

## **BOARD GOALS AND PROGRESS MONITORING**

- 1. When do board adopted plans required by the Texas Education Code (TEC), §§11.185 and 11.186, containing goals in early childhood and CCMR need to be adopted by the school board? Updated March 30, 2020**

The plans containing goals in early childhood, [TEC, §11.185](#), and college, career, and military readiness (CCMR), [TEC, §11.186](#), need to guide planning for the 2020-2021 school year. The goals and progress measures can be incorporated into the 2020-2021 district and campus improvement plans for board adoption prior to the first day of instruction beginning for the 2020-2021 school year. This is an extension to the previous deadline of the end of the 2019-2020 school year. An additional FAQ document about board adopted plans and goals can be found on the TEA House Bill 3 (HB 3) website, in the video series section.

- 2. Is there training to help set and monitor these board-adopted plans and goals? Updated March 30, 2020**

Yes. School boards and administrative teams can receive training on this process in the new EISO (evaluating and improving student outcomes) board training that is required every two years. This training can be provided by ESCs or any authorized provider with a provider number beginning with 2020-. A list of Authorized Providers can be found here: [http://tea4avcastro.tea.state.tx.us/school\\_board/providers.html](http://tea4avcastro.tea.state.tx.us/school_board/providers.html)

- 3. What data do we use now that we do not have STAAR this year for early childhood goals? Updated March 30, 2020**

When setting goals and progress measures, districts can use STAAR data from previous years as well as local assessment data to determine and set appropriate student group targets for the next five years. Districts may use existing student progress monitoring data for their reading and math goals. The changes to kindergarten diagnostic tools (effective with the 2020–2021 school year) may be phased into the plan once implemented.

- 4. What data do we use for CCMR goals? Updated March 30, 2020**

The data on college, career, and military readiness should still be available as before, and this data should be used to determine appropriate student group targets for the next five years.

**5. What goals/progress measures do school boards monitor during emergency school closures? Updated March 30, 2020**

At times like this, it is appropriate for the board to monitor through conversation versus a structured progress monitoring format. The primary focus of the conversations is on emergency priorities. Two emergency priorities that rise to the top of the list are: 1) Ways the school is providing for the safety, security, and well-being of its students; and 2) How the school is providing for the continuation of educational services to students outside of normal school operations. Boards may choose to have conversations on more emergency priorities than this, but these two priorities should cover the most pressing issues for all school systems. Stay-put orders and similar public health orders do not permit broad community input/engagement and data gathering for emergency priorities. These are for emergency use only.

**6. What do we do with our monitoring calendar during a time of emergency? Updated March 30, 2020**

The adopted monitoring calendar will be suspended during the emergency time and adjusted at a later date. Monitoring reports will focus on the emergency priorities.

**7. What could a monitoring report look like when delivered to the school board when monitoring emergency priorities? Updated March 30, 2020**

In reporting on the status or progress of emergency priorities, the superintendent can use the time generally reserved for reports according to the monitoring calendar and include the following in a board report: 1) identifying each emergency priority; 2) describing the status of the district in addressing each priority; 3) the superintendent's overall interpretation of progress in addressing each priority; and 4) needed next steps or board actions to address each priority.

**8. How does the decision to not administer the STAAR change the superintendent's evaluation, if student outcome goals are centered on STAAR performance? Updated March 30, 2020**

Keep in mind that many outcome goals revolving around STAAR may not have data points for this year. Quite possibly the goal progress measures (outputs) that are predictive of the goals may not have data points at the end of the year, but, when continuing educational operations remotely, there may be opportunities to still use the same progress measures to measure student learning, even if it is not in a traditional or customary setting, and report on these for the second emergency priority. STAAR performance is one of several data points in the overall superintendent evaluation determination. While we may not have STAAR data for this year, student outcome goals that focus on items other than STAAR could still be appropriate. Progress measures that have been used throughout the year to determine the effectiveness of implemented programs could also be used. Constraints and core values established by the board that are not connected to STAAR performance such as parent satisfaction and staff turnover could also still be used. Some new, input-based measures, such as the thoroughness of the emergency response for the district (measured by

stakeholder surveys or the creation of a rubric), and the percent of students engaging in daily learning (measured by teacher contact, submission of remote assignments, etc.) can be helpful elements to add in times like these. During/after the suspension from normal monitoring, boards can collaborate with the superintendent to review and, if necessary, revise the board's goals and constraints in accordance with the new reality.

