



Texas Association of School Boards
Leadership Team Services

Serving on the Board

An insider's guide to board service for
school board candidates

800-580-8272

This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is not an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. It is important for you to consult with your own attorneys in order to apply these legal principles to specific fact situations. © 2010 Texas Association of School Boards, Inc. All rights reserved.

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Session Overview

What we will address

- History and challenges of school board governance
- Key responsibilities and division of authority
- Communicating with the community
- Constructive campaigning
- Where to find more information

What we will not address

- Details of individual district functions
- Legal issues
- Specific campaign strategies

About TASB

Created in 1949, the Texas Association of School Boards (TASB) is a voluntary, nonprofit, statewide educational association that serves and represents local Texas school districts. Its mission is to promote educational excellence for Texas schoolchildren through advocacy, visionary leadership, and high-quality services to school districts.

Membership

TASB's membership includes all 1,035 Texas school districts, 49 community colleges, 34 tax appraisal districts, and 146 shared service arrangements, and 20 regional education service centers. The Association represents the largest group of publicly elected officials in the state (more than 7,000 school board members) who preside over combined expenditures of more than \$43 billion annually, employ more than 600,000 people, and serve over 4.7 million Texas students.

Products and Services

TASB's products and services are provided to members as part of their annual membership dues or on a fee basis, depending upon the service. Services include training and information; advocacy; legal, policy, and human resources services; executive searches; risk management and financial management services; and cooperative purchasing. For more information visit tasb.org.

Why School Boards?

A short history

- *The One Best System*, David Tyack (1974). Describes early 1900's San Francisco as a key testing ground for "corporate" governance.
- Direct representative versus corporate fiduciary
- Texas structure
- Impact on governance

Challenges from the governance structure

- Public elections
- Public officials
- Corporate governance (team work)
- Open meetings
- Responsibility for results

Challenges to personal lives of board members

- Pressure from friends, family, and individual interests
- Time requirements

Key Responsibilities and Division of Authority

The role of the board

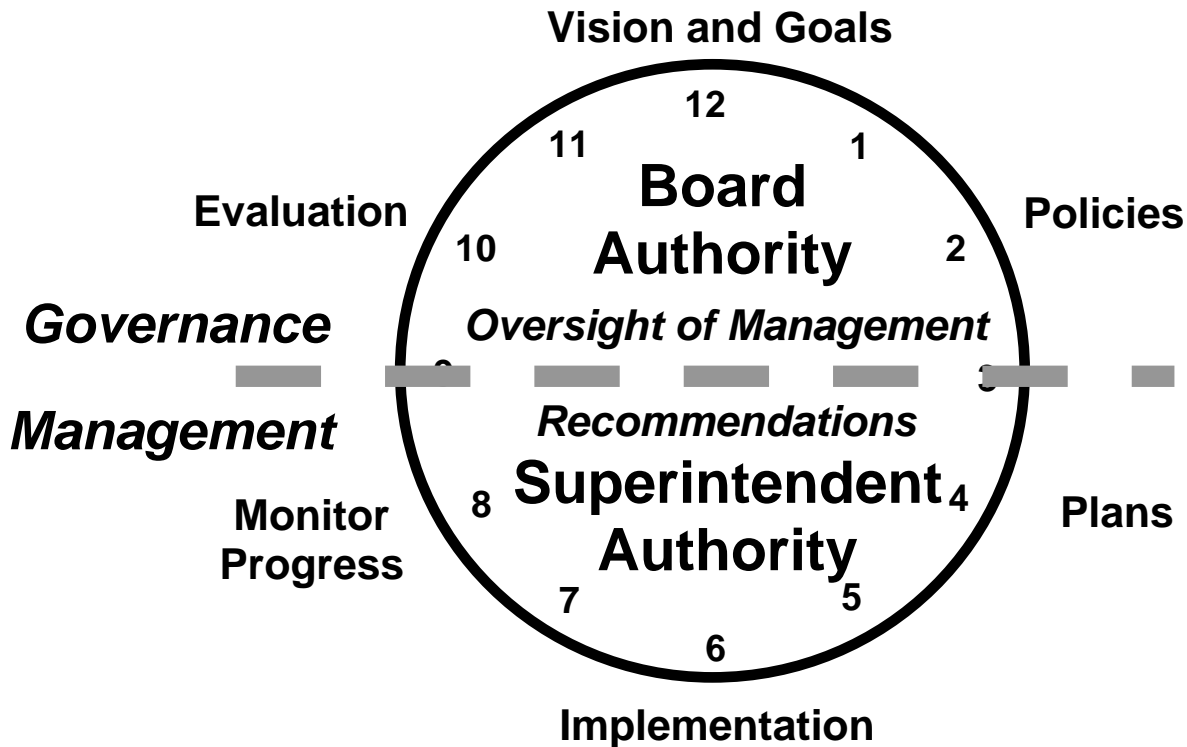
"The trustees as a body corporate have the exclusive power and duty to govern and oversee the management of the public schools of the district." *Tex. Educ. Code Sec. 11.151b*

