

2017-2018

ECISD BOARD OF TRUSTEES PROCEDURES

FOUR NON-NEGOTIABLES

- ❖ *ACADEMIC EXCELLENCE*
- ❖ *COLLEGE AND CAREER READINESS*
- ❖ *SAFE AND SUPPORTIVE LEARNING ENVIRONMENT*
- ❖ *PURPOSEFUL, TIMELY TWO-WAY COMMUNICATION*

THE TEAM OF EIGHT



President
Carol Gregg



Vice President
Doyle Woodall



Secretary
Dr. Donna Smith



Board Member
Dr. Steve Brown



Board Member
Dr. Ray Beaty



Board Member
Nelson Minyard



Board Member
Delma Abalos



Superintendent
Tom Crowe

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INTRODUCTION

In most matters, the Board's actions are governed by Federal, LEGAL or LOCAL Policy. LEGAL policy refers to state laws, which can only be changed by the Legislature. LOCAL policy is a formal interpretation of LEGAL policy and can only be changed by a Board action. Board Procedures govern actions not otherwise covered by LEGAL and LOCAL policy. The following are descriptions of customary practices by this Board.

BOARD MEMBER ETHICS**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:

- I will make all decisions with a student centered focus.
- I will be fair, just, and impartial in all my decisions and actions.
- I will accord others the respect I wish for myself.
- I will encourage expressions of different opinions and listen with an open mind to others' ideas.
- I will be accountable to the public by representing District policies, programs, priorities, and progress accurately.
- I will be responsive to the community by seeking its involvement in District affairs and by communicating its priorities and concerns.
- I will work to ensure prudent and accountable use of District resources.
- I will make no personal promise or take private action that may compromise my performance or my responsibilities.
- I will tell the truth.
- I will share my views while working for consensus.
- I will respect the majority decision as the decision of the Board.
- I will base my decisions on fact rather than supposition, opinion, or public favor.
- I will refuse to surrender judgment to any individual or group at the expense of the District as a whole.
- I will consistently uphold all applicable laws, rules, policies, and governance procedures.
- I will not disclose information that is confidential by law or that will needlessly harm the District if disclosed.
- I will focus my attention on fulfilling the Board's responsibilities of goal setting, policymaking, and evaluation.
- I will diligently prepare for and attend Board meetings.
- I will avoid personal involvement in activities the Board has delegated to the Superintendent.
- I will seek continuing education that will enhance my ability to fulfill my duties effectively.

BOARD LEGAL STATUS

POWERS AND DUTIES

BAA (LEGAL)

The Trustees, as a body corporate, have the exclusive power and duty to govern and oversee the management of the public schools of the District. The Trustees may adopt rules and bylaws necessary to carry out these powers and duties.

All powers and duties not specifically delegated by statute to TEA or the State Board of Education are reserved for the Board.

Education Code 11.151(b), (d)

**MANDATORY
POWERS AND
DUTIES**

The Board shall:

1. Seek to establish working relationships with other public entities to make effective use of community resources and to serve the needs of public school students in the community.
2. Adopt a vision statement and comprehensive goals for the District and the Superintendent, and monitor progress toward those goals. [See AE]
3. Establish performance goals for the District concerning the academic and fiscal performance indicators under Education Code Chapter 39, Subchapters C, D, and J, and any performance indicators adopted by the District. [See AI series]
4. Ensure that the Superintendent is accountable for achieving performance results, recognizes performance accomplishments, and takes action as necessary to meet performance goals. [See BJA]
5. Collaborate with the Superintendent as set forth at Education Code 11.1512(b). [See BJA]
6. Adopt a policy to establish a District- and campus-level planning and decision-making process as required under Education Code 11.251. [See BQ series]
7. Publish an annual educational performance report as required under Education Code 39.306. [See AIB, BQ series]
8. Adopt an annual budget for the District as required under Education Code 44.004. [See CE]
9. Adopt a tax rate each fiscal year as required by Tax Code 26.05. [See CCG]
10. Monitor District finances to ensure that the Superintendent is properly maintaining the District’s financial procedures and records. [See CF series]
11. Ensure that District fiscal accounts are audited annually as required by Education Code 44.008. [See CFC]
12. Publish an end-of-year financial report for distribution to the community. [See CFA]

