shall include a statement that completion of the required annual training is an obligation and expectation of any Board member under SBOE rule. The Board President shall cause the minutes to reflect the information and shall make this information available to the local media.

*Education Code 11.159; 19 TAC 61.1(j)*

#### **ORIENTATION NEW MEMBERS**

Within 60 days before or after a Board member's election or appointment, the new Board member shall participate in a local orientation session. The purpose of this orientation is to familiarize the new Board member with local Board policies and procedures and District goals and priorities. The orientation shall be at least three hours in length for each new Board member and must address local District practices in curriculum and instruction, business and finance operations, District operations, Superintendent evaluation, and Board member roles and responsibilities.

*19 TAC 61.1(b)(1)(A)*

Within the first 120 days of service, a newly elected Board member shall receive an orientation to the Education Code Chapter 26 (Parental Rights and Responsibilities) and Education Code 28.004 (Local School Health Advisory Council and Health Education Instruction). The orientation shall be delivered by a regional education service center and shall be no less than three hours in length.

*19 TAC 61.1(b)(1)(B)*

#### **CURRENT MEMBERS**

Any current Board member may attend or participate in the local District orientation and orientation to the Education Code offered to new Board members.

*19 TAC 61.1 (b)(1)(A), (B)*

#### **LEGISLATIVE UPDATES**

After each session of the Texas Legislature, each Board member shall receive an update to the basic orientation to the Education Code from a regional education service center or any registered provider. A Board member who has attended a basic orientation session given by a service center that incorporates the most recent legislative changes is not required to attend an additional legislative update.

*19 TAC 61.1(b)(1)(C)*

#### **TEAM BUILDING**

Annually, the entire Board, including all Board members, shall participate with their Superintendent in a team building session facilitated by a regional education service center or any registered provider. The team building session shall be of a length deemed appropriate by the Board, but generally at least three hours.

The purpose of the team building session is to enhance the effectiveness of the Board-Superintendent team and to assess the continuing education needs of the Board-Superintendent team. The session shall include a review of the roles,

rights, and responsibilities of the Board as outlined in the framework for governance leadership. The assessment of needs shall be based on the framework for governance leadership [see BBD(EXHIBIT)] and shall be used to plan continuing education activities for the governance leadership team for the upcoming year. *19 TAC 61.1(b)(2)*

ANNUAL  
CONTINUING  
EDUCATION

In addition to the orientation and team building training, a Board member shall receive additional continuing education on an annual basis, in fulfillment of assessed needs and based on the framework for governance leadership. [See BBD(EXHIBIT)] The continuing education may be provided by a regional education service center or other registered provider. *19 TAC 61.1(b)(3)*

At least 50 percent of the continuing education shall be designed and delivered by persons not employed or affiliated with the Board member's District. No more than one hour of the required continuing education that is delivered by the District may use self-instructional materials. *19 TAC 61.1(h)*

FIRST YEAR

In the first year of service, a Board member shall receive at least ten hours of continuing education. Up to five of the required ten hours may be fulfilled through online instruction, provided the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor. *19 TAC 61.1(b)(3)(A)*

SUBSEQUENT  
YEARS

After the first year of service, a Board member shall receive at least five hours of continuing education annually. A Board member may fulfill the five hours of continuing education through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor. *19 TAC 61.1(b)(3)(B)*

BOARD  
PRESIDENT

The Board President shall receive continuing education related to leadership duties of the Board President as some portion of the annual requirement. *19 TAC 61.1(b)(3)(C)*

## 10. EMPLOYEE OR CITIZEN COMPLAINT TO INDIVIDUAL BOARD MEMBER

- A. When a person complains to a Board member regarding a school personnel or an administrative issue:

1. Remind the employee or citizen of due process and that the Board member must remain impartial in case the situation goes before the Board.
- B. Refer employee or citizen to appropriate person in the chain of command.  
**MUST GO THROUGH CHAIN OF COMMAND.**
- C. Board member should advise Superintendent of a substantive or significant complaint within 72 hours of the point of contact, depending on the severity of the issue.

**BE(LOCAL)**

**REFERRING  
COMPLAINTS**

If employees, parents, students, or other members of the public bring concerns or complaints to an individual Board member, he or she shall refer them to the Superintendent or another appropriate administrator, who shall proceed according to the applicable complaint policy.  
[See (LOCAL) policies at DGBA, FNG, and GF]

When the concern or complaint directly pertains to the Board's own actions or policy, for which there is no administrative remedy, the Board member may request that the issue be placed on the agenda.

**11. INDIVIDUAL BOARD MEMBER REQUEST FOR INFORMATION OR REPORT**

- A. A Board member will submit a written request for information to the superintendent



- B. The superintendent, as appropriate, will call the board member to ask for clarification on a request.
- C. The superintendent will provide all board members with a copy of the response. The copy will be provided to each board member in a manner of preference to the superintendent within 10 days unless extenuating circumstances exist.

## GB(LOCAL)

### PUBLIC INFORMATION DEFINED

For purposes of the Texas Public Information Act (PIA), “public information” means information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

1. By the Board;
2. For the Board and the Board:
  - a. Owns the information;
  - b. Has a right of access to the information; or
  - c. Spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or collecting, assembling, or maintaining the information; or
3. By an individual officer or employee of the District in the officer’s or employee’s official capacity and the information pertains to official business of the District.

“Official business” means any matter over which the District has any authority, administrative duties, or advisory duties.

