

Sabinal ISD Board of Trustees

Standard Operating Procedures Manual



SABINAL
INDEPENDENT
SCHOOL
DISTRICT

SABINAL INDEPENDENT SCHOOL DISTRICT

2023-2024 BOARD OF TRUSTEES

Bernardo Garcia- President
Andres Guevara III- Vice President
Raquel Esquivel - Secretary
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Mission Statement

Making excellence an everyday event.

Vision Statement

Providing an exemplary education leading to a successful future.

2023-2024 District Goals

1. Sabinal ISD will increase academic achievement for all by providing a rigorous curriculum, with high academic standards, based on assessment of student progress.
2. Sabinal ISD will maintain an educational environment defined by high expectations that promote responsibility and accountability of all stakeholders while embracing a “culture of caring” through strong partnerships between the district and the community. Expectations include volunteerism and student participation that extends beyond the classroom.
3. Sabinal ISD will provide opportunities for all students to acquire the knowledge and skills necessary for College and Career Readiness with opportunities to acquire Industry Based Certifications.
4. Sabinal ISD will cultivate a well-rounded education by nurturing a student’s critical thinking, problem solving, creativity and more so they can make informed decisions when facing life’s challenges and respond accordingly.

Sabinal ISD Board of Trustees Standard Operating Procedures

The Board of Trustees is the educational policy-making body for Texas public school districts. To effectively meet the challenges of public education, school boards and superintendents must function together as a leadership team. The board demonstrates its commitment to the District by using the Board goals to guide all board deliberations, decisions, and actions.

I. Communication with the Media

The Board President serves as the official spokesperson for the Board team to the media/press on issues of media attention. Media calls should be directed to the Board President or Superintendent. The Superintendent or designee shall act as the spokesperson for the District.

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.

Related Policy: BJA, GBAA

II. Policy Review and Adoption

Sabinal ISD Board Policy reviews will be conducted on a cyclical basis. Policies will also be reviewed and adopted on an as needed basis as TASB Policy Service submits updated and new policies for the Board review and adoption.

Related Policy: BF

III. School Board Meetings

1. **“Meeting”** means a deliberation among a quorum (*four members present of a seven-member board constitutes a quorum for a meeting, regardless of the number of vacancies*) of the Board, 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. A school board may act only by majority vote of the members present at a meeting held in compliance with the Open Meeting Act, at which a quorum of the board is present and voting (Texas Educ Code 11.051 a-1).
2. **Meeting Place:** Unless otherwise provided in the notice for a meeting, Board meetings shall be held at the high school library.

3. **Meeting Time:** Regular meetings of the Board shall be held on the second Monday of each month starting at 6:30 PM. When determined necessary and for the convenience of Trustees and school personnel, the Board President may change the date or time of a regular meeting. The notice for that meeting shall reflect the changed date or time.
4. **Board Member Attendance:** Board Members are encouraged to make every effort to attend all meetings. If a Board Member is unable to attend, they will notify the Board President and the Superintendent as soon as possible. The Board President shall annually announce the status of each Board member's attendance. The announcement shall be made at the last regular Board meeting before the District's uniform election date, whether or not an election is held.
5. **Board Meeting Management:** The Board President/presiding officer shall take responsibility for keeping meetings on task and focused on relevant discussion using various meeting management techniques. It is also the responsibility of each Board member to assist the president/presiding officer with keeping meetings on task.
6. **Annual Calendar of Agendas:** An annual calendar of Board meeting dates and agenda items will be developed cooperatively by the Board President and Superintendent.
7. **Executive Session:** The Board will discuss only those items listed for the executive session agenda and allowed by law. No official votes will be taken in executive session. All information discussed in executive session shall remain confidential.
8. **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.

Related Policy: BE

IV. Board Members Placing Items on the Agenda:

The deadline for submitting agenda items that will be included in the agenda packet that will go out to all board members is ten (10) calendar days prior to the regular meetings and by noon, five (5) calendar days before special meetings. The deadline for submitting items for inclusion on the agenda (these will not be included in board packets) is noon, five (5) calendar days prior to regular meetings and noon, five (5) calendar days prior to special meetings. The final agenda will be posted 72 hours prior to the scheduled time of the meeting.

