

No. _____



UNITED INDEPENDENT SCHOOL DISTRICT AGENDA ACTION ITEM

TOPIC _____ First Reading of Policy BAA (LOCAL): Board Legal Status – Powers and Duties _____

SUBMITTED BY: _____ Mr. Juan Cruz _____ **OF:** _____ School Attorney _____

APPROVED FOR TRANSMITTAL TO SCHOOL BOARD: _____

DATE ASSIGNED FOR BOARD CONSIDERATION: _____ August 20, 2008 _____

RECOMMENDATION:

RATIONALE:

BUDGETARY INFORMATION

BOARD POLICY REFERENCE AND COMPLIANCE:

BOARD LEGAL STATUS
POWERS AND DUTIES

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(LOCAL)

The Board shall be responsible for the leadership, guidance, and direction in educating the youth of the District and shall endeavor to provide the educational programs and physical facilities that best meet community needs at the lowest required cost in all of the schools and other institutions.

The Board recognizes that the Superintendent is responsible under state law for managing the day-to-day operations of the District as its chief administrative officer.

It shall be the policy of the Board to determine and maintain the distinction between activities that are appropriately the responsibility of the Board as the governing body of the District and those activities that are administrative in nature and performed by the administrative staff on duly authorized and delegated authority of the Board. The Board, as a corporate body and as individual Trustees, shall not engage in activities that interfere with the administrative responsibilities of the Superintendent and staff, which include but are not limited to the following:

1. Assignment and evaluations of District personnel, other than the Superintendent and the District's Internal Auditor;
2. Recommendations regarding selection and promotion of District personnel, other than the Superintendent and the District's Internal Auditor;
3. Implementation of adopted Board policies;
4. Development of administrative procedures;
5. Organization of the District's central administration except that the District's Internal Auditor shall report to the Board;
6. Recommendations for student disciplinary action; and
7. Any other activities included as responsibilities of the Superintendent and administrative staff, including principals.

ADDITIONAL POWERS
AND DUTIES

In addition to exercising the powers and duties conferred by statute, the duties, which include but are not limited to, as follows:

1. Adopt broad goals and objectives for each aspect of the District's operation based upon the identified needs of the community. Said goals shall be documented, reviewed, and revised periodically in light of changing community needs and state accreditation guidelines.
2. Establish basic policies to implement these goals and objectives and provide a framework of general rules and guidelines

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- for District administration affecting major educational and financial problems of the District.
3. Act upon all recommendations of the Superintendent as they relate to implementation of Board policies.
 4. Evaluate the performance and progress of the District against the stated goals and objectives. The measures used shall be:
 - a. Progress toward objectives;
 - b. Administrative operations within the Board policy;
 - c. Concise and meaningful management reports on current operations provided to Board members by the Superintendent on a regular, recurring basis; and
 - d. Performance of the Superintendent.
 5. Evaluate the Superintendent's performance on a continuing basis. Criteria for appraisal shall be specific and communicated to the Superintendent. Performance appraisals based on the stated criteria shall be conducted privately or publicly at his or her discretion. Formal evaluation shall occur annually; informal evaluation shall occur as the parties deem appropriate. [See BJCD(LEGAL) and (LOCAL)]
 6. Review and act upon the annual operating budget of the District prepared by the Superintendent and staff to provide prudent stewardship of public resources. [See CE(LEGAL) and (LOCAL)]
 7. Review and act upon proposed bond issues to finance long-term capital expenditures and approve spending funds derived from the sale of bonds. [See CCA(LEGAL)]
 8. Act upon the selection of sites for new school facilities.
 9. Act upon architects' plans for new buildings or remodeling of old buildings for the District. [See (LEGAL) and (LOCAL) policies in the CV series]
 10. Act upon recommendations for naming schools and other facilities (or portions thereof) in the District. [See CW(LOCAL)]
 11. Provide leadership in presenting needs of the District to local, state, and federal governments or agencies, the general public, and the media by a planned program of external relations; actively support appropriate regulations, ordinances, or legislation necessary to meet these needs.

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12. Review and act upon the recommended attendance boundaries within the District in compliance with state and federal mandates.
13. Authorize expenditures and approve bills presented for payment of said expenditures. [See policies in the CH and CV series]
14. Act upon legal matters with advice from attorneys.
15. Act upon textbooks and courses of study recommended by the Superintendent. [See EFA(LOCAL)]
16. Act as a body of final appeal for employees and patrons appealing a decision of the Superintendent or designee, or of an independent hearing officer in accordance with provisions of the procedures for appeals and hearings established by the Texas Education Agency and applicable federal requirements. [See policies at DFD, DGBA, FNG, and GF]

OPTIONAL DRUG
TESTING PROGRAM

In an effort to support the District's student and employee drug testing programs, as found in Board Policies FNF (Local) and DHE (Local), all Board Members may, on a voluntary basis, submit to a District-paid alcohol and drug test, which shall be conducted by the District's independent laboratory that administers the student drug testing program. The results of such tests are to be disclosed to the public, only with the consent of the individual board member. The option to submit to a District-paid drug test shall be available to all board members only once a school year (August – May).