Information is “in connection with the transaction of official business” if the information is created by, transmitted to, received by, or maintained by an officer or employee of the District in the officer’s or employee’s official capacity, or a person or entity performing official business or a governmental function on behalf of the District, and pertains to official business of the District.

The definition of “public information” above applies to and includes an electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business.

*Gov’t Code 552.002(a)–(a-2), .003(2-a)*

### FORMS OF PUBLIC INFORMATION

The general forms in which the media containing public information exist include a book, paper, letter, document, e-mail, Internet posting, text message, instant message, other electronic communication, printout, photograph, film, tape,

microfiche, microfilm, Photostat, sound recording, map, and drawing and a voice, data, or video representation held in computer memory.

The media on which public information is recorded include:

1. Paper;
2. Film;
3. A magnetic, optical, solid state, or other device that can store an electronic signal;
4. Tape;
5. Mylar; and
6. Any physical material on which information may be recorded, including linen, silk, and vellum.

*Gov't Code 552.002(b)–*

*(c)*

#### ONLINE MESSAGE BOARD

If the Board maintains an online message board or similar Internet application under Government Code 551.006 [see BBI], and the Board removes from the online message board or similar Internet application a communication that has been posted for at least 30 days, the Board shall maintain the posting for a period of six years. This communication is public information and must be disclosed in accordance with the PIA.

*Gov't Code 551.006(d)*

## **12. BOARD REVIEW OF CODE OF ETHICS, CODE OF CONDUCT AND BOARD OPERATING PROCEDURES**

## **BBF(LOCAL)**

As a member of the Board, I shall promote the best interests of the District as a whole and, to that end, shall adhere to the following ethical standards:

|                                   |   |
|-----------------------------------|---|
| EQUITY<br>IN ATTITUDE             | <ul style="list-style-type: none"><li>• I will be fair, just, and impartial in all my decisions and actions.</li><li>• I will accord others the respect I wish for myself.</li><li>• I will encourage expressions of different opinions and listen with an open mind to others' ideas.</li></ul>  |
| TRUSTWORTHINESS<br>IN STEWARDSHIP | <ul style="list-style-type: none"><li>• I will be accountable to the public by representing District policies, programs, priorities, and progress accurately.</li><li>• I will be responsive to the community by seeking its involvement in District affairs and by communicating its priorities and concerns.</li><li>• I will work to ensure prudent and accountable use of District resources.</li><li>• I will make no personal promise or take private action that may compromise my performance or my responsibilities.</li></ul> |
| HONOR<br>IN CONDUCT               | <ul style="list-style-type: none"><li>• I will tell the truth.</li><li>• I will share my views while working for consensus.</li><li>• I will respect the majority decision as the decision of the Board.</li><li>• I will base my decisions on fact rather than supposition, opinion, or public favor.</li></ul>  |
| INTEGRITY<br>OF<br>CHARACTER      | <ul style="list-style-type: none"><li>• I will refuse to surrender judgment to any individual or group at the expense of the District as a whole.</li><li>• I will consistently uphold all applicable laws, rules, policies, and governance procedures.</li><li>• I will not disclose information that is confidential by law or that will needlessly harm the District if disclosed.</li></ul>   |
| COMMITMENT<br>TO SERVICE          | <ul style="list-style-type: none"><li>• I will focus my attention on fulfilling the Board's responsibilities of goal setting, policymaking, and evaluation.</li><li>• I will diligently prepare for and attend Board meetings.</li><li>• I will avoid personal involvement in activities the Board has delegated to the Superintendent.</li></ul>   |
| STUDENT-<br>CENTERED<br>FOCUS     | <ul style="list-style-type: none"><li>• I will seek continuing education that will enhance my ability to fulfill my duties effectively.</li><li>• I will be continuously guided by what is best for all students of the District.</li></ul>   |

## **13. PROCESS FOR SELECTING BOARD OFFICERS**

- A. Board officers shall serve for a term of one year or until a successor is elected. Officers may succeed themselves in office.
- B. Each officer shall perform any legal duties of the office and other duties as required by action of the Board.
- C. Officers will take the oath of office that they have been elected to.

## **BDAA(LOCAL)**

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| BOARD OFFICERS  | The Board shall elect a President and a Vice President who shall be members of the Board, and a Secretary who may not be a member of the Board. The Board may assign a District employee to provide clerical assistance to the Board. Officers shall be elected by majority vote of the members present and voting.   |
| VACANCY         | A vacancy among officers of the Board, other than the President, shall be filled by majority action of the Board.   |
| TERM AND DUTIES | Board officers shall serve for a term of one year or until a successor is elected. Officers may succeed themselves in office. Each officer shall perform any legal duties of the office and other duties as required by action of the Board.  |
| PRESIDENT       | In addition to the duties required by law, the President of the Board shall: <ul style="list-style-type: none"> <li>1. Preside at all Board meetings unless unable to attend.</li> <li>2. Have the right to discuss, make motions and resolutions, and vote on all matters coming before the Board.</li> </ul>  |
| VICE PRESIDENT  | The Vice President of the Board shall: <ul style="list-style-type: none"> <li>1. Act in the capacity and perform the duties of the President of the Board in the event of the absence or incapacity of the President.</li> <li>2. Automatically become President of the Board if a vacancy in that office occurs.</li> </ul>  |
| SECRETARY       | The Secretary of the Board shall: <ul style="list-style-type: none"> <li>1. Ensure that an accurate record is kept of the proceedings of each Board meeting.</li> <li>2. Ensure that notices of Board meetings are posted and sent as required by law.</li> <li>3. In the absence of the President and Vice President, call the meeting to order and act as presiding officer.</li> <li>4. Sign or countersign documents as directed by action of the Board.</li> </ul> |

## **14. ROLE OF BOARD AND SUPERINTENDENT IN EXECUTIVE SESSION**

- A. Board/Superintendent can only discuss those items listed on the executive agenda and as limited by law, Texas Government Code Chapter 551.
- B. Superintendent recommends in public session and Board must vote in public session.
- C. Information discussed during the executive session must remain confidential.
- D. Board Members/Superintendent will not record executive session conversations/deliberations.
- E. Superintendent will collect all materials regarding personnel distributed to Board Members during executive session.