In consultation with the Board President, the Superintendent shall prepare the

agenda for all Board meetings. A request by two Board members that a subject be included on a future agenda may be made by at least two board members submitting a written request to the Superintendent and the Board President by the deadline described above. The Board President shall not have authority to remove from the final agenda a subject requested by at least two Board members without those Board members' specific authorization.

Related Policy: BE

V. Distribution of Agenda Materials

The Superintendent will distribute agenda materials to Board members no later than the posting deadline before a regular meeting. Board members should familiarize themselves with the agenda and call to get their questions answered prior to the meeting to the extent possible.

Related Policy: BE

VI. Non-Allowable Comments in Public Session

The Board will not entertain complaints against individual personnel (employees or Board members) or personally identifying information about students that is confidential under state or federal law in any public comment portion of its meetings. Comments to the Board must pertain to items listed on the agenda.

Related Policy: BE, BED

VII. Superintendent Evaluation (Instrument & Timeline)

Board members will receive annual training on a locally adopted instrument/process for the evaluation of the Superintendent.

- A. The Superintendent evaluation will follow the timeline approved by the Board.
- B. The summative evaluation will be conducted in February each year.
- C. The Board President obtains input from all other members on the approved indicators which are based on State Law, Local Board Policy, and the Superintendent's job description.
- D. The Superintendent's contract will be considered in February each year.

Related Policy: BJCD

VIII. Board Self-Evaluation

The Board self-evaluation will be conducted in closed session according to the

annual calendar of Board meeting dates and activities. Annual Board evaluations will consist of the following four questions. If any Board member answers “no” to any of these questions, the board will schedule follow-up training and discussion on that topic.

1. Are we following our Board code of conduct?
2. Are we following our Board operating procedures?
3. Is the team of eight functioning?

Related Policy: BAA, BBD

IX. Employee/Citizen Request/Complaint to Individual Board Member

When an employee or citizen presents a complaint to an individual board member(s), the board member should hear the employee/citizen request or complaint for basic understanding of the situation. The Board member will refer the employee/citizen to the appropriate person/chain of command and remind the employee/citizen that the Board member must remain impartial in case the situation goes before the Board.

Related Policy: BBE, DGBA, FNG, GF

X. Board Investigation of Complaints

Board members shall not attempt to resolve complaints or grievances individually, except that they may counsel citizens or employees who inquire as to the correct procedure for appropriate resolution for the complaint. Board members shall refer to the Superintendent any and all complaints received by them from stakeholders, including students, parents, employees, taxpayers, community members and others, where any action on the part of the administration may be required. Board members will not conduct investigations of the complaint.

In the event a Board member receives a complaint or has concerns regarding any employee other than the Superintendent, the Board member shall first refer the matter to the Superintendent and then, if dissatisfied with the response, may bring the matter to the attention of the Board as a whole to be discussed in executive session under a properly posted agenda item.

If the complaint is against the Superintendent, the Board member receiving the complaint will notify the Board President and the Board President will either notify the Superintendent or seek legal counsel with Board's attorney. If dissatisfied with the response, the Board member may bring the matter to the attention of the Board as a whole in executive session under a properly posted agenda item.

For matters relating to employees other than the Superintendent, the decision to conduct an investigation and the manner in which the investigation will be conducted shall rest with the Superintendent. For matters relating to the Superintendent, the decision to conduct an investigation and the manner in which the investigation will be conducted shall rest with the Board.

Related Policy: BBE, DGBA, FNG, GF

XI. Procedure/Timeline for Budget Development

Budget process and timelines will be adopted annually.

Related Policy: CE

XII. Board/Superintendent Communications

Superintendent Communication to Board Members: The Superintendent will provide written communications to all Board members in the form of "Weekly Updates." The Superintendent will also communicate with Board members on an as needed basis.

