

Text of Proposed Amendments to 19 TAC

Chapter 61. School Districts

Subchapter A. Board of Trustees Relationship

§61.1. Continuing Education for School Board Members.

- (a) Under the Texas Education Code (TEC), §11.159, the State Board of Education (SBOE) shall adopt a framework for governance leadership to be used in structuring continuing education for school board members. The framework shall be posted to the Texas Education Agency (TEA) website and shall be distributed annually by the president of each board of trustees to all current board members and the superintendent.
- (b) The continuing education required under the TEC, §11.159, applies to each member of an independent school district board of trustees. ~~[The continuing education requirement consists of orientation sessions, an annual team building session with the local board and the superintendent, and specified hours of continuing education based on identified needs. The superintendent's participation in team building sessions as part of the continuing education for board members shall represent one component of the superintendent's ongoing professional development.]~~
- (1) Each school board member of an independent school district shall complete ~~[receive]~~ a local district orientation ~~[and an orientation to the TEC]~~ .
- (A) ~~The purpose of the local orientation is to familiarize new board members with local board policies and procedures and district goals and priorities.~~
- (B) ~~A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.~~
- (C) ~~The orientation shall be at least three hours in length.~~
- (D) ~~The orientation shall address local district practices in the following, in addition to topics chosen by the local district:~~
- (i) ~~curriculum and instruction;~~
- (ii) ~~business and finance operations;~~
- (iii) ~~district operations;~~
- (iv) ~~superintendent evaluation; and~~
- (v) ~~board member roles and responsibilities.~~
- (E) ~~Each board member should be made aware of the continuing education requirements of this section and those of the following:~~
- (i) ~~open meetings act in Texas Government Code, §551.005;~~
- (ii) ~~public information act in Texas Government Code, §552.012; and~~
- (iii) ~~cybersecurity in Texas Government Code, §2054.5191.~~
- (F) ~~The orientation shall be open to any board member who chooses to attend.~~
- ~~[(A) — Each new board member shall participate in a local district orientation session within one year before or 120 days after the board member's election or appointment. The purpose of the local orientation is to familiarize new board members with local board policies and procedures and district goals and priorities. The local district orientation shall be at least~~

~~three hours in length for each new board member. Any sitting board member may attend or participate in the local district orientation. The local district orientation shall address local district practices in the following, in addition to topics chosen by the local district:~~

~~[(i) — curriculum and instruction;]~~

~~[(ii) — business and finance operations;]~~

~~[(iii) — district operations;]~~

~~[(iv) — superintendent evaluation; and]~~

~~[(v) — board member roles and responsibilities.]~~

~~[(B) — A sitting board member shall receive a basic orientation to the TEC and relevant legal obligations. The orientation shall have special but not exclusive emphasis on statutory provisions related to governing Texas school districts. The orientation shall be delivered by regional education service centers (ESCs) and shall be no less than three hours in length. Topics shall include, but not be limited to, the TEC, Chapter 26 (Parental Rights and Responsibilities), and the TEC, §28.004 (Local School Health Advisory Council and Health Education Instruction). A newly elected or appointed board member of an independent school district shall receive the orientation to the TEC within the first 120 days of service. The orientation to the TEC shall be open to any sitting board member who chooses to attend.]~~

~~[(C) — After each session of the Texas Legislature, including each regular session and called session related to education, each school board member shall receive an update from an ESC or any registered provider to the basic orientation to the TEC. The update session shall be of sufficient length to familiarize board members with major changes in the code and other relevant legal developments related to school governance. A board member who has attended an ESC basic orientation session that incorporates the most recent legislative changes is not required to attend an update.]~~

~~(2) — Each school board member of an independent school district shall complete a basic orientation to the TEC and relevant legal obligations.~~

~~(A) — The orientation shall have special, but not exclusive, emphasis on statutory provisions related to governing Texas school districts.~~

~~(B) — A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.~~

~~(C) — The orientation shall be at least three hours in length.~~

~~(D) — Topics shall include, but not be limited to, the TEC, Chapter 26 (Parental Rights and Responsibilities), and the TEC, §28.004 (Local School Health Advisory Council and Health Education Instruction).~~