"Because the Board is a body corporate, members can perform no valid act except as a body at meetings properly conveyed and conducted." Case Law. See Policy BBE (LEGAL)

The role of the superintendent

"The superintendent is the educational leader and chief executive officer of the school district." *Tex. Educ. Code §11.201(a)* See Policy BJA (LEGAL)

"The duties of the superintendent include: **managing the day-to-day operations** of the district as its administrative manager." *TEC §11.201(d)(5)* See Policy BJA (LEGAL)

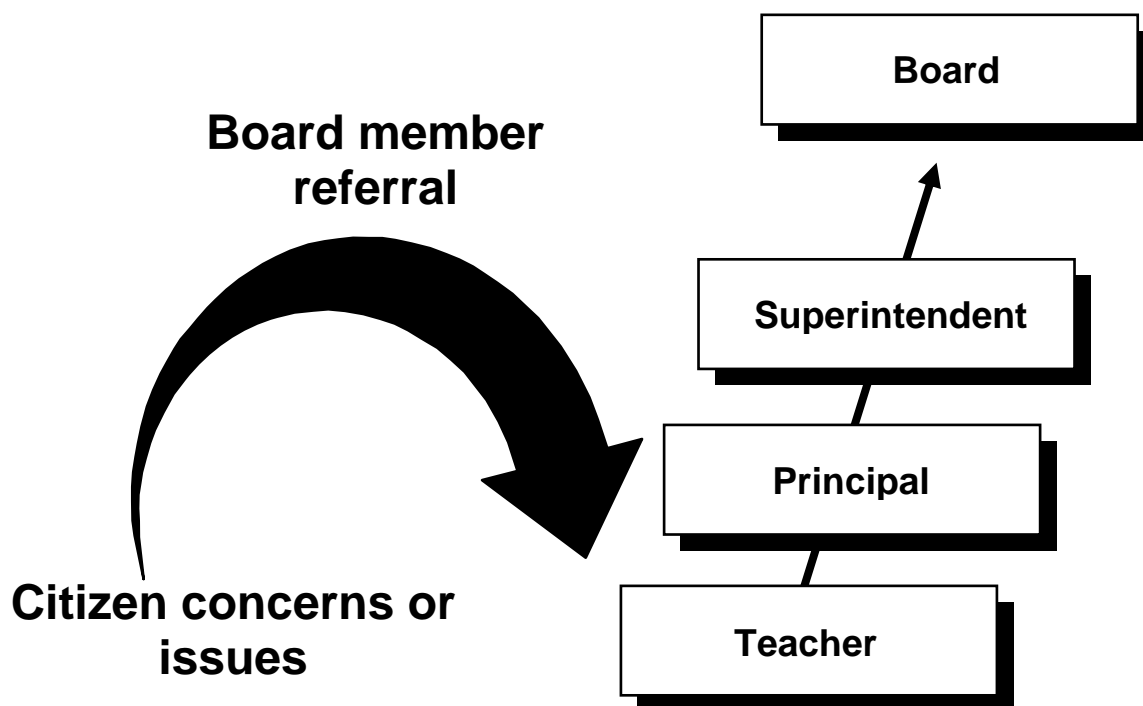


Communicating with the Community

- Corporate communication
 - ◆ Speaking with one voice through district vehicles and a designated spokesperson
 - ◆ Gathering input for vision, goals, and policies
 - ◆ Reporting on progress and results
- Communication with individuals
 - ◆ Listening with respect
 - ◆ Referring complaints and concerns to appropriate staff

Chain of command (or channel of communication)

- This process for referring concerns or issues from citizens is based on common school district grievance policies:
 - ◆ For parents and students (FNG)
 - ◆ For employees (DGBA)
 - ◆ For community members (GF)



Constructive Campaigning

To learn about local district issues

- Ask your local superintendent
- Check the district's policy manual
- Talk to veteran board members

To establish positive relationships

- Focus on service
- Avoid criticism of individuals
- Make appropriate promises

Candidate Qualifications

To have his or her name placed on a ballot, a local school board candidate must be:

- A U.S. citizen
- 18 years or older at the start date of the term of service
- A resident of the district for six months before the filing deadline
- A resident of the state for 12 months before the deadline for filing (or 12 months before the day of the election, in the case of a write-in candidate).

A candidate who lives in a school district that elects trustees from single-member districts must also reside in the area or district he or she seeks to represent.

In addition, a person may not be elected trustee of an independent school district unless the person is a qualified voter. (NOTE: It is not a requirement that a candidate be registered to vote at the time the candidate files for a place on the ballot. The person *must be a qualified voter to be elected.*)

Trustees must retain these qualifications while in office.

Nepotism

It is imperative that board candidates be aware of the statutes prohibiting nepotism. If a candidate has a spouse or relatives employed in the district or who may wish to be employed in the district, he or she should review the policies regarding nepotism carefully (See BBB, BBFA, and DBE to ensure that the candidate and board can comply with nepotism statues if the candidate is elected to the board.)