Board Member Requests for Information: All board member requests for information will be initiated with the Superintendent. The Superintendent will provide copies of the materials requested by the board member(s) to all board members if the requested information is readily available. Individual 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. If the requested information is not readily available, the report will only be compiled with the approval of the majority of the board members. Through board action on June 13, 2016, the Board affirmed that the Superintendent is not required to respond to every individual Board Member request for information, and that the Board supports his authority to exercise his discretion in replying to any individual Board Member request.

Communication between Board Members: Board members are free to communicate with each other on a one-on-one basis but will not communicate with each other in a manner that either explicitly or implicitly could be deemed to be a violation of the Texas Open Meetings Act.

Related Policy: BBE

XIII. Anonymous Communications:

Anonymous communication will not receive action by the Board or Superintendent with the exception of student welfare or financial matters.

XIV. Interaction with School District Attorney

The Board authorizes the Superintendent to contact legal counsel on behalf of the district. Individual Board members shall channel legal inquiries through the Superintendent and Board President, when seeking advice or information from the District's legal counsel.

Related Policy: BDD

XV. Commitment to Board Training

Pre-scheduled/arranged board training sessions will be included on the approved annual calendar of agendas. Additional board training opportunities will be offered Board members based upon availability. Board members commit to fulfill board- training requirements outlined in the Texas Administrative Code along with those adopted as a part of the annual calendar.

The Board President shall announce the status of each Board member's continuing education credit. The announcement shall be made annually at the last regular Board meeting before the District's uniform election date, whether or not an election is held. TAC 61.1(j); Education Code 11.159(b)

Related Policy: BDD

XVI. Commitment to Board Attendance

Generally, for a board of trustees to act on any given item, a motion must be passed by a majority of votes cast at a meeting at which a quorum is present, excluding abstentions. As the need for a quorum is required in order for any Texas school board to conduct business, board members commit to attending monthly meetings to the fullest extent possible. Board meeting dates are provided by the superintendent annually, and well in advance, in an effort to ensure that all members are able to make arrangements to attend meetings.

Related Policy: BE

XVII. Campus Visits by Board Members

All visitors to the schools, including parents and Board members, are *welcome* to visit the campus; however, prominent notices shall be posted at each campus that all visitors must first report to the principal's office. Visits to individual classrooms during instructional time shall be permitted only with the principal's approval, and such visits shall not be permitted if their duration

or frequency interferes with the delivery of instruction or disrupts the normal school environment.

Additionally, Board members will notify the campus principal and the Superintendent prior to the visit. At no time will Board members visit campuses in an attempt to evaluate personnel on that campus. Board members will not make comments related to observations of the classroom to the campus administrator.

Related Policy: GKC

XVII. Board Members' 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.

Related Policy: BBF

XVIII. Board Members' Authority Related to School Personnel

No Board member may direct employees concerning the performance of their duties.

Related Policy: GKA, GKC, BBF

XIX. Violation of Team Operating Procedures

Infractions of Standard Operating Procedures will result in the Board President meeting with, discussing the concern with the member, and thereafter reporting to the Board.

Related Policy: BBC, BBF

XX. Additional information (as attached to this SOP):

1. Board meeting schedule
2. Board agenda planning calendar
3. TASB's "Overview of continuing education requirements for school board members"
4. TASB's "Juggling more than one role as a board member"
5. TASB's "Social media guidelines for school board members"
6. BBE (Exhibit) - Board member's request for information
7. TASB's "Code of ethics for school board members"

To: Board of Trustees
From: Richard W. Grill
Subject: Board meeting schedule for 2023-2024
Date: June 12, 2023

Following the 2023-2024 academic calendar, the following dates are recommended for our board meetings:

August 14
September 11
October 10- Tuesday, due to Monday being a holiday
November 13
December 11- Possible cancellation due to lack of business items
January 9- Tuesday, due to return from holidays
February 12
March 4- A week early due to Spring Break
April 8
May 14 – Tuesday to canvass election
June 10
June 24- This is special meeting to adopt budget
July- No board meeting

All meetings start at 6:30 PM.