~~(E) — The orientation shall be provided by a regional education service center (ESC).~~

~~(F) — The orientation shall be open to any board member who chooses to attend.~~

~~(G) — The continuing education may be fulfilled through online instruction, provided that the training incorporates interactive activities that assess learning and provide feedback to the learner and offers an opportunity for interaction with the instructor.~~

~~(H) — The ESC shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (h) of this section.~~

- (3) After each session of the Texas Legislature, including each regular session and called session related to education, each school board member shall complete an update to the basic orientation to the TEC.
- (A) The update session shall be of sufficient length to familiarize board members with major changes in statute and other relevant legal developments related to school governance.
- (B) The update shall be provided by an ESC or a registered provider, as defined by subsection (c) of this section.
- (C) A board member who has attended an ESC basic orientation session described in paragraph (2) of this subsection that incorporated the most recent legislative changes is not required to attend an update.
- (D) The continuing education may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.
- (E) The ESC or registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (h) of this section.
- (4) The entire board shall participate with their superintendent in a team-building session.
- (A) The purpose of the team-building session is to enhance the effectiveness of the board-superintendent team and to assess the continuing education needs of the board-superintendent team.
- (B) The session shall be held annually.
- (C) The session shall be at least three hours in length.
- (D) The session shall include a review of the roles, rights, and responsibilities of a local board as outlined in the framework for governance leadership described in subsection (a) of this section.
- (E) The assessment of needs shall be based on the framework for governance leadership described in subsection (a) of this section and shall be used to plan continuing education activities for the year for the governance leadership team.
- (F) The team-building session shall be provided by an ESC or a registered ~~authorized~~ provider as described in subsection (c) ~~(d)~~ of this section.
- (G) The superintendent's participation in team-building sessions as part of the continuing education for board members shall represent one component of the superintendent's ongoing professional development.
- ~~(2) The entire board, including all board members, shall annually participate with their superintendent in a team-building session facilitated by the ESC or any registered provider. The team-building session shall be at least three hours in length. The purpose of the team-building session is to enhance the effectiveness of the board-superintendent team and to assess the continuing education needs of the board-superintendent team. The session shall include a review of the roles, rights, and responsibilities of a local board as outlined in the framework for governance leadership. The assessment of needs shall be based on the framework for governance leadership and shall be used to plan continuing education activities for the year for the governance leadership team.]~~
- (5) ~~(3)~~ In addition to the continuing education requirements in paragraphs (1) through (4) ~~and (2)~~ of this subsection, each board member shall complete ~~receive~~ additional continuing education ~~on an annual basis in fulfillment of assessed needs and~~ based on the framework for governance

leadership described in subsection (a) of this section . ~~[The continuing education sessions may be provided by ESCs or other registered providers.]~~

(A) ~~The purpose of continuing education is to address the continuing education needs referenced in paragraph (4) of this subsection.~~

(B) ~~The continuing education shall be completed annually.~~

(C) ~~[(A)]~~ In a board member's first year of service, he or she shall ~~complete~~ ~~[receive]~~ at least ten hours of continuing education in fulfillment of assessed needs. ~~[Up to five of the required ten hours may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor. The registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (g) of this section.]~~

(D) ~~[(B)]~~ Following a board member's first year of service, he or she shall ~~complete~~ ~~[receive]~~ at least five hours of continuing education annually in fulfillment of assessed needs. ~~[A board member may fulfill the five hours of continuing education through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor. The registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (g) of this section.]~~

(E) ~~[(C)]~~ A board president shall ~~complete~~ ~~[receive]~~ continuing education related to leadership duties of a board president as some portion of the annual requirement.

(F) ~~At least 50% of the continuing education shall be designed and delivered by persons not employed or affiliated with the board member's local school district. No more than one hour of the required continuing education that is delivered by the local district may utilize self-instructional materials.~~

(G) ~~The continuing education shall be provided by an ESC or a registered provider, as defined by subsection (c) of this section.~~

(H) ~~The continuing education may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.~~

(I) ~~The ESC or registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (h) of this section.~~

(6) ~~[(4)]~~ Each school board member shall complete continuing education ~~[every two years]~~ on evaluating student academic performance ~~and setting individual campus goals for early childhood literacy and mathematics and college, career, and military readiness~~ .