13. Conduct elections as required by law. [See BBB]
14. By rule, adopt a process through which District personnel, students or the parents or guardians of students, and members of the public may obtain a hearing from the District administrators and the Board regarding a complaint. [See DGBA, FNG, and GF]
15. Make decisions relating to terminating the employment of District employees employed under a contract to which Education Code Chapter 21 applies, including terminating or not renewing an employment contract to which that chapter applies. [See DF series]
16. Select the internal auditor if the District employs an internal auditor. The internal auditor shall report directly to the Board. *Education Code 11.170* [See DC – Legal]
17. Adopt a policy providing for the employment and duties of District personnel. *Education Code 11.1513* [See BJ series, DC series, and DEA series]
18. Limit redundant requests for information and the number and length of written reports that a classroom teacher is required to prepare. The Board shall review paperwork requirements imposed on classroom teachers and transfer to existing non-instructional staff a reporting task that can reasonably be accomplished by that staff. *Education Code 11.164* [See DLB]
19. Carry out other powers and duties as provided by the Education Code or other law.

Education Code 11.1511(b), except as noted

DISCRETIONARY
POWERS AND
DUTIES

The Board may:

1. Issue bonds and levy, pledge, assess, and collect an annual ad valorem tax to pay the principal and interest on the bonds as authorized under Education Code 45.001 and 45.003.
2. Levy, assess, and collect an annual ad valorem tax for maintenance and operation of the District as authorized under Education Code 45.002 and 45.003.

Education Code 11.1511(c)(1), (2) [See CCA and CCG]

3. Employ a person to assess or collect the District's taxes as authorized under Education Code 45.231. *Education Code 11.1511(c)(3)* [See BDAF-Legal]
4. Enter into contracts as authorized under the Education Code or other law and delegate contractual authority to the Superintendent as appropriate. *Education Code 11.1511(c)(4)*
5. Sue and be sued in the name of the District. *Education Code 11.151(a)*
6. Receive bequests and donations or other moneys or funds coming legally into its hands in the name of the District. A conveyance, devise, or bequest of property for the benefit of the public schools, if not otherwise directed by the

donor, vests the property in the Board or their successors in office. *Education Code 11.151(a), .156* [See CDC]

7. Contract with a public or private entity for that entity to provide educational services for the District. *Education Code 11.157* [See EEL]
8. Charge fees as set forth at Education Code 11.158. *Education Code 11.158* [See FP]
9. Change the name of the District. *Education Code 11.160* [See AB]
10. Adopt rules that require students at a school in the District to wear school uniforms as set forth at Education Code 11.162. *Education Code 11.162* [See FNCA]
11. Adopt rules to keep school campuses, including school libraries, open for recreational activities, latchkey programs, and tutoring after school hours. *Education Code 11.165*
12. Operate a school or program or hold a class on the campus of an institution of higher education as set forth at Education Code 11.166. *Education Code 11.166* [See GNC]
13. Operate a school or program, including an extracurricular program, or hold a class outside the boundaries of the District. *Education Code 11.167* [See GNA]

DISTRICT PROPERTY

The Board may acquire and hold real and personal property in the name of the District. All rights and titles to the school property of the District, whether real or personal, shall be vested in the Trustees and their successors in office. *Education Code 11.151(a), (c)* [See CHG]

The Board may, by resolution, authorize the sale of any property, other than minerals, held in trust for public school purposes. The Trustees may, in any appropriate manner, dispose of property that is no longer necessary for the operation of the District. *Education Code 11.151(c), .154(a)* [See CI]