Sabinal ISD Board Agenda Planning Calendar

July

No Meeting

August

Recognize new teachers
Back-to-school documents & handbooks
Tax rate info
Personnel update
Cht 48 update
Code of conduct (odd years only)

September

Tax rate hearing/adopt
Auditors report
Approve Auditor's report & rehire
Enrollment update
County Agent Adjunct status (if available)

October

UCAD Board nominations
Fund balance designation (if needed)
FIRST hearing (if available)

November

Approve UCAD nominations
Review District Improve Plan & TAPR

December

No Meeting

January

Board recognition
Budget development calendar
Prelim salary, stipend & staff pre
Distribute supt evaluation
PVS Appeal (if needed)
Announce board training hours

February

Call trustee election; appoint election judges
Approve salary, stipend & staff
Review district academic calendar
Supt. evaluation/contract/salary
Review board goals
Budget/Finance update
Recognize fall programs

March

Approve district academic calendar
Admin contract/salary recommendations
Proposed contract nonrenewal (if needed)
Review/approve board/district goals

April

Depository contract (if needed)
Teacher contracts (include Cluster
IMA certification (if needed)
Textbook preview (if needed)
Approve supt hiring authority

May (Canvassing requires date change)

Canvass trustee elections
Oath of Office
School supply lists
Textbook adoptions (if needed)
Review board meeting calendar

June

Review audit committee
Budget workshop
Review board SOP handbook
Review audit committee
Approve student insurance
Cht 48 status; authorize supt
Oath of Office
Board reorganization
Team

Special Meeting-4th Monday of June

Approved end of year budget amendments
Approve new fiscal year budget
Approve audit committee
Approve board SOP
Approve annual board calendar
Approve Code of Conduct (odd years only)
Review Student & Employee handbooks

Note: Items listed are for planning purposes only, and are subject to change

Updated June 12, 2023

Board Training Requirements

NEW!
2018

	Tier 1 Orientation/ Updates	Tier 2 Teambuilding	Tier 3 Additional, based on assessed needs	Tier 4 Student Achievement
New	Local Orientation and Orientation to the Texas Education Code	3 hours each year	10 hours first year Open Meetings* Public Information*	3 hours every 2 years
Experienced	Legislative Update After legislative session		5 hours each year	3 hours every 2 years



*Open meetings and Public Information trainings are required of all elected officials and are not specific to SBOE training rules for school board members.

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Juggling More than One Role as a Board Member

The interesting thing about board members is that in everyday life, most of them are not just board members. Many board members retain their “day jobs” as businesswomen, parents, community members, chairmen of non-profit groups, employees of an entity, brother, sister or parent to an employee of a school district, and other various hats that board members wear at any given time.

At times statutory provisions provide guidance and regulation on the duties and responsibilities of school board members, ethical standards that a board member should follow, and penalties when a board member deviates from what is legally acceptable. Additionally, board members can refer to statutes and legal authority that address conflict of interest issues or issues of dual office holding; however, there are many roles that a board member might play during her tenure on the board (i.e. board member/parent), which do not come with statutory guidelines or regulations and may leave a board member wondering, *what is acceptable?*. This article will explore the most common dual roles that board members may find themselves playing and provide guidance and practical tips on how to avoid pitfalls or legal issues that may come along with such roles.

Role as a Board Member

Various sections of the Texas Education Code address the duties and responsibilities of a board member. Section 11.051 of the Texas Education Code provides, “An independent school district is governed by the board of trustees who, as a body corporate, shall oversee the management of the district.” Tex. Educ. Code § 11.051(a)(1). Additionally, Section 11.151(b) of the Texas Education Code specifies that the “trustees as a body corporate possess the exclusive duty to govern and oversee the management of the public schools of the district.” Tex. Educ. Code § 11.151(b).

Furthermore, boards generally adopt local ethical standards which specifically outline the behavior board members will be expected to follow during meetings, in general dealings with school district staff, in communications with members of the public, and in working with fellow board members. Some common examples of board ethics are to be fair and impartial, make no personal promise or take private action that may compromise performance or responsibilities, and not disclose information that is confidential by law or that would harm the district if disclosed. See your district policy BBF(LOCAL) for more information.

