

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

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 and its updates are provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional advisor. Consult with your attorney or professional advisor to apply these principles to specific fact situations.

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| Basic Organization | <p>The ESC's manual is organized into five sections, each devoted to a separate area of ESC governance:</p> <ul style="list-style-type: none">A—Basic FoundationsB—GovernanceC—Business and Support ServicesD—PersonnelE—Communications |
| 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 are designed for expansion and may contain codes and topics that do not have a corresponding policy in the manual.</p> <p>In the Policy On Line® 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> |
| Cross-Index | <p>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 <i>TASB Policy Reference Manual for Education Service Centers</i> 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.</p> |
| Legally Referenced Policies | <p>The legally referenced (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.</p> <p>Policy statements that cite court cases or attorney general opinions stand only for the specific statements in the policy and do not otherwise implicate the elements, contents, or conclusions of the cited authority. Such citations are provided only for reference, and no other meaning is implied or intended.</p> <p>All legally referenced 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.</p> |
| Citations | <p>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.</p> |

Abbreviations The following abbreviations are used in the italicized legal citations in the manual:

| Abbreviation | Full Form |
|----------------------------|---|
| 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 |
| Business and Commerce Code | Texas Business and Commerce Code |
| C.F.R. | Code of Federal Regulations |
| Civ. Prac. & Rem. Code | Texas Civil Practices and Remedies Code |
| Code of Criminal Procedure | Texas Code of Criminal Procedure |
| Education Code | Texas Education Code |
| Election Code | Texas Election Code |
| F.Supp. | Federal Supplement |
| F.2d | Federal Reporter, Second Series |
| F.3d | Federal Reporter, Third Series |
| Family Code | Texas Family Code |
| Gov't Code | Texas Government Code |
| Health and Safety 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 |

| Abbreviation | Full Form |
|---------------------|--------------------------------------|
| S.Ct. | Supreme Court Reporter |
| S.W. | Southwestern Reporter |
| S.W.2d | Southwestern Reporter, Second Series |
| S.W.3d | Southwestern Reporter, Third Series |
| TAC | Texas Administrative Code |
| Tax Code | Texas Tax Code |
| Tex. Const. | Texas Constitution |
| Transp. Code | Texas Transportation Code |
| U.S. | United States Reporter |
| U.S.C. | United States Code |
| U.S. Const. | United States Constitution |
| V.A.T.S. | Vernon's Annotated Texas Statutes |

No Adoption

Please note that (LEGAL) policies are NOT adopted by the Board. These documents are snapshots of often rapidly evolving law and 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, reflecting the Board's intentions in areas not otherwise addressed by law.

Regulations

Some ESCs may choose to supplement their manuals with 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 documents containing 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).

Margin Notes

Margin notes within an individual policy provide a key to the content of the paragraph or group of paragraphs they introduce, and significant margin notes 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 outline sub-topics introduced by the major, nonindented margin note.

Bottom Notes

All (LEGAL) and (LOCAL) policies in the manual will contain the following bottom notes:

DATE ISSUED: Found in the lower left corner of each page, this indicates the date on which the document was last issued by TASB.

UPDATE: Shows the numbered update in which that document was most recently revised.

ADOPTED: At the center and bottom of a one-page policy or on the last page of a multi-page policy is the word "ADOPTED" where the ESC will record the date on which the Board last acted on the policy. This notation appears only on (LOCAL) policies.

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.

Numbered Updates

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.

Local District
Updates (LDU)

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 consultants; 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 electronic file maintained for each ESC. After the ESC notifies Policy Service that the Board has adopted the revisions, copies are sent to the ESC for inclusion in its localized policy manuals and Policy On Line is updated with the revised text. 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 ESC
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 shall TASB, Inc. act as custodian of ESC records within the meaning of that term under the public information law.