## **BEC(LOCAL)**

### **EXCEPTIONS FOR CLOSED MEETINGS**

The Board may conduct a closed meeting for the purposes described in the following provisions:

#### **ATTORNEY CONSULTATION**

1. The Board may conduct a private consultation with its attorney only when it seeks the attorney's advice about pending or contemplated litigation or a settlement offer or on a matter in which the duty of the attorney to the Board under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the requirement for open meetings.

*Gov't Code 551.071*

[See BE for permissible methods of communication for attorney consultations]

#### **REAL PROPERTY**

2. The Board may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the Board's position in negotiations with a third person.

*Gov't Code 551.072*

3. The Board may conduct a closed meeting to deliberate a negotiated contract for a prospective gift or donation to the District if deliberation in an open meeting would have a detrimental effect on the Board's position in negotiations with a third person.

*Gov't Code 551.073*

#### **PERSONNEL MATTERS**

4. The Board is not required to conduct an open meeting to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee. However, the Board may not conduct a closed meeting for these purposes if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

*Gov't Code 551.074*

The closed meeting exception for personnel matters does not apply when the Board discusses an independent contractor who is not a school employee, such as an engineering, architectural, or consultant firm, or when the Board discusses a class or group of employees, not a particular employee.

*Atty. Gen. Op. MW-129 (1980), Atty. Gen. Op. H-496 (1975)*

The Board is not required to conduct an open meeting to deliberate in a case in which a complaint or charge is brought against a District employee by

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| EMPLOYEE-<br>EMPLOYEE<br>COMPLAINTS                  | another employee and the complaint or charge directly results in the need for a hearing. However, the Board may not conduct a closed meeting for this purpose if the employee against whom the complaint or charge is brought makes a written request for an open hearing. <i>Gov't Code 551.082</i>  |
| STUDENT<br>DISCIPLINE                                | 5. The Board is not required to conduct an open meeting to deliberate in a case involving discipline of a public school child. However, the Board may not conduct a closed meeting for this purpose if the child's parent or guardian makes a written request for an open hearing. <i>Gov't Code 551.082</i>  |
| PERSONALLY<br>IDENTIFIABLE<br>STUDENT<br>INFORMATION | 6. The Board is not required to conduct an open meeting to deliberate a matter regarding a student if personally identifiable information about the student will necessarily be revealed by the deliberation.<br><br>Directory information about a public school student is considered to be personally identifiable information about the student for this purpose only if a parent or guardian of the student or the student if the student has attained 18 years of age, has informed the District that the directory information should not be released without prior consent. [See FL]<br><br>This exception does not apply if an open meeting about the matter is requested in writing by a parent or guardian of the student or by the student if the student has attained 18 years of age. <i>Gov't Code 551.0821</i> |
| MEDICAL OR<br>PSYCHIATRIC<br>RECORDS                 | 7. A board that administers a public insurance, health, or retirement plan is not required to conduct an open meeting to deliberate:<br>a. The medical records or psychiatric records of an individual applicant for a benefit from the plan; or<br>b. A matter that includes a consideration of information in the medical or psychiatric records of an individual applicant for a benefit from the plan. <i>Gov't Code 551.0785</i>   |
| SECURITY   | 8. The Board is not required to conduct an open meeting to deliberate:<br>a. The deployment, or specific occasions for implementation, of security personnel or devices; or<br>b. A security audit. <i>Gov't Code 551.076</i>   |
| ASSESSMENT<br>INSTRUMENTS                            | 9. The Board shall conduct a closed meeting to discuss or adopt individual assessment instruments or assessment instrument items. <i>Education Code 39.030(a)</i>   |
| EMERGENCY<br>MANAGEMENT                              | 10. The Board is not required to conduct an open meeting to deliberate information confidential under Government Code 418.175–418.182, relating to Homeland Security. However, the Board must make a tape recording of the proceedings of a closed meeting held to deliberate the information. <i>Gov't</i>   |
| ECONOMIC<br>DEVELOPMENT<br>NEGOTIATIONS              | <i>Code 418.183(f)</i><br>11. The Board is not required to conduct an open meeting:<br>a. To discuss or deliberate regarding commercial or financial information that   |

- the Board has received from a business prospect that the Board seeks to have locate, stay, or expand in or near the District and with which the Board is conducting economic development negotiations; or
- b. To deliberate the offer of a financial or other incentive to such a business prospect. *Gov't Code 551.087*

#### PROCEDURES FOR CLOSED MEETINGS

If a closed meeting is allowed, the Board shall not conduct the closed meeting unless a quorum of the Board first convenes in an open meeting for which proper notice has been given [see BE] and the presiding officer has publicly announced that a closed meeting will be held and has identified the section or sections of the Open Meetings Act or other applicable law under which the closed meeting is held. *Gov't Code 551.101*