(A) ~~The purpose of the training on evaluating student academic performance is to provide research-based information to board members that is designed to support the oversight role of the board of trustees outlined in the TEC, §11.1515.~~

(B) ~~The purpose of the continuing education on setting individual campus goals for early childhood literacy and mathematics and college, career, and military readiness is to facilitate boards meeting the requirements of TEC, §11.185 and §11.186.~~

- (C) ~~(B)~~ A candidate for school board may complete the training up to one year before he or she ~~[the candidate]~~ is elected or appointed. A ~~[If a]~~ newly elected or appointed school board member who did not complete this training in the year preceding his or her ~~[the member's]~~ election or appointment ~~[, the member]~~ must complete the training within 120 calendar days after election or appointment. ~~[A returning board member shall complete the training by the second anniversary of the completion of the trustee's previous training.]~~
- (D) The continuing education shall be completed every two years.
- ~~(C) An authorized provider for training on evaluating student academic performance is a provider who is registered pursuant to subsection (f) of this section and has demonstrated proficiency in the content required by subsection (b)(4)(E) of this section. Proficiency may be demonstrated by completing a TEA approved train the trainer course and evaluation on the topic, by being certified as a Lone Star Governance coach, through a review of the provider's qualifications and course design, or through other means as determined by the commissioner of education.]~~
- (E) ~~(D)~~ The training ~~[on evaluating student academic performance]~~ shall be at least three hours in length.
- (F) ~~(E)~~ The continuing education ~~[training]~~ required by this subsection shall include, at a minimum ~~[, the following]~~ :
- (i) instruction in school board behaviors correlated with ~~[to]~~ improved student outcomes with emphasis on : ~~[inputs, outcomes, and collaborative student outcome goal setting:]~~
 - (I) setting specific, quantifiable student outcome goals; and
 - (II) adopting plans to improve early literacy and numeracy and college, career, and military readiness for applicable student groups evaluated in the Closing the Gaps domain of the state accountability system established under TEC, Chapter 39;
 - (ii) instruction in progress monitoring practices to improve student outcomes ~~[with emphasis on progress monitoring practices, formative assessments, interim assessments, and summative assessments]~~ ; and
 - (iii) instruction in state accountability with emphasis on the Texas Essential Knowledge and Skills, state assessment instruments administered under the TEC, Chapter 39, and the state accountability ~~[rating]~~ system established under the TEC, Chapter 39 .
- (G) The continuing education shall be provided by an authorized provider as defined by subsection (d) of this section.
- (H) ~~(F)~~ If the training is attended by an entire school board and its superintendent, includes a review of local school district data on student achievement, and otherwise meets the requirements of subsection (b)(4) ~~[(b)(2)]~~ of this section, the training may serve to meet a school board member's obligation to complete [receive] training under subsection (b)(4) and (6) ~~[(b)(2) and (4)]~~ of this section, as long as the training complies with the Texas Open Meetings Act.
- (7) Each board member shall complete continuing education on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children in accordance with TEC, §11.159(c)(2).
- (A) A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed school board member who did not

complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

- (B) The training shall be completed every two years.
 - (C) The training shall be at least one hour in length.
 - (D) The training must familiarize board members with the requirements of TEC, §38.004 and §38.0041, and §61.1051 of this title (relating to Reporting Child Abuse or Neglect, Including Trafficking of a Child).
 - (E) The training required by this subsection shall include, at a minimum:
 - (i) instruction in best practices of identifying potential victims of child abuse, human trafficking, and other maltreatment of children;
 - (ii) instruction in legal requirements to report potential victims of child abuse, human trafficking, and other maltreatment of children; and
 - (iii) instruction in resources and organizations that help support victims and prevent child abuse, human trafficking, and other maltreatment of children.
 - (F) The training sessions shall be provided by a registered provider as defined by subsection (c) of this section.
 - (G) This training may be completed online, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.
 - (H) The registered provider shall determine the clock hours of training credit to be awarded for successful completion of an online course and shall provide verification of completion as required in subsection (h) of this section.
- (c) For the purposes of this section, a registered provider has demonstrated proficiency in the content required for a specific training. A private or professional organization, school district, government agency, college/university, or private consultant shall register with the TEA to provide the board member continuing education required in subsection (b)(3), (5), and (7) of this section.
- (1) The registration process shall include documentation of the provider's training and/or expertise in the activities and areas covered in the framework for governance leadership.
 - (2) An updated registration shall be required of a provider of continuing education every three years.
 - (3) A school district that provides continuing education exclusively for its own board members is not required to register.
 - (4) An ESC is not required to register under this subsection.
- (d) An authorized provider meets all the requirements of a registered provider and has demonstrated proficiency in the content required in subsection (b)(4) and (6) of this section. Proficiency may be demonstrated by completing a TEA-approved train-the-trainer course that includes evaluation on the topics and following a review of the provider's qualifications and course design, or through other means as determined by the commissioner.
- (1) A private or professional organization, school district, government agency, college/university, or private consultant may be authorized by TEA to provide the board member training required in subsection (b)(4) and (6) of this section.
 - (2) An ESC shall be authorized by TEA to provide the board member training required in subsection (b)(4) and (6) of this section.

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- (3) The authorization process shall include documentation of the provider's training and/or expertise in the activities and areas covered in the framework for governance leadership.
- (4) An updated authorization shall be required of a provider of training every three years.
- (e) ~~(e)~~ No continuing education shall take place during a school board meeting unless that meeting is called expressly for the delivery of board member continuing education. However, continuing education may take place prior to or after a legally called board meeting in accordance with the provisions of the Texas Government Code, §551.001(4).
- (f) ~~(d)~~ An ESC board member continuing education program shall be open to any interested person, including a current or prospective board member. A district is not responsible for any costs associated with individuals who are not current board members.
- (g) ~~(e)~~ A registration fee shall be determined by ESCs to cover the costs of providing continuing education programs offered by ESCs.
- ~~(f) — A private or professional organization, school district, government agency, college/university, or private consultant shall register with the TEA to provide the board member continuing education required in subsection (b)(1)(C) and (2) (4) of this section.]~~
- ~~(1) — The registration process shall include documentation of the provider's training and/or expertise in the activities and areas covered in the framework for governance leadership.]~~
- ~~(2) — An updated registration shall be required of a provider of continuing education every three years.]~~
- ~~(3) — A school district that provides continuing education exclusively for its own board members is not required to register.]~~
- ~~(4) — An ESC is not required to register under this subsection.]~~
- (h) ~~(g)~~ For each training described in this section, the ~~[The]~~ provider of continuing education shall provide verification of completion of board member continuing education to the individual participant and to the participant's school district. The verification must include the provider's authorization or registration number.
- ~~(h) — At least 50% of the continuing education required in subsection (b)(3) of this section shall be designed and delivered by persons not employed or affiliated with the board member's local school district. No more than one hour of the required continuing education that is delivered by the local district may utilize self-instructional materials.]~~
- (i) To the extent possible, the entire board shall participate in continuing education programs together.
- (j) At the last regular meeting of the board of trustees before an election of trustees, the current president of each local board of trustees shall announce the name of each board member who has completed the required continuing education, who has exceeded the required hours of continuing education, and who is deficient in meeting the required continuing education as of the anniversary of the date of each board member's election or appointment to the board or two-year anniversary of his or her previous training, as applicable . The announcement shall state that completing the required continuing education is a basic obligation and expectation of any sitting board member under SBOE rule. The minutes of the last regular board meeting before an election of trustees must reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee's election or appointment or two-year anniversary of his or her previous training, as applicable . The president shall cause the minutes of the local board to reflect the announcement and, if the minutes reflect that a trustee is deficient in training as of the anniversary of his or her joining the board, the district shall post the minutes on the district's Internet website within 10 business days of the meeting and maintain the posting until the trustee meets the requirements.
- (k) Annually, the SBOE shall commend those local board-superintendent teams that complete [receive] at least eight hours of the continuing education specified in subsection (b)(4) and (5) [(b)(2) and (3)] of this section as an entire board-superintendent team.