There are restrictions on certain activities and relationships that board members may have with vendors in the community, or employees within the school district. These issues are known as conflict of interest and nepotism. Each issue is addressed in detail in various TASB Legal Services publications that may be found on the TASB School Law eSource Web Site: schoollawesource.tasb.org.

Board Members as Parents

A common issue for board members relates to the boundaries that might exist while they serve on the board and have a child enrolled in school. A parent might run for the school board to make a difference, have a hand in forming the future of the community youth, or set an example

of civic duty for her children. After the election is over and a parent is sworn in, the parent is a board member, but remains a parent, too. She must now take that into consideration when going about her daily life and especially when issues related to her child arise at school.

A board member/parent can prove to be a very useful tool to the rest of the board by providing a unique perspective and insight; however, it is important to recognize that the public will always perceive a board member as a public official first. The public may not realize that she is also a parent, or the public may know that she is a parent and feel that her parent role should be shut off completely when executing board duties. For example, because the public may not fully understand the complex workings of a governing body or the legal requirements a governing body must adhere to in executing duties, the public may feel uncomfortable with a board member/parent hearing a level three grievance involving the football coach when that board member's son is on the football team.

While a board member/parent is not required to recuse herself from participating in the deliberation of official business merely because her child attends school within the district, there are times when it is best practice for a board member/parent to voluntarily recuse herself from the deliberation process when her participation might create an undue bias in the situation, or create a public perception of impropriety.

For example, if a board member/parent brings forth a grievance about one of her son's teachers, for whatever reason, that board member/parent now has a personal interest in this matter and most likely a conflict of interest. Following the district's policy on grievances and allowing administrators to handle the grievance at the different levels is very important. It might be tempting to go around the process and request that the grievance be heard immediately before the rest of the board, but the better practice is to follow policy and maintain the chain of command.

In this instance, after the board member/parent has moved through the appropriate channels in the grievance process and the grievance reaches the board level, the board member/parent should recuse herself from deliberating and voting with her fellow board members on the outcome of this grievance. The board member/parent is not legally required to leave the room during a closed session grievance hearing, as long as she does not participate in the deliberation and voting on the outcome. However, the attorney general strongly recommends that a board member with a conflict of interest excuse herself from the closed session proceedings when she is not testifying on the grievance. See, e.g. Op. Tex. Att'y Gen. No. GA-334 (2005).

In many circumstances, there is no "bright line" telling a board member whether she should recuse herself. It should be the main goal and focus of each individual board member to ensure that their personal issues or agendas do not interfere with this responsibility of being a public official and upholding the public's trust. If there is ever a question or doubt about a certain situation and whether a board member should abstain from discussion, deliberation, or voting, the board member may wish to discuss the matter with the board president and may consider seeking legal counsel.

Board Members as Community Members

Many times board members are concerned that by becoming a public official, they shed their ability to remain a member of the community, and participate in other non-profit organizations or

serve the district as a board member. A board member may also cause some unintentional stress or concerns among school district staff if she is a constant presence in the classrooms and on campus. The best practice is to discuss the matter with the district's superintendent or the campus principal, to assure staff that it is the board member's intent to be present simply as a parent or volunteer, and not to gather information or become entangled in campus issues.

As with all other community members, including parents, who may need to enter a school campus, board members must adhere to the identification procedures set forth by each campus, and must follow all rules in place regarding disruption of class and disorderly conduct. Most districts require visitors on school campuses to present an acceptable form of identification and wear a "Visitors" badge while remaining on the premises. Board members are not exempt from this requirement and should review TASB Policy GKC(LEGAL) and their district's GKC(LOCAL) for more information.

Board Members as Members of Booster Clubs and PTAs

In light of the guidance on volunteering, board members should also be cautious about their involvement with school support organizations. It is certainly permissible to join and attend events sponsored by a booster club or PTA, or serve as a member. However, the more involvement the board member has in leadership roles for the booster club or PTA, the more difficult it may be for that board member to navigate her role with the board. The board member must walk a fine line to ensure that the impression is not given to the organization that the board member can use her influence as a member of both the booster club and the school board to sway a decision on the school board to the advantage of the booster club.

