

# Agenda of Regular

## The Board of Trustees El Campo Independent School District

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A Regular of the Board of Trustees of El Campo Independent School District will be held February 22, 2011, beginning at 7:00 PM in the Boardroom, 700 W. Norris, El Campo, TX 77437.

The subjects to be discussed are as listed below.

1. Call to Order/Opening Prayer/Pledge of Allegiance
2. Business and Operations
3. Governance
  - A. Review of TASB Localized Policy Update 89 4
4. Superintendent's Report
  - A. Business and Support Services
  - B. Students
  - C. Legislative Update
5. Adjournment
6. Public Comment
7. Recognition 24
8. Hutchins Elementary School - 2010 NCEA Higher Performing School 26
9. El Campo Middle School - UIL Tournament Results 30
10. Consent Agenda
11. Governance
  - A. Consider Approval of the Minutes 37
  - B. Approve all Actions Necessary to Order a Trustee Election for May 14, 2011 39
  - C. Consider Approval of Renewal of Membership in Walsh Anderson's Retainer Program 44
  - D. Consider Nomination of KULP Radio for TASB Media Honor Roll Recognition 54
12. January 18, 2011 - Regular Meeting 57
13. February 15, 2011 - Special Meeting to Conduct Budget Workshop 61
14. Business and Support Services
  - A. Review of Monthly Financial Reports 63
15. Remove from the Table and Consider Approval of Engagement of Financial Auditor for the Fiscal Year Ending August 31, 2011 71
16. Review Invoices from RWS Architects 83
17. Review List of Checks Written for the Month of January, 2011
18. Personnel
19. Curriculum and Instruction
  - A. Review Administrative Regulation EKB (REGULATION), TESTING PROGRAMS 94

20. Review of No Child Left Behind School Report Card	99
21. Review Performance Based Monitoring Discipline Data Validation Report	101
22. Students	
23. Request by Nancy Reyes, Secretary and Co-Owner of the El Campo Redhawks Amateur Football Team, to Address the Board Regarding Usage of Ricebird Stadium for Amateur Football Home Games	104
24. Discuss Custodial Service Proposal from SSC Service Solutions	110
25. Curriculum and Instruction	
26. Review of Information on Election for Region III ESC Board of Directors	114
27. Consider Action on Information Discussed During Closed Session Regarding:	
A. Pending Litigation, S.R. by Next Friends M.R.,N.R., and P.R. v. El Campo ISD, et al., In the U.S. District Court for the Southern District of Texas, Cause Number 4:08-cv-03263; and	
28. Cause No. D-1GN-08003644; P.R., M.R., and N.R., Individually and as Next Friend of S.R., v. Central Texas Autism Center, Inc. and Cara Brown v. El Campo Independent School District, IN District Court of Travis County, Texas, In the 126th Judicial District	
29. Closed Session:	
30. Texas Government Code § 551.071 CONSULTATION WITH SCHOOL ATTORNEY Regarding Pending Litigation, S.R. by Next Friends M.R.,N.R., and P.R. v. El Campo ISD, et al., In the U.S. District Court for the Southern District of Texas, Cause Number 4:08-cv-03263; and Cause No. D-1GN-08003644; P.R., M.R., and N.R., Individually and as Next Friend of S.R., v. Central Texas Autism Center, Inc. and Cara Brown v. El Campo Independent School District, IN District Court of Travis County, Texas, In the 126th Judicial District	
31. The Board Will Seek Advice From the District's Attorney Regarding Pending or Contemplated Litigation	
32. Personnel	
33. Consideration and Possible Action on Early Notice Incentive Program Designed to Accurately Forecast District Staffing and Financial Needs for the 2011-2012 School Year	122
34. Consideration and Possible Action on Employee Exit Incentive in Order to Reduce District Expenditures and Align District's Operations with Anticipated Available Funds	127
35. Governance	
36. Preliminary Agenda for Regular Meeting on March 22, 2011	
37. Personnel	
38. Curriculum and Instruction	
39. Community and Governmental Relations	

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*If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the Board will conduct a closed meeting in accordance with the Texas Open Meetings Act, Government Code, Chapter 551, Subchapters D and E. Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting.*

The notice for this meeting was posted i compliance with the texas Open Meeting Act on February 18 , 2011 at 2:00 p.m.

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For the Board of Trustees

**Governance**

Review of TASB Policy Update 89

**Summary**

Localized Update 89 includes a variety of issues, with a key focus on reorganization of the E Section of the manual, addressing instruction. The E Section changes are prompted by a reexamination of the instruction policies in light of new options available to students to earn credit, such as through distance learning, and more specifically, the Texas Virtual School Network. As a result a new policy series addressing alternative methods for earning credit has been created.

In addition, Update 89 includes material on student admissions, academic assessments administered to students in the DAEPs, permissible physical education substitutions, adult education programs, the school board's rights and responsibilities regarding the appraisal district, and board member vacancies.

To better focus board attention and expedite the review of Update 89, TASB Policy Service furnishes board members with *Vantage Points*, which offers a highly summarized overview of the update and is intended to provide local officials a first glance at the scope of the update—as a prelude to studying the detailed Explanatory Notes.

**ECISD Board Policy**

BF (LOCAL), BOARD POLICES

**Effective Date**

Following approval by the Board at the next regular meeting.

**Previous Board Action**

None.

**Future Action Expected**

The Board will act to approve all new LOCAL policies at the next regular meeting.

**Background Information and Signification Issues**

Please bear in mind that the (LEGAL) policies reflect the ever-changing legal context for governance and management of the district. They should not be adopted but, rather, should inform local decision making. The (LOCAL) policy recommendations in this update will need close attention by both the administration and the board to ensure that they reflect the practices of the district and the intentions of the board. Board action will be needed to adopt, revise, or repeal (LOCAL) policy.

<b>Fiscal Impact</b>	None.
<b>Student and Public Benefit</b>	Board policies are designed to promote fair and equitable treatment for all district patrons.
<b>Procedural and Reporting Implications</b>	None.
<b>Public Comments</b>	None.
<b>Alternatives</b>	None.
<b>Other Comments and Related Issues</b>	None.
<b>Attachments</b>	<ul style="list-style-type: none"> <li>(1) Explanatory Notes for TASB Localized Policy Manual Update 89;</li> <li>(2) Local Policy Comparison Packet; and</li> <li>(3) <i>Vantage Points, A Board Member's Guide to Update 89.</i> [Included under separate cover.]</li> </ul>
<b>Contact Person(s)</b>	Mark Pool, Superintendent of School
<b>Action Required</b>	None.
<b>Superintendent's Recommendation</b>	<p>This is a discussion item only.</p> <p><b>Mark Pool, Superintendent of Schools</b></p>

# Explanatory Notes

## TASB Localized Policy Manual Update 89

District: El Campo ISD

A25 (INDEX) CROSS-INDEX

The cross-index shared by all localized policy manuals in districts throughout Texas, the *TASB Policy Reference Manual*, and the *TASB Regulations Resource Manual* has been updated to reflect new terminology and topic relationships established by changes in law or regulation that have arisen since this document was last updated in 2007.

Please bear in mind that the cross-index is “generic” and presents a structure that serves all these manuals; your policy manual may not address some of the topics shown and may not include some of the policies indicated. This cross-index is also a key element used in searching Policy On Line.

AC (LEGAL) GEOGRAPHIC BOUNDARIES

We have reformatted the provisions at CHANGES IN BOUNDARIES into a list to emphasize when board approval is required. The list incorporates a provision on consolidation, previously addressed at a separate margin note.

An existing statutory provision was added to provide more detail about agreements between two contiguous districts to make MINOR BOUNDARY ADJUSTMENTS. We have also added an existing statutory provision requiring a district to notify the appraisal office of any boundary changes.

We have adjusted margin notes throughout the policy for clarity.

AIA (LEGAL) ACCOUNTABILITY  
ACCREDITATION AND PERFORMANCE INDICATORS

In the **Note** at the beginning of this policy, we have corrected the effective date of the new accreditation and performance indicator provisions, which are effective beginning with the 2011–12 school year.

AIB (LEGAL) ACCOUNTABILITY  
PERFORMANCE REPORTING

We have added a **Note** to the beginning of this policy to provide information about the effective dates of the performance reporting provisions. The **Note** clarifies that, although the provisions were effective with the 2009–10 school year, TEA is not required to prepare all of the data elements referred to in this policy until the 2012–13 school year.

AID (LEGAL) ACCOUNTABILITY  
FEDERAL ACCOUNTABILITY STANDARDS

At “AYP” DEFINED, we have replaced text from the No Child Left Behind Act with language from the state plan defining what constitutes adequate yearly progress.

# Explanatory Notes

## TASB Localized Policy Manual Update 89

### B (LEGAL) LOCAL GOVERNANCE

The B section table of contents has been revised to reflect the renaming of policy code BJCE, now titled Suspension/Termination During Contract.

### BBC (LEGAL) BOARD MEMBERS VACANCIES AND REMOVAL FROM OFFICE

This policy has been reorganized to reflect three types of board vacancies that may occur: vacancies created by board member resignation, vacancies created by operation of law because a board member no longer resides in the district, and vacancies created by involuntary removal from office. Text throughout the policy has been revised for clarity and to better match statutory language. We have also changed the term "trustee" to "board member" throughout for consistency within the policy. Specific changes include:

- Rewording of the provision at RESIGNATION to better reflect statutory language;
- Revision of the text at HOLDOVER DOCTRINE to clarify that a board member who resigns continues to be subject to the nepotism provisions until the vacancy created by the board member's resignation is filled by a successor;
- Revision of the text at RESIDENCE DEFINED to match the phrasing of this same text as it appears at BBA(LEGAL);
- Addition of several existing statutory provisions to provide more detail about quo warranto proceedings, which are court actions filed by the attorney general or county district attorney to remove a board member from office, and the procedure to file a written petition for removal in district court; and
- Revision of the list of items for which a board member may be removed from office to list purchasing violations separately.

The material on FILLING A VACANCY has also been reorganized: we have created new margin notes to outline the process and have added detail on how to conduct a SPECIAL ELECTION to fill a vacancy, including how to determine the DATE OF ELECTION and procedures for ORDERING ELECTIONS.

### BDAF (LEGAL) OFFICERS AND OFFICIALS SELECTION AND DUTIES OF CHIEF TAX OFFICIALS

Text throughout this policy on selection and duties of chief tax officials has been revised for clarity and to better match statutory language, and provisions have been reordered for better flow.

Major revisions include the following:

- We have simplified the DUTIES of the ASSESSOR and COLLECTOR, listed on pages 1 and 2, to provide a broader overview.
- On page 3, we have added existing statutory text clarifying that the district may require a new COLLECTOR'S BOND at any time from a tax collector who is also a district employee.

# Explanatory Notes

## TASB Localized Policy Manual Update 89

**BDF (LEGAL) BOARD INTERNAL ORGANIZATION  
CITIZEN ADVISORY COMMITTEES**

Revisions to this policy include the following:

- An existing statutory provision requiring the SCHOOL HEALTH ADVISORY COUNCIL to meet at least four times per year has been added.
- A provision requiring the district to consider the recommendations of the SHAC before changing the district's health education curriculum or instruction was moved up to group it with the other material applicable to SHACs. See CHANGES IN CURRICULUM.
- An existing statutory provision requiring the district to notify parents that they may request their child's physical fitness assessment results has been added as item 5 at PUBLIC STATEMENT.
- Several cross-references to other relevant policies have been added, and text throughout this policy has been revised to better match statutory language.

**BJB (LEGAL) SUPERINTENDENT  
RECRUITMENT AND APPOINTMENT**

The statutory provisions requiring the district to post an employment vacancy, including a vacancy in the superintendent's position, have been added to this code. These provisions are also included in the policy manual at DC(LEGAL).

To simplify the provision addressing confidentiality of the NAMES OF APPLICANTS for the superintendency, we have added a reference to the Public Information Act and incorporated the exception into the main paragraph.

**BJCE (LEGAL) SUPERINTENDENT  
SUSPENSION/TERMINATION DURING CONTRACT**

We have renamed this policy to reflect that it addresses both suspension and termination during the superintendent's contract term. At SUSPENSION WITHOUT PAY, we have added existing statutory text explaining that if the superintendent requests a hearing after receiving notice of a proposed decision to suspend without pay, the applicable hearing procedures are those that apply in hearings before a hearing examiner. In addition, we have moved the provision addressing SUSPENSION WITH PAY to the first page of the policy to group it with other suspension provisions. At CONTRACT TERMINATION and HEARING, we have revised the text to better match statutory language. Also at CONTRACT TERMINATION, we have deleted a provision indicating that it is grounds for discharge or suspension if a superintendent attempts to encourage or coerce a child to withhold information from the child's parent. This deleted provision is included at DF(LEGAL).

Significant detail from the Administrative Code has been added at SEVERANCE PAYMENTS, including information on the DUTY TO REPORT the severance payment, the resulting REDUCTION OF STATE FUNDS, and the DEFINITION OF SEVERANCE PAYMENT. A provision addressing severance payments entered into prior to September 1, 2001, has been deleted.

## Explanatory Notes

### TASB Localized Policy Manual Update 89

**CCH (LEGAL) LOCAL REVENUE SOURCES  
APPRAISAL DISTRICT**

More detail has been added to this policy on the school board's rights and responsibilities regarding the appraisal district, including the school board's authority, along with the other taxing units that participate in the appraisal district, to:

- Approve proposals of the appraisal district to acquire or convey real property and the method of allocating proceeds from a conveyance of real property;
- Approve the budget and the method used to allocate the costs of operating the appraisal district; and
- Disapprove actions of the appraisal district board of directors by adopting a resolution.

Several existing statutory provisions have been added at APPRAISAL REVIEW BOARD to provide information about board member appointment to the review board and eligibility to serve on the review board. We have also added a provision prohibiting a school district from contracting with an appraisal review board member or certain relatives of a member of an appraisal review board. See PROHIBITION ON CONTRACTS on page 5.

**CKA (LEGAL) SAFETY PROGRAM/RISK MANAGEMENT  
INSPECTIONS**

At ASBESTOS HAZARD EMERGENCY RESPONSE ACT, DUTIES, items 5 through 7, we have added citations for easier reference to the federal requirements.

Existing statutory text added at WARNING LABELS, on page 4, provides the exact language that must be included on labels placed adjacent to any asbestos-containing building materials and the display requirements for the labels.

**CKB (LEGAL) SAFETY PROGRAM/RISK MANAGEMENT  
ACCIDENT PREVENTION AND REPORTS**

This policy, previously included only in the *TASB Policy Reference Manual*, addresses eye and face protection for accident prevention purposes and is being added to your localized manual at this update. The policy references recommended guidelines on protective eye and face equipment in schools from Texas Department of State Health Services rules. We have also included Administrative Code provisions listing when the guidelines are applicable.

**CKB (LOCAL) SAFETY PROGRAM/RISK MANAGEMENT  
ACCIDENT PREVENTION AND REPORTS**

Consistent with the content of the corresponding legally referenced policy, we have expanded the scope of this local policy to address face protection in addition to eye protection and have added a reference to visitors at the schools.

In addition, we have added a reference to the relevant Texas Department of State Health Services guidelines and have replaced the list of circumstances when eye and face protection must be worn with a cross-reference to the legal policy, which includes an updated list.

# Explanatory Notes

## TASB Localized Policy Manual Update 89

### CL (LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT

Existing language from the Administrative Code added on page 5 clarifies that the district must provide a buyer of district property any CERTIFICATE OF MOLD REMEDIATION issued during the five years preceding the date the district sells the property.

We have also added a citation to the Administrative Code at POOLS.

### CPC (LEGAL) OFFICE MANAGEMENT RECORDS MANAGEMENT

We have added a link to the records retention schedules published by the State Library and Archives Commission that apply to school districts. One of these schedules, Local Schedule SD-Records for Public School Districts, was updated in September 2010. See RETENTION SCHEDULES on page 3.

### CRD (LEGAL) INSURANCE AND ANNUITIES MANAGEMENT HEALTH AND LIFE INSURANCE

Existing statutory text added at ELECTION TO BE EXEMPTED, beginning on page 8, lists the HIPAA provisions from which the plan sponsor of a nonfederal governmental group health plan, in this case a school district, may elect to be exempted.

### DC (LEGAL) EMPLOYMENT PRACTICES

Revisions to this policy are as follows:

- At DELEGATION OF AUTHORITY, we have replaced text with cross-references to BBFB and DBE for detailed information about the nepotism implications of delegating employment authority to the superintendent.
- We have moved the details about the GRIEVANCE policy requirements from page 1 to a separate margin note on page 2.
- We have repeated from BBC(LEGAL) a provision prohibiting a board member from accepting employment with the district for a year after his or her board membership ends. See FORMER BOARD MEMBER EMPLOYMENT on page 4.
- An existing statutory provision referencing the PENALTIES for violating the new hire reporting requirement has been added on page 5.

### DI (LEGAL) EMPLOYEE WELFARE

We have revised this policy to update references to the "Texas Department of Health" to "Texas Department of State Health Services."

# Explanatory Notes

## TASB Localized Policy Manual Update 89

### DK (LEGAL) ASSIGNMENT AND SCHEDULES

On page 1, we have added a link to an Administrative Code chart showing the certification requirements for various positions.

On page 3, text at INAPPROPRIATELY CERTIFIED OR UNCERTIFIED TEACHER, item 1, has been revised to better match statutory language. The citation has also been updated.

### DMA (LEGAL) PROFESSIONAL DEVELOPMENT REQUIRED STAFF DEVELOPMENT

We have revised the text at TITLE I STAFF DEVELOPMENT to better reflect statutory language. Citations have also been updated.

### E (LEGAL) INSTRUCTION

Update 89 includes significant reorganization of the E section addressing Instruction. These changes are prompted by a reexamination of the instruction policies in light of new options available to students to earn credit, such as through the Texas Virtual School Network (TxVSN). As a result, policies previously under the heading of Individualized Learning (EEJ), such as those addressing credit by examination and correspondence courses, have been revised and moved to the new heading, Alternative Methods for Earning Credit. As explained in more detail below, text on correspondence courses has been incorporated into EHDE addressing distance learning. This reorganization results in the following specific changes to the E section table of contents:

- Credit by Examination With Prior Instruction, previously at EEJA, has been moved to EHDB.
- Credit by Examination Without Prior Instruction, previously at EEJB, has been moved to EHDC.
- Text previously at EEJC addressing correspondence courses has been moved to EHDE, which now addresses all types of distance learning.
- EEJA, EEJB, and EEJC are no longer active codes.
- The EHD series has been renamed Alternative Methods for Earning Credit.
- Travel Study, previously at EHDB, has been moved to EHBM.
- Honors, previously at EHDC, has been moved to EHBN.