- (l) Annually, the SBOE shall commend local board-superintendent teams that effectively implement the commissioner's trustee improvement and evaluation tool developed under the TEC, §11.182, or any other tool approved by the commissioner.

(m) This section will be implemented May 1, 2020. This section as it read prior to adoption by the SBOE at its January 2020 meeting controls continuing education for school board members until May 1, 2020.

§61.2. Nomination of Trustees for Military Reservation School Districts and Boys Ranch Independent School District.

- (a) In nominating trustee candidates for military reservation school districts, the commanding officer of the military reservation shall do the following:
- (1) submit a list to the commissioner of education with at least one nominee [~~three nominees~~] for each vacancy. A majority of the trustees appointed to the school board must be civilian, and all may be civilian. When two or more vacancies occur simultaneously, a list of at least one nominee [~~three different nominees~~] for each vacancy shall be submitted. In cases when the commanding officer wishes to reappoint existing board members, a list of at least one nominee [~~three nominees~~] for each vacancy must still be submitted. Nominees not selected for existing vacancies may be resubmitted as candidates for subsequent vacancies. The commanding officer may rank in the order of preference the nominees submitted for each vacancy;
 - (2) submit a statement that verifies that each of the nominees is qualified under the general school laws of Texas and lives or is employed on the military reservation;
 - (3) submit a copy of a current biographical vita (resume) for each nominee [~~of the nominees~~], with a signature by the nominee attesting truth to the contents of the biographical vita;
 - (4) submit a statement from each nominee that [~~of the nominees which~~] expresses the nominee's willingness to accept appointment and to serve in such a capacity with full adherence to the state-established standards on the duties and responsibilities of school board members;
 - (5) submit a signed statement that [~~which~~] expresses recognition of the powers of the board of trustees to govern and manage the operations of the military reservation school districts;
 - (6) submit a signed statement regarding the governance and management operations of the district that [~~which~~] expresses recognition that the role of the commanding officer of the military reservation is limited only to the duty defined by statute in the process for appointing members of the board of trustees; and
 - (7) submit a statement that the membership composition of the entire board of trustees is in full compliance with the provisions of the Texas Education Code (TEC), §11.352.
- (b) In nominating trustee candidates for the Boys Ranch Independent School District (ISD), the president and chief executive officer of the Cal Farley's Boys Ranch shall do the following:
- (1) submit a name to the commissioner for each vacancy. When two or more vacancies occur simultaneously, a name for each vacancy shall be submitted. In cases when the president and chief executive officer wishes to reappoint existing board members, the name of the existing board member for each vacancy must still be submitted;
 - (2) submit a statement that verifies that each of the nominees is qualified under the general school laws of Texas;
 - (3) submit a copy of a current biographical vita (resume) for each of the nominees, with a signature by the nominee attesting truth to the contents of the biographical vita;
 - (4) submit a statement from each of the nominees that [~~which~~] expresses the nominee's willingness to accept appointment and to serve in such a capacity with full adherence to the state-established standards on the duties and responsibilities of school board members;

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- (5) submit a signed statement that ~~which~~ expresses recognition of the powers of the board of trustees to govern and manage the operations of the Boys Ranch ISD;
 - (6) submit a signed statement regarding the governance and management operations of the district that ~~which~~ expresses recognition that the role of the superintendent is in full compliance with the provisions of the TEC, §11.201; and
 - (7) submit a statement that the membership composition of the entire board of trustees is in full compliance with the provisions of the TEC, §11.352.
- (c) A member of a board of trustees appointed under the TEC, §11.352, and this section will serve a term of two years. A member of the board of trustees, who during the period of the term of office resigns from office or experiences a change of status that disqualifies such member for appointment under the provisions of the TEC, shall become ineligible to serve at the time of the change of status. A board vacancy resulting from such resignation or disqualification shall be filled in accordance with the procedures established under the TEC, §11.352, and this section.