- Generally speaking, a school district may not hire as a new employee in most school district positions a person related to a member of the board by blood (consanguinity) within the third degree (parent, child, grandparent, grandchild, sister, brother, great-grandparent, great-grandchild, aunt or uncle, niece or nephew) or by marriage (affinity) within the second degree (parent, child, grandparent, grandchild, sister, brother).
- The nepotism prohibition does not affect the employment of any person who has been continuously employed by the district in the same position for a period of six months prior to the election of the board member to whom the employee is related.

Conflict of Interest

Be aware of any business or property interest you have that would be considered a conflict for purposes of discussing and voting on a matter before the board.

- If you or a family member has a substantial interest (as defined by law) in a vendor or real property under consideration by the board, you must declare a conflict of interest by filing an affidavit and abstain from participating in the vote or deliberation about the matter.
- If you or a family member receives income or gifts from a school district vendor, you may have an obligation to file a conflict of interest statement provided by the Texas Ethics Commission.
- Check Policy BBFA for details about conflicts of interest.
- If you currently hold another office listed under Texas Constitution Article XVI, §65 and have more than one year remaining on your term, the “resign to run” provisions under that section may apply when you become a candidate for school board trustee.

Filing for Office

2010 school trustee election and filing dates

Election Date	First Day to File	Last Day to File
May 8, 2010	February 6, 2010	March 8, 2010
November 2, 2010	July 25, 2010	August 24, 2010

Filing for Office (continued)

- School board candidates must file their applications by 5 p.m. on the 62nd day before the May election.
- If the election is held in November of an even numbered year, the last day to file is the 70th day before election day. Other deadlines apply in a special election to fill a vacancy.
- In most cases, a write-in candidate must declare his or her candidacy by 5 p.m. on the fifth day after the regular filing deadline.
- However, for the November election in an even numbered year, the last day to file as a write-in is the 67th day before election day.

Filing Locations

- As a general rule, the secretary of the board is charged with receiving such applications.
- Check with your school district's administrative office to find out the procedure and contact person in your district.

Resources and Information

For information about campaign finance:

Texas Ethics Commission
Street address: 201 E. 14th Street, Austin, Texas 78701
Mailing address: P.O. Box 12070, Austin, Texas 78711-2070
Telephone: 512-463-5800 or 800-325-8506
Web site: www.ethics.state.tx.us

For information about election law:

Elections Division, Office of the Secretary of State
Street address: 208 East 10th Street, Rusk Building, Third Floor, Austin, Texas 78701
Mailing address: P.O. Box 12060, Austin, Texas 78711
Telephone: 512-463-5650 or 800-252-8683
Web site: www.sos.state.tx.us

For links to education laws and rules:

Texas Education Agency (TEA)
Web site: www.tea.state.tx.us

For more TASB resources for candidates:

- *2010 Guide for School Board Candidates* (Visit tasb.org/store or call 512-467-0222, extension 2290, to order.)
- Candidate resources on TASB's Web site (Visit LTS.tasb.org/candidates.)
- Suggested reading for new board members (Visit LTS.tasb.org/resources and select "For New Board Members" on the lower left side of the screen.)

School Board Continuing Education Requirements

Summary of Training Requirements for New Trustees

- Participate in a local orientation on district policies, procedures, and goals within 60 days of election or appointment.
- Attend an orientation of the Texas Education Code delivered by a regional education service center.
- Participate with the entire board and superintendent in a team-building session annually (at least three hours) to enhance the effectiveness of the team and to assess its continuing education needs.
- Receive at least 10 additional hours of continuing education in fulfillment of assessed needs and based on the Framework for School Board Development. (After the first year of service, five hours of continuing education are required annually.)
- Receive training on the Texas Open Meeting Act within 90 days of election or appointment.

	Tier	First Year Board Member	Experienced Board Member	Provider
Continuing Education Required of Local School Board Members				
Local District Orientation	1	Required within 60 days of election or appointment (No specified length)	Not required	Local district
Orientation to the Texas Education Code	1	3 hours	Not required	Education Service Center
Update to the Texas Education Code	1	Not required	<i>After legislative session:</i> length determined by issues addressed in legislation	Any registered provider
Team-building Session/Assessment of Continuing Education Needs of the Board-Superintendent Team	2	At least 3 hours	At least 3 hours each year	Any registered provider ¹
Additional Continuing Education, based on assessed needs and the Framework for Governance Leadership	3	At least 10 hours	At least 5 hours each year	Any registered provider ²
Continuing Education Required of All Elected Public Officials—Effective 1/1/2006				
Open Meetings Training	*	1 hour Required within 90 days of election or appointment	1 hour Officials in office before 1/1/2006 have until 1/1/2007 to complete	Attorney General's Office or other approved provider
Public Information Act Training (Boards may delegate this training to the district's public information coordinator)	*	Check local district policy for any board requirement (BBD Local)	Check local district policy for any board requirement (BBD Local)	Attorney General's Office or other approved provider

Summary (from 19 TAC §61.1)

* Board members may count this training toward fulfillment of their tier three requirement if presented by a registered provider of school board training credit.

¹ Local district officials may facilitate Tier Two activities.

² Local district officials may provide up to 50 percent of the required Tier Three training. Up to five hours of Tier Three credit may be earned in online courses.