#### VOTE OR FINAL ACTION

A final action, decision, or vote on a matter deliberated in a closed meeting shall be made only in an open meeting for which proper notice has been given. *Gov't Code 551.102 [See BE]*

#### CERTIFIED AGENDA OR RECORDING

The Board shall either keep a certified agenda or make a recording of the proceedings of each closed meeting, except for private consultation with the District's attorney. The certified agenda must include a statement of the subject matter of each deliberation, a record of any further action taken, and an announcement by the presiding officer at the beginning and end of the closed meeting indicating the date and time. A presiding officer shall certify that a certified agenda is a true and correct record of the proceedings. If a recording is made, it must include announcements by the presiding officer at the beginning and end of the meeting indicating the date and time. *Gov't Code 551.103*

"Recording" means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed. *Gov't Code 551.001(7)*

Closed meetings may not be recorded by an individual Board member against the wishes of a majority of the Board. *Zamora v. Edgewood ISD, 592 S.W.2d 649 (Tex. App.—San Antonio, 1979, writ ref'd n.r.e.)*

#### PRESERVATION

The Board shall preserve the certified agenda or recording of a closed meeting for at least two years after the date of the meeting. If a legal action involving the meeting is brought within that period, the Board shall preserve the certified agenda or recording while the action is pending. *Gov't Code 551.104(a)*

#### PUBLIC ACCESS

A certified agenda or recording of a closed meeting is available for public inspection and copying only under a court order issued as a result of litigation involving an alleged violation of the Open Meetings Act.

*Gov't Code 551.104(b), (c)*

## PROHIBITIONS

No Board member shall participate in a closed meeting knowing that neither a certified agenda nor a recording of the closed meeting is being made.

*Gov't Code 551.145*

No individual, corporation, or partnership shall without lawful authority disclose to a member of the public the certified agenda or recording of a meeting that was lawfully closed to the public.

*Gov't Code 551.146*

No Board member shall knowingly call or aid in calling or organizing a closed meeting that is not permitted under the Open Meetings Act, close or aid in closing a regular meeting to the public except as permitted under the Open Meetings Act, or participate in a closed meeting that is not permitted under the Open Meetings Act.

*Gov't Code 551.144(a)*

## AFFIRMATIVE DEFENSE

It is an affirmative defense to prosecution under Government Code 551.144(a) that a Board member acted in reasonable reliance on a court order or a written interpretation of the open meetings law contained in an opinion of a court of record, the attorney general, or the Board's attorney. *Gov't Code 551.144(c)*



## 15. VIOLATIONS AND SANCTIONS

- A. Board members will be required to abide by the Standard Operating Procedures as adopted by the Board.
- B. If a Board member chooses not to abide by the Standard Operating Procedures adopted, the following will occur:
  - 1. Board President will speak to the individual Board member
  - 2. The Board collectively will speak to the Board member in executive session
- C. If the offending Board Member continues to be in violation, any member of the Board may call for public censure and (if applicable) removal from the meeting requiring a majority vote.

### BBC(LEGAL)

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| RESIGNATION                                     | A board member may resign by delivering written notice, signed by the board member, to the presiding officer of the board. A board may not refuse to accept a resignation.<br><i>Election Code 201.001</i>   |
| EFFECTIVE DATE                                  | If a board member submits a resignation, whether to be effective immediately or at a future date, a vacancy occurs on the date the resignation is accepted by the board or on the eighth day after the date of its receipt by the board, whichever is earlier.<br><i>Election Code 201.023</i>   |
| HOLDOVER DOCTRINE                               | All public officers shall continue to perform the duties of their offices until their successors shall be duly qualified, i.e., sworn in. Until the vacancy created by a board member's resignation is filled by a successor, the board member continues to serve and have the duties and powers of office and continues to be subject to the nepotism provisions. A holdover board member may not vote on the appointment of his or her successor. <i>Tex. Const., Art. XVI, Sec. 17; Atty. Gen. Ops. JM-636 (1987), DM-2 (1991), O-6259 (1945)</i> [See DBE] |
| RESIDENCY                                       | A person elected to serve as a board member must remain a resident of a district throughout the term of office. A board member who ceases to reside in a district vacates his or her office. <i>Tex. Const., Art. XVI, Sec. 14; Prince v. Inman, 280 S.W.2d 779 (Tex. Civ. App.—Beaumont 1955, no writ); Whitmarsh v. Buckley, 324 S.W.2d 298 (Tex. Civ. App.—Houston 1959, no writ)</i> [See BBA]   |
| INVOLUNTARY REMOVAL FROM OFFICE<br>QUO WARRANTO | On his or her own motion, or at the request of an individual, the attorney general or the county district attorney may petition the district court for leave to file an action in quo warranto to remove a board member. An action in quo warranto is available if: <ul style="list-style-type: none"><li>1. A person usurps, intrudes into, or unlawfully holds or executes a public office; or</li><li>2. A public officer does an act or allows an act that by law causes forfeiture of office.<br/><i>Civ. Prac. &amp; Rem. Code 66.001–.002</i></li></ul> |

REMOVAL BY  
PETITION AND  
TRIAL

A resident of the state who has lived for at least six months in the county in which the petition is to be filed and who is not currently under indictment in the county may file a petition to remove a public officer from office for one of the reasons listed below. A proceeding for removal is begun by filing a written petition for removal in a district court of the county in which the officer resides.