The Board may, by resolution, authorize the donation of real property and improvements formerly used as a school campus to a municipality, county, state agency, or nonprofit organization as provided at Education Code 11.1541. *Education Code 11.1541* [See CDB]

Minerals in land belonging to the District may be sold to any person. The sale must be authorized by a resolution adopted by majority vote of the Board. *Education Code 11.153* [See CDB]

The Board may not:

RESTRICTIONS ON BOARD POWERS AND DUTIES

1. Enter into an agreement authorizing the use of District employees, property, or resources for the provision of materials or labor for the design, construction, or renovation of improvements to real property not owned or leased by the District. *Education Code 11.168* [See CE]

2. Impose taxes; issue bonds; use or authorize the use of District employees; use or authorize the use of District property, money, or other resources; or acquire property for the design, construction, renovation, or operation of a hotel. *Education Code 11.178* [See CE]

TEAM OPERATIONS

The following are board procedures, which are a combination of Legal and Local policy and actions governed by custom.

1) PLACEMENT OF AN ITEM ON THE AGENDA – **BE (Local)**

- 1.1 Any Board Member may place an item on the agenda by sending a request to the Board President or the Superintendent at least 5 business days before the meeting.
- 1.2 The Board President will ensure that any topics that the Board or an individual Member has requested to be addressed will appear on that agenda or will be scheduled for deliberation at an appropriate time in the near future.
- 1.3 The Board President cannot remove an item from an agenda requested by a Board Member without that Board Member's permission.
- 1.4 Personnel issues may be placed on an agenda, but by law must be discussed in closed session.
- 1.5 Because of state law, no one can place an item on an agenda less than 72 hours in advance except in an emergency as defined by the Texas Government code.

2) COMMUNICATION AMONG TRUSTEES

- 2.1 A Board Member shall not discuss an issue outside of a meeting with more than two other Board Members. To do so is considered a "walking quorum," and violates state open meetings laws.
- 2.2 Board Members may communicate with other individual Board Members or the Superintendent or staff for the purposes of asking clarifying questions, providing clarifying information or socializing under circumstances that do not conflict with or circumvent the Texas Open Meetings Act.
- 2.3 Board Members will not communicate with other individual Board Members for purposes of soliciting votes in support of or opposition to items of business that may come before the Board.
- 2.4 Board Members who wish to share information relevant to District business or issues before the Board may relay the information to the Board President and/or Superintendent for placement on the Board Agenda or, if appropriate, distribution to all Board Members in the weekly Board update.

3) REQUESTS FOR INFORMATION FROM STAFF – **BBE (Local)**

- 3.1 Requests for written information should be directed to the Superintendent or designee who shall forward the request to the appropriate personnel.

- 3.2 Information requested by one Board Member shall be provided to all Board Members at the same time.
- 3.3 If the requested information is deemed not readily available or a satisfactory time line cannot be negotiated and the Board Member wishes to proceed, the request will be placed as an Executive Session item posted as "Consideration of the Duties of a Public Officer" on the next Board meeting agenda to determine the Board's desire for information.
- 3.4 No action may be taken which would conflict with the Open Meetings Act.

4) CAMPUS VISITATION

- 4.1 Board Members are encouraged to visit any campus.
- 4.2 As a courtesy, Board Members will inform the campus Principal of any visit 24 hours in advance of the visit whenever possible, unless the Board Member is attending a function to which he/she has been invited.
- 4.3 Board Members must check in at the Principal's office following District guidelines, and must have their District identification visible.
- 4.4 Board Members will not assume a supervisory role with staff or students.

** This operating procedure does not pertain to visits as a parent, as a spectator to school events or other events open to the general public.