Ideally, a board member should consider offering support to such organizations by volunteering time, or attending events, but not by assuming a leadership role. Sometimes we understand this can be difficult if the district is small and the organization has a difficult time finding willing participants. If you do find yourself involved in running a school-sponsored organization while on the school board, again we recommend opening a dialogue with the superintendent and principal and seeking legal counsel as needed.

Conclusion

With long hours and low pay, serving in the capacity of school board member is a demanding enough job. Board members may become overwhelmed when balancing that job with additional roles, including parent, community member, volunteer, or business owner. Keeping each role separate is important in effectively executing duties as a board member and serving the school district appropriately. Finding that right balance between the roles you play is a personal effort and choice but one that will pay off greatly for yourself and your community.

A version of this article was first published in the April 2012 edition of the Texas Lone Star magazine.

This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is neither an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. It is important for the recipient to consult with the district's own attorney in order to apply these legal principles to specific fact situations.

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TASB Legal Services



Social Media Guidelines for School Board Members **TASB Legal Services**

Many school board members are active users of social media, including online platforms such as Facebook and Twitter, as well as other media such as blogs and personal Web sites. Social media can be a positive tool for fostering community engagement with the school district. Board members, however, need to operate within appropriate guidelines when they are communicating online about school district business. The following are suggested guidelines for board members using social media in their role as public officials.

In using social media to communicate about school district business, a school board member should:

- 1. Clarify that you are communicating as an individual member of the board, and not an official district spokesperson.***

Because the board acts only as “a body corporate,” many school boards have a board operating procedure that appoints the board president as a spokesperson. Other board members are free to speak publicly about school matters, but should clarify that their statements reflect their own views, not necessarily the official position of the board.

- 2. Avoid deliberating school district business with a quorum of the board.***

The requirements of the Texas Open Meetings Act (OMA) are triggered when a board conducts a *meeting*. A *meeting* includes “a deliberation between a quorum of a governmental body, or between a quorum of a governmental body and another person, during which public business or public policy over which the governmental body has supervision or control is discussed or considered or during which the governmental body takes formal action.” Tex. Gov’t Code § 551.001(4)(A). *See also* Op. Tex. Att’y Gen. No. GA-896 (2011) (concluding that, in some circumstances, a message sent by a board member to an internet-based group whose membership was unknown to the district could constitute a deliberation and a meeting under the OMA). Board members should not use online communications as a vehicle for communicating with each other outside of meetings; in addition to the risk of violating the OMA, such communications undermine good working relationships and the purpose of open meetings.

- 3. Direct complaints or concerns presented online to the appropriate administrator.***

When a community member with a concern approaches a board member, even online, the board member is generally expected to direct the community member to an appropriate administrator. The school board operates as a body corporate, which means no single board member may act alone. Tex. Educ. Code § 11.051. In most situations, a community member’s concern should be handled by an appropriate administrator, not the board. This preserves the chain of command in

the school district and keeps the board from having to hear every community complaint. See TASB Policy BBE(LOCAL). Reviewing evidence in support of a complaint in detail outside of a board proceeding, such as a grievance or personnel hearing, may cause a board member to have to recuse himself when the issue reaches the board because he has lost his capacity to act as a neutral decision maker.

4. *Avoid posting content that indicates that you have already formed an opinion on pending matters.*

When a grievance, contract appeal, or other dispute is presented to a school board, the dispute is presented with the understanding that the school board will sit as a neutral tribunal to hear and resolve the matter. The concept of *due process* calls for the board to serve as an impartial decision maker. Social media posts by a board member expressing an opinion on pending matters may be considered evidence of bias or prejudice on the issue. This evidence of bias may be used to exclude the individual board member or call into question the validity of board action. See, e.g., *Valley v. Rapides Parish Sch. Bd.*, 118 F.3d 1047 (5th Cir. 1997) (overturning a superintendent's termination when the record showed that four members of a nine-member school board had made public statements indicating bias against the superintendent).