*Local Gov't Code 87.015*

REASON FOR  
REMOVAL

A public officer may be removed from office for:

1. "Incompetency," which means:
  - a. Gross ignorance of official duties;
  - b. Gross carelessness in the discharge of those duties; or
  - c. Unfitness or inability to promptly and properly discharge official duties because of a serious physical or mental defect that did not exist at the time of election.
2. "Official misconduct," which means intentional, unlawful behavior relating to official duties by a board member entrusted with the administration of justice or the execution of the law. The term includes an intentional or corrupt failure, refusal, or neglect of a board member to perform a duty imposed on the board member by law.
3. Intoxication on or off duty caused by drinking an alcoholic beverage, but not if it was caused by drinking an alcoholic beverage on the direction and prescription of a licensed physician.
4. Conviction of a board member by a jury for any felony or for misdemeanor official misconduct. The conviction of a public officer by a petit jury for any felony or for a misdemeanor involving official misconduct operates as an immediate removal from office of that officer.

*Tex. Const., Art. V, Sec. 24; Local Gov't Code 87.011, .013, .031; Hendricks v. State, 49 S.W. 705 (1899), Tovar v. Somerset Indep. Sch. Dist., 994 S.W.2d 756 (Tex. App.—Corpus Christi 1999, pet. denied)*

REMOVAL FOR  
PURCHASING  
VIOLATIONS

A board member who is convicted of a purchasing offense [see CH(LEGAL), IMPERMISSIBLE PRACTICES] is considered to have committed official misconduct and is subject to removal under Local Government Code Chapter 87.

*Education Code 44.03*

FORMER BOARD  
MEMBER  
EMPLOYMENT

A board member is prohibited from accepting employment with the district until the first anniversary of the date the board member's membership on a board ends.

*Education Code 11.063*

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| FILLING A<br>VACANCY   | <p>If a vacancy occurs on the board, whether by death, resignation, lack of residency or other qualification, or involuntary removal, the remaining board members may fill the vacancy by appointment until the next board member election, or may order a special election to fill the vacancy. If more than one year remains in the term of the position vacated, the vacancy shall be filled not later than the 180th day after the date the vacancy occurs.</p> <p style="text-align: right;"><i>Education Code 11.060</i></p> <p>An election to fill a vacancy shall be to fill the unexpired term only.</p> <p style="text-align: right;"><i>Tex. Const. Art. XVI, Sec. 27</i></p>                         |
| APPOINTMENT  | <p>To be eligible to be appointed to a board, a person must have the qualifications set forth at Election Code 141.001(a). <i>Election Code 141.001(a)</i> [See BBA]</p>   |
| SPECIAL<br>ELECTION  | <p>A special election to fill a vacancy shall be conducted in the same manner as the district's general election.</p> <p style="text-align: right;"><i>Education Code 11.060(c)</i></p>  |
| DATE OF<br>ELECTION  | <p>A special election to fill a vacancy shall be held on an authorized uniform election date occurring within the period after the vacancy occurs. If no uniform election date affords enough time to hold the election in the manner required by law, the election shall be held on the first authorized uniform election date occurring after the expiration of the period.</p> <p style="text-align: right;"><i>Election Code 41.001(a), .004(a)</i> [See BBB]</p>  |
| ORDERING<br>ELECTION   | <p>If a vacancy is to be filled by special election, the election shall be ordered as soon as practicable after the vacancy occurs. The special election shall be held on the next uniform election date after the vacancy occurs. If the special election is to be held on the date of the general election for state and county officers, the election shall be ordered in accordance with statutory deadlines for the election. The general election for state and county officers is the first Tuesday after the first Monday in November in even-numbered years.</p> <p style="text-align: right;"><i>Election Code 41.002, 201.051</i></p>   |
| OATH   | <p>After election or appointment, the board member shall file the official oath with the board president.</p> <p style="text-align: right;"><i>Education Code 11.061(a)</i> [See BBB]</p>  |
| TEMPORARY<br>REPLACEMENT<br>OF BOARD<br>MEMBER ON<br>MILITARY<br>ACTIVE DUTY | <p>A board member who enters active duty in the armed forces of the United States as a result of being called to duty, drafted, or activated does not vacate the office held, but the board may appoint a replacement to serve as a temporary board member if the elected or appointed board member will be on active duty for longer than 30 days.</p> <p>The board member who is temporarily replaced may recommend to the board the name of a person to temporarily fill the office. The board shall appoint the temporary board member to begin service on the date specified in writing by the board member being temporarily replaced as the date the board member will enter active military service.</p> |

A temporary board member has all the powers, privileges, and duties of the office as the board member who is temporarily replaced. A temporary board member shall perform the duties of office for the shorter period of:

1. The term of the active military service of the board member who is temporarily replaced;

or

2. The term of office of the board member who is temporarily replaced.

“Armed forces of the United States” means the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard, any reserve or auxiliary component of any of those services, or the National Guard.

*Tex. Const., Art. XVI, Sec. 72*

## 16. BOARD MEMBERS AS PARENTS

- A. The Board member will make it clear that they are acting as a parent.
- B. The Board member will not request nor accept extraordinary consideration for their children.
- C. Interactions with staff are proprietary to their own child(ren).

### GKC (LOCAL)

#### NOTICE

Parents and patrons of the District are welcome to visit District schools and attend District events as allowed by District policy. However, each visitor to a school campus must sign or check in at the campus administrative office, list the reason for the visit, and display his or her driver's license or other government-issued form of photographic identification prior to proceeding elsewhere on campus. This requirement applies to parents, social service workers, volunteers, Board members, invited speakers, maintenance and repair persons not employed by the District, vendors, representatives of the news media, former students, and any other visitors. This policy will be available in each campus administrative office.