5) COMMUNITY COMMUNICATION AND/OR COMPLAINTS – **BBE (Local), FNG (Local) & GF (Local)**

- 5.1 Listen respectfully and impartially.
- 5.2 Refer complainant to the ECISD website or Human Resources (456-9509) for grievance policy and forms. Review chain of command with the complainant.
- 5.3 Refer to Superintendent or appropriate administrator.
- 5.4 Inform the Superintendent of the concern in a timely manner.
- 5.5 Anonymous phone calls or emails: the Board encourages input; however, anonymous calls or letters will not receive Board attention, discussion or response and will not result in directives to the administration.
- 5.6 Information pertaining to anonymous phone calls or emails should be provided to the Superintendent.
- 5.7 Because the Board is the final body to hear a grievance, Board Members should be cautious in listening informally to complaints so that they do not compromise their ability to be impartial should they be required to rule on the complaint as a formal grievance.

6) EMPLOYEE COMMUNICATION AND/OR COMPLAINTS – **BBE (Local) & DGBA (Local)**

- 6.1 Listen respectfully and impartially.
- 6.2 Ask if the complainant has followed the District's procedures and/or chain of command.

- 6.3 If the complainant does not know the procedures or chain of command refer the complaint to the ECISD website or Human Resources (456-9501) for grievance policy and forms.
- 6.4 Because the Board is the final body to hear a grievance, Board Members should be cautious in listening informally to complaints so that they do not compromise their ability to be impartial should they be required to rule on the complaint as a formal grievance.
- 7) COMMUNICATION WITH THE MEDIA
- 7.1 The Board President shall be the official spokesperson for the Board to the media.
- 7.2 The Superintendent shall be the official spokesperson for the District on issues of media attention relating to District operations.
- 7.3 A Board Member, who receives a call from the media requesting information, as opposed to simple comments on an issue, will notify the Superintendent of the call.
- 7.4 Statements shall not be made to the media regarding personnel or other matters protected by the law.
- 7.5 A Board Member retains the right to speak to the media as an individual, **but must understand that any comment will likely be interpreted by viewers/readers as an “official” statement of the Board.**
- 7.6 In speaking as an individual, the Board Member should:
1. Clarify that he/she is speaking as an individual and not for the Board of Trustees.
 2. Remind the media representative(s) that official statements of the Board are made only by the Board President (or his/her designee).
 3. Remind the media representative(s) of the position or action of the Board of Trustees related to the issue in question.
- 8) WRITTEN/ELECTRONIC COMMUNICATION
- 8.1 Board Members may respond to written/electronic correspondence from constituents, but should bear in mind that any such responses may be subject to the Public Information Act.
- 8.2 A Board Member retains the right to respond to emails as an individual but must understand that such communication may be interpreted by the reader as being an “official” statement on the Board. The Board Member should:
1. Clarify that he/she is responding as an individual and not for the Board of Trustees.
 2. Remind the reader of any position or action the Board has officially taken on the subject.
 3. Board Members are encouraged to share emails they receive with the rest of the Board by forwarding the emails to the Superintendent who will provide them to all Board Members.

MEETINGS

9) MEETING PREPARATION

- 9.1 The Superintendent will ensure that all necessary or requested information is supplied to the Board Members to allow for informed decisions. Agenda packets will be electronically posted and delivered (3) days in advance for Workshop meetings. Items not available when the Agenda is electronically posted and/or delivered will be delivered in the weekly packet immediately prior to the meeting.
- 9.2 Board Members will read and study the packet prior to each meeting.
- 9.3 Board Members will direct Agenda related questions to the Superintendent or appropriate staff member.

