

INTRODUCTION

This manual contains policies governing the operation of this Education Service Center.

The policies are included because (1) they are required by law or by the Texas Education Agency, (2) they are recommended by the Texas Association of School Boards as essential to effective ESC governance and management, or (3) the Board of Directors wishes to make a statement in a particular policy area.

The manual takes its form and includes selected content from the **TASB Policy Reference Manual for Education Service Centers**. Designed as a resource for ESC officials in analyzing the requirements of and options provided by law, the reference manual is the result of collaboration between TASB Policy and Legal Services. The manual does NOT reflect program-specific requirements of state and federal law that pertain to programs and services, such as Head Start and school district transportation services, that may be offered by an Education Service Center. In the development and updating of that manual, TASB has been assisted by a review committee of representatives of the 19 participating ESCs.

This localized policy manual was created with the assistance of TASB Policy Service and adheres to certain structural conventions. The most visible of these conventions is the presence of separate (LEGAL) and (LOCAL) policies at many policy codes. This separation, described in greater detail below, serves to help all users—whether members of the public or members of the Board—distinguish between the requirements of law pertinent to ESCs and the policy determinations of the local Board. Policy BE(LEGAL), for instance, recites statutes and case law governing meetings of the Board, while policy BE(LOCAL) adds a local dimension (agenda preparation, meeting time/place, and the like). To fully understand policy regarding Board meetings, therefore, the manual user should consider both the (LEGAL) and the (LOCAL) policies together.

This policy manual, though it contains an extensive collection of legal materials relevant to ESCs, does not constitute legal advice. ESCs should obtain legal advice about policy decisions or any other particular legal matter from their legal counsel.

LEGALLY REFERENCED POLICIES

The (LEGAL) policies track the language of the U.S. and Texas Constitutions, federal statutes, the Texas Education Code and other Texas law, Attorney General opinions, the Texas Administrative Code—including Commissioner’s and State Board of Education rules—and other sources of authority defining the legal context for ESC governance.

Policy statements that cite court cases or Attorney General opinions stand only for the specific statements in the policy and do not implicate the entire opinion. Such citations are provided only for reference, and no other meaning is implied or intended.

Legal policies have the designation “(LEGAL)” in the upper right corner of each page, directly below the alphabetical code. This information is repeated in the lower left corner.

NO ADOPTION

Please note that (LEGAL) policies are NOT adopted by the Board. These documents are snapshots of often rapidly evolving law and

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are intended to inform decision makers and others of the legal context. Some lag will occur between the enactment of new law and its reflection in the manual. Current law will supersede any out-of-date (LEGAL) policy, in accordance with BF(LOCAL) in this manual.

LOCAL POLICIES

Local policies are identified by the designation (LOCAL) directly below the alphabetical code in the upper right corner of each page and again in the lower left corner.

Local policies that are preceded by a (LEGAL) policy in the same code generally expand on, or qualify, the legally referenced provisions. Other (LOCAL) policies stand alone, portraying the Board's stated intentions in areas not otherwise addressed by law.

PROCEDURES

Some ESCs may choose to supplement their manuals with pages defining administrative procedures to assist in implementation of policy. These documents, whether housed within the manual or as a separate manual, will be identified by the designation (REGULATION) in the upper right and lower left corners. Regulations are essentially administrative documents; they are not adopted by the Board.

EXHIBITS

Exhibits are pages with forms, notices, and the like that are used by the ESC. While not adopted by the Board, they are included in the manual to assist in the implementation of policy. Exhibits have the designation (EXHIBIT) in the upper right and lower left corners. Multiple exhibits under the same code are usually preceded by a cover page listing the various exhibits.

The usual sequence of materials, should all four documents be found at a given code, is (LEGAL), followed by (LOCAL), followed by (REGULATION), and then by (EXHIBIT).

ORGANIZATION

The ESC's manual is organized into five sections, each devoted to a separate area of ESC governance:

- A — Basic Foundations
- B — Governance
- C — Business and Support Services
- D — Personnel
- E — Communications

CROSS INDEX

A comprehensive Cross Index at the beginning of the manual is designed to accommodate expansion into new areas. The cross index is common to the **TASB Policy Reference Manual for Education Service Centers** and may contain references to codes and topics that do not have a corresponding page in the manual. For a given topic, multiple policy codes may be listed.