#### CLASSROOM VISITATION

Visits to individual classrooms during instructional time shall be permitted only with the principal's approval and in consultation with the teacher. Such visits shall not be permitted if their duration or frequency interferes with the delivery of instruction or disrupts the school environment.

#### DISRUPTIVE CONDUCT

If a visitor's conduct becomes disruptive, abusive, threatening, or violent, the administration may require the visitor to leave immediately. Depending on the severity of the conduct, the visitor may be prohibited from being present on any District property for a period of time authorized by the Superintendent or the Superintendent's designee.

#### SEX OFFENDERS

The District may use the computerized central database maintained by the Texas Department of Public Safety or any other database accessible to the District to determine whether campus visitors are registered sex offenders. Visitor-management technology may also be used to verify this information.

#### GENERALLY

No adult who has ever pled guilty, has ever pled *nolo contendere*, has ever been found guilty of a "reportable conviction or adjudication," or is required to register with the sex offender registry under Chapter 62 of the Texas Code of Criminal Procedure and whose victim was under age 18 at the time of the offense (hereinafter called a "sex offender") may enter or be present upon any District property. Except as otherwise provided in this policy, any adult sex offender meeting the above criteria will be asked to leave District property, and law enforcement may be notified.

## VOTING

Where a sex offender is a lawfully registered and qualified voter whose polling place is on District property, he or she may enter such property for early voting or on election day, during polling hours, solely for the purpose of casting his or her vote.

## PARENT SEX OFFENDER

Where a student's parent, guardian, or other person having lawful control of the student under a valid court order is a sex offender as defined above, that person may only enter District property under the following limited circumstances:

- To attend a scheduled conference with school personnel to discuss the student's academic or social progress, promotion/retention, assignment/reassignment, attendance, participation in school-related activities, or discipline;
- To attend an admission, review, and dismissal (ARD) or individualized education program (IEP) meeting or other conference where evaluation or placement decisions may be made respecting the student's special education services;
- To pick up assignments from the campus administrative office;
- To transport the student to or from school;
- To attend the student's high school graduation; or
- To attend any meeting requested by the campus administration.

The individual will be supervised and accompanied by school personnel at all times. The individual must sign out at the campus administrative office upon departure. If the individual is on District property for any other purpose and without permission, he or she will be subject to removal and/or arrest. Should a sex offender parent, guardian, or other person having lawful control of the student under a valid court order seek to enter District property for any other purpose, he or she must submit a Sex Offender Visitation Request Form [see GKC(EXHIBIT)] and obtain written permission from the Superintendent or the Superintendent's designee. Until written permission based upon the request form is received, the individual submitting the request may not enter District property except under the limited circumstances set out above.

The individual will not be permitted to enter or be present on school property if:

1. The individual's parental rights have been terminated;
2. The individual's presence at school is prohibited by court order or conditions of probation; or
3. The Superintendent determines that the individual poses a unique threat to student safety.

In those cases, communications regarding the student will be conducted by alternate means such as telephone, mail, or electronic communications. Where the administration determines that a meeting is necessary, it will identify an appropriate meeting place where students are not present.

**VOLUNTEERS**

No adult sex offender as defined above may serve as a volunteer with the District and may not participate in school-related activities or field trips.

**CONTRACTORS,  
VENDORS, AND  
OTHER THIRD  
PARTIES**

Except in an emergency and with approval of the Superintendent or designee, contractors, vendors, or other third parties shall not permit an employee who is a sex offender to enter District property. It is the contractor's responsibility to check the sex offender registry prior to sending any employee onto District property. [See also CH]

## 17. BOARD MEMBER TECHNOLOGY USAGE POLICY

1. Board member must sign the acceptable use policy
2. Board member will adhere to technology usage protocol.

### **BBI(LOCAL)**

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**Note:** For employee and student use of District technology resources, see CQ.

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| TECHNOLOGY RESOURCES    | For purposes of this policy, “technology resources” means electronic communication systems and electronic equipment.   |
| AVAILABILITY OF ACCESS  | Access to the District’s technology resources, including the Internet, shall be made available to Board members primarily for official duties and in accordance with administrative regulations.   |
| LIMITED PERSONAL USE    | Limited personal use of the District’s technology resources shall be permitted if the use: <ol style="list-style-type: none"><li>1. Imposes no tangible cost on the District; and</li><li>2. Does not unduly burden the District’s technology resources.</li></ol>   |
| ACCEPTABLE USE          | A Board member shall be required to acknowledge receipt and understanding of the user agreement governing use of the District’s technology resources and shall agree in writing to allow monitoring of their use. Noncompliance may result in suspension of access or termination of privileges. Violations of law may result in criminal prosecution.   |
| MONITORED USE           | Electronic mail transmissions and other use of the District’s technology resources by a Board member shall not be considered private. The Superintendent or designee shall be authorized to monitor the District’s technology resources at any time to ensure appropriate use.   |
| DISCLAIMER OF LIABILITY | The District shall not be liable for a Board member’s inappropriate use of technology resources, violations of copyright restrictions or other laws, mistakes or negligence, and costs incurred. The District shall not be responsible for ensuring the availability of the District’s technology resources or the accuracy, appropriateness, or usability of any information found on the Internet. |
| RECORDS RETENTION       | A Board member shall retain electronic records, whether created or maintained using the District’s technology resources or using personal technology resources, in accordance with the District’s record management program.<br>[See BBE, CPC]   |



## BBI (LEGAL)

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**Note:** For employee and student use of District technology resources, see CQ.