### EEJA (LEGAL) INDIVIDUALIZED LEARNING CREDIT BY EXAMINATION WITH PRIOR INSTRUCTION

As indicated above, we have moved material addressing credit by examination with prior instruction to EHDB. EEJA is no longer an active code.

# Explanatory Notes

## TASB Localized Policy Manual Update 89

**EEJA (LOCAL) INDIVIDUALIZED LEARNING  
CREDIT BY EXAMINATION WITH PRIOR INSTRUCTION**

As indicated above, we have revised and moved material addressing credit by examination with prior instruction to EHDB. EEJA is no longer an active code.

**EEJB (LEGAL) INDIVIDUALIZED LEARNING  
CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION**

As indicated above, we have moved material addressing credit by examination without prior instruction to EHDC. EEJB is no longer an active code.

**EEJB (LOCAL) INDIVIDUALIZED LEARNING  
CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION**

As indicated above, we have revised and moved material addressing credit by examination without prior instruction to EHDC. EEJB is no longer an active code.

**EEJC (LEGAL) INDIVIDUALIZED LEARNING  
CORRESPONDENCE COURSES**

As indicated above, we have moved material addressing correspondence courses to EHDE addressing distance learning. EEJC is no longer an active code.

**EEJC (LOCAL) INDIVIDUALIZED LEARNING  
CORRESPONDENCE COURSES**

As indicated above, we have revised and moved material addressing correspondence courses to EHDE addressing distance learning. EEJC is no longer an active code.

**EHAA (LEGAL) BASIC INSTRUCTIONAL PROGRAM  
REQUIRED INSTRUCTION (ALL LEVELS)**

On pages 4 and 5, we have added existing statutory text addressing the School Health Advisory Council's DUTIES, which include making policy recommendations about recess. Existing statutory text has also been included to address the board's responsibility to determine the specific CONTENT OF HUMAN SEXUALITY INSTRUCTION in the district.

# Explanatory Notes

## TASB Localized Policy Manual Update 89

EHB (LEGAL) CURRICULUM DESIGN  
SPECIAL PROGRAMS

Administrative Code revisions effective August 24, 2010, resulted in several amendments to this policy on dyslexia and related disorders. Most of the Administrative Code changes were to clarify existing language. However, the State Board's handbook on dyslexia was officially renamed to the *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders*.

EHBA (LEGAL) SPECIAL PROGRAMS  
SPECIAL EDUCATION

On page 2, we have updated the terminology at PLACEMENT OPTIONS, item 11, to replace "state school" with "state supported living center" consistent with recent amendments to the Administrative Code, effective August 24, 2010.

EHBC (LEGAL) SPECIAL PROGRAMS  
COMPENSATORY/ACCELERATED SERVICES

Existing statutory text added on page 9 includes requirements for intensive programs of instruction offered to STUDENTS RECEIVING SPECIAL EDUCATION SERVICES, including that the admission, review, and dismissal committee must design each program to meet certain standards.

EHBI (LEGAL) SPECIAL PROGRAMS  
ADULT AND COMMUNITY EDUCATION

A new Administrative Code provision, effective July 1, 2010, is cited at ESSENTIAL PROGRAM COMPONENTS, item 6. The new text requires a district's adult education program to include collaboration with multiple partners in the community to expand the services available to adult learners and to prevent duplication of services.

At DIPLOMA REQUIREMENTS, the reference to 19 Administrative Code Chapter 75 has been corrected to Chapter 74.

We have moved the provisions addressing REIMBURSEMENT FOR COMMUNITY EDUCATION to the end of the policy for better flow.

EHDB (LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT  
CREDIT BY EXAMINATION WITH PRIOR INSTRUCTION

The legally referenced text on credit by examination with prior instruction, previously at EEJA, has been moved unaltered to this new code.

# Explanatory Notes

## TASB Localized Policy Manual Update 89

### **EHDB (LOCAL) ALTERNATIVE METHODS FOR EARNING CREDIT CREDIT BY EXAMINATION WITH PRIOR INSTRUCTION**

In moving the local policy text on credit by examination with prior instruction from EEJA, we are recommending significant revisions to the text. To assist district staff, parents, and students, the policy lists the circumstances under which a student who has had prior instruction in a subject may be given an opportunity to demonstrate mastery or earn course credit through a credit by examination:

- The student is enrolling in the district from a nonaccredited school;
- The student has failed a subject or course; or
- The student earned a passing grade in a subject or course but failed to earn credit because of excessive absences.

The revised policy continues to state that examinations shall assess mastery and shall be administered according to the district's procedures.

We are recommending deletion of provisions previously included in the policy:

- The provision stating that credit by examination shall not be used to gain eligibility for participation in extracurricular activities is governed by UIL rules and therefore not necessary to address in local policy.
- The provision requiring a student to score a 70 or above on the examination is included in EHDB(LEGAL).

The district's administrative procedures would provide guidance to determine whether the student has had prior instruction in the subject or course and address any other requirements, for example, requiring a student taking an examination to earn a minimum failing grade in the course, if that is the district's practice.

### **EHDC (LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION**

The text on credit by examination without prior instruction, previously at EEJB, has been moved unaltered to this new code.

### **EHDC (LOCAL) ALTERNATIVE METHODS FOR EARNING CREDIT CREDIT BY EXAMINATION WITHOUT PRIOR INSTRUCTION**

Provisions on credit by examination without prior instruction have been moved from EEJB and have been updated throughout to simplify and refine the text. In addition, we have made several substantive changes, as explained below.

The specific requirement for the district to publish the TEST DATES in the student handbook has been replaced with a more flexible requirement to publish the dates in "appropriate District publications or on the District's Web site."

Text requiring students to register for examinations at least 30 days before the test date is recommended for deletion, since this information is better suited for administrative regulations. The *TASB Model Student Handbook* includes information on this topic.

## Explanatory Notes

### TASB Localized Policy Manual Update 89

For clarity, we have reordered provisions addressing fees and requests for alternative examinations or dates. Districts are still prohibited from charging any fees for examinations administered on the published or alternative dates, except that the district may require a parent to pay for an alternative examination purchased from a source approved by the State Board of Education.

We have added a reference to the board's approval of the KINDERGARTEN ACCELERATION procedures to be consistent with the statutory provision stating that the district shall develop procedures that are approved by the board. We have also clarified that the procedures are used to determine whether a child who is five years old at the beginning of the school year may be assigned to first grade rather than kindergarten.

#### EHDD (LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT COLLEGE COURSE WORK/DUAL CREDIT

With our focus in this update on distance learning and the Texas Virtual School Network (TxVSN), we have added a **Note** referring to EHDE, Distance Learning, and the TxVSN Web site for information on dual credit courses available through the TxVSN.

An existing statutory provision requiring a public institution of higher education to assist a district in developing and implementing the district's COLLEGE CREDIT PROGRAM has been added on page 1.

At DUAL CREDIT PROGRAMS on page 2, we have moved relevant definitions to the beginning of the section, and we have added an existing statutory provision authorizing a school district to offer a dual credit course through agreement with a community college, regardless of whether the high school is located within the service area of the college district, if the college district that serves the area where the relevant high school is located is unable to provide the requested course to the satisfaction of the school district.

Extensive information from existing Administrative Code rules has been added at INSTRUCTIONAL PARTNERSHIPS WITH COMMUNITY COLLEGE DISTRICTS beginning on page 3, including a list of the types of partnerships, detailed information about the types of partnerships, and required elements of partnership agreements.

#### EHDD (LOCAL) ALTERNATIVE METHODS FOR EARNING CREDIT COLLEGE COURSE WORK/DUAL CREDIT

With our focus in this update on distance learning and the TEXAS VIRTUAL SCHOOL NETWORK (TxVSN), we have updated this policy to include provisions on college-level courses available through the TxVSN. Students may enroll in dual-credit courses through the TxVSN in accordance with the guidelines published by the TxVSN and the course provider. The district will apply credit earned toward graduation requirements.

For additional information on the TxVSN, including a discussion of other policy and administrative issues, see the *Texas Virtual School Network Policy Considerations*, available on myTASB at [www.tasb.org/services/policy/mytasb/alerts/txvsn.aspx](http://www.tasb.org/services/policy/mytasb/alerts/txvsn.aspx), and the TxVSN Web site at [www.txvsn.org](http://www.txvsn.org).

We have also revised the text at PARTNERSHIP PROGRAMS to make stylistic changes and to remove the list of the types of partnership programs that a district may enter into with a college or university. This material is now included at EHDD(LEGAL).

At OTHER COLLEGE-LEVEL COURSES, the provisions allowing a student to earn college-level credit by completing a course at an accredited college or university that is not in a partnership program with the district have also been updated with stylistic changes.

# Explanatory Notes

## TASB Localized Policy Manual Update 89

### EHDE (LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT DISTANCE LEARNING

As mentioned above, we have moved material addressing correspondence courses from EEJC to this policy so that the various types of distance learning are in one location in the manual. In addition, the text at DISTANCE LEARNING AND CORRESPONDENCE COURSES was revised as a result of amendments to the Administrative Code, effective September 2010, to add to the list of distance learning technologies references to "online courses" and "the Texas Virtual School Network (TxVSN)."

Significant detail on the TxVSN has been added to this policy, including provisions on student eligibility, a prohibition on requiring a student to enroll in a TxVSN course, a provision allowing a transfer student to remain enrolled in a TxVSN course, requirements for students enrolled in a TxVSN to take required state assessments, provisions addressing allowable fees, and information about applicability of the TxVSN provisions.

### EHDE (LOCAL) ALTERNATIVE METHODS FOR EARNING CREDIT DISTANCE LEARNING

This new policy includes material on the TEXAS VIRTUAL SCHOOL NETWORK (TxVSN) and, from EEJC, material on other distance learning and correspondence courses. Provisions addressing TxVSN are addressed separately from provisions addressing other types of distance learning based on the specific legal requirements and obligations applicable to the TxVSN. For this reason, the recommended policy text:

- Requires the superintendent or designee to establish separate procedures for students to enroll in TxVSN courses; and
- Includes a statement that enrollment in TxVSN courses is not subject to any limitations the district may impose for other distance learning courses.

For additional information on the TxVSN, including a discussion of other policy and administrative issues, see the *Texas Virtual School Network Policy Considerations*, available on myTASB at [www.tasb.org/services/policy/mytasb/alerts/bxvsn.aspx](http://www.tasb.org/services/policy/mytasb/alerts/bxvsn.aspx), and the TxVSN Web site at [www.bxvsn.org](http://www.bxvsn.org).

Text on OTHER DISTANCE LEARNING has been updated. For added flexibility, we have removed the specific requirement to publish the district's procedures in the student handbook, as these could be published online or in other materials. In addition, the text has been broadened to reflect that distance learning may be used to earn credit in a subject or course, not just to receive graduation credit.

If the district has rules regarding which students are eligible to take correspondence courses, the maximum number of credits a student may earn through correspondence courses, and the maximum number of correspondence courses a student may enroll in at any one time, we recommend they be addressed in the student handbook or other administrative regulations.

### EIF (LEGAL) ACADEMIC ACHIEVEMENT GRADUATION

Language at DIPLOMA/TRANSCRIPT/CERTIFICATE OF COURSEWORK COMPLETION, on page 1, has been updated as a result of amendments to the Administrative Code, effective August 23, 2010, to indicate that the academic achievement record or transcript, rather than the diploma, records individual accomplishments, achievements, and courses completed and displays appropriate graduation seals. Also based on the Administrative Code revisions, we have:

## Explanatory Notes

### TASB Localized Policy Manual Update 89

- Added text, on page 3, requiring **STUDENTS WITH DISABILITIES** who are on a modified curriculum to be automatically placed in the minimum high school program;
- Added text, also on page 3, that a student who took courses under the minimum high school program prior to the 2009–10 school year may remain in the minimum program (see **APPLICABILITY**);
- Updated the statutory references to the minimum high school program **REQUIREMENTS** based on the year in which the student entered grade 9;
- Updated and added detail on **PHYSICAL EDUCATION SUBSTITUTIONS**, on page 5; and
- Added text, at **PRIOR COURSES** on page 6, clarifying whether certain courses taken in prior years apply toward graduation requirements.

For clarification, we have:

- Added detail about personal graduation plans for **STUDENTS RECEIVING SPECIAL EDUCATION SERVICES**, on page 2, including the requirement that the admission, review, and dismissal committee and the district be responsible for developing the plan; and
- Added references to the program requirements for the **RECOMMENDED HIGH SCHOOL PROGRAM** and the **ADVANCED/DISTINGUISHED ACHIEVEMENT HIGH SCHOOL PROGRAM**, on page 4, for students who entered grade 9 before the 2007–08 school year.

Citations have been updated throughout the policy.

#### FD (LOCAL) ADMISSIONS

This policy has been updated to allow a **MINOR LIVING APART** from his or her parent, guardian or other person having lawful control of the student to present an authorization agreement as provided in Chapter 34 of the Family Code when enrolling in the district as an alternative to the required power of attorney. In an authorization agreement, a parent authorizes the child's grandparent, adult sibling, or adult aunt or uncle to perform acts described in Family Code 34.002, such as approving immunizations and medical care, enrolling the child in school, and giving permission for participation in extracurricular activities. A minor living apart must provide either a power of attorney or an authorization agreement, but under the policy the superintendent continues to have authority to grant exceptions to this requirement based on the individual student's circumstances.

Other provisions in the policy have been updated to simplify and refine the text. The text at **REGISTRATION FORMS** includes minor editorial changes. At **PLACEMENT, ACCREDITED SCHOOLS**, the parent rather than the student has the obligation to provide evidence of prior schooling outside the district when a student enrolls after attending an accredited school. Likewise, at **WITHDRAWAL**, the parent rather than the student must present the signed request stating the reason for withdrawal. Text at **TRANSFER CREDIT** has been revised to clarify that the district will validate courses taken by students at nonaccredited schools before the district grants credit.

#### FFAB (LEGAL) WELLNESS AND HEALTH SERVICES IMMUNIZATIONS

At **REASONS OF CONSCIENCE**, on page 2, we have updated the title of the commissioner to the "commissioner of state health services."

# Explanatory Notes

## TASB Localized Policy Manual Update 89

**FFAE (LEGAL) WELLNESS AND HEALTH SERVICES  
SCHOOL-BASED HEALTH CENTERS**

At FUNDING, on page 3, we have updated the title of the commissioner to the "commissioner of state health services."

**FO (LEGAL) STUDENT DISCIPLINE**

Because the provisions prohibiting SECLUSION apply to all students, not just students with disabilities, we have added the text to this policy on student discipline. See page 4. The seclusion provisions are also included at FOF(LEGAL), addressing discipline of students with disabilities. "Seclusion" is defined as a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that is smaller than 50 square feet in size.

**FOCA (LEGAL) PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION  
SETTING  
DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM  
OPERATIONS**

From amended Administrative Code rules on DAEPs, effective August 18, 2010, we have added beginning on page 3 text addressing ACADEMIC ASSESSMENTS administered to a student in a DAEP. The new provisions include information on which assessments may be administered, factors to determine the appropriate grade level assessment, and reporting requirements to the student's locally assigned campus. The new provisions require the district to develop procedures for administering the assessments that must be given when a student is placed in a DAEP and when the student departs from the DAEP. Appropriate text will be included in the next release of the *Model Student Code of Conduct*, scheduled to be issued in summer 2011.

**FP (LEGAL) STUDENT FEES, FINES, AND CHARGES**

At AUTHORIZED FEES, item 16, we have included the statutory authority for the district to charge a fee for enrollment in a course through the Texas Virtual School Network (TxVSN).

## (LOCAL) Policy Comparison Packet

Each marked-up (LOCAL) policy in this collection reflects an automated comparison of the updated policy with its precursor, as found in the TASB Policy Service records.

The comparison is generated by an automated process that shows changes as follows.

- *Deletions* are shown in a red strike-through font: ~~deleted text~~.
- *Additions* are shown in a blue, bold font: **new text**.
- Blocks of text that have been *moved* without alteration are shown in green, with double underline and double strike-through formatting to distinguish the text's destination from its origin: ~~moved text~~ becomes moved text.
- *Revision bars* appear in the right margin, as above.

While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow.

For further assistance in understanding changes, please refer to the explanatory notes in your Localized Policy Manual update packet or contact your policy consultant.

El Campo ISD  
241903

SAFETY PROGRAM/RISK MANAGEMENT  
ACCIDENT PREVENTION AND REPORTS

CKB  
(LOCAL)

EYE- AND FACE-  
PROTECTIVE DEVICES

**In accordance with Texas Department of State Health Services (TDSHS) guidelines, eye- and face** Eye-protective devices meeting **TDSHS** the standards ~~of the State Department of Health~~ shall be worn by every teacher, ~~and student,~~ **and visitor** participating in ~~shop or laboratory~~ activities **or programs identified in CKB(LEGAL).** ~~involving any of the following:~~

- ~~1. Hot molten metals~~
- ~~2. Milling, sawing, turning, shaping, cutting, or stamping of any solid materials~~
- ~~3. Heat treatment, tempering, or kiln firing of any metal or other materials~~
- ~~4. Gas or electric arc welding~~
- ~~5. Caustic or explosive materials~~
- 6.1. Caustic or explosive chemicals or hot liquids or solids**

DATE ISSUED: ~~1/6/2011~~ **4/10/1996**  
UPDATE ~~89~~ **54**  
CKB(LOCAL)-A

ADOPTED:

1 of 1

**ALTERNATIVE METHODS FOR EARNING CREDIT**~~EXTENDED IN-~~  
~~STRUCTIONAL PROGRAMS~~

EHDD

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**COLLEGE COURSE WORK/DUAL CREDIT**

(LOCAL)

**PARTNERSHIP PROGRAMS**

**An eligible student**~~Eligible students~~ may enroll in **a partnership program**~~programs~~ with **a Texas college**~~colleges~~ or **university**~~uni-~~  
~~versities~~ in accordance with **an**~~the~~ agreement between the District and the college or university. ~~These partnership programs may include:~~

- ~~1. The District shall award~~ **Award of high school credit only.**
- ~~2. Award of concurrent course credit at community colleges.~~
- ~~3. Award of dual credit at universities.~~
- ~~4. Tech-prep programs.~~
- ~~5. Remedial or developmental instruction to pass state-mandated assessments or the Texas Higher Education Assessment (THEA) Test.~~

~~Credit toward high school graduation for completed courses shall be earned~~ in accordance with **the agreement between the District regulations and guidelines.**

~~OTHER COLLEGE-LEVEL COURSES~~  
**OTHER COLLEGE-LEVEL COURSES**

~~According to District criteria and~~ **the college or university.**

**The District**~~guidelines, students~~ may **award a student**~~be awarded~~ credit ~~toward high school graduation~~ for completing a college-level course ~~at~~**in** an accredited college or university that is not in a partnership program with the District. **Award of credit shall be based on administrator approval in accordance with District guidelines.**

**TEXAS VIRTUAL SCHOOL NETWORK**

**According to guidelines established by the Texas Virtual School Network (TxVSN) and the course provider, the District may enroll a student in college-level courses through the TxVSN. When the student successfully completes a course, credit shall be applied toward graduation requirements. [See EHDE]**

El Campo ISD  
241903

ADMISSIONS

FD  
(LOCAL)

PERSONS AGE 21  
AND OVER

The District shall not admit into its public schools any person age 21 or over unless otherwise required by law.