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<i>POLICY ON LINE</i>	For ESCs that access their manuals via the Internet, through TASB's <i>Policy On Line</i> user interface, the Cross Index contains active links to the identified policy codes where materials on a given topic may be found.
TABLES OF CONTENTS	<p>Each section of the manual is preceded by a table of contents that lists the policy topics in that section with their respective codes. The tables of contents, like the Cross Index, are designed for expansion and may contain codes and topics that do not have a corresponding policy in the manual.</p> <p>In the <i>Policy On Line</i> manual, the table of contents for a particular section contains a list of documents—each an active link—that appear in that particular manual in that section.</p>
MARGIN NOTES	Margin notes provide a key to the content of the paragraph or group of paragraphs they introduce and are usually listed in the Cross Index. Margin notes also provide a useful way to organize or map the information: Margin notes aligning on the left margin reflect generally independent topics. Indented margin notes are used to mark information within a topic area introduced by the major, nonindented margin note.
BOTTOM NOTES	<p>All (LEGAL) and (LOCAL) policies in the manual will contain the following bottom notes:</p> <p>DATE ISSUED: Found in the lower left corner of each policy page, this indicates the date on which the policy was last issued.</p> <p>On the line beneath the DATE ISSUED, each policy will show the numbered TASB update or locally initiated update in which that policy was most recently revised.</p> <p>(LOCAL) policies will also contain:</p> <p>ADOPTED: At the center and bottom of a one-page policy or on the last page of a multipage policy is the word "ADOPTED" where the ESC will record the date on which the Board last acted upon the policy.</p>
PAGE NUMBERING	Pages are numbered consecutively within individual documents in hard copy manuals, e.g., 1 of 2, 2 of 2. In <i>Policy On Line</i> manuals, pages of a multipage document are collapsed into a single, scrollable document.
ABBREVIATIONS	The following abbreviations are used in the italicized legal citations in the manual:

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Art.	Article
Atty. Gen. L.A.	Attorney General Letter Advisory
Atty. Gen. L.O.	Attorney General Letter Opinion
Atty. Gen. Op.	Attorney General Opinion
Atty. Gen. ORD	Attorney General Open Records Decision
CFR	Code of Federal Regulations
Civ. Prac. & Rem. Code	Texas Civil Practices and Remedies Code
Education Code	Texas Education Code
Election Code	Texas Election Code
F.Supp.	Federal Supplement
F.2d	Federal Reporter, Second Series
Family Code	Texas Family Code
Gov't Code	Texas Government Code
Health Code	Texas Health and Safety Code
Human Resources Code	Texas Human Resources Code
Insurance Code	Texas Insurance Code
Labor Code	Texas Labor Code
Local Gov't Code	Texas Local Government Code
Occupations Code	Texas Occupations Code
Penal Code	Texas Penal Code
S.Ct.	Supreme Court Reporter
S.W.	Southwestern Reporter
S.W.2d	Southwestern Reporter, Second Series
19 TAC	Title 19 of Texas Administrative Code (State Board of Education and Commissioner of Education rules)
25 TAC	Title 25 of Texas Administrative Code (Health Department regulations)
28 TAC	Title 28 of Texas Administrative Code (State Board of Insurance)
Tax Code	Texas Tax Code
TEA	Texas Education Agency
Tex. Const.	Texas Constitution
Tex. Jur. 3d	Texas Jurisprudence, Third Edition
Trans. Code	Texas Transportation Code
U.S.	United States Reporter
U.S.C.	United States Code
U.S. Const.	Constitution of the United States
V.A.T.S.	Vernon's Annotated Texas Statutes

CITATIONS

Citations that are attached to a provision or paragraph apply only to that text. Citations that are separated from the policy text by a double line space govern all material above the citation or up to a previous citation.

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OFFICIAL MANUAL

The official manual of the ESC has been designated in accordance with BF(LOCAL). No other manuals shall be considered authoritative or binding.

Revisions and amendments to the policy manual occur in two basic ways:

1. TASB periodically issues updates to the ***TASB Policy Reference Manual for Education Service Centers*** and localized policy manuals in response to changes effected by legal authority governing ESCs. TASB updates, which are numbered sequentially, present to the local Board (LEGAL) policies for its review and (LOCAL) policies for its consideration and adoption. Through these updates, the manual remains consistent with evolving statutory and regulatory requirements.
2. Policy revisions may be initiated by the ESC at any time. The Board may revise policy in response to a TASB-initiated update by adjusting local text presented for its consideration, or the Board may adopt or revise policy on its own initiative in response to changing local circumstances.

In every case, (LOCAL) policy revisions initiated by the ESC must be submitted to TASB as "Local District Update(s)" for review by Policy Service Consultant/Analysts; TASB attorneys will alert the ESC if the changes are potentially troublesome or increase the legal exposure of the ESC.

The revisions are incorporated into the computerized file maintained for each ESC and copies are sent to the ESC for inclusion in its localized policy manuals. For *Policy On Line* ESCs, the updated text is incorporated into the online manual once the ESC notifies Policy Service that the revisions have been adopted by the Board. The effectiveness of the updating system depends on the accuracy of TASB records; for this reason, it is critical that revisions be promptly submitted to TASB Policy Service.

TASB USE OF RECORDS

Participating ESCs agree to allow TASB Policy Service to use ESC policy records maintained by Policy Service in statistical studies or projects aimed at achieving TASB's goal of supporting public education in Texas. In no event may TASB or TASB, Inc. act as custodian of ESC records within the meaning of that term under the public information law (formerly styled the Texas Open Records Act).