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### WRITTEN ELECTRONIC COMMUNICATIONS

A communication or exchange of information between Board members about public business or public policy over which the Board has supervision or control does not constitute a meeting or deliberation for purposes of the Texas Open Meetings Act if:

1. The communication is in writing;
2. The writing is posted to an online message board or similar Internet application that is viewable and searchable by the public; and
3. The communication is displayed in real time and displayed on the online message board or similar Internet application for no less than 30 days after the communication is first posted.

The Board may have no more than one online message board or similar Internet application to be used for the purposes described above. The online message board or similar Internet application must be owned or controlled by the Board, prominently displayed on the District's primary Internet Web page, and no more than one click away from the District's primary Internet Web page.

The online message board or similar Internet application may only be used by members of the Board or District staff members who have received specific authorization from a member of the Board. If a staff member posts a communication to the online message board or similar Internet application, the name and title of the staff member must be posted along with the communication.

If the District removes from the online message board or similar Internet application a communication that has been posted for at least 30 days, the District shall maintain the posting for a period of six years. This communication is public information and must be disclosed in accordance with Government Code Chapter 552 (Public Information Act).

The Board may not vote or take any action that is required to be taken at a meeting under the Texas Open Meetings Act by posting a communication to the online message board or similar Internet application. In no event shall a communication or posting to the online message board or similar Internet application be construed to be an action of the Board.

*Gov't Code 551.006*

## **18. GOAL SETTING**

- A. The Board will conduct a goal setting training annually in July to develop board goals.
- B. The Board will conduct a goal setting training annually to develop superintendent goals in July.
- C. The Board will conduct a goal setting training annually to develop district goals in July.
- D. A strategic plan will be developed and will be monitored on a quarterly basis.

### **BBD Exhibit      FRAMEWORK FOR SCHOOL BOARD DEVELOPMENT**

Preamble: The Board is the educational policy-making body for the District. To effectively meet the challenges of public education, the Board and the Superintendent must function together as a leadership team. Each leadership team must annually assess its development needs as a corporate body and individually to gain an understanding of the vision, structure, accountability, advocacy, and unity needed to provide educational programs and services that ensure the equity and excellence in performance of all students. The Framework for School Board Development has been approved by the State Board of Education to provide the critical areas of development for all public school boards.

1. Vision: The Board ensures creation of a shared vision that promotes enhanced student achievement.
  - The Board keeps the District focus on the educational welfare of all children.
  - The Board adopts a shared vision based on community beliefs to guide local education.
  - The Board ensures that the vision supports the state's mission, objectives, and goals for education established by law and/or rule.
  - The Board ensures that the District's vision expresses the present and future needs of the children and community.
  - The Board uses the vision to assess the importance of individual issues that come before the Board and demonstrates its commitment to the vision by using the vision to guide all Board deliberations, decisions, and actions.
  - Individual Board members should not have individual agendas separate and apart from the shared vision.
2. Structure: The Board provides guidance and direction for accomplishing the vision.
  - The Board recognizes the respective roles of the legislature, the State Board of Education, the Texas Education Agency, and the local Board in the governance of the District.
  - The Board fulfills the statutory duties of the local Board and upholds all laws, rules, ethical procedures, and court orders pertaining to schools and school employees.
  - The Board focuses its actions on policy making, planning, and evaluation, and restricts its involvement in management to the responsibility of oversight.
  - The Board adopts a planning and decision-making process consistent with state law and/or rule that uses participation, information, research, and evaluation to help achieve the District's vision.
  - The Board ensures that the District's planning and decision-making process enables all segments of the community, parents, and professional staff to contribute meaningfully to

achieving the District's vision.

- The Board develops and adopts policies that provide guidance for accomplishing the District's vision, mission, and goals.
- The Board adopts a budget that incorporates sound business and fiscal practices and provides resources to achieve the District's vision, mission, and goals.
- The Board adopts goals, approves student performance objectives, and establishes policies that provide a well-balanced curriculum resulting in improved student learning.
- The Board approves goals, policies, and programs that ensure a safe and disciplined environment conducive to learning.
- The Board oversees the management of the District by employing the Superintendent and evaluating the Superintendent's performance in providing education leadership, managing daily operations, and performing all duties assigned by law and/or rule and in support of the District's vision.
- The Board adopts policies and standards for hiring, assigning, appraising, terminating, and compensating District personnel in compliance with state laws and rules.

3. Accountability: The Board measures and communicates how well the vision is being accomplished.

- The Board ensures progress toward achievement of District goals through a systematic, timely, and comprehensive review of reports prepared by or at the direction of the Superintendent.
- The Board monitors the effectiveness and efficiency of instructional programs by reviewing reports prepared by or at the direction of the Superintendent and directs the Superintendent to make modifications that promote maximum achievement for all students.
- The Board ensures that appropriate assessments are used to measure achievement of all students.
- The Board reports District progress to parents and community in compliance with state laws and regulations.
- The Board reviews District policies for effective support of the District's vision, mission, and goals.
- The Board reviews the efficiency and effectiveness of District operations and use of resources in supporting the District's vision, mission, and goals.
- The Board evaluates the Superintendent's performance annually in compliance with state laws and regulations.
- The Board annually evaluates its own performance in fulfilling the Board's duties and responsibilities, and the Board's ability to work with the Superintendent as a team.