REGISTRATION  
FORMS

~~The appropriate registration forms shall be completed annually and signed by the~~ student's parent, legal guardian, or other person having lawful control **shall annually complete and sign registration forms.** ~~A student~~ ~~Students~~ who ~~has~~**have** reached age 18 shall be permitted to complete and sign these forms ~~themselves.~~

MINOR LIVING APART  
PERSON STANDING  
IN PARENTAL  
RELATION

A minor student residing in the District but whose parent, guardian, or other person having lawful control under a court order does not reside in the District shall present a **power of attorney or an authorization agreement as provided in Chapter 34 of the Family Code** ~~Power of Attorney~~ assigning responsibility for the student in all school-related matters to an adult resident of the District.

MISCONDUCT

~~A minor~~ ~~Any such~~ student **living apart** who has engaged in misconduct that results in any of the consequences found in Education Code 25.001(d) shall not be permitted to attend a District school.

EXCEPTIONS

Based on ~~an~~**the** individual student's circumstance, the Superintendent shall have authority to grant exceptions to the ~~Power of Attorney~~ requirement **for a power of attorney or authorization agreement** and to the exclusion for misconduct.

**EXTRACURRICULAR  
ACTIVITIES  
RESIDENCY  
REVIEW**

The Superintendent shall determine whether a minor student ~~livin-~~ ~~g residing in the District separate and~~ ~~apart from a parent, guardian,~~ ~~or other person having lawful control~~ is present in the District for the primary purpose of participating in extracurricular activities.

NONRESIDENT  
STUDENT IN  
GRANDPARENT'S  
AFTER-SCHOOL CARE

The parent and grandparent of a nonresident student requesting admission under Education Code 25.001(b)(9) shall provide to the Superintendent the required information on the grandparent's residency and complete a form provided by the District describing the extent of after-school care to be provided by the grandparent.

The Superintendent shall have authority to approve **or deny** such admissions requests in accordance with criteria approved by the Board.

PLACEMENT  
ACCREDITED  
SCHOOLS

**The parent, guardian, or other person having lawful control of a student enrolling in** ~~Students entering~~ a District school from **an** ~~an~~ accredited public, private, or parochial **schools** ~~schools after grade 4~~ shall provide evidence of **the** prior schooling outside the District. **The student** ~~They~~ shall be placed initially at the grade level reached elsewhere, pending observation by the classroom teacher, guidance personnel, and the principal. On the basis of these observations and results of tests that may be administered by appropriate District personnel, the principal shall determine the final grade placement.

DATE ISSUED: ~~1/6/2011~~ ~~10/4/2007~~  
UPDATE ~~89~~ **84**  
FD(LOCAL)-A

1 of 2

El Campo ISD  
241903

ADMISSIONS

FD  
(LOCAL)

For the purposes of this policy, "accredited" shall be defined as accreditation by TEA, an equivalent agency from another state, or an accrediting association recognized by the Commissioner of Education.

NONACCREDITED  
SCHOOLS

**A student enrolling in** ~~Students entering~~ a District school from a nonaccredited public, private, or parochial ~~school~~ **schools**, including a ~~homeschool~~ **homeschools**, shall be placed initially at the discretion of the principal, pending observation by classroom teachers, guidance personnel, and the principal. Criteria for placement may include:

1. Scores on achievement tests, which may be administered by appropriate District personnel.
2. Recommendation of the sending school.
3. Prior academic record.
4. Chronological age and social and emotional development of the student.
5. Other criteria deemed appropriate by the principal.

TRANSFER  
CREDIT

**Before granting credit, the** ~~The~~ District shall validate, **by testing or other evidence, that any course taken by a student at a high school credit for courses of transfer students from nonaccredited public, private, or parochial ~~school meets~~ **schools by testing or by other evidence that the courses meet** State Board requirements. ~~[See EHDB] and standards.~~**

WITHDRAWAL

~~A~~ **Minor students may withdraw from school by presenting a request signed by the student's** parent or guardian **wishing to withdraw a minor student shall present a signed request and** stating the reason for the withdrawal. ~~A student who is~~ **Students** 18 or older may request withdrawal without a parent's or guardian's signature.

[For District withdrawal of students no longer in attendance, see FEA(LOCAL)]}]

DATE ISSUED: ~~1/6/2011~~ ~~10/4/2007~~  
UPDATE ~~89~~ ~~84~~  
FD(LOCAL)-A

ADOPTED:

2 of 2

**Recognition**

- A. 2010 NCEA Higher Performing School – Hutchins Elementary
- B. UIL Tournament Results – El Campo Middle School

**Summary**

**2020 NCEA Higher Performing School.** The National Center for Educational Achievement (NCEA) is a department of ACT, Inc., a non-profit organization committed to helping people achieve education and workplace success, identifies *Higher Performing Schools* based on one of two measures:

- consistent improvement in student achievement from previous years at the school (growth); and/or
- absolute student achievement at the school using their Commended Performance results on the spring 2010 TAKS (Texas Assessment of Knowledge and Skills) test.

This award was formerly known as the *Just for the Kids Higher Performing Schools*.

Hutchins Elementary School was identified as a *Higher Performing Schools* in the area of reading.

Although we were not presented with a certificate, El Campo Middle School was also on the *Higher Performing Schools* list in the area of writing.

**UIL Tournament Results.** El Campo Middle School students competed in the District UIL Academic Meet at George Jr. High School in the Lamar CISD on January 29, 2011. Our students made a very strong showing with the eighth grade placing second overall, the seventh grade placing second overall, and the sixth grade placing third overall.

**ECISD Board Policy**

None.

**Effective Date**

February 22, 2011

**Previous Board Action**

The Board periodically recognizes students for their accomplishments above and beyond district level competition or faculty and staff members who have achieved some type of special recognition. This section of the agenda is also used to introduce teachers who are new to the District.

<b>Future Action Expected</b>	The Board periodically recognizes students for their accomplishments above and beyond district level competition or faculty and staff members who have achieved some type of special recognition. This section of the agenda is also used to introduce teachers who are new to the District.
<b>Background Information and Significant Issues</b>	<p><b>NCEA Higher Performing Schools Award.</b> Additional information can be found in the attachments: (1) Press Release from NCEA/ACT; and (2) NCEA Higher Performing Methodology <i>Frequently Asked Questions</i>.</p> <p><b>UIL Tournament Results.</b> Individual students' results for each grade level are included in an attachment.</p>
<b>Fiscal Impact</b>	None.
<b>Student and Public Benefit</b>	The Board has the opportunity to recognize student and faculty for their extra effort.
<b>Procedural and Reporting Implications</b>	None.
<b>Public Comments</b>	None.
<b>Other Comments and Related Issues</b>	None
<b>Attachments</b>	<ul style="list-style-type: none"> <li>• NCEA/ACT Press Release – <i>“The 2010 NCEA Higher Performing Schools List Highlights Texas Schools that Are Beating the Odds in Student Achievement.”</i></li> <li>• NCEA/ACT, Texas 2010, NCEA Higher Performing Methodology <i>Frequently Asked Questions (FAQ)</i></li> <li>• UIL Tournament Results for El Campo Middle School, January 29, 2011, George Junior High School</li> </ul>
<b>Contact Person(s)</b>	<p>Mark Pool, Superintendent of School</p> <p>Rodney Montello, Middle School Principal</p> <p>Kathy Simmons, ECMS UIL Coordinator</p>
<b>Action Required</b>	No action required.
<b>Superintendent’s Recommendation</b>	<p>Information item only.</p> <p><b>Mark Pool, Superintendent of Schools</b></p>

FOR IMMEDIATE RELEASE  
January 27, 2011

CONTACT: Lisa Nguyen, Outreach Coordinator  
National Center for Educational Achievement/ACT, Inc.  
512-320-1888 | [lnguyen@nc4ea.org](mailto:lnguyen@nc4ea.org)

## **The 2010 NCEA Higher Performing Schools List Highlights Texas Schools that Are Beating the Odds in Student Achievement**

*The National Center for Educational Achievement's annual list released this week recognizes schools that are having more success than their peers at preparing students for college and careers.*

**(Austin, TX–January 27, 2011)** The National Center for Educational Achievement (NCEA), a department of ACT, Inc., released its 2010 NCEA Higher Performing Schools List for Texas on its public website [www.nc4ea.org](http://www.nc4ea.org) this week. The list identifies NCEA Higher Performing Schools—those elementary, middle, and high schools that have consistently outperformed their peers that serve similar student populations—and recognizes their achievement in bringing more students to college and career readiness than expected.

The 2010 Higher Performing List conveys a strong message to schools and districts across the nation—all students can achieve at high standards and school improvement is possible no matter the zip code. On the list appear several schools with high poverty levels, defined as those with at least a 50% low-income population. MacArthur Ninth Grade School in Aldine Independent School District in Houston, Texas is one such school and has consistently made the list in one or more state-tested subject areas for the last three years (2008, 2009 and 2010).

“Making the list, and especially in all subjects, is a great achievement for these schools. With education reforms focused on higher standards and higher accountability measures such as the coming of the STAAR (State of Texas Assessments of Academic Readiness), these higher performing schools show us that all students can, and will, get there,” says Efrain Mercado, Director of Outreach at NCEA. “Our Texas educators are doing great work, but if we want every student to graduate with the skills to be successful beyond high school, there’s still more work to do. The schools on this list show us that Texas is making college and career readiness a priority.” Notably, for the spring 2010 TAKS (Texas Assessment of Knowledge and Skills) testing, fewer than 1%, or 77 of the state’s public schools, were higher performing in all grades and tested subjects.

Schools on the list are identified by one of two measures: academic growth of students at the school and/or absolute achievement of students at the school using the TAKS’ Commended Performance level. The measures exemplify not only those schools that are able to improve their student performance from previous years but also those schools that push their students beyond the Met Standard (passing) level—a level that is typically too low to accurately measure student preparedness for postsecondary learning. NCEA’s identification of Higher Performing Schools is more selective than the Texas Education Agency’s Exemplary or Recognized list and comprises fewer than 10% of public schools in the state.

NCEA (formerly known as Just for the Kids) began identifying Higher Performing Schools in 1998 and continues to annually release these lists as well as College and Career Readiness Charts for every public school in Texas.

To view the 2010 NCEA Higher Performing Schools List for Texas, please visit [www.nc4ea.org/HPschoolstx](http://www.nc4ea.org/HPschoolstx).

To learn more about how NCEA identifies Higher Performing Schools in Texas, please visit [www.nc4ea.org/txHPfaq](http://www.nc4ea.org/txHPfaq).

**About NCEA**

The National Center for Educational Achievement (NCEA) is a department of ACT, Inc., a not-for-profit organization committed to helping people achieve education and workplace success. NCEA builds the capacity of educators and leaders to create educational systems of excellence for all students by providing research-based solutions and expertise in higher performing schools, school improvement and best-practice research that lead to increased levels of college and career readiness.

###



#### 1. How does NCEA identify its Higher Performing Schools?

NCEA identifies Higher Performing Schools based on one of two measures: growth of students at the school and/or absolute achievement of students at the school. The measures identify schools that outperform their peers that serve similar student populations. Additionally, the school must have greater than-expected academic growth for three consecutive years to make the NCEA Higher Performing Schools List.

The absolute achievement levels are based on the percent of students who met Commended on the Texas Assessment of Knowledge and Skills (TAKS) test. For a complete description of the analysis, please visit our Higher Performing Methodology page at [www.nc4ea.org](http://www.nc4ea.org).

#### 2. Why does NCEA use the Commended standard on the TAKS test?

NCEA and ACT research consistently shows that students who are only meeting a state's passing/proficient standard during their K-12 experience do not graduate high school ready for college or careers.\* In many states these standards are too low to reflect student mastery of skills and concepts. Therefore, NCEA uses the higher Commended standard on the TAKS to provide a more accurate measure of students' preparedness toward postsecondary opportunities.

\*Please see Chrys Dougherty, Ph. D., Inc., 2008. *They Can Pass, but Are They College Ready?* for more details. ([http://nc4ea.org/files/dqc\\_state\\_ccr-10-09-08.pdf](http://nc4ea.org/files/dqc_state_ccr-10-09-08.pdf))

#### 3. Which schools were not included in the analysis?

The following categories of schools were not included in the analysis:

- **New schools that opened after Fall 2007.**

The NCEA Higher Performing Schools List is based on schools that are consistently higher performing and our analysis requires three years of TAKS data—2008, 2009, and 2010.

- **Schools with no state-tested grades.**

The NCEA Higher Performing Schools List uses TAKS data to determine school achievement. For this reason, we cannot conduct analysis for those grades which are not state tested. For example, a PreK-2 school would have no tested grades.

- **Schools with too few students enrolled for a specified period of time.**

For more details, please see *Question 4* and the Higher Performing Methodology page on our website.

- **Schools with too many missing test scores.**

Schools with grades having more than 20 percent of test results deleted (usually due to the result of state procedures and the format of the data provided by your state agency) are not included.

#### 4. What does continuously enrolled mean?

We define continuously enrolled students as those students who have been enrolled in the district for at least four years and have been enrolled in the school at least three years.

If the school's grade span does not allow for three years of continuous enrollment (e.g., a 7th grader at a Grade 6 to 8 campus), continuously enrolled students are those who have been enrolled in the district at least three years and at the school as long as the grade span allows. For charter schools, this last requirement changes to drop the continuous enrollment in the district requirement. Typical factors that affect the number of continuously enrolled students needed for the analysis are small school size and high student mobility.

## 5. Why are some schools excluded from the 2010 NCEA Higher Performing Schools List?

There are two main reasons why a school does not appear on the NCEA Higher Performing Schools List:

### 1. Student Performance Levels Did Not Qualify

If a school is eligible but did not make the 2010 List, then its student performance levels did not meet our requirements as listed below:

- The school's percentile rank in NCEA's performance criteria was not high enough to be included.
- The school's performance was not consistent across the three years included in the analysis.
- The school did not meet state standards as follows:
  - The school did not receive at least "acceptable" on the state rating in the latest year.
  - The school did not make AYP for math or reading in the latest year.
  - The school did not test at least 90 percent of students for the other subjects in the latest year.

### 2. Ineligible Schools

We use data provided by the Texas Education Agency (TEA) to compile our Higher Performing Schools List. At times, data issues arise from this as listed below:

- Too much masking (e.g., records with empty fields). Please see *Question 3* for more details.
- Too few students.
- School was not open for each of the three years included in the analysis.
- The school's grade span includes a grade for which test data was not provided.

## 6. How does the NCEA Higher Performing Schools List differ from TEA's Exemplary or Recognized List?

The NCEA Higher Performing Schools List is a more select group of schools than the TEA list and is identified by one of two measures (please see *Question 1: How does NCEA identify its Higher Performing Schools?*). TEA typically identifies over 50 percent of Texas schools as Exemplary or Recognized. In comparison, NCEA identifies approximately 9 percent of the state's public schools as Higher Performing.

The specific metrics used by NCEA for analysis are different than those used by TEA in the Texas Accountability System.

### • Passing vs. Growth

The Texas School Accountability Ratings are based on the percentage of students meeting the Passing standard on the spring 2010 TAKS. By contrast, as one of its measures for identifying Higher Performing Schools, NCEA takes into account the school's student academic growth based on two questions: 1) How did the school's students perform in comparison to the previous year? 2) Did the school's students have above-typical growth for what is expected for their student and school demographic group? Thus, the analysis takes into account the range of performance and improvement of students who are performing well above or below Passing.

### • Higher Standard of Achievement

One of the two possible measures used to qualify the schools—the percentage of students reaching Commended on the TAKS—is used rather than the state's Passing standard.

### • More than Snapshot Performance

The NCEA Higher Performing Schools List is based on three years of data—for the 2008, 2009, and 2010 school years. State ratings are based on a single year of data.

## NCEA | ACT

The National Center for Educational Achievement (NCEA) is a department of ACT, Inc., a not-for-profit organization committed to helping people achieve education and workplace success. NCEA builds the capacity of educators and leaders to create educational systems of excellence for all students. We accomplish this by providing research-based solutions and expertise in higher performing schools, school improvement, and best-practice research that lead to increased levels of college and career readiness.