## **BOARD TRAININGS**

### **1. *During this time, are school board members required to complete school board trainings outlined in TEC, §11.159 and 19 TAC §61.1?* Updated March 30, 2020**

The Commissioner has waived the board training requirements outlined in TEC, §11.159, and 19 TAC §61.1 for all districts until September 1, 2020. Waivers will be automatically granted, pursuant to the Commissioner's general waiver authority under TEC, §7.056. School districts do not need to apply for these automatic waivers. This means that school boards conducting elections in May 2020 will not need to report on board member training hours during their April board meetings. School board members, if needing training to fulfill training requirements, will need to complete the trainings at a later time, when the requirements are reinstated, but can complete training when time allows during this suspension, if trainings are available.

### **2. *Can board trainings still occur during this time?* Updated March 30, 2020**

Yes. Board trainings in groups with 10 or more are suspended statewide, at least, until April 3, as we have been ordered to not gather in groups of 10 or more. This could continue beyond April 3 statewide, as the situation is being monitored and is very fluid. Also, local governing bodies such as city councils, city mayors, and county judges may have implemented stricter and longer restrictions governing public gatherings. Board trainings may be provided and taken by board members online or via webinar. If the training requires a live trainer, the training can be provided via webinar or in person if the gatherings are within ordered size restrictions.

### **3. *How do we post a board training, if this is done via webinar or online?* Updated March 30, 2020**

If the training is provided to a single school board and a quorum of the board is going to participate in the training, whether this is online, via live webinar, or in person, this is considered a locally authorized board meeting and needs to be posted according to the Open Meetings Act. If the training is a regional workshop, provided by a provider such as an education service center that will host a potential quorum of board members either by webinar or in person, the provider of the regional workshop will need to advertise this training as a regional workshop on their website. A regional workshop does not require local postings. No local postings are required for individual board members taking online trainings, when a quorum of the board is not present.

### **4. *What about my scheduled LSG Workshop?* Updated March 30, 2020**

All LSG Workshops statewide are suspended, at least until April 3, as we have been ordered to not gather in groups of 10 or more. This could continue beyond April 3 statewide, as the situation is being monitored and is very fluid. Also, local governing bodies such as city councils, city mayors, and county judges may have implemented stricter and longer restrictions governing public gatherings.

## **BOARD MEETINGS**

### **1. *How do we have a virtual board meeting via webinar or teleconferencing?* Updated March 30, 2020**

The Texas Department of Informational Resources has developed a How-to Guide to holding webinars and emergency board meetings. The How-To Guide includes guidance on the suspension of certain Open Meetings Act requirements, meeting notices, and webinar and teleconferencing meetings of governing bodies (this includes school boards). The How-To Guide can be found at the following website:

<https://pubext.dir.texas.gov/portal/internal/resources/DocumentLibrary/Tips%20for%20Conducting%20Open%20Meetings%20Remotely.pdf>

### **2. *How do we provide for public comments in a virtual board meeting?* Updated March 30, 2020**

During any public authorized board meeting, any member of the public is able to provide comment on any agenda item for that particular meeting before the board has discussion on that item. Schools must provide a process for the public to sign up and receive information on how to provide public comment during virtual board meetings. For example, individuals that wish to provide public comment can be provided access to speak, from a moderator, during the public comment portion of the meeting and muted after their public comment.

### **3. *How do we handle closed session in a virtual board meeting?* Updated March 30, 2020**

When conducting a virtual board meeting, the public meeting can be held using a link that is accessible by all and the closed session can be held in a separate virtual meeting link that is only accessible by individuals needed in closed session. It is recommended that the individuals that use the link to access closed session sign or agree to a statement that the information discussed in closed session is not shared with the public and that they are the only ones accessing the link to the closed session.

### **4. *How do we have board meetings in light of the Governor's Executive Order to avoid gathering in groups of more than 10 people?* Updated March 27, 2020**

Per the Governor's Executive Order, every person in Texas shall avoid social gatherings in groups of more than 10 people, therefore, the district must ensure that no more than 10 people are gathered in one place: <https://gov.texas.gov/news/post/governor-abbott-issues-executive-orders-to-mitigate-spread-of-covid-19-in-texas>

The governor has waived provisions in the Texas Open Meetings Act to allow public meetings to be held virtually or telephonically and has strongly encouraged meetings to be held this way: <https://gov.texas.gov/news/post/governor-abbott-allows-virtual-and-telephonic-open-meetings-to-maintain-government-transparency>

Additionally, the Texas Department of Information Resources has issued guidance for conducting an Open Meeting remotely:

<https://pubext.dir.texas.gov/portal/internal/resources/DocumentLibrary/Tips%20for%20Conducting%20Open%20Meetings%20Remotely.pdf>

#### **5. *How is a district's local grievance policy impacted?* Updated April 2, 2020**

The local grievance process is defined by each school district or charter school's grievance policies. Timelines for a local grievance policy remain in place, unless the timelines are extended or otherwise amended by the board of trustees to address issues arising from the COVID-19 pandemic.