5. *Ask for community input to be provided through appropriate channels, but do not allow your social network to direct your decisions as a trustee.*

Soliciting input from the community may be a valuable function of social media; however, yielding decision making authority on matters of public business to social networks violates local policy, board ethics and, in some instances, the law. The Texas board members' code of ethics states:

- 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.

TASB Policy BBF(LOCAL). Allowing members of a social network to cast a vote rather than merely provide input to a board member who will make an independent judgment in the best interest of the district is a clear violation of this policy. Such actions also violate the purpose of the OMA, which requires board deliberation to take place in public meetings and any final action, decision, or vote to be made in an open meeting. Tex. Gov't Code § 551.102.

6. *Post only content that the District has already released to the public.*

A person commits an offense if the person distributes information considered confidential by law. Tex. Gov't Code § 552.352. Tex. Att'y Gen. ORD-490 (1988). Office of the Texas Attorney General, *2014 Public Information Handbook* 58 (2014). In addition, a board member owes a common law fiduciary duty to act primarily in the interest of the district, including protecting its confidential information. Someone harmed by a disclosure could sue a board member for invasion

of privacy if the member publicizes information about the person's private life in a way that is highly offensive without a legitimate public concern. In light of the sensitivity of many school district matters and the risk of inadvertent disclosure of confidential material, a trustee should limit the use of social media to sharing content already released to the public by the school district.

7. ***When attempting to restate what happened at a previous board meeting, clarify that the posting is not an official record of the board meeting and share information only from the open portions of the meeting.***

Nothing in law or policy prohibits a board member from publicly describing the discussion or action that took place during the open portions of a previous board meeting. Remember, however, that the board member code of ethics provides that each board member will respect the majority decision as the decision of the board. See TASB Policy BBF(LOCAL). An individual member's board meeting notes do not carry the weight of an official summary of board discussion or action. Only final board-adopted minutes are the official record of a school board meeting. *See, e.g., Gallien v. Goose Creek Consol. Indep. Sch. Dist.*, Tex. Comm'r of Educ. Decision No. 036-R1-0308 (May 2, 2008) (refusing to consider informal summary of board meeting as evidence that board voted to nonrenew an employment contract when official minutes indicated the vote was merely to propose nonrenewal).

On the other hand, online posts memorializing the content of closed session deliberations could be considered the equivalent of a *certified agenda* (the official record of a closed meeting), and therefore be considered confidential by law. If so, disclosing the notes would be a criminal offense. Tex. Gov't Code § 551.146. The penalty would be a fine not to exceed \$2,000, jail confinement not to exceed 180 days, or both. Tex. Penal Code § 12.22.

8. ***Conduct yourself online in a manner that reflects well on the District; avoid posting information that has not been verified and made public by the District; and never post anonymously about school business.***

If a board member repeats a false rumor, or even a "half-truth" online, the board member's repetition of the unverified information can constitute defamation if the statement tends to harm another person, for instance, by damaging the person's reputation. Defamation in written form, including online posts, is referred to as *libel*. *Robertson v. Southwestern Bell Yellow Pages, Inc.*, 190 S.W.3d 899 (Tex. App.—Dallas 2006). A person may bring a cause of action for libel under Texas Civil Practice and Remedies Code chapter 73.

9. ***Immediately report harassing or defamatory communications to the Superintendent if they involve school officials, staff, students, or district business.***

If a community member posts something that is potentially offensive, harassing, or defamatory on a board member's account, the board member will not be held responsible for the inappropriate post unless the board member personally publishes or repeats the content (by "sharing" or "retweeting," for example). Federal law provides districts and district officials some protection from liability for such behavior by third party users. *See, e.g.*, 17 U.S.C. § 512 (Digital Millennium Copyright Act, protecting service providers from liability for copyright infringement

by users); 47 U.S.C. § 230 (Communications Decency Act of 1996, protecting service providers or users from being treated as a speaker or publisher of information provided by another information content provider). These federal protections are in addition to state law immunities that protect school officials from claims like defamation. Tex. Civ. Prac. & Rem. Code § 101.051. As long as school officials act in good faith and in accordance with appropriate policies, they will have immunity from claims that third-party content posted on their site was harmful. A board member who has offensive, harassing, or defamatory content about the school district, school personnel, or a district student posted to his or her account should first print the screen to document the matter, then work with the District and/or the online platform to remove the content promptly.

