



Texas Association of School Boards

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Transitioning to New Time for Board Training Credit Announcements

Recent amendments to the Texas Education Code are changing the way school boards report the hours of continuing education credit earned by school board members. The change in the law has raised numerous questions about how boards should transition to the new schedule for announcements.

Amended Law on Continuing Education Credit Announcements

In 2017, the Texas Legislature passed Senate Bill 1566. The bill amended Texas Education Code section 11.159(b) as follows:

(b) A trustee must complete any training required by the State Board of Education. The minutes of the last regular meeting of the board of trustees held before an election of trustees [~~during a calendar year~~] must reflect whether each trustee has met or is deficient [~~delinquent~~] in meeting the training required for the trustee [~~to be completed~~] as of the first anniversary of the date of the trustee's election or appointment [~~date of the meeting~~]. If the minutes reflect that a trustee is deficient, the district shall post the minutes on the district's Internet website within 10 business days of the meeting and maintain the posting until the trustee meets the requirements.

Recently, the State Board of Education (SBOE) adopted a new rule, 19 Texas Administrative Code 61.1(j), that addresses board training announcements:

At the last regular meeting of the board of trustees before an election of trustees, the current president of each local board of trustees shall announce the name of each board member who has completed the required continuing education, who has exceeded the required hours of continuing education, and who is deficient in meeting the required continuing education as of the anniversary of the date of each board member's election or appointment to the board. The announcement shall state that completing the required continuing education is a basic obligation and expectation of any sitting board member under SBOE rule. The minutes of the last regular board meeting before an election of trustees must reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee's election or appointment. The president shall cause the minutes of the local board to reflect the announcement and, if the minutes reflect that a trustee is deficient in training as of the anniversary of his or her

joining the board, the district shall post the minutes on the district's Internet website within 10 business days of the meeting and maintain the posting until the trustee meets the requirements.

Under prior law, boards announced continuing education credit hours at the end of the calendar year. Under the new law, the time for credit reporting will depend on when the district holds trustee elections. Announcements will be made at the last regular board meeting before trustee elections. In other words, districts with May elections will likely announce in April, and districts with November elections will likely announce in October. The change was intended to synchronize the time of the report with the time of year when the credits are actually due to be completed, as most board members are elected, and state rules give board members one year to earn the required credit.

Going forward, the 12 month period to measure credit for elected trustees will extend from the date of trustee elections in May or November to the anniversary of that date the next year. Announcements will be made at the last regular board meeting before the election. If a trustee is deficient in completing the training required as of the first anniversary of the trustee's election or appointment, the deficiency must be announced, recorded in the minutes, and posted online.

Arguably, this gives trustees only 11, not 12, full months to earn the required credit. TASB suggests that if a trustee is registered to complete training in a timely manner by the time of the announcement, that information could be included in the announcement. Note also that an appointed trustee has one year from his or her appointment to complete training requirements, so the time period for earning credit (and determining compliance) will be unique for each appointed board member.

To summarize, from now on, for elected trustees:

Local Election Date	Time Period for Earning CE	CE Reporting Date
May	From May to the following May	April board meeting
November	From November to the following November	October board meeting

Transitioning to the New Schedule

Announcements in 2018 are complicated because this is a transitional year. Districts have to move from announcing in December to announcing near the time of their elections, which will necessarily make the time between reports either more than one year or less than one year.

In December 2017, some boards followed the old rule, while others did not make an end-of-year announcement in light of the statutory change. The Texas Education Agency provided no public guidance at that time.

For these reasons, we recommend caution before determining that a trustee is deficient in 2018.

New training on evaluating student academic performance: Trustees should be given adequate time to obtain newly required training on evaluating student academic performance. After publication of the revised SBOE training rule, TEA released guidance focused primarily on its new Evaluating and Improving Student Outcomes Workshop, which, along with programs from other authorized providers, will meet this training requirement. In the guidance, TEA states that trustees on the board before September 1, 2017, have until September 1, 2018, to receive the training. Trustees who joined the board after September 1, 2017, have 120 days to complete the training. *Tex. Educ. Agency, SB 1566 (85th Session), (Mar. 2018).*

Any trustee who took the required training from a TEA-authorized provider after February 1, 2018, may count the credit even if the workshop preceded the effective date of the SBOE rule. *Tex. Educ. Agency, SB 1566 (85th Session), (Mar. 2018).*

Regardless of the deadline for obtaining the new training on evaluating student academic performance, no announcement of deficiency will be made until the board meeting preceding an election. Practically speaking, boards with November 2018 elections will have to announce compliance in October 2018, many months before boards with May elections.

Time period for measuring compliance: TASB recommends that boards exercise their best, most generous judgment in determining the time frame over which to measure compliance given that boards will necessarily be announcing credit earned over a period of more or less than one year.

- Examine your past practice under the old law and your future plans under the new law and make the change as gracefully as possible.
- Generally, we would suggest that it would be better to announce credit twice during a transitional year than to wait more than a year for an announcement.
- We do not think it would be appropriate to declare a board member deficient if he or she received sufficient credit under any reasonable time period for reporting (e.g., from December 2016 to December 2017 or between the last announcement and the April 2018 or October 2018 announcement).
- When you make your announcement, explain how the law has changed. Explain that, in this transitional year, more than one possible time period could be used to measure compliance.
- If you have an appointed member, explain that his or her timeframe is unique.
- Make sure trustees get full credit for all of the continuing education they have completed since the last announcement, no matter when it occurred.

To accomplish this, a board may decide to announce credit based on two different time periods in 2018. For example, a board with May 2018 elections may decide to make its announcement in April 2018 by including all training earned both in the last 12 months and since December 2017. Announcing credits earned based on both time periods should be transparent to the public and fully convey how much continuing education your board members have received.

For complete information about continuing education following the amended law and rule, see TASB's FAQ [Texas School Board Member Continuing Education](#)¹ and TASB's sample script [Board President Annual Announcement on Continuing Education of Board Members](#).²

We recognize that the transition may be confusing. If you need additional assistance, we encourage you to call your school attorney or reach out to us at TASB. As you know, TASB offers a service to help board members track their continuing education credit hours. Ultimately, however, TEA is the state agency with oversight responsibility for continuing education, so calling TEA is also appropriate.

For more information on this and other school law topics,
visit TASB School Law eSource online at schoolawesource.tasb.org.

This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is not an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. Consult with your own attorneys to apply these legal principles to specific fact situations.

Updated May 2018

¹ tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Governance/documents/tex-sch-bd-mem-continuing-education.aspx.

² tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Governance/documents/bd-pres-announcement-on-cont-ed-of-bd-mems.aspx.