**UIL Tournament Results**  
**For**  
**El Campo Middle School**

**January 29, 2011**

**George Junior High School**

**Submitted by Kathy Simmons**  
**UIL Director**

**Eighth Grade UIL Competition Winners**  
**George Junior High**  
**January 29, 2011**  
**(Received a plaque for 2nd place overall tournament)**

**Art Smart** (sponsored by Mrs. Supak)

2<sup>nd</sup> place Cindy Acosta

4<sup>th</sup> place Stacey Cordero

6<sup>th</sup> place Lorena Ramos

1<sup>st</sup> place team—Samanth Beard, Stacey Cordero, Kymber Ward, Lorena Ramos, and Cindy Acosta

**Listening Skills** (sponsored by Ms. Simmons)

1<sup>st</sup> place Joel Hernandez

3<sup>rd</sup> place Emorie Mazoch

2<sup>nd</sup> place team—Joel Hernandez, Emorie Mazoch, and Elyssa Falcon

**Oral Reading** (sponsored by Mrs. Farrar)

4<sup>TH</sup> place Jalene Quinones

(no team place offered in speaking events)

**Mathematics** (sponsored by Mrs. Gaines)

6<sup>th</sup> place Jillian Ermis

**Social Studies** (sponsored by Mrs. Hendricks)

1<sup>st</sup> place Victor Hernandez

2<sup>nd</sup> place team—Jada Thompson, Victor Hernandez, and Taylor Ondrias

**Spelling** (sponsored by Mrs. Gadeke)

None

**Dictionary** (sponsored by Mrs. Merta)

4<sup>th</sup> place Gabby Martinez,

5<sup>th</sup> place Blake Krpec

1<sup>st</sup> place team—Blake Krpec, Gabby Martinez, and Alma Torres

**Number Sense** (sponsored by Mrs. Bullard)

None

**Maps Graphs Charts** (sponsored by Mrs. Gwosdz))

3<sup>rd</sup> place team—Blaine Fuechec, Charles Powers, and Tyler Moreno

**Ready Writing** (sponsored by Ms. Simmons)

1<sup>st</sup> place Joel Hernandez

2<sup>nd</sup> place Konnor Polasek

(no team place offered in writing events)

**Editorial Writing** (sponsored by Mrs. Dornak)

5<sup>th</sup> place Jalene Quinones

(no team place offered for writing events)

**Modern Oratory** (sponsored by Ms. Simmons)

1<sup>st</sup> place Natalya Yanis

2<sup>nd</sup> place Konnor Polasek

6<sup>th</sup> place Daisy Enriquez

(no team place offered for speaking events)

**Science II** (sponsored by Mrs. Dornak)

4<sup>th</sup> place Jack Smith

2<sup>nd</sup> place team—Jack Smith, Blayne White, and Megan Wilsher

**Calculator Applications** (sponsored by Mrs. Faas)

None

**Impromptu** (sponsored by Mrs. Willis)

None

(Please note that there are **no team events** for *Ready Writing, Editorial Writing, Oral Reading, Impromptu, or Modern Oratory*)

Submitted by Kathy Simmons, UIL Coordinator

**Seventh Grade UIL Competition Winners**  
**George Junior High**  
**January 29, 2011**  
**(Received a plaque for 2<sup>nd</sup> place overall tournament)**

**Art Smart** (sponsored by Mrs. Supak)

1<sup>st</sup> place Veronica Murray

4<sup>th</sup> place Kayla Matthews

5<sup>th</sup> place Bailey Popp

1<sup>st</sup> place team—Kassidy Pietch, Bailey Popp, Kayla Matthews, Jacob Supak, and Veronica Murray

**Listening Skills** (sponsored by Ms. Simmons)

2<sup>nd</sup> place Emily Cortez

4<sup>th</sup> place Heather Raun

2<sup>nd</sup> place team—Emily Cortez, Heather Raun, and Maite Gomez

**Oral Reading** (sponsored by Mrs. Farrar)

2<sup>nd</sup> place Jazlyn McCool

(no team place offered in speaking events)

**Mathematics** (sponsored by Mrs. Gaines)

None

**Social Studies** (sponsored by Mrs. Hendricks)

1<sup>st</sup> place Frida Bazan

**Spelling** (sponsored by Mrs. Gadeke)

3<sup>rd</sup> place Andreas Rubin

4<sup>th</sup> place Robert Sosa

6<sup>th</sup> place Matt Martinez

1<sup>st</sup> place team—Andreas Rubin, Robert Sosa, and Matt Martinez

**Dictionary** (sponsored by Mrs. Merta)

None

**Ready Writing** (sponsored by Ms. Simmons)

3<sup>rd</sup> place Tayton Priesmeyer

(no team place offered for writing events)

**Number Sense** (sponsored by Mrs. Bullard)

3<sup>rd</sup> Riley Stock

6<sup>th</sup> place Nikolas Panagiotopoulos

3<sup>rd</sup> place team—Nikolas Panagiotopoulos, Christian Bustamante, and Riley Stock

**Maps, Graphs, Charts** (sponsored by Mrs. Gwosdz)  
None

**Impromptu Speaking** (sponsored by Mrs. Willis)  
5<sup>th</sup> place Priscilla Pena

**Modern Oratory** (sponsored by Ms. Simmons)  
2<sup>nd</sup> place Hannah LeJeune  
3<sup>rd</sup> place Rhett Spenrath  
6<sup>th</sup> place Katie Abelar  
(no team place offered for speaking events)

**Science 1** (sponsored by Mrs. Rodriguez)  
none

**Editorial Writing** (sponsored by Mrs. Dornak)  
5<sup>th</sup> place Johnny Escamilla

**Calculator Applications** (sponsored by Mrs. Faas)  
none

(Please note that there are **no team events** for Ready *Writing, Editorial Writing, Oral Reading, Impromptu, or Modern Oratory.*)

Submitted by Kathy Simmons, UIL Coordinator

**Sixth Grade UIL Competition Winners**  
**George Junior High**  
**January 29, 2011**  
**(received a plaque for 3<sup>rd</sup> place overall in the tournament)**

**Art Smart** (sponsored by Mrs. Supak)

3<sup>rd</sup> place team—Daniel Medellin, Wendy Cruz, Susan Beard, and Amanda Gomez

**Calculator Applications** (sponsored by Mrs. Faas)

4<sup>th</sup> place Randy Hlavaty

3<sup>rd</sup> place team—Lauren Rod, Fran Powers, and Randie Hlavaty

**Dictionary Skills** (sponsored by Mrs. Merta)

none

**Listening Skills** (sponsored by Ms. Simmons)

2<sup>nd</sup> place Kelley Gerdes

3<sup>rd</sup> place Zona Martin

1<sup>st</sup> place team—Kelley Gerdes, Zona Martin, and Kelly Bartosh

**Maps, Graphs, and Charts** (sponsored by Mrs. Gwosdz)

1<sup>st</sup> place Kelly Peterson

2<sup>nd</sup> place team—Kelly Peterson, Jessica Wood, and Chloe Aranda

**Oral Reading** (sponsored by Ms. Farrar)

3<sup>rd</sup> place Cameron Wall

4<sup>th</sup> place Jae Avendano

(no team place offered for speaking events)

**Mathematics** (sponsored by Mrs. Gaines)

4<sup>th</sup> place Weston Lutringer

2<sup>nd</sup> place team—Brock Brandl, Weston Lutringer, and Spencer David

**Social Studies** (sponsored by Mrs. Hendricks)

6<sup>th</sup> place Anthony Gonzalez

2<sup>nd</sup> place team—Anthony Gonzalez, Abby Carbo, and Kyler Valenta

**Spelling** (sponsored by Mrs. Gadeke)

none

**Music Memory** (sponsored by Mrs. Bartosh)

None

**Ready Writing** (sponsored by Ms. Simmons)

2<sup>nd</sup> place Kelly Peterson

3<sup>rd</sup> place Elsa Jopling

6<sup>th</sup> place Emily Gonzales

( no team place offered for writing events)

**Number Sense** (sponsored by Mrs. Bullard)

3<sup>rd</sup> place Trey Berry

2<sup>nd</sup> place team—Brooke Krpec, Trey Berry, Erica Gaona

(Please note that there are **no team events** for ***Ready Writing or Oral Reading***)  
submitted by Kathy Simmons, UIL Coordinator

**Agenda Item Summary Sheet (4 A.1)**  
**Meeting Date: February 22, 2011**  
**Submitted by: Mark Pool, Superintendent**

## ***Action Required***

<b>Consent Agenda: Governance</b>	Minutes of Previous Meetings <ol style="list-style-type: none"><li>1. January 18, 2011 – Regular Meeting</li><li>2. February 15, 2011 – Special Meeting to Conduct Budget Workshop</li></ol>
<b>Summary</b>	According to policy BE (LOCAL), BOARD MEETINGS, MINUTES, board action shall be carefully recorded by the secretary or clerk; when approved, these minutes shall serve as the legal record of official Board actions. The written minutes of all meetings shall be approved by vote of the Board and signed by the President and the Secretary of the Board.
<b>ECISD Board Policy</b>	BE (LOCAL), BOARD MEETINGS
<b>Effective Date</b>	February 22, 2011.
<b>Previous Board Action</b>	The Board approves minutes at each regular monthly meeting.
<b>Future Action Expected</b>	The Board approves minutes at each regular monthly meeting.
<b>Background Information and Significant Issues</b>	None.
<b>Fiscal Impact</b>	None.
<b>Student and Public Benefit</b>	An accurate record of all discussions and actions by the Board of Trustees is maintained.
<b>Procedural and Reporting Implications</b>	After approval minutes are filed with the official records of the District.
<b>Public Comments</b>	None.
<b>Alternatives</b>	None.

**Other Comments and Related Issues**

None

**Attachments**

Minutes of regular and special meetings held on the following dates:

1. Regular Meeting – January 18, 2011
2. Special Meeting – February 15, 2011

**Contact Person(s)**

Dianne Cerny, Executive Secretary

**Action Required**

Motion, second and majority vote to approve the minutes.

**Superintendent's Recommendation**

I recommend you approve the minutes of previous meetings as part of the consent agenda.

**Mark Pool, Superintendent of Schools**

**Agenda Item Summary Sheet (4 A.2)**  
**Meeting Date: February 22, 2011**  
**Submitted by: Mark Pool, Superintendent**

## ***Action Required***

**Consent:** Order Trustee Election for Saturday, May 14, 2011, and All  
**Governance** Matters Pertaining Thereto

**Summary** February is the month to order the annual trustee election.

The following is a list of actions that need to take place in order to order the annual trustee election to be held on May 14, 2011:

1. Order the trustee election to be held on May 14, 2011, from 7:00 a.m. to 7:00 p.m. for the purpose of electing / re-electing trustees for Position No. 6, currently held by Tommy Turner, and Position No. 7, currently held by Dr. Melissa Erwin.
2. Designate the location of the polling places to be:
  - (a) Precinct No. 1 – City of El Campo Fire & EMS Building; and
  - (b) Precinct No. 2 – Glen Flora Fire Station.
3. Designate the location of the early-voting polling place to be the City of El Campo Fire & EMS Building at 220 N. Merchant, El Campo, TX;
4. Set the dates and time for early voting to be each week day from 8:00 a.m. to 5:00 p.m. beginning on Monday, May 2, 2011, and ending on Friday, May 6, 2011.  
  
In addition, voting will be conducted between the hours of 7:00 a.m. and 7:00 p.m. on Monday, May 9, 2011, and Tuesday, May 10, 2011.
5. Designate the early voting clerk and presiding officer.

**ECISD Board Policy** BBA (LEGAL), BOARD MEMBERS: ELIGIBILITY / QUALIFICATIONS  
BBB (LEGAL), BOARD MEMBERS: ELECTIONS  
BBB (LOCAL), BOARD MEMBERS: ELECTIONS

**Effective Date** Spring 2011 election. [See separate document identifying key dates.]

**Previous Board Action** The Board annually calls the Trustee Election at the regular meeting in February.

<b>Future Action Expected</b>	Votes will be canvassed at a meeting between May 17th and May 25th, 2011. The regular meeting for the month is scheduled for Tuesday, May 17, 2011.
<b>Background Information and Signification Issues</b>	None.
<b>Fiscal Impact</b>	Approximately \$5,097.00
<b>Student and Public Benefit</b>	Election of Trustees to govern and oversee the management of the District.
<b>Procedural and Reporting Implications</b>	The Order of Election will be filed in the Board Minutes, and Notice of Election will be posted in usual posting places.
<b>Public Comments</b>	None.
<b>Alternatives</b>	None.
<b>Other Comments and Related Issues</b>	None.
<b>Attachments</b>	<ul style="list-style-type: none"> <li>(1) Memorandum from David Bright re: Approval of Election Workers for May 14, 2011 School Board Election</li> <li>(2) Order of Regular Election</li> <li>(3) Memorandum from David Bright re: summary of "key dates" for the 2011 election</li> </ul>
<b>Contact Person(s)</b>	David Bright, Assistant Superintendent for Finance
<b>Action Required</b>	Motion, second and majority vote to order a trustee election for May 14, 2011 and all matters pertaining thereto.
<b>Superintendent's Recommendation</b>	<p>I recommend you order the Trustee Election for May 14, 2011, and all matters pertaining thereto as part of the Consent Agenda.</p> <p><b>Mark Pool, Superintendent of Schools</b></p>

# EL CAMPO INDEPENDENT SCHOOL DISTRICT

ROBERT MARK POOL, Superintendent

DAVID BRIGHT  
ASSISTANT SUPERINTENDENT  
FOR FINANCE

700 WEST NORRIS STREET  
EL CAMPO, TEXAS 77437  
(979) 543-6771 • FAX (979) 543-1670

CAROLYN GORDON  
ASSISTANT SUPERINTENDENT  
FOR INSTRUCTION

February 22, 2011

Board of Trustees  
El Campo Independent School District  
700 West Norris Street  
El Campo, Texas 77437

RE: Approval of Election Workers for May 14, 2011 School Board Election

Dear Board Members:

Once again, it is time to begin preparations for the ECISD Board of Trustees Election to be held on May 14, 2011. Listed below are the recommendations for the election workers for this election:

- Ms. Judy Owens, Elections Administrator for Wharton County, is recommended for **early voting clerk** for this election.
- Mr. Cecil Davis is recommended for the **presiding officer**.

The Election Administrator is authorized to hire the judges and alternate judges for the election pursuant to section 6 of the Election Service Contract with Wharton County.

If there are any questions, or if additional information is desired, please contact me at your convenience.

Sincerely,



David Bright  
Assistant Superintendent for Finance

DB/js

## ORDER OF REGULAR ELECTION

An election is hereby ordered to be held on Saturday, May 14, 2011, for the purpose of electing to the Board of Trustees of the El Campo Independent School district, two (2) trustees for a 3-year term, for Position #6 and Position #7.

The first day to apply for a place on the ballot is February 12, 2011. The filing deadline for candidates is 5:00 P.M. on March 14, 2011. Dianne Cerny, Secretary to the Superintendent of Schools, 700 West Norris Street, El Campo, Texas, is authorized by the Secretary of the Board to accept filing for those wishing to run for the School Board.

The polling places are as follows:

- Precinct No. 1: City of El Campo Fire & EMS Building  
Hillje Street Entrance, El Campo, Texas
- Precinct No. 2: Glen Flora Fire Station  
Glen Flora, Texas

Polls open at 7:00 A.M. and close at 7:00 P.M. on Saturday, May 14, 2011.

Early voting by personal appearance will be conducted each weekday at the following location:

City of El Campo Fire & EMS Building, 220 N. Merchant, El Campo, Texas

Early voting will be conducted between the hours of 8:00 A.M. and 5:00 P.M. beginning on Monday, May 2, 2011, and ending on Friday, May 6, 2011. In addition, early voting will be conducted between the hours of 7:00 A.M. and 7:00 P.M. on Monday, May 9, 2011, and Tuesday, May 10, 2011.

Applications for ballots by mail shall be mailed to:

Ms. Judy Owens, Early Voting Clerk  
Wharton County Elections Dept.  
P. O. Box 390  
Wharton, Texas 77488

Applications for ballots by mail must be received no later than the close of business on May 6, 2011.

Issued this the 22nd day of February 2011.

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Signature of Presiding Officer

# EL CAMPO INDEPENDENT SCHOOL DISTRICT

ROBERT MARK POOL, Superintendent

DAVID BRIGHT  
ASSISTANT SUPERINTENDENT  
FOR FINANCE

700 WEST NORRIS STREET  
EL CAMPO, TEXAS 77437  
(979) 543-6771 • FAX (979) 543-1670

CAROLYN GORDON  
ASSISTANT SUPERINTENDENT  
FOR INSTRUCTION

February 22, 2011

Board of Trustees  
El Campo Independent School District  
700 W. Norris  
El Campo, Texas 77437

Dear Board Members:

Listed below is a summary of "key dates" regarding the 2011 Board of Trustees Election for the El Campo Independent School District:

February 12 <sup>th</sup>		First day to file
March 14 <sup>th</sup>	5:00 p.m.	Last day to file
March 22 <sup>nd</sup>		Conduct drawing for position on ballot
April 14 <sup>th</sup>		First day for notice of election to be published
May 2 <sup>nd</sup>		First day of early voting by personal appearance
May 10 <sup>th</sup>		Last day of early voting by personal appearance
May 14 <sup>th</sup>		Election Day
May 17 <sup>th</sup> – 25 <sup>th</sup>		Meeting to be scheduled to canvass votes

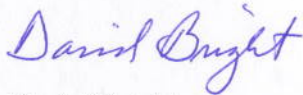
Contested Positions:

**3-Year Term**  
**Position #6**

**3-Year Term**  
**Position #7**

Please contact me at your convenience if I can be of further assistance.

Sincerely,



David Bright  
Assistant Superintendent for Finance

DB/js

**Agenda Item Summary Sheet (4 A.3)**  
**Meeting Date: February 22, 2011**  
**Submitted by: Mark Pool, Superintendent**

## ***Action Required***

**Consent Agenda:  
Governance**

### **Legal Services Retainer Agreement**

**Summary**

According to LEGAL policy, the purchasing requirements of Education Code Section 44.031 do not apply to a contract for professional services rendered, including the services of an attorney. Contracts for these professional services shall be made on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price. *Gov't Code 2254.002, 2254.003(a)*

The Board has had a Legal Services Retainer Agreement with Walsh, Anderson, Brown, Schulze & Aldridge, P.C. (now *Walsh, Anderson, Brown, Gallegos, and Green, P.C.*) since 2002. The annual retainer fee is \$1,000 and is billed each year on the anniversary of the District joining the program.

Telephone consultation with school officials in this program regarding general routine legal matters is free of charge. The firm has toll-free telephone numbers that are made available to these clients.

An hourly rate of \$190/hour for associates licensed less than one year, \$200/hour for associates licensed one or two years, \$235/hour for associates licensed over two years, or \$255/hour for shareholders is charged for time spent on research, opinion letters, office visits, board meetings, and other work of a general nature.

For matters requiring more in-depth work, such as document review, negotiation of contract, grievance, nonrenewal, review of construction documents, litigation, administrative appeals, and the like, all time, including telephone calls, is charged at the current hourly retainer rates shown above, plus expenses.

**ECISD Board Policy**

CH (LEGAL), PURCHASING AND ACQUISITION

**Effective Date**

February 22, 2011

**Previous Board Action**

The Board previously approved the Legal Services Retainer Agreement with WABSA.

**Future Action Expected**

Annually the Board will consider the renewal of the Legal Services Retainer Agreement.



<b>Background Information and Significant Issues</b>	<p>The name change of the firm in the past couple of years was the result of Elena M. Gallegos becoming a shareholder in the firm following the death of Eric Schulze who was a leader in the firm for 22 years; and Dorcas A. Green becoming a shareholder in the firm following the retirement of David Aldridge. The law firm's new name is:</p> <p>Walsh, Anderson, Brown, Gallegos &amp; Green, P.C.</p>
<b>Fiscal Impact</b>	\$1,000
<b>Student and Public Benefit</b>	Tax dollars are saved by being able to obtain certain legal services under a retainer agreement.
<b>Procedural and Reporting Implications</b>	Following approval by the Board, a contract will be signed and returned to Walsh, Anderson, Brown, Aldridge & Gallegos, P.C.
<b>Public Comments</b>	None.
<b>Alternatives</b>	Seek another law firm.
<b>Other Comments and Related Issues</b>	None
<b>Attachments</b>	<ul style="list-style-type: none"> <li>• Copy of Letter re: Renewal of Membership in Independent Retainer Program</li> <li>• Copy of Legal Services Retainer Contract</li> <li>• Copy of Fee Schedule</li> <li>• Benefits of Walsh-Anderson Retainer Program</li> </ul>
<b>Contact Person(s)</b>	Mark Pool, Superintendent of Schools
<b>Action Required</b>	Motion, second and majority vote to approve the Legal Services Retainer Agreement with <i>Walsh, Anderson, Brown, Gallegos and Green, P.C.</i>
<b>Superintendent's Recommendation</b>	<p>I recommend you approve the Legal Services Retainer Agreement with <i>Walsh, Anderson, Brown, Gallegos and Green, P.C.</i> as part of the consent agenda.</p> <p><b>Mark Pool, Superintendent of Schools</b></p>

WALSH, ANDERSON,  
BROWN, GALLEGOS  
and GREEN, P.C.

ATTORNEYS AT LAW

February 1, 2011

VIA FIRST CLASS MAIL

Mr. Robert Mark Pool, Superintendent  
El Campo ISD  
700 West Norris Street  
El Campo, Texas 77437

RE: Renewal of Membership in Walsh Anderson's Retainer Program

Dear Mr. Pool:

It's hard to believe another year has gone by but once again it is time to renew El Campo Independent School District's membership in the Walsh Anderson Retainer Program. To that end, enclosed with your monthly statement, you will find our Legal Services Retainer Agreement and our invoice for membership in our Retainer Program. As you know, this valuable program includes the following benefits for just \$1,000.00 per year:

- Unlimited free telephone consultation with attorneys in any of our offices,
- Reduced rates for legal work,
- Reduced fees for inservices, audio conferences/webinars, and seminars,
- Reduced rates for practical Walsh Anderson products such as The Legal Guide to DAEP & Expulsion, Extracurricular Code of Conduct, and A Campus Guide to Response to Intervention,
- A free subscription to our bi-monthly general education newsletter "Time Out with Walsh Anderson",
- A free subscription to our monthly special education newsletter "This Just In," and
- Email updates about the latest developments in education law.

More information about these services and other advantages of the retainer program are included in the attached description.

We enjoy working with El Campo Independent School District and hope the district will continue its membership in our retainer program. Many districts have adopted the Texas Association of School Boards' policy BDD (local) which requires approval of the agreement

by the Board of Trustees; check your policy to see who is authorized to approve and sign the Agreement. In the case of a special education cooperative or shared services arrangement, we suggest approval of this agreement by the Board of Trustees for the fiscal agent.

We look forward to receiving your signed contract. In the meantime, please remember that you can call any of our offices and speak with the attorney of your choice to get the advice you need, when you need it. Should you have any questions about the Retainer Agreement or wish to reach me directly, please feel free to contact me at (800) 232-9169.

Sincerely,



Paige C. Kyle

PCK/mk

Enclosures

cc: Mr. Thomas Turner, Board President  
(not including billing statement  
and email update form)

**LEGAL SERVICES RETAINER AGREEMENT  
FOR  
EL CAMPO  
INDEPENDENT SCHOOL DISTRICT**

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The El Campo Independent School District (hereinafter "District"), acting by and through the authorized Trustee or Employee whose signature appears below, hereby retains the law firm of Walsh, Anderson, Brown, Gallegos & Green, P.C. (hereinafter "Law Firm"), to provide the services to the District set forth below.

1. Telephone Consultation: The Law Firm shall provide telephone consultation at no charge to the District's Board President, Superintendent, Special Education Director, or designee pertaining to questions arising out of the general operation of the District. The District shall have access to a statewide toll-free telephone number for calls to the Law Firm.
2. Additional Legal Work: The District shall be entitled to reduced hourly rates for additional legal work over and above general telephone consultation. Examples of such additional legal work are research, opinion letters, and legal advice or representation in adversarial matters. Expenses incurred by the Law Firm in providing such additional legal work shall be charged.
3. Publications: The Law Firm shall provide at no charge the monthly publication *This Just In*, dealing with special education law issues, and the bi-monthly general school law publication *Time Out with Walsh Anderson*, both published by the Law Firm.
4. E-mail Updates: The Law Firm shall send periodic e-mail updates to designated District personnel and trustees relating to developments in school law. The content and publication schedule of such updates shall be determined solely by the Law Firm.
5. Retainer Term and Cost: There shall be a fee of \$1,000.00 for this Retainer Agreement due upon execution and annually thereafter on the anniversary of the execution date below. This Retainer Agreement shall remain in effect until notice of cancellation is received.
6. Scope of Attorney-Client Relationship: This Retainer Agreement establishes a limited attorney-client relationship only between the Law Firm and the District. The relationship exists only as to the consultations and additional legal work that are initiated by the District and accepted by the Law Firm pursuant to this Agreement. The Retainer Agreement does not impose any duty upon the Law Firm to provide advice or

work to the District regarding legal matters absent a request by the District's Board President, Superintendent, Special Education Director, or designee for such advice or work on a matter. The Law Firm and the District acknowledge and represent that this Agreement does not establish an attorney-client relationship between the Law Firm and any individual Trustees or Employees of the District. If a lawsuit or other adversarial matter is brought against the District and/or any Trustee or Employee of the District, the Law Firm may require the execution of one or more separate Letters of Engagement prior to undertaking an attorney-client relationship in the matter.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

EL CAMPO INDEPENDENT SCHOOL DISTRICT

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Title)

WALSH, ANDERSON, BROWN, GALLEGOS & GREEN, P.C.

By: \_\_\_\_\_  
Oscar G. Treviño  
Managing Shareholder

WALSH, ANDERSON,  
BROWN, GALLEGOS  
and GREEN, P.C.

ATTORNEYS AT LAW

**FEE SCHEDULE AS OF JULY 16, 2010  
LEGAL SERVICES RETAINER AGREEMENT**

**For retainer program clients**

Annual retainer fee is \$1,000 billed each year on the anniversary of the client joining the program.

Telephone consultation with school officials in this program regarding general routine legal matters is free of charge. The firm has toll-free telephone numbers that are made available to these clients.

An hourly rate of \$190/hour for associates licensed less than one year, \$200/hour for associates licensed one to two years, \$235/hour for associates licensed over two years, or \$255/hour for shareholders is charged for time spent on research, opinion letters, office visits, board meetings, and other work of a general nature.

For matters requiring more in-depth work, such as document review, negotiation of a contract, grievance, nonrenewal, review of constructions documents, litigation, administrative appeals, and the like, all time, including telephone calls, is charged at the current hourly retainer rates shown above, plus expenses. A new file is set up so that the billings show legal fees attributable to that particular matter.

**For non-retainer program clients**

An hourly rate of \$190/hour for associates licensed less than one year, \$200/hour for associates licensed one to two years, \$255/hour for associates licensed over two years, or \$275/hour for shareholders is charged for time spent on any work, including all telephone calls, office visits, litigation, research, opinion letters, hearings, and the like.

**The above rates are subject to change at any time.**

WALSH, ANDERSON,  
BROWN, GALLEGOS  
and GREEN, P.C.

ATTORNEYS AT LAW

## BENEFITS OF THE WALSH ANDERSON RETAINER PROGRAM

1. **FREE TELEPHONE CONSULTATION:** The law firm provides unlimited telephone consultation at no charge to the District's Board President, Superintendent, Special Education Director or any designee pertaining to questions arising out of the general operation of the District. Last year, our member clients received an average of 8 free hours of telephone consultation. That is a \$1,800 value in telephone calls alone!

As a retainer client, the District has exclusive access to the statewide toll-free telephone numbers for calls to the law firm. Before making decisions with legal consequences, use our exclusive toll-free number to reach any Walsh Anderson attorney:

- Austin (800) 252-3405
- Irving (800) 231-4207
- Houston (888) 565-6864
- McAllen (866) 770-6864
- San Antonio (800) 232-9169
- Albuquerque (800) 771-6864

2. **REDUCED RATES FOR ADDITIONAL LEGAL WORK:** The District receives reduced hourly rates for additional work that goes beyond general telephone consultations, such as analyzing documents, writing opinion letters, or attending school board meetings. Though the hourly rates are reduced for retainer clients, any actual expenses (copy costs or mileage, for example) incurred by the law firm in providing such additional work are charged.
3. **FREE SUBSCRIPTIONS TO FIRM PUBLICATIONS:** Membership in the Walsh Anderson Retainer Program also entitles the District to receive free subscriptions to both of the firm's newsletters:
  - (1) the informative bi-monthly newsletter "*Time Out with Walsh Anderson*" that provides timely reminders and practical suggestions about general education law issues arising throughout the school year, and
  - (2) the monthly publication "*This Just In*" which addresses legal issues specific to the special needs of students with disabilities
4. **E-MAIL UPDATES:** As another benefit of the Retainer Program, Walsh Anderson sends periodic e-mail updates to you (and to any other District personnel or trustees you designate) to help keep the District abreast of the latest developments in school law. These updates,

averaging more than one per month, address a broad range of timely topics and are designed to keep you informed and better prepared in your work for the District. In 2010 we sent over 12 updates, including:

- Revised contract language in the TASB contract forms for term and probationary contract employees
- 5<sup>th</sup> Circuit Opinion on public comment sessions at board meetings
- Attorney General Opinion on the use of district funds
- Attorney General Opinions on tax rates and TREs
- U.S. Supreme Court Decision on employer-issued technology
- Court ruling in favor of TEA's interpretation of the Minimum Cumulative Grading Policy
- 5<sup>th</sup> Circuit Opinion (binding in Texas) on student hair length
- Attorney General Opinion regarding payroll deductions, and
- Beginning of School Year Tips for Compliance with FERPA and Child Find
- Spanish Language Procedures for Elections
- 5<sup>th</sup> Circuit Opinion on attorney fees in a special education due process hearing matter
- OCR Letter on bullying

Don't let your District personnel miss our next update! *Please review the attached list of e-mail addresses you previously provided to us and update the list if necessary.*

5. **REDUCED RATES ON ALL WALSH ANDERSON INSERVICES:** Our Retainer Program members also receive reduced rates on all inservices presented at the District. Our up-to-date training programs are presented by attorneys with firsthand experience and knowledge about the current legal issues confronting Texas school districts. Our retainer clients also receive priority scheduling for inservice training.
6. **REDUCED RATES ON ALL WALSH ANDERSON PRODUCTS:** To assist clients in their day-to-day operations, we have developed several practical products to save you time and head off potential problems during the school year. These products are easy to navigate, written in plain language, and are full of useful suggestions. As a member of the Retainer Program, clients receive reduced rates on these helpful tools, including:
  - Interactive Student Code of Conduct
  - Discipline Guide for DAEP & Expulsion
  - Student Dress Code
  - Student Activities Guide
  - A School District's Guide to Section 504 and the ADA
  - A Campus Guide to Response to Intervention
  - Extracurricular Code of Conduct
  - School District Bond Elections: The Roles & Responsibilities of Board Members & Employees
  - Tax Ratification Elections: The Roles & Responsibilities of Board Members & Employees

**Agenda Item Summary Sheet (4 A.4)**  
**Meeting Date: February 22, 2011**  
**Submitted by: Mark Pool, Superintendent**

## ***Action Required***

**Consent Agenda:** TASB Media Honor Roll  
**Governance**

**Summary** In an effort to promote the fact that public schools are fine places to educate Texas school children, TASB facilitates the Media Honor Roll.

This program recognizes representatives in print, radio, television, and electronic media who (1) make the effort to get to know the superintendent, board president, and the district's mission and goals; (2) report school news in a manner that is fair, accurate, and balanced; (3) give a high-profile position to good news about schools; (4) visit the schools; and (5) maintain a policy of no surprises by sharing information with school representatives.

**ECISD Board Policy** None.

**Effective Date** Nomination Deadline: April 1, 2011

**Previous Board Action** The Board has previously recognized both KULP and the Leader-News in 2006.

**Future Action Expected** At a meeting this summer the Board will officially recognize representatives from KULP Radio. The Board may consider honoring the Leader-News and/or other media representatives at a future date.

**Background Information and Significant Issues** KULP hosts a bi-weekly live interview with the Superintendent called *District News*. The program provides the Superintendent with a forum to discuss topics of interest related to the district, and the public the opportunity to send in questions they would like to have answered or topics they wish to hear discussed. The program airs every other Thursday morning at 7:05 a.m.

**Fiscal Impact** None.

**Student and Public Benefit** Public schools and the students they serve benefit from fair and balance reporting. Reporters who provide that type of media coverage should be recognized.

<b>Procedural and Reporting Implications</b>	Nomination form must be submitted to TASB no later than April 1, 2011.
<b>Public Comments</b>	None.
<b>Alternatives</b>	None.
<b>Other Comments and Related Issues</b>	TASB will send personalized certificates in mid-May for presentation to honorees at a board meeting. Nominees will be listed at <a href="http://tasb.org">tasb.org</a> .
<b>Attachments</b>	Copy of Resolution.
<b>Contact Person(s)</b>	Mark Pool, Superintendent of Schools
<b>Action Required</b>	Motion, second, and majority vote to approve the Resolution nominating KULP Radio for the 2011 TASB Media Honor Roll.
<b>Superintendent's Recommendation</b>	I recommend that you approve the Resolution nominating KULP Radio for the 2011 TASB Media Honor Roll as a part of the Consent Agenda. <b>Mark Pool, Superintendent of Schools</b>

**EL CAMPO INDEPENDENT SCHOOL DISTRICT**

ROBERT MARK POOL, Superintendent

700 WEST NORRIS STREET  
EL CAMPO, TEXAS 77437  
(979) 543-6771 – FAX (979) 543-1670

**DAVID BRIGHT**  
ASSISTANT SUPERINTENDENT  
FOR FINANCE

**CAROLYN GORDON**  
ASSISTANT SUPERINTENDENT  
FOR INSTRUCTION

**WHEREAS**, in each community, the public schools are shaped by that community to provide the most appropriate and effective education for the schoolchildren who attend those schools; and

**WHEREAS**, public schools are dependent on the community’s support in countless ways, including support in setting goals for the education of our children, in establishing successful volunteer and booster programs at the schools, for annual funding of operations, in periodic bond elections, in the election of qualified school board members; and

**WHEREAS**, much of the community’s knowledge and opinions about the public schools rely on responsible reporting by local media representatives who decide which news to share with the community, how much attention will be focused on various issues, and what the tone of the reporting will be; therefore

**NOW BE IT RESOLVED**, that the Board of Trustees of the El Campo Independent School District places the name of KULP Radio Station on the statewide Media Honor Roll, calling attention to the ongoing responsible and exemplary nature of reporting on this community’s public schools. We express our appreciation for your balanced and accurate approach to sharing with this community both the challenges facing our schools and the successes achieved by the teachers and students. Your work has aided this community in focusing on the goal of providing the best public schools we can for every child who attends them.

\_\_\_\_\_ Date

\_\_\_\_\_ Board President

**MINUTES OF THE BOARD OF TRUSTEES  
EL CAMPO INDEPENDENT SCHOOL DISTRICT  
January 18, 2011**

The Board of Trustees of the El Campo Independent School District met in a Regular Session January 18, 2011 in the Board Room, 700 West Norris, El Campo, Texas.

**MEMBERS PRESENT:** Tommy Turner, Ralph Novosad, J. J. Croix, David Hodges, Melissa Erwin, Cecil Davis, James Russell

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Mark Pool, Carolyn Gordon, David Bright, Scott Gelardi, Pat Buss, Mauri Couey, Dollie Coleman, Mollie Bodungeon, Lisa Hernandez

Board President Tommy Turner called the meeting to order at 7:02 p.m. David Hodges gave the opening prayer followed by the Pledge of Allegiance. There was a quorum present.

**PUBLIC COMMENT:**

Harold Simmons discussed the bid procedure for the Old El Campo Middle School. Members of the Redhawks Football Team made a public comment to the Board.

**RECOGNITION:**

- A. School Board Recognition Month: Mr. Pool recognized the Board for School Board Recognition Month.
- B. Recognition of New Teacher – Amber Byerly: Mr. Montello introduced Amber Byerly as a new teacher at the Middle School.

**CONSENT AGENDA:** A motion was made by J. J. Croix and seconded by David Hodges to approve the Consent Agenda with the removal of Item 4B1:

A. Governance

- 1. Consider Approval of the Minutes
  - a. December 14, 2010 – Regular Monthly Meeting
  - b. January 11, 2011 – Special Meeting to Conduct Superintendent Performance Evaluation
- 2. Consider Approval of 2011 School Calendar
- 3. Monthly Progress Report on Superintendent Performance Goals

B. Business and Support Services

- 1. Consider Approval of Engagement of Financial Auditor for the Fiscal Year Ending August 31, 2011
- 2. Consider Approval of List of Investment Officers
- 3. Consider Approval of Investment Training and Sources of Training
- 4. Consider Approval of Investment Policies

5. Consider Action to Designate \$50,000.00 of Undesignated Fund Balance for the Replacement of Turf in Ricebird Stadium
6. Review of Monthly Financial Reports
7. Review List of Checks Written for the Month of December 2010

C. Personnel

D. Curriculum and Instruction

1. Consider Approval of Evaluation of State Compensatory Education Program
2. Consider Annual Approval of District Technology Plan

E. Students

Motion carried unanimously.

**ITEM 4B1 CONSIDER APPROVAL OF ENGAGEMENT OF FINANCIAL AUDITOR FOR THE FISCAL YEAR ENDING AUGUST 31, 2011:** A motion was made by Ralph Novosad and seconded by Melissa Erwin to table the approval of the engagement of financial auditor for the Fiscal Year ending August 31, 2011 until the February meeting. Motion carried unanimously.

### ***BUSINESS AND OPERATIONS***

**CONSIDER APPROVAL ANNUAL FINANCIAL AUDIT AND COMPLIANCE REPORT:** A motion was made by David Hodges and seconded by Cecil Davis to approve the Annual Financial Audit and Compliance Report. Motion carried unanimously.

**CONSIDER POSTPONED ACTION ON BIDS FOR PURCHASE OF OLD MIDDLE SCHOOL:** A motion was made by Ralph Novosad and seconded by David Hodges to end all negotiations with Tejas Housing and reject all bids for the purchase of the Old Middle School. Motion carried unanimously.

**DISCUSS OPTIONS FOR FINANCING THE DEMOLITION OF THE OLD MIDDLE SCHOOL:** The Board discussed options for financing the demolition of the Old Middle School.

**CONSIDER POSTPONED ACTION ON BIDS FOR DEMOLITION OF OLD MIDDLE SCHOOL:** A motion was made by Melissa Erwin and seconded by J. J. Croix to end negotiations with environmental and demolition companies and reject all bids for the demolition of the Old Middle School and authorize the Superintendent to re-bid the demolition of the Old Middle School. Motion carried unanimously.

**DISCUSS TIMELINE FOR HIGH SCHOOL AUDITORIUM IMPROVEMENTS:** Mr. Pool and the Board discussed the timeline for the High School Auditorium improvements.

### ***CURRICULUM AND INSTRUCTION***

**REVIEW ADEQUATE YEARLY PROGRESS FEDERAL ACCOUNTABILITY REPORTS:** Carolyn Gordon reviewed the Adequate Yearly Progress Federal Accountability report with the Board.

**REVIEW OF CAMPUS REPORT CARDS:** Mr. Pool and Carolyn Gordon reviewed the Campus Report Cards with the Board.

**REVIEW STATUS OF EXIT-LEVEL TAKS RESULTS:** Mr. Pool and Carolyn Gordon reviewed the Exit-Level TAKS results with the Board.

**DISCUSSION WITH RESPONSE TO INTERVENTION AND BILINGUAL EDUCATION/ESL FACILITATORS:** RTI Facilitator Mollie Bodungeon and Bilingual Facilitator Lisa Hernandez discussed their programs with the Board.

### ***GOVERNANCE***

**SET DATE FOR SPECIAL MEETING TO CONDUCT PRELIMINARY BUDGET WORKSHOP:** Mr. Pool will set a date for a special meeting to conduct a preliminary budget workshop.

**DISCUSS PLANS FOR WORKSHOP WITH DR. JOHN HORN FOR TEAM OF EIGHT TRAINING:** The Board reviewed the proposed school calendar for the 2011-2012 school year.

**REVIEW STATUS OF EDUCATION FOUNDATION DEVELOPMENT AND APPOINT BOARD REPRESENTATIVE TO STEERING COMMITTEE:** Mr. Pool reviewed the status of the Education Foundation Development and Board President Tommy Turner appointed Cecil Davis as the Board Representative on the Steering Committee.

**DISCUSS NEED FOR A WORKSHOP TO DEVELOP SUPERINTENDENT PERFORMANCE GOALS FOR 2011:** The Board set February 15, 2011 as the date for a special meeting as a workshop to develop the Superintendent Performance Goals for 2011

### ***CLOSED SESSION***

**EXECUTIVE SESSION:** The president of the Board called for an Executive Session as authorized by Section Texas Government Pursuant to Section § 551.074 (1) (a) PERSONNEL MATTERS to Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee. The Board entered executive session at 9:38 p.m. and reconvened in open session at 9:49 p.m. to take the following action:

Final Review of Superintendent's Annual Performance Evaluation: No action taken.

**PERSONNEL**

**CONSIDER APPROVAL OF THE ANNUAL SUMMATIVE EVALUATION OF THE SUPERINTENDENT’S JOB PERFORMANCE:** A motion was made by Melissa Erwin and seconded by James Russell to approve the Annual Summative Evaluation of the Superintendent’s Job Performance. Motion carried unanimously.

**CONSIDER ACTION ON SUPERINTENDENT’S CONTRACT:** A motion was made by Melissa Erwin and seconded by James Russell to approve a one year extension to the Superintendent’s Contract to June 30, 2014, and a conversion of automobile and mobile telephone allowances to salary without changing the total amount of compensation of \$137,255.00. Motion carried by a 5 – 0 vote with Trustees Melissa Erwin, James Russell, Cecil Davis, James Russell and J. J. Croix in favor and Trustees David Hodges and Ralph Novosad opposed.

**DISCUSS PRELIMINARY FINDINGS OF STAFFING STUDY CONDUCTED BY TASBO MANAGEMENT REVIEW TEAM:  
SUPERINTENDENT’S REPORT**

- A. Governance
  - 1. Preliminary Agenda for Regular Meeting on February 15, 2011.
  - 2. Monthly Calendar of Activities and Events: Board members were given a monthly calendar of activities and events.
- B. Business and Support Services
  - 1. Review Foundation School Program Funding at End of Second Six Weeks Reporting Period
- C. Personnel
- D. Curriculum and Instruction
- E. Students
  - 1. Monthly DAEP Report
  - 2. Monthly SRO Report
- F. Community and Governmental Relations
- G. Legislative Update

There being no further discussion, the meeting adjourned at 9:54 p.m.

DRAFT

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PRESIDENT

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SECRETARY

**MINUTES OF THE BOARD OF TRUSTEES  
EL CAMPO INDEPENDENT SCHOOL DISTRICT  
February 15, 2011**

The Board of Trustees of the El Campo Independent School District met in a Special Session February 15, 2011 at 7:00 p.m. in the Boardroom, 700 W. Norris, El Campo, Texas.

**MEMBERS PRESENT:** Ralph Novosad, Tommy Turner, Melissa Erwin, David Hodges, James Russell, Cecil Davis, J. J. Croix

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** Mark Pool, Carolyn Gordon, Mauri Couey, Alicia Stary, Rodney Montello, Dan Hammock, Hanni Mican, Kathryn Peterson, Holly Cranek, K. Raska, Jennifer Savino, Kendra Boone, Stacy Ermis, Jessica Drapela, Lanise Williams, Amanda Dorotik, Jeff Balcar, Leeanna Shimek, Molli Bodungeon, B. C. Sommer, Liz Graves, Kim Clark, Gretchen Seymour, Stacy Amestoy, Dawn Bartek, Jessica Lauritson, Tracy Braden, Cynthia Nafegar, Dollie Coleman, Todd Fuechec, Kristi David, Cheryl Roitsch, Diann Srubar, Terese Faas.

Tommy Turner called the meeting to order at 7:02 p.m. Tommy Turner gave the opening prayer followed by the Pledge of Allegiance. There was a quorum present.

**BOARD WORKSHOP:** The Board conducted a Budget Workshop.

There being no further discussion, the meeting adjourned at 9:45 p.m.

DRAFT

\_\_\_\_\_ President

\_\_\_\_\_ Secretary



**Agenda Item Summary Sheet (4 B.3)**  
**Meeting Date: February 22, 2011**  
**Submitted by: Mark Pool, Superintendent**

## ***Information Only***

**Consent Agenda:  
Business and Support  
Services**

Review of Monthly Financial Reports for Month of December

**Summary**

Although there is no statutory or policy requirement for the Board to do so, reviewing the Monthly Financial Report is a good practice for the Board to follow in overseeing the management of the District.

The report provides the Board with a current comparison of actual revenue and expenditures to the budget adopted for the General Fund.

The Tax Collections Report provides the Board with the District's current tax collections for the fiscal year.

The Cash Flow Report provides the Board with both a historical and current perspective of the District's monthly cash flow.

**ECISD Board Policy**

None.

**Effective Date**

January 31, 2011

**Previous Board Action**

Approval of 2010-2011 General Operating Budget on August 17, 2010.

**Future Action Expected**

The Board will review the monthly financial statements at each regular monthly board meeting.

**Background Information and  
Significant Issues**

The audited fund balance in the General Fund (Fund 199 only) on August 31, 2010 was \$5,832,903, which is 20.22% of the approved General Fund operating expenditures (as defined in the AEIS Report) of \$28,851,273.

Fund balance designated for replacement of artificial turf at Ricebird Stadium is \$150,000, leaving an undesignated fund balance of \$5,682,903; or 19.70% of the approved General Fund operating expenditures (as defined in the AEIS Report).

The undesignated fund balance is currently below the 20% goal by \$87,352.

**Fiscal Impact**

None.

**Student and Public Benefit** Closely monitoring actual revenue and expenditures as compared to the adopted budget each month helps to ensure the efficient use of public funds.

**Procedural and Reporting Implications** None.

**Public Comments** None.

**Alternatives** None.

**Other Comments and Related Issues** **Financial Report.** In the General Operating Fund, we have received 60.48% of our amended revenue projections; and expended 37.99% of our amended expenditure estimates.  
Compared to the same time last year, our revenue increased by \$799,024 and our expenditures decreased by \$372,439.

	2006-2007		2007-2008		2008-2009		2009-2010		2010-2011	
	Rev	Exp	Rev	Exp	Rev	Exp	Rev	Exp	Rev	Exp
<b>Sep</b>	8.49%	8.16%	19.97%	10.32%	20.59%	11.53%	10.41%	10.59%	9.93%	10.95%
<b>Oct</b>	16.45%	15.08%	36.50%	17.60%	36.88%	17.18%	19.64%	17.92%	18.64%	18.81%
<b>Nov</b>	25.79%	22.03%	40.10%	24.60%	39.46%	24.10%	26.01%	25.17%	27.97%	23.69%
<b>Dec</b>	39.14%	28.13%	55.32%	32.30%	52.68%	31.52%	38.96%	32.11%	41.96%	30.73%
<b>Jan</b>	71.88%	35.58%	75.42%	42.30%	73.77%	38.60%	57.38%	39.07%	60.48%	37.99%
<b>Feb</b>	77.49%	46.72%	83.18%	51.98%	79.39%	48.85%	68.68%	50.45%		
<b>Mar</b>	79.75%	53.89%	85.20%	58.88%	81.29%	55.83%	70.62%	58.65%		
<b>Apr</b>	84.35%	61.00%	86.78%	66.91%	82.79%	62.87%	75.39%	65.99%		
<b>May</b>	87.88%	68.32%	89.07%	76.81%	84.31%	69.96%	79.21%	72.77%		
<b>Jun</b>	92.93%	75.96%	90.38%	82.81%	86.04%	77.28%	85.20%	80.00%		
<b>Jul</b>	98.46%	84.97%	91.72%	88.08%	87.23%	85.52%	91.73%	85.63%		
<b>Aug</b>	100.20%	98.95%	100.03%	99.34%	99.94%	98.05%	100.10%	98.92%		

**Tax Collection Report.** Our beginning tax levy of \$13,399,047 has been adjusted by \$15,614 giving us a new adjusted levy of \$13,383,433; and we have currently collected \$10,875,243 which amounts to 81.26% of the adjusted levy. This leaves an uncollected balance of \$2,508,189.

Delinquent collections YTD are \$158,404 plus \$59,452 in penalty and interest.

	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011
Oct	0.06%	0.048%	0.01%	0.00%	0.00%	0.35%
Nov	6.81%	6.67%	5.07%	2.58%	0.44%	8.60%
Dec	40.15%	29.49%	38.76%	32.28%	30.01%	39.54%
Jan	82.47%	86.80%	85.29%	81.82%	73.71%	81.26%
Feb	92.59%	94.40%	93.58%	93.04%	92.80%	
Mar	95.44%	95.38%	94.44%	94.06%	94.60%	
Apr	95.68%	96.11%	95.13%	94.97%	95.27%	
May	96.54%	96.69%	95.78%	95.61%	95.84%	
Jun	97.04%	97.40%	96.55%	96.69%	96.50%	
Jul	97.19%	97.64%	96.87%		96.83%	
Aug	97.59%	97.81%	97.15%	97.48%	97.17%	
Sep	97.69%	97.97%	97.31%	97.60%	97.37%	

**Cash Flow Report.** The following spreadsheet shows the actual cash flow compared to the projected (historical) cash flow for the month.

Fiscal Year	Month			Year-to-Date		
	2009-2010	2010-2011	Difference	2009-2010	2010-2011	Difference
Revenue	\$6,026,184	\$5,993,553	(\$32,631)	\$18,640,153	\$19,572,118	\$931,965
Expenditures	\$2,448,361	\$2,476,165	\$27,804	\$11,409,052	\$11,537,992	\$128,940
Balance	\$3,577,823	\$3,517,388	(\$60,435)	\$7,231,101	\$8,034,126	\$803,025

**Attachments**

- Monthly Financial Report – January 31, 2011
- Tax Collection Recap 2010-2011
- Cash Flow Report 2010-2011

**Contact Person(s)**

David Bright, Assistant Superintendent of Finance and Operations

**Action Required**

No Action Required.

**Superintendent's Recommendation**

This is an information report only.

**Mark Pool, Superintendent of Schools**

**EL CAMPO INDEPENDENT SCHOOL DISTRICT**  
**MONTHLY FINANCIAL REPORT**  
 February 22, 2011

**Comparison of Revenue and Expenditures  
 to the Budget for the General Operating Fund  
 9-1-10 to 1-31-11**

**ESTIMATED REVENUE:**

	<i>Original Budget</i>	<i>Amended Budget</i>	<i>Revenue Realized</i>	<i>Revenue Balance</i>
<i>Local:</i>	\$14,731,532	\$14,731,532	\$11,422,867	(\$3,308,665)
<i>State:</i>	\$17,394,053	\$16,428,745	\$7,619,883	(\$8,808,862)
<i>Federal:</i>	\$1,202,013	\$1,202,013	\$529,368	(\$672,645)
<i>Other Resources:</i>	\$0	\$0	\$0	\$0
<i>Total:</i>	\$33,327,598	\$32,362,290	\$19,572,117	(\$12,790,173)

**ESTIMATE EXPENDITURES:**

<i>Original Budget</i>	<i>Amended Budget</i>	<i>Expended</i>	<i>Outstanding Encumbrances</i>	<i>Expenditures Year to Date</i>	<i>Balance for Year</i>
\$33,327,598	\$32,574,491	\$11,537,992	\$836,098	\$12,374,090	\$20,200,401

**COMPARISONS TO JANUARY 31 OF PRIOR YEAR:**

	<i>2009-2010</i>	<i>2010-2011</i>	<i>Increase/ Decrease</i>
<i>Revenues:</i>	\$18,773,093	\$19,572,117	\$799,024
<i>Expenditures:</i>	\$12,746,529	\$12,374,090	(\$372,439)
<i>Cash Position:</i>	\$12,570,142	\$12,344,063	(\$226,079)

**PRIOR MONTH CASH POSITION as of 12/31/10:** \$9,778,526

GENERAL FUND - FUND BALANCE	GENERAL OPERATING	FUND BALANCE	% of OPERATING
GENERAL FUND - FUND BALANCE as of 8-31-06:	\$21,109,405	\$7,050,993	33.40%
GENERAL FUND - FUND BALANCE as of 8-31-07:	\$23,517,713	\$9,759,144	41.50%
GENERAL FUND - FUND BALANCE as of 8-31-08:	\$25,318,724	\$4,676,422	18.47%
GENERAL FUND - FUND BALANCE as of 8-31-09:	\$28,005,136	\$5,951,953	21.25%
GENERAL FUND - FUND BALANCE as of 8-31-10:	\$28,851,273	\$5,832,903	20.22%

**BUDGET AMENDMENTS:**

Appropriate prior year (2009-10) High School Allotment fund balance	\$167,251
Appropriate funds to complete Ricebird Gym Floor-from General Fund Balance	\$44,950
Transfer to Fund 266 - Stimulus Funds to pay utility costs	-\$965,308

NOTE: Cash Position includes Local, State, and Federal Funds. Does not include Capital Projects.

**EL CAMPO INDEPENDENT SCHOOL DISTRICT  
TAX COLLECTION RECAP  
2010 - 2011**

<b>Reporting Period</b>	<b>Beginning Levy</b>	<b>Adjustments</b>	<b>Adjusted Levy</b>	<b>Current Tax Year Collections</b>	<b>% Collected</b>	<b>% Collected Prior Year</b>	<b>Delinquent Collections</b>	<b>Penalty &amp; Interest</b>	<b>Total Collections</b>	<b>Current Tax Year Uncollected</b>
<b>Monthly Recap</b>										
Oct-10	\$13,399,047		\$13,399,047	46,910	0.35%	0.00%	\$44,610	\$15,759	\$107,279	
Nov-10	\$13,399,047		\$13,399,047	1,104,804	8.25%	0.44%	\$44,470	\$13,608	\$1,162,882	
Dec-10	\$13,399,047	-\$15,935	\$13,383,111	4,140,381	30.94%	29.56%	\$23,473	\$11,322	\$4,175,176	
Jan-11	\$13,399,047	-\$15,614	\$13,383,433	5,583,148	41.72%	42.99%	\$45,852	\$18,763	\$5,647,762	
<b>Year To Date</b>				<b>10,875,243</b>	<b>81.26%</b>	<b>73.17%</b>	<b>\$158,404</b>	<b>\$59,452</b>	<b>\$11,093,100</b>	<b>\$2,508,189</b>

**EL CAMPO INDEPENDENT SCHOOL DISTRICT**

**Cash Flow**

2010-2011

199	GENERAL FUND	Actual Sep-10	Actual Oct-10	Actual Nov-10	Actual Dec-10	Actual Jan-10	Actual Jan-11	Actual Feb-10	Actual Mar-10	Actual Apr-10	Actual May-10	Actual Jun-10	Actual Jul-10	Actual Aug-10	2009-10 Totals
<b>REVENUE:</b>															
<b>5700</b>	<b>Local Revenue:</b>														
5711	Taxes Current Year	23,630	40,831	961,630	3,603,820	4,967,402	4,859,615	2,268,489	204,970	77,641	59,724	68,468	38,517	16,918	11,204,824
5712	Taxes Prior Years	1,638	39,569	39,161	20,740	17,543	40,548	29,999	22,641	26,131	13,875	13,790	7,416	9,472	243,129
5719	Pen, Int, & Other	12,398	14,333	12,190	10,501	15,319	17,319	23,983	29,960	22,777	15,015	18,942	10,095	15,348	202,506
5720	Service to Other LEAs	0	0	0	0	0	0	0	0	0	0	0	0	654	654
5730	Tuition and Fees	0	0	0	0	0	0	0	0	0	0	0	0	3,735	3,735
5740	Other Local Sources	10,621	11,063	9,931	10,678	32,322	15,194	24,300	14,674	21,649	11,496	13,458	5,111	136,020	386,284
5750	Co/Curr Activities	7,025	20,062	33,874	-6,729	1,715	860	2,837	3,314	4,752	1,439	0	6,591	15,879	115,084
	<b>Total Local Rev:</b>	<b>55,312</b>	<b>125,858</b>	<b>1,056,787</b>	<b>3,639,009</b>	<b>5,034,301</b>	<b>4,933,535</b>	<b>2,349,608</b>	<b>275,558</b>	<b>152,950</b>	<b>101,549</b>	<b>114,659</b>	<b>67,731</b>	<b>198,027</b>	<b>12,156,216</b>
<b>5800</b>	<b>State Revenue:</b>														
5811	Available School Fund	25,845	141,876	122,645	25,491	29,347	52,702	29,347	3,712	7,425	75,081	109,293	1,419	38,602	379,707
5812	Foundation Entitlement	3,074,131	2,333,540	1,224,643	0	0	0	0	0	931,826	704,601	1,417,200	1,842,727	2,544,070	14,437,933
5812	Founda Ent-Prior Yr	0	400	0	30,571	0	0	0	0	0	38,355	0	0	0	38,355
5819	LEP Student Success Init	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5820	Misc State Program Rev	0	0	3,495	0	0	0	0	0	0	0	0	952	2,265	6,816
5831	TRS On-Behalf	108,735	109,955	109,990	110,124	109,679	110,026	109,481	109,050	108,870	108,979	110,164	109,099	163,254	1,351,300
	<b>Total State Rev:</b>	<b>3,208,711</b>	<b>2,585,771</b>	<b>1,460,773</b>	<b>166,186</b>	<b>139,026</b>	<b>162,728</b>	<b>138,828</b>	<b>112,762</b>	<b>1,048,121</b>	<b>927,016</b>	<b>1,636,657</b>	<b>1,954,197</b>	<b>2,748,191</b>	<b>16,214,111</b>
<b>5900</b>	<b>Federal Revenue:</b>														
5930	Federal	0	0	0	38,511	0	0	0	4,997	0	0	6,223	0	6,449	173,648
	<b>Total Federal Rev:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>38,511</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,997</b>	<b>0</b>	<b>0</b>	<b>6,223</b>	<b>0</b>	<b>6,449</b>	<b>173,648</b>
<b>7900</b>	<b>Other Res/Non-Oper</b>														
	Other Res/Non-Oper	0	0	0	0	0	0	0	0	0	0	0	0	167,251	167,251
	<b>Total Other Res:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>167,251</b>	<b>167,251</b>
	<b>Total Revenue:</b>	<b>3,264,022</b>	<b>2,711,629</b>	<b>2,517,561</b>	<b>3,843,707</b>	<b>5,173,327</b>	<b>5,096,263</b>	<b>2,488,437</b>	<b>393,317</b>	<b>1,201,071</b>	<b>1,028,565</b>	<b>1,757,538</b>	<b>2,021,928</b>	<b>3,119,917</b>	<b>28,711,226</b>
<b>EXPENDITURES:</b>															
<b>6000</b>	<b>Expenditures:</b>														
6100	Payroll Costs	1,176,237	1,873,879	1,912,447	1,865,040	1,856,130	1,856,847	1,875,525	1,884,363	1,852,478	1,893,143	1,881,247	1,846,362	2,534,729	22,530,236
6200	Contracted Services	84,769	127,769	179,474	155,457	217,419	151,504	229,022	274,231	127,185	158,071	239,653	184,252	577,164	2,769,045
6300	Supplies & Materials	113,192	162,541	258,971	153,976	113,956	107,145	109,979	105,046	137,664	167,781	58,747	42,968	194,293	1,445,354
6400	Other Operating	64,894	145,124	45,012	39,746	35,494	148,348	72,627	43,187	35,023	37,906	267,788	100,247	36,165	774,106
6500	Debt Services	0	0	500	0	0	0	272,625	0	0	500	0	0	52,438	326,063
6600	Capital Outlay	82,658	44,949	8,230	64,338	28,549	93,800	3,441	2,097	122	0	298	22,692	381,080	639,385
8900	Other Uses/Non Operating	0	0	6,037	-6,037	0	0	0	0	0	0	0	0	0	0
	<b>Total Expenditures:</b>	<b>1,521,749</b>	<b>2,354,262</b>	<b>2,410,671</b>	<b>2,272,520</b>	<b>2,251,547</b>	<b>2,357,644</b>	<b>2,563,220</b>	<b>2,308,925</b>	<b>2,152,472</b>	<b>2,257,401</b>	<b>2,447,733</b>	<b>2,196,520</b>	<b>3,775,868</b>	<b>28,484,189</b>
	<b>ENDING BALANCE</b>	<b>1,742,273</b>	<b>357,367</b>	<b>106,890</b>	<b>1,571,186</b>	<b>2,921,780</b>	<b>2,738,619</b>	<b>-74,783</b>	<b>-1,915,608</b>	<b>-951,401</b>	<b>-1,228,836</b>	<b>-690,194</b>	<b>-174,592</b>	<b>-655,951</b>	<b>227,037</b>
	<b>GF FB as of 8/31/10</b>	<b>5,832,903</b>													
		7,575,176	7,932,542	8,039,432	9,610,618	11,666,599	12,349,238	12,274,455	10,358,847	9,407,446	8,178,610	7,488,415	7,313,823	6,657,872	

240	FOOD SERVICE	Actual Sep-10	Actual Oct-10	Actual Nov-10	Actual Dec-10	Actual Jan-10	Actual Jan-11	Actual Feb-10	Actual Mar-10	Actual Apr-10	Actual May-10	Actual Jun-10	Actual Jul-10	Actual Aug-10	2009-10 Totals
<b>REVENUE:</b>															
5700	<b>Local Revenue:</b>														
	Earnings from Temp Dep			1,149	0	0	0	2,200	0	0	2,263	0	0	1,928	8,679
	Foundation Revenue														
	Breakfast	6,580	7,564	6,560	4,382	11,525	8,423	10,365	8,204	8,572	6,689	601	0	7,680	87,585
	Lunch	18,288	19,225	17,796	11,727	20,784	21,548	21,363	19,088	19,930	15,490	1,489	15	14,805	191,692
	A La Carte	10,790	11,167	8,916	6,734	12,324	11,168	13,454	10,674	10,975	9,915	1,227	0	6,505	113,111
	Adult Lunches	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Catering/Vending	0	106	75	125	545	644	517	0	0	326	0	0	828	2,791
	Summer Food Service	0	0	0	0	0	0	0	0	0	0	199	210	0	409
	<b>Total Local Ren:</b>	<b>35,658</b>	<b>38,062</b>	<b>33,347</b>	<b>22,967</b>	<b>45,179</b>	<b>41,782</b>	<b>47,899</b>	<b>37,967</b>	<b>39,477</b>	<b>34,683</b>	<b>3,516</b>	<b>225</b>	<b>31,746</b>	<b>404,267</b>
5800	<b>State Revenue</b>														
5829	Misc St Program Rev.	0	0	0	0	0	0	0	9,822	0	0	0	0	0	9,822
5831	TRS On-Behalf Benefit	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	<b>Total State Rev:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9,822</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9,822</b>
5900	<b>Federal Revenue</b>														
5921	School Breakfast	0	29,398	28,191	24,100	21,454	17,658	29,212	31,365	28,470	32,044	29,317	5,456	8,104	276,392
5922	National School Lunch	0	103,037	102,841	87,442	64,888	63,799	91,047	97,523	86,348	95,965	87,282	17,536	32,335	852,262
5923	USDA Donated Com	6,878	6,878	6,878	6,878	5,799	6,878	5,799	5,799	5,799	5,799	5,799	5,799	6,016	70,335
5929	Fed Rev TEA-Sum Feed	0	0	0	0	0	0	0	0	0	0	0	7,976	4,709	12,685
	<b>Total Federal Rev:</b>	<b>6,878</b>	<b>139,313</b>	<b>137,910</b>	<b>118,420</b>	<b>92,141</b>	<b>88,335</b>	<b>126,058</b>	<b>134,687</b>	<b>120,617</b>	<b>133,808</b>	<b>122,398</b>	<b>36,767</b>	<b>51,164</b>	<b>1,211,674</b>
7900	<b>Other Res/Non-Oper:</b>														
7940	Other Res/Non-Oper	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	<b>Total Other Res:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>Total Revenue:</b>	<b>42,536</b>	<b>177,375</b>	<b>171,258</b>	<b>141,387</b>	<b>137,320</b>	<b>130,118</b>	<b>173,957</b>	<b>182,476</b>	<b>160,094</b>	<b>168,490</b>	<b>125,914</b>	<b>36,992</b>	<b>82,910</b>	<b>1,625,763</b>
<b>EXPENDITURES:</b>															
6000	<b>Expenditures:</b>														
6100	Payroll & Benefits	33,814	50,498	48,873	47,261	46,454	45,146	48,305	48,938	48,523	50,227	48,736	42,814	58,574	571,972
6200	Contracted Services	0	114,290	94,681	84,834	93,554	66,288	149,600	97,723	96,972	85,234	0	127,189	44,211	921,254
6300	Supplies & Materials	6,878	6,963	6,995	6,919	6,015	7,069	5,865	5,906	5,861	5,853	5,799	5,841	-1,761	62,722
6400	Other Operating	0	34	13	70	10	18	14	219	27	29	150	26	128	774
6600	Capital Outlay	0	0	0	0	50,781	0	0	0	0	0	0	9,780	201,400	261,960
	<b>Total Expenditures:</b>	<b>40,693</b>	<b>171,785</b>	<b>150,562</b>	<b>139,085</b>	<b>196,815</b>	<b>118,521</b>	<b>203,783</b>	<b>152,785</b>	<b>151,383</b>	<b>141,343</b>	<b>54,685</b>	<b>185,651</b>	<b>302,551</b>	<b>1,818,682</b>
	<b>ENDING BALANCE</b>	<b>1,844</b>	<b>7,434</b>	<b>28,130</b>	<b>30,433</b>	<b>68,429</b>	<b>42,029</b>	<b>12,203</b>	<b>41,893</b>	<b>50,604</b>	<b>77,752</b>	<b>148,981</b>	<b>322</b>	<b>-219,319</b>	<b>-192,919</b>

511	DEBT SERVICE	Actual Sep-10	Actual Oct-10	Actual Nov-10	Actual Dec-10	Actual Jan-10	Actual Jan-11	Actual Feb-10	Actual Mar-10	Actual Apr-10	Actual May-10	Actual Jun-10	Actual Jul-10	Actual Aug-10	2009-10 Totals
<b>REVENUE:</b>															
5700	<b>Local Revenue:</b>														
5711	Taxes Current Year	3,386	6,079	143,174	536,561	711,833	723,533	325,076	29,372	11,126	8,558	9,812	5,520	2,424	1,605,703
5712	Taxes Prior Years	101	5,041	5,308	2,733	1,904	5,304	3,688	2,334	2,890	1,593	1,217	775	877	26,275
5719	Pen, Int, & Other	983	1,426	1,418	821	665	1,444	2,830	3,342	2,191	1,599	1,981	1,127	1,540	19,375
5742	Earnings Fm Temp Dep	133	144	192	441	1,136	1,177	1,166	1,346	1,342	1,408	0	1,447	602	9,773
	<b>Total Local Rev:</b>	4,603	12,691	150,092	540,556	715,538	731,458	332,760	36,395	17,549	13,158	13,010	8,868	5,443	1,661,125
5800	<b>State Revenue:</b>														
5829	St Rev Dist By TEA	0	0	0	0	0	35,714	0	0	0	0	0	0	53,869	64,696
	<b>Total State Rev:</b>	0	0	0	0	0	35,714	0	0	0	0	0	0	53,869	64,696
7900	<b>Other Res/Non-Oper:</b>														
7940	Other Res/Non-Oper Rev	0	0	0	0	0	0	0	0	0	0	1,381	0	0	1,381
	<b>Total Other Res:</b>	0	0	0	0	0	0	0	0	0	0	1,381	0	0	1,381
	<b>Total Revenue:</b>	4,603	12,691	150,092	540,556	715,538	767,172	332,760	36,395	17,549	13,158	14,391	8,868	59,312	1,727,202
<b>EXPENDITURES:</b>															
6000	<b>Expenditures:</b>														
6500	Debt Service														
6511	Bond Principal	0	0	0	0	0	0	295,000	0	0	0	0	0	460,000	755,000
6521	Interest on Bonds	0	0	0	0	0	0	523,284	0	0	0	0	0	517,384	1,040,669
6599	Other Debt Fees	0	0	500	0	0	0	0	400	0	0	0	0	0	900
	<b>Total Expenditures:</b>	0	0	500	0	0	0	818,284	400	0	0	0	0	977,384	1,796,569
	<b>ENDING BALANCE</b>	4,603	17,293	166,885	707,441	1,244,269	1,474,613	989,088	1,025,084	1,042,633	1,055,791	1,070,181	1,079,050	160,977	-69,367
<b>Total Approved Budget</b>															
<b>199, 240, 511</b>															
	<b>TOTAL REVENUE</b>	3,311,162	2,901,695	2,838,910	4,525,649	6,026,184	5,993,553	2,995,154	612,188	1,378,713	1,210,213	1,897,843	2,067,788	3,262,139	32,332,586
	<b>TOTAL EXP</b>	1,562,442	2,526,047	2,561,733	2,411,605	2,448,361	2,476,165	3,585,287	2,462,111	2,303,855	2,398,744	2,502,417	2,382,171	5,055,804	32,571,601
	<b>ENDING BALANCE</b>	1,748,719	2,124,367	2,401,544	4,515,589	7,231,100	8,032,977	7,442,844	5,592,921	4,667,780	3,479,249	2,874,675	2,560,292	766,627	

**Agenda Item Summary Sheet (4 B.1)**  
**Meeting Date: January 18, 2011**  
**Submitted by: Mark Pool, Superintendent**

## ***Action Required***

**Consent Agenda:** Approval of engagement of an audit firm to conduct the annual financial and compliance.  
**Business and Support Services**

**Summary**

At the regular meeting on January 18, 2011, the Board considered and tabled the agenda item to consider approval of Engagement of a Financial Auditor for the Fiscal Year Ending August 31, 2011.

The engagement letter from the audit firm of Belt, Harris, and Pechacek, LLLP, *Certified Public Accountants* offered two options—a one year engagement, or a three year engagement. The estimated cost of the options were as follows:

Option No. 1 for one year, the cost for the audit for the year ending August 31, 2011, would be approximately \$24,500; about a \$7,500 increase over this year.

If we choose Option No. 2 the cost of the audit would escalate over three years:

Year ended August 31, 2011 .....	\$19,500
Year ended August 31, 2012 .....	\$22,000
Year ended August 31, 2013 .....	\$24,500

If they do the CAFR option it will be an additional \$4,500.

The Board asked David Bright to talk with the audit firm of Belt, Harris, and Pechacek to see if they were willing to adjust their estimated costs. They responded with a new proposal that would reduce Option No. 1 by \$5,800; and Option No. 2 by \$2,300 for each year.

**ECISD Board Policy** CFC (LEGAL), ACCOUNTING: AUDITS

**Effective Date** August 31, 2011.

**Previous Board Action** The current letter of engagement with John R. Pechacek, *Certified Public Accountant*, was approved at regular meetings on January 19, 2010.

**Future Action Expected** Next action in January 2012 or January 2014.

**Background Information and Significant Issues**

According to state statute, the Board shall have the District’s fiscal accounts audited annually at District expense by a Texas certified or public accountant holding a permit from the State Board of Public Accountancy.

The TEA *Financial Accountability System Resource Guide* states that school districts should appoint an external auditor as far in advance as possible of the close of the school year to be audited. The process should consist of re-engaging the prior year auditor or seeking new auditors through the request-for-proposal process.

The *Texas Government Code* does not permit us to use competitive bids for professional services of licensed or registered certified public accountants. Contracts for these professional services must be made on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price.

The TEA *Financial Accountability System Resource Guide* provides a partial listing of factors which could influence the costs of a school district’s external audit that includes:

- The experience and professional qualifications of the auditor. The service to be rendered is professional in nature and should therefore reflect professional competency and knowledge of public school auditing. A school district should expect to pay accordingly.
- The timing of the contractual agreement. Delaying appointment of external auditors until after the close of the school year to be audited might increase the audit cost.
- The extent to which the auditor is able to rely upon the accounting system and the school district’s system of internal control.

The *FASRG* states that several factors besides price should be considered when selecting an external auditor. The experience of the proposer, the availability of the proposer’s staff with appropriate qualifications and the results of the proposer’s external quality control reviews are just a few.

**Fiscal Impact**

According to the terms of the Letter of Engagement, if we choose Option No. 1 the cost for the audit for the year ending August 31, 2011, would be approximately \$18,700; about a \$1,700 increase over this year.

If we choose Option No. 2 the cost of the audit will escalate over three years:

Year ended August 31, 2011 .....	\$17,200
Year ended August 31, 2012 .....	\$19,700
Year ended August 31, 2013 .....	\$22,200

If they do the CAFR option it will be an additional \$4,500.

<b>Student and Public Benefit</b>	Selection of a qualified public accounting firm to do the annual financial audit provides the public with assurances of the integrity of financial accounting for the District and the appropriate use of public funds.
<b>Procedural and Reporting Implications</b>	<p>An engagement letter is an a written agreement that is binding upon both the school district and public accounting firm. It is intended to set forth the terms for the current year's audit.</p> <p>The engagement letter should be an integral part of the auditor's working paper file and be attached to or referred to in the school district's board minutes concerning auditor selection.</p>
<b>Public Comments</b>	None.
<b>Alternatives</b>	Prepare a request for proposals and seek a new audit firm.
<b>Other Comments and Related Issues</b>	None
<b>Attachments</b>	<ul style="list-style-type: none"><li>• Copy of <i>Revised</i> Audit Engagement Letter from Belt Harris Pechacek, LLLP, <i>Certified Public Accountant</i>.</li></ul>
<b>Contact Person(s)</b>	David Bright, Assistant Superintendent of Finance and Operations
<b>Action Required</b>	Motion, second, and majority vote to take from the table and approve the Audit Engagement Letter.
<b>Superintendent's Recommendation</b>	<p>I recommend that the Board take from the table and approve the letter of engagement with Belt Harris Pechacek, LLLP, <i>Certified Public Accountant</i> as a part of the consent agenda.</p> <p><b>Mark Pool, Superintendent of Schools</b></p>



**Engagement Letter-  
Financial Statement and  
Single Audit**

January 20, 2011

Robert Mark Pool, Superintendent  
El Campo Independent School District  
700 W. Norris Street  
El Campo, Texas 77437-2499

We are pleased to confirm our understanding of the services we are to provide El Campo Independent School District (the "District") for the year ended August 31, 2011 (one-year term) or for the years ended August 31, 2011, 2012, and 2013 (three-year term) as specified by the district at the end of this letter. We will audit the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements, of the District as of and for the year ended August 31, 2011 (one-year term) or for the years August 31, 2011, 2012, and 2013 (three-year term) as specified by the district at the end of this letter.

Accounting standards generally accepted in the United States provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to accompany the District's basic financial statements.

As part of our engagement, we will apply certain limited procedures to the District's RSI. These limited procedures will consist principally of inquiries of management regarding the methods of measurement and presentation, which management is responsible for affirming to us in its representation letter. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis
2. Budgetary Comparison Schedules

We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and will provide an opinion on it in relation to the basic financial statements.

1. Schedule of Federal Expenditures and Awards

In addition to these services-

1. We will also provide routine advisory services through phone calls, conferences or otherwise in connection with incidental matters arising during the year. These costs would be absorbed in our estimated annual fee. We encourage open lines of communication throughout the year as part of our services.

**Partners**

Robert Belt, CPA  
Stephanie E. Harris, CPA  
Nathan Krupke, CPA

**Partner of Counsel**

John R. Pechacek, CPA

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BELT HARRIS PECHACEK, CPAs  
Providing Governmental & Nonprofit Audits Sealed with Excellence

2. We will draft the financial statements, including the Management's Discussion and Analysis with input from management.
3. We will print and bind the financial reports for the District, and provide an electronic PDF copy via email and/or CD of all reports.
4. We will handle normal correspondence from grantor, regulatory, or oversight agencies related to the audit.
5. We will perform procedures to comply with the Public Funds Investment Act (Chapter 2256 local government code).
6. We will make your annual financial report conveniently accessible on our website for affiliated organizations to view provided that they accept the legal disclaimer notification.

### **Audit Objectives**

The objective of our audit is the expression of an opinion as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the additional information referred to in the first paragraph when considered in relation to the financial statements taken as a whole. The objective also includes reporting on the following:

- Internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

The reports on internal control and compliance will each include a statement that the report is intended for the information and use of the audit committee, management, specific legislative or regulatory bodies, federal awarding agencies, and if applicable, pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

Our audit will be conducted in accordance with U.S. generally accepted auditing standards; generally accepted government auditing standards contained in the *Texas Education Agency Financial Accountability System Resource Guide*; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major program(s) in accordance with Circular A-133, and other procedures we consider necessary to enable us to express such an opinion and to render the required reports. If our opinion on the financial statements or the Single Audit compliance opinion is other than unqualified, we will fully discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed an opinion, we may decline to express an opinion or to issue a report as a result of this engagement.

### **Management Responsibilities**

Management is responsible for establishing and maintaining internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the District and the respective changes in financial position and, where applicable, cash flows in conformity with U.S. generally accepted accounting principles; and for federal award program compliance with applicable laws and regulations and the provisions of contracts and grant agreements. Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein.

You are responsible for management decisions and functions. As part of the audit, we will prepare a draft of your financial statements, schedule of expenditures of federal awards, and related notes. In accordance with *Government Auditing Standards*, you will be required to review and approve those financial statements prior to their issuance and have a responsibility to be in a position in fact and appearance to make an informed judgment on those financial statements. Further, you are required to designate a qualified management-level individual to be responsible and accountable for overseeing our services.

Management is responsible for making all financial records and related information available to us, including identifying significant vendor relationships in which the vendor has the responsibility for program compliance and for the accuracy and completeness of that information. Management's responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. The summary schedule of prior audit findings should be available for our review prior to the beginning of our audit fieldwork.

Management is responsible for establishment and maintenance of a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous audits of other engagements or studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits or other engagements or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, and the timing and format related thereto.

### **Audit Procedures—General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective Government Auditing Standards do not expect auditors to provide reasonable assurance of detecting abuse.

Because an audit is designed to provide reasonable, but not absolute assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that comes to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will also require certain written representations from you about the financial statements and related matters.

### **Audit Procedures—Internal Controls**

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by OMB Circular A-133, we will perform tests of controls to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under professional standards, *Government Auditing Standards* and OMB Circular A-133.

### **Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the District's compliance with applicable laws and regulations and the provisions of contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of test of transactions and other applicable procedures described in the *OMB Circular A-133 Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the District's major programs. The purpose of those procedures will be to express an opinion on the District's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

### **Audit Administration, Fees, and Other**

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any invoices selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of and sign the Data Collection Form that summarizes our audit findings. We will provide copies of our reports to the District; however, it is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and a corrective action plan) along with the Data Collection Form to the designated federal clearinghouse and, if appropriate, to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits. At the conclusion of the engagement, we will provide information to management as to where the reporting packages should be submitted and the number to submit.

The audit documentation for this engagement is the property of Belt Harris Pechacek, LLLP and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to Oversight Agency for Audit or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Robert Belt. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend or decide to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release or for any additional period requested by the Oversight Agency for Audit. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Fees for our services are based on the actual time spent at our standard hourly rates, plus travel and other out-of-pocket costs such as report production, typing, postage, etc. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. The time estimates used to project our fees are based on anticipated cooperation from your personnel and management fulfilling its responsibility, as discussed previously. Our time budget for this engagement does not include addressing matters related to managements' responsibilities, such as modifications to the District's financial information, additional procedures related to alleged noncompliance with laws and regulations and similar improprieties, the District's lack of preparation for the audit, and similar matters. Such time requirements have not been included in the estimate and would be billed in addition to the fees quoted at our standard hourly rates and actual costs incurred, including legal consultations, if necessary. We will notify the appropriate party when such conditions are encountered, such as identifying schedules not prepared, out-of-balance accounts, alleged violations, etc. When possible, we will provide management with options for alleviating the conditions. If it appears the item will not be addressed by the District, we may perform procedures to address incidental matters to facilitate timely completion of the audit. To the extent possible, we will obtain approval before performing additional work for matters considered significant to the original proposed fee. Due to the nature of our work, such approval may not always be possible (i.e., we may be legally compelled by subpoena or similar request to expend additional time and incur other expenses to handle matters arising from this engagement). As customary in the industry the price quoted is an estimate. In accordance with rules of the State Board of Public Accountancy we cannot be bound to provide the audit for the amount estimated. However, in practice we honor our fee quotes unless adverse conditions such as those described above are encountered. Our fee estimates for a one- year option and a three-year option of the audit of the District's financial statements is presented below.

	<u>Option 1</u>	<u>Option 2</u>		
	2011	2011	2012	2013
<b>Financial Audit (including up to 3 single audits)</b>	\$ 18,500	\$ 17,000	\$ 19,500	\$ 22,000
<b>Filing fee</b>	\$ 200	\$ 200	\$ 200	\$ 200
	<u>\$ 18,700</u>	<u>\$ 17,200</u>	<u>\$ 19,700</u>	<u>\$ 22,200</u>
<b>Additional Single Audits: &gt;3 will be \$2,000 each</b>	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000
<b>Additional: CAFR (not included above)</b>	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,500

Our invoices for these fees will be rendered each month as work progresses and are payable within 30 days. In accordance with our firm policies, work will be suspended if your account becomes 30 days or more overdue and will not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. This agreement and rights and responsibilities of this audit engagement are specifically assigned to Belt Harris Pechacek, LLLP. Notwithstanding anything contained in this engagement to the contrary, in the event no funds or insufficient funds are appropriated and budgeted or are otherwise unavailable in any fiscal period for fees due under this engagement agreement, the District will immediately notify us in writing of such occurrence and this agreement shall terminate on the last day of the fiscal period for which appropriations have been received or made.

*Government Auditing Standards* require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2009 peer review accompanies this letter.

**Dissemination of Electronic Copies of Report**

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on internet websites, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document or updated documents.

We currently provide an additional service to our clients by providing an electronic copy of all of the annual financial reports of the organizations we have audited on our website so they may be easily accessed. You are providing your organization's authorization for our firm to distribute your financial information in this format.

**Authorization of CPA's Disclosure**

Any client certified public accountant involved with assisting us shall not be prohibited from disclosure of information required to be made available by the standards of the public accounting profession in reporting on the examination of financial statements. Management understands and provides permission to staff certificate or registration holders as required under the Rules of Professional Conduct, Texas Administrative Code, Title 22, Part 22, Chapter 501, Subchapter C, Section 501.75.

We appreciate the opportunity to be of service to the District and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Sincerely,

**Belt Harris Pechacek, LLLP**  
*Certified Public Accountants*

Authorized by:



Robert Belt, CPA  
Managing Partner

RESPONSE:

This letter correctly sets forth the understanding of the El Campo Independent School District, and the District has elected a: (please check one term option below)

- One-year audit engagement
- Three-year audit engagement

\_\_\_\_\_  
Robert Mark Pool, Superintendent

\_\_\_\_\_  
Date

BUMGARDNER, MORRISON & COMPANY, L.L.P.

*BMC*

CERTIFIED PUBLIC ACCOUNTANTS

JOSEPH B. BUMGARDNER, CPA  
(1911-2002)  
JACK R. MORRISON, SR., CPA  
(1922-1997)

MEMBERS:  
AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS  
TEXAS SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS  
AICPA PRIVATE COMPANIES PRACTICE SECTION  
AICPA TAX DIVISION

JACK R. MORRISON, JR., CPA  
CHRISTOPHER E. KREJCI, CPA  
JEROME G. KOTZUR, CPA  
G. DENNIS SHAY, CPA, CFP®  
PAULA G. LESKE, CPA  
MICHAEL E. WENSKE, CPA

JACK C. FITZGERALD, CPA

October 29, 2009

**System Review Report**

To the Partners of Belt Harris & Associates, LLLP  
and the Peer Review Committee of the  
Texas Society of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Belt Harris & Associates, LLLP (the firm) in effect for the year ended June 30, 2009. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at [www.aicpa.org/prsummary](http://www.aicpa.org/prsummary).

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standards*.

In our opinion, the system of quality control for the accounting and auditing practice of Belt Harris & Associates, LLLP in effect for the year ended June 30, 2009, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency (ies)* or *fail*. Belt Harris & Associates, LLLP has received a peer review rating of *pass*.

*Bumgardner, Morrison + Company, LLP*

**Agenda Item Summary Sheet (4 B.2)**  
**Meeting Date: February 22, 2011**  
**Submitted by: Mark Pool, Superintendent**

## ***Information Only***

**Consent Agenda  
Business and Support  
Services**

Review of Invoices from RWS Architects, Inc.

**Summary**

Although payments to RWS Architects, Inc. are in accordance with their contract with the district, applications for payment are presented for review each month as a part of the Consent Agenda.

**Application for Payment No. 1 – El Campo High School Auditorium Renovations, Phase I**

Invoice No. 7860 dated January 10, 2011, is for \$6,562.50. This amount is for basic professional services through 100% completion of the Schematic Design and Design Development Phases.

**Application for Payment No. 2 – Demolition of Old Middle School**

Invoice No. 7864 dated January 21, 2011, is for \$18,146.28. Since all proposals for this project were rejected the services performed are being billed on an hourly basis rather than a percentage of construction costs. This amount is for basic professional services through 100% completion of Construction Documents Phase plus a reimbursable to HTS, Inc. for engineering services.

**Application for Payment No.21 – El Campo High School Ag Shop Renovations**

Invoice No. 7865 dated January 26, 2011, is for \$1,500. This amount is for mechanical engineer consulting services through December 8, 2010.

**ECISD Board Policy**

CH (LOCAL) PURCHASING AND ACQUISITION, PURCHASING AUTHORITY

**Effective Date**

February 22, 2011.

**Previous Board Action**

On November 20, 2007, the Board approved RWS Architects, Inc. as the design firm for the El Campo High School Addition and Renovations to Existing Science Building. Contract negotiations between ECISD and RWS Architects began, and the district's attorney authorized the superintendent to sign the contract on November 30, 2007.

Language in this contract provides for RWS to do miscellaneous projects for the district. Current projects are being done under that contract provision.

Applications for Payment are in accordance with Article 11.2 of this contract between the owner and the architect.

**Future Action Expected**

The Board will review Applications for Payment from RWS Architects as a part of the Consent Agenda each month throughout the duration of the construction projects.

**Background Information and Significant Issues**

**El Campo High School Auditorium Renovations, Phase I**

The High School Auditorium Renovations, Phase I, is 35% complete.

RWS has earned 35% of their fee for this project, which is estimated to be \$18,750 (7.5% of the Construction Cost).

**Payment Recap for HS Auditorium Renovations, Phase I**

Date Submitted	Application for Payment No.	Invoice No.	Amount	Earned to Date	Balance to Finish
<b>Fee at 7.5% of Construction Costs</b>					<b>\$18,750.00</b>
1/10/11	1	7860	\$6,562.50	\$6,562.50	\$12,187.50

**Demolition of Old Middle School**

Since the Board rejected all proposals for the demolition of the old middle school professionals services rendered by RWS Architects were invoiced on an hourly basis rather than percentage of project construction costs.

**Payment Recap for HS Auditorium Renovations, Phase I**

Date Submitted	Application for Payment No.	Invoice No.	Amount	Earned to Date	Balance to Finish
1/21/11	2	7864	\$18,023.28	\$18,023.28	

**Recap of Reimbursable Expenses Paid for Demolition of Old Middle School**

Date	Application for Payment No.	Invoice No.	Amount	Paid to Date
11/18/10	1	7849	\$433.02	\$433.02
1/21/11	2	7864	\$123.00	\$556.02

**High School Ag Shop Renovations**

Engineering and design consulting services for High School Ag Shop Renovations are billed on an hourly basis.

<b>Student and Public Benefit</b>	Monthly review of the Applications for Payment from the district's architect insures accounting transparency for the public on these projects.
<b>Procedural and Reporting Implications</b>	None.
<b>Public Comments</b>	None.
<b>Alternatives</b>	None.
<b>Other Comments and Related Issues</b>	None.
<b>Attachments</b>	<ul style="list-style-type: none"> <li>• Application for Payment No. 1 for El Campo High School Auditorium Renovations, Phase I</li> <li>• Application for Payment No. 2 for Demolition of Old Middle School</li> <li>• Application for Payment No. 2 for El Campo High School Ag Shop Renovations</li> </ul>
<b>Contact Person(s)</b>	David Bright, Assistance Superintendent of Finance and Operations
<b>Action Required</b>	None.
<b>Superintendent's Recommendation</b>	No action required. <b>Mark Pool, Superintendent of Schools</b>

# RWS Architects Invoice

To: **El Campo ISD**  
 700 West Norris Street  
 El Campo, Texas 77437  
 Attention: **Mr. Mark Pool, Superintendent**  
 Project: **El Campo High School**  
**Auditorium Renovations, Phase I**  
 Project No.: 1055

Date: January 10, 2011  
 Invoice No.: 7860  
 RWS Application for Payment No.: 1  
 Fee Basis: 7.5% of Final Construction Cost  
 Const Budget: \$250,000 x 7.5% = \$18,750  
 Your Purchase Order:

There is due at this time for professional services and/or reimbursable items on the above Project, the sum of:

**Six Thousand Five Hundred Sixty Two & 50/100 Dollars** **\$6,562.50**

The amount of the invoice is calculated as follows:

**For Professional Services through 100% Completion of Schematic Design and Design Development Phases**

Estimated Construction Cost.....	\$250,000.00
Fee % .....	<u>7.5%</u>
Fee .....	\$ 18,750.00
Percent Complete .....	<u>x 35.0%</u>
Fee Earned .....	\$ 6,562.50
Less Previous Payment .....	<u>0.00</u>
<b>TOTAL AMOUNT DUE THIS INVOICE .....</b>	<b><u>\$ 6,562.50</u></b>

**THANK YOU**

	<u>Percentage of Total Fee By Phase</u>	<u>Degree of Completion of Phase</u>	<u>Percentage of Total Fee Earned</u>
SD	15%	100%	15%
DD	20%	100%	20%
CD	40%	0%	0%
Bidding	5%	0%	0%
Construction	<u>20%</u>	0%	<u>0%</u>
	100%		35%

*REVIEWED*  
*Mark Pool*  
*02/18/2011*

Payable at the offices of:

# RWS Invoice

## ARCHITECTS

To: **El Campo ISD**  
700 West Norris Street  
El Campo, Texas 77437  
Attention: **Mr. Mark Pool, Superintendent**  
Project: **Demolition of Old El Campo Middle School**  
Project No.: 1056

Date: January 21, 2011  
Invoice No.: 7864  
RWS Application for Payment No.: 2  
Fee Basis: Hourly Rate  
Your Purchase Order:

There is due at this time for professional services and/or reimbursable items on the above Project, the sum of:

**Eighteen Thousand One Hundred Forty Six & 28/100 Dollars** **\$18,146.28**

The amount of the invoice is calculated as follows:

### For Professional Services through 100% Completion of Construction Documents Phase

Gin W. Eng	37.0 hours x \$198.20/hour .....	\$ 7,333.40
John S. Robertson	47.5 hours x \$198.20/hour .....	\$ 9,414.50
Malcolm C. Gaus	3.5 hours x \$58.39/hour x 2.5 .....	\$ 510.91
Cesia C. Kite	0.5 hours x \$29.85/hour x 2.5 .....	\$ 37.31
Jonathan M. West	1.5 hours x \$21.39/hour x 2.5 .....	\$ 80.21
Dolly DeBray	6.0 hours x \$43.13/hour x 2.5 .....	\$ 646.95

**TOTAL ARCHITECT'S SERVICES.....\$18,023.28**

### REIMBURSABLES

HTS, Inc. Invoice 10293 dated 10/29/10 (see RWS Check No. 6463).....\$123.00

**TOTAL AMOUNT DUE THIS INVOICE .....\$18,146.28**

THANK YOU

*REVIEWED*  
*Mark Pool*  
*02/18/2011*

Payable at the offices of:

# RWS ARCHITECTS

RWS ARCHITECTS INCORPORATED  
3100 TIMMONS LN S. # 410  
HOUSTON, TX 77027-5960

WELLS FARGO BANK, N.A.  
www.wellsfargo.com  
37-65/1119

6434

January 12, 2011

PAY TO THE ORDER OF HTS, INC.

\$ \$123.00

One Hundred Twenty Three ----- 00 / 100

DOLLARS

HTS INC.  
416 PICKERING STREET  
HOUSTON, TEXAS 77091

MEMO INV#10293

  
AUTHORIZED SIGNATURE

⑈0000006434⑈ ⑆111900659⑆ 6885036993⑈

RWS ARCHITECTS INCORPORATED

6434

HTS, INC.

January 12, 2011

\$123.00

INV#10293

RWS ARCHITECTS INCORPORATED

6434

HTS, INC.

January 12, 2011

\$123.00

INV#10293

Details on Back Security Features Included

**HTS, Inc. Consultants**  
 416 Pickering Street, Houston, TX 77091  
 www.htshouston.com

Phone 713-692-8373  
 Fax 713-692-8502  
 Toll Free 1-800-692-TEST

RECEIVED  
 DEC 13 2010



Excellence in Engineering, Consulting, Testing and Inspection

RWS ARCHITECTS

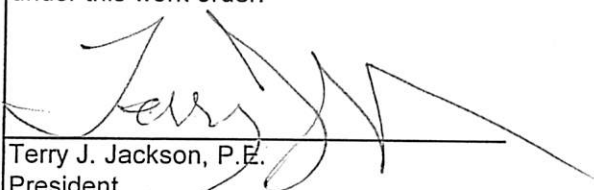
**INVOICE NO. 10293**

TO: RWS Architects, Inc.  
 3100 Timmons Lane, Suite 410  
 Houston, Texas 77027

Invoice Date 10/29/10	RWS Project No. 1056
--------------------------	-------------------------

PROJECT: Site Preparation Specifications  
 Demolition of Old El Campo Middle School  
 1401 MLK Boulevard  
 El Campo, Texas

ATTN: Mr. John S. Robertson, AIA

QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