#### **6. *Do board members need to come in to sign board minutes if the meeting was conducted via zoom?* Updated April 3, 2020**

Board meeting minutes can be distributed electronically for electronic signature by board members as an electronic signature is a legally valid method of executing a document. Districts should, however, consult with their legal counsel regarding an appropriate electronic format for signing/memorizing board minutes.

### **ELECTIONS**

#### **1. *What impact does Governor Abbott's proclamation of March 18, 2020, regarding local elections, have on school board trustee elections?* Updated March 27, 2020**

The governor's proclamation provides school districts with the ability to postpone their local May 2, 2020, elections until November, 2020, to help slow the spread of COVID-19. The proclamation does not affect May 26, 2020 runoff elections, and the proclamation does not affect the date of future local elections.

Any trustee whose term expires after the originally scheduled May 2<sup>nd</sup> local election will continue to serve and retain their duties and powers of office, pursuant to Texas Constitution, Article XVI, §17, until an election is held and the trustee is either reelected or replaced by a newly elected trustee who files a statement of officer and takes an oath of office.

#### **2. *With the recent proclamation encouraging moving May elections to November, will the candidacy filing window reopen or will that be locked in?* Updated March 27, 2020**

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The Governor waived provisions in the election code to allow districts to move their May 2, 2020 elections to November and has strongly encouraged political subdivisions to move these elections: <https://gov.texas.gov/news/post/governor-abbott-issues-proclamation-allowing-for-postponement-of-local-elections-set-for-may-2nd>

Per the Secretary of State, if a school district postpones its election date, the school district is preserving all candidate filings and ballot order actions that have already been taken. Such a postponement does not have the effect of reopening candidate filings: <https://www.sos.texas.gov/elections/laws/advisory2020-12.shtml>

- 3. *If we do move our election to November, does the school Superintendent have the authority to make this call, or does it require a special called Board meeting?* Updated March 27, 2020**

Moving an election requires a board meeting. Virtual or telephonic meeting are allowed and strongly encouraged under the Governor's proclamation: <https://gov.texas.gov/news/post/governor-abbott-allows-virtual-and-telephonic-open-meetings-to-maintain-government-transparency>

- 4. *By when does the board have to make the decision around school board elections?* Updated March 27, 2020**

An order moving the May election to November should be made prior to early voting: <https://www.sos.state.tx.us/elections/laws/cancellation.shtml>

- 5. *We cancelled board elections in May due to unopposed candidates. When does the new candidate assume their duties as a board member?* Updated March 27, 2020**

The transition is not affected unless the district moves the election to November.

- 6. *Would Board of Trustees positions (President, Vice President, Secretary) stay the same if we move to a November election?* Updated March 27, 2020**

The Board of Trustees positions stay the same until new officers are elected. See Texas Education Code §11.061(c).

Furthermore, any trustee whose term expires after the originally scheduled May 2<sup>nd</sup> local election will continue to serve and retain their duties and powers of office, pursuant to Texas Constitution, Article XVI, §17, until an election is held and the trustee is either reelected or replaced by a newly elected trustee who files a statement of officer and takes an oath of office.

## **MISCELLANEOUS**

- 1. Can a board delegate to its superintendent the board's authority to request a commissioner waiver under Texas Education Code (TEC), Section 7.056? Updated March 27, 2020**

Although Texas Education Code (TEC), Chapter 11 and Section §7.056, are silent on this topic, the agency will accept a waiver request made pursuant to TEC, Sec. §7.056, by a superintendent, if the superintendent's board has delegated its general operational authority or waiver-specific authority to the superintendent. The agency, however, recommends, in such instances, that the board ratify the waiver request at a future meeting to ensure compliance with TEC, Chapter 11 and Section §7.056.

- 2. Many schools have personal protective equipment (PPE) and related materials, including career and technical education equipment, that could be used by local medical facilities or first responders. How can a district account for donating PPE and related materials to such entities without it being an impermissible gift of public funds? Updated March 27, 2020**

Section 51, Article III, of the Texas Constitution permits the allocation of public funds (and thus property) to public and private entities in times of calamity. In this instance, with a statewide disaster (a calamity) declared due to the COVID-19 pandemic, a school board may choose to donate PPE and related materials to medical facilities and first responders. In an abundance of caution, however, district school boards are advised to find in support of such donations that: 1) the donation of PPE and related materials will serve a public purpose; 2) sufficient controls will be in place to ensure that the public purpose is carried out; and 3) the district will receive a return benefit from the donation. See Op. Atty. Gen. No. GA- 0076, 2003.

- 3. For board resolutions, votes, etc. that require a signature, can we submit the resolution without a wet signature and use an electronic signature? Updated April 2, 2020**

Yes, an electronic signature is a legally valid method of executing a document.