10) PARTICIPATION DURING MEETINGS AND OPEN FORUMS– **BED (Local)**

- 10.1 CITIZEN ADDRESS – it is the desire of the Board that interested citizens attend their regularly scheduled monthly meetings or any special meeting where school business is transacted provided the meeting is not closed for reasons permitted by statute. The two avenues of citizen address consist of being placed on the agenda to make a presentation or completing the required form the day of the Board meeting to comment on an agenda item.
- 10.2 CITIZEN REQUEST TO HAVE AN ITEM PLACED ON THE AGENDA - In order for an individual or group to place an item on the agenda of a Board meeting, the individual or group must submit a written request six working days before the date of the Board meeting to the Superintendent or President of the Board. The request shall include the person's name, address, telephone number, and the subject matter to be presented.
- 10.3 CITIZEN REQUEST TO ADDRESS AN ITEM ALREADY ON THE AGENDA - they shall request in writing prior to the Board meeting to comment on any agenda item during its scheduled time and are allowed five minutes unless the **majority of the Board or the Board President grants an extension**. A Member of the Board shall be designated to serve as keeper of the time.
- 10.4 Board Members may or may not respond to citizen address, in most instances Board members should refrain from responding.
- 10.5 The Board President shall acknowledge the citizen making the address and advise him/her that the comments will be taken under advisement or may direct administration to investigate items and report back to the Board at a designated meeting.
- 10.6 The Board will not entertain comments on individual district personnel or individual students in public session.

11) BOARD MEMBER CONDUCT DURING MEETINGS

- 11.1 Board Members will conduct themselves according to standards outlined in Robert's Rules of Order.

- 11.2 The Board President must recognize a Board Member before that person may comment on a motion.
- 11.3 All discussion shall be directed solely to the business under deliberation.
- 11.4 The Board President shall keep the discussion focused on the motion at hand and halt discussion that does not apply to the business before the Board.
- 11.5 The Board President shall facilitate discussion of the business before the Board by asking questions and by requesting input from each Board Member.
- 11.6 All Board Members, including the President, shall vote or officially abstain on each motion.

12) OFFICER SELECTION - **BDAA (Local)**

- 12.1 The Board shall elect a President, a Vice President, and a Secretary who shall be Members of the Board.
- 12.2 Board Members shall serve for a term of one year or until a successor is elected. Officers may succeed themselves in office. Board elections shall be conducted each June during the regular Board Meeting.

BOARD DEVELOPMENT

13) New Member Orientation

- 13.1 As a supplement to the information provided in relation to his/her candidacy, a District orientation for a new Board Member will be scheduled to begin within two weeks of the date a new Board Member takes the Oath of Office.
- 13.2 At a minimum, the Superintendent and Board President will participate in the orientation. Other Board Members and additional administrative staff may also be included to provide specific information about the District.
- 13.3 If more than two additional Board Members participate in the orientation at one time, the orientation will be conducted in accordance with the Texas Open Meetings Act.
- 13.4 The orientation must include but will not be limited to:
 1. Board/Superintendent Team Operating Procedures and Board Policies
 2. Superintendent's overview of District Administrative Organization
 3. Board President's overview of Board Communication
 4. Budget
 5. Texas Open Meetings Act laws
 6. District Strategic Plan
 7. Requirements for ongoing Board Member education and opportunities
 8. Board's annual calendar and briefings of upcoming events
 9. Expense reimbursement procedures

14) Annual Team Building Activity – **BBD (Legal)**

- The entire Board, including all Board Members, shall annually participate with the Superintendent in a team building session facilitated by the regional education service center or any registered provider.

14.1 Annually the Board should review its goals and conduct a self-assessment.

14.2 Inter-Board Concerns

1. If a Board Member has a serious, specific concern about the performance of another Board Member who appears to be in violation of Board Operating Procedures or Policies, the recommended process for addressing such concerns shall be:
 - a. The concerned Board Member shall have a private conversation with the Board Member in order to work out the differences or resolve the issue(s).
 - b. If the concern(s) remain, the Board Member shall meet privately with the Board President and outline the specific issue(s). The President and the complainant will meet with the Board Member and attempt to resolve the issue(s).
 - c. If the issue is still not resolved, the complainant will conference with the Board President and the Superintendent (or the Superintendent's designee) to develop a plan of action to resolve the concerns.
2. When a Board Member with concern(s) about another Board Member's performance has gone through the steps outlined in #1 and the issue(s) remains unresolved the concerned Board Member will, through the Board President, request that an item be placed on a regularly scheduled agenda as an Executive Session item posted as "Consideration of the Duties of a Public Officer."
3. Should the Board determine that reprimand or censorship is warranted, such action may only be taken in a duly posted public meeting.
4. No action may be taken which would conflict with the Texas Open Meetings Act.