4. Advocacy: The Board promotes the vision.

- The Board demonstrates its commitment to the shared vision, mission, and goals by clearly communicating them to the Superintendent, the staff, and community.
- The Board ensures an effective two-way communication system between the District and its students, parents, employees, media, and the community.
- The Board builds partnerships with community, business, and governmental leaders to influence and expand educational opportunities and meet the needs of students.
- The Board supports children by establishing partnerships between the District, parents, business leaders, and other community members as an integral part of the District's educational program.

- The Board leads in recognizing the achievements of students, staff, and others in education.
  - The Board promotes school board service as a meaningful way to make long-term contributions to the local community and society.
  - The Board provides input and feedback to the legislature, State Board of Education, and the Texas Education Agency regarding proposed changes to ensure maximum effectiveness and benefit to the schoolchildren in the District.
5. Unity: The Board works with the Superintendent to lead the District toward the vision.
- The Board ensures that its members understand and respect the need to function as a team in governing and overseeing the management of the District.
  - The Board develops skills in teamwork, problem solving, and decision making.
  - The Board establishes and follows local policies, procedures, and ethical standards governing the conduct and operations of the Board.
  - The Board understands and adheres to laws and local policies regarding the Board's responsibility to set policy and the Superintendent's responsibility to manage the District and to direct employees in District and campus matters.
  - The Board recognizes the leadership role of the Board President and adheres to law and local policies regarding the duties and responsibilities of the Board President and other officers.
  - The Board adopts and adheres to established policies and procedures for receiving and addressing ideas and concerns from students, parents, employees, and the community.
  - The Board makes decisions as a whole only at properly called meetings and recognizes that individual members have no authority to take individual action in policy or District and campus administrative matters.
  - The Board supports decisions of the majority after honoring the right of individual members to express opposing viewpoints and vote their convictions.

*Adopted by the State Board of Education, January 1996, as authorized by 19 TAC 61.1; revised July 2012.*

## 19. REQUIRED BOARD MEMBER TRAINING/ SUPERINTENDENT AND BOARD MEMBER CREDIT HOURS

- A. The Board member will meet all training requirements
- B. Training can be completed online, at conferences, or in district

### Overview of Continuing Education Requirements for School Board Members

| Continuing Education Required of Local School Board Members   | Tier | Provider   | First Year Board Members   | Experienced Board Members   |
|---|------|--|--|---|
| Local District Orientation  | 1    | Local District                                       | At least 3 hours<br>Required within 60 days of election or appointment | Not Required  |
| Orientation to the Texas Education Code   | 1    | Education Service Center                             | 3 hours<br>Required within 120 days of election or appointment         | Not Required  |
| Update to the Texas Education Code  | 1    | Any registered provider                              | Not Required   | After legislative session: length determined by issues addressed in legislation |
| Team-building Session must include a review of the roles, rights, and responsibilities of the local board as outlined in the Framework for Governance Leadership and an assessment of continuing education needs of the board-superintendent team | 2    | Any registered provider                              | At least 3 hours   | At least 3 hours each year  |
| Additional Continuing Education, based on assessed needs  | 3    | Any registered provider                              | At least 10 hours  | At least 5 hours each year  |
|   |      |  |  |   |
| Continuing Education Required of All Elected Public Officials – Effective 1/1/2006  |      | Provider   | First Year Board Member  | Experienced Board Members   |
| Open Meetings Training  |      | Attorney General's Office or other approved provider | 1 hour<br>Required within 90 days of election or appointment           | Open Meetings Training  |
| Public Information Act Training (Boards may delegate this training to the district's public information coordinator)  |      | Attorney General's Office or other approved provider | Check local district policy for any board requirement (BBD Local)      |   |

Updated: 8/2014

TITLE 19        EDUCATION  
PART 7         STATE BOARD FOR EDUCATOR CERTIFICATION  
CHAPTER 242   SUPERINTENDENT CERTIFICATE

RULE §242.25     Requirements for the First-Time Superintendent in Texas

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- (a) A first-time superintendent (including the first time in the state) shall participate in a one-year mentorship that should include at least 36 clock-hours of professional development directly related to the standards identified in §242.15 of this title (relating to Standards Required for the Superintendent Certificate).
  - (b) During the one-year mentorship, the superintendent should have contact with his or her mentor at least once a month. The mentorship program must be completed within the first 18 months of employment as superintendent in order to maintain the standard certificate.
  - (c) Experienced superintendents willing to serve as mentors must participate in training for the role.

TITLE 19        EDUCATION  
PART 7         STATE BOARD FOR EDUCATOR CERTIFICATION  
CHAPTER 242   SUPERINTENDENT CERTIFICATE

RULE §242.30     Requirements to Renew the Standard Superintendent Certificate

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- (a) An individual who holds the standard Superintendent Certificate is subject to Chapter 232, Subchapter B, of this title (relating to Certificate Renewal and Continuing Professional Education Requirements).
  - (b) To satisfy the requirements of this section, an individual must complete 200 clock-hours of continuing professional education every five years directly related to the standards in §242.15 of this title (relating to Standards Required for the Superintendent Certificate).
  - (c) An individual who holds a valid Texas professional administrator certificate issued prior to September 1, 1999, may voluntarily comply with the requirements of this section under procedures implemented by the Texas Education Agency staff under §232.810 of this title (relating to Voluntary Renewal of Current Texas Educators).