10. *Retain electronic records—including your own posts and content others post to your account—when required to do so by the District’s records retention policy.*

School district records must be retained according to the district’s records retention schedule. See TASB Policy CPC. Board members are required to 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. See TASB Policy BBI. No attorney general opinion or court case gives board members clear guidance in determining whether their individual online social media posts are school district records subject to retention. Key considerations include: (1) whether the posts were made using school district equipment or cellular or Internet service; and/or (2) whether the posts were used in the transaction of official business. If so, then social media posts should be preserved as school district records. Online posts are not a separate category of records for retention; instead, posts must be archived according to their content. Generally speaking, posts about school district business need to be retained if the content goes beyond simply sharing existing District content (like a link to the District Web site) or routine correspondence (such as a reminder of the date, time, and location of the next board meeting). Perhaps the easiest way to preserve social media posts is to print the screen and send the posts to the administration for retention.

11. *Immediately report to the District any potential security breach if you lose control or possession of a District-issued or personal electronic device on which confidential District records could be accessed.*

Board members need to safeguard school district records, including the records they access online or on personal electronic devices. If a school district discovers or receives notification of a breach of a system security, the Texas Business and Commerce Code requires the district to notify anyone whose sensitive personal information was, or is reasonably suspected to have been, accessed. A district that follows its own notification procedures included as part of an information security policy that complies with the timing requirements in state law will be considered to have complied with the statutory requirements. Tex. Bus. & Com. Code § 521.053(g). See TASB Policy CQ.

In addition, after a board member’s time on the school board concludes, so does the former board member’s right of access to confidential records. Such records should be deleted, destroyed, or returned to the District, as appropriate.

12. *Comply with the District's acceptable use policy when using district-issued devices or technology resources, including District Internet access on a personal device.*

To the extent a school board member is using school district technology, including school district electronic communications systems or equipment, the board member's use of technology will be subject to the district's acceptable use policies. These restrictions will include monitoring and filtering as required by federal law. See TASB Policy BBI(LOCAL).

A version of this article was first published in the February/March 2014 edition of the Texas Lone Star magazine.

This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is neither an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. It is important for the recipient to consult with the district's own attorney in order to apply these legal principles to specific fact situations.

BOARD MEMBER REQUEST FOR INFORMATION,
DOCUMENTS, AND RECORDS

Please note: The District will comply with requests for information in accordance with law, Board operating procedures, and administrative regulations. [See BBE(REGULATION)]

The following form should be filled out completely by an individual Board member requesting a District record when the request is made in his or her official capacity and when the request is subject to tracking under Texas Education Code section 11.1512 and any applicable Board operating procedures.

A Board member wishing to make an official open records request should use the form for that purpose found at _____ (*location or link where form can be found*).

Date of request: _____

Board member's name: _____

Board member's address: _____

Board member's telephone number: _____

Board member's e-mail address: _____

Please provide below a description of the information requested. Include enough detail to enable the District to accurately identify and locate the information requested.

Once complete, please submit this form to the Superintendent.

PLEASE SIGN BELOW

I certify that I am requesting the above records in my official capacity as a Board member and understand that this request is subject to the tracking and reporting requirements of Texas Education Code section 11.1512.

Board member signature: _____

DATE ISSUED: 6/27/2016
UPDATE 48
BBE(EXHIBIT)-RRM



Code of Ethics for School Board Members

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 in attitude

- 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.

Trustworthiness in stewardship

- 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 of my responsibilities.

Honor in conduct

- 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.

Integrity of character

- 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 keep confidential information that is privileged by law or that will needlessly harm the District if disclosed.

Commitment to service

- 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 seek continuing education that will enhance my ability to fulfill my duties effectively.

Student-centered focus

- I will be continuously guided by what is best for all students of the District.