15) Board Travel and Reimbursement Procedure

- 15.1 All Board Member travel should have direct benefit on the Board Member's ability to perform as an effective Board Member.
- 15.2 The Board will budget for travel for all Board Members to attend the annual TASB Conference and for each Board Member to attend one other conference/training opportunity of their choice from a list approved annually by the Board. The minimum budget will be approved annually by the Board and equal to the amount reasonably expected to be paid if all Board Members were to attend both TASB and NSBA Conferences and claimed all allowable reimbursement.
- 15.3 In June, at a regularly scheduled meeting, the Board shall receive a list of conferences/ training opportunities from which Board Members may select their additional annual training. For a conference or training opportunity to be eligible, it must meet the following criteria:
 - A. meet the criteria for Board continuing education hours as defined by statute
 - B. be located within the 48 contiguous United States

- C. require 4 days/3 nights or less for participation
- 15.4 A Board Member, at the Member's request and with the prior approval of a majority of the Board, may be reimbursed for reasonable, allowable expenses incurred in carrying out Board business at the request of the Board, and for allowable expenses incurred while attending meetings or conferences as an official representative of the Board.
- 15.5 Payment for authorized and documented travel expenses shall be made in accordance with legal and local requirements.
- 15.6 Following the completion of travel, a Board Member may submit a "Request for Travel" form, with receipts for allowable expenses attached, to the Superintendent's office for reimbursement. If funds permit, reimbursement for other travel or training opportunities by Board Members may be allowed if preapproved by the Board.
- 15.7 Frugality will be honored when making travel arrangements.

PLANNING

- 16.1 The Board should conduct an annual review of the Strategic Plan and District Goals.
- 16.2 The Board should conduct an annual review of District elements (local policies, operating procedures, improvement plans, and progress toward accomplishment of goals, instructional programs, and programs other than instructional).
- 16.3 The Board should create and maintain an activity calendar.

PERSONNEL

17) Superintendent Evaluation – **BJCD (Legal)**

- 17.1 The Superintendent shall be appraised on an annual basis.
- 17.2 The Board shall use either the commissioner's recommended appraisal process and criteria [see BJCD (Exhibit)] or an appraisal process and performance criteria that are developed by the District in consultation with the District and campus-level committees and adopted by the Board.
- 17.3 Board Members' concerns about the Superintendent's professional performance
1. If at any time, a Board Member becomes concerned that the Superintendent may have breached any term of the Superintendent's contract; violated state or federal stature; violated a Board Policy or Operating Procedure; or failed within a reasonable amount of time to address a specific issue identified by a Board Member, the following process will be used:
 - a. The concerned Board Member will meet privately with the Superintendent to discuss his/her concerns in order to resolve the issue(s). The concerned Board Member may elect to bring his/her concerns to the Board President instead, who will assist in resolving the issue(s).

- b. If the concerned Board Member does not feel that the resolution is satisfactory the Board Member may request, through the Board President, that an item be placed on a regularly scheduled agenda as an Executive Session item posted as "Consideration of the Duties of a Public Officer." The posting must comply with the Texas Open Meetings Act. The concerned Board Member must inform the Board President of the specific nature of any concern(s) which prompted the request for an Executive Session.
- c. In addition the Board President may, of his/her own accord, place an item on a regularly scheduled agenda as an Executive Session item posted as "Consideration of the Duties of a Public Officer" to discuss concerns about the professional performance of the Superintendent.

18) Hiring of Personnel other than the Superintendent

18.1 The Board hires the Superintendent.

18.2 Board Members should refrain from writing letters of recommendation for any person seeking employment with ECISD. Should a Board Member write such a letter, he/she must abstain from voting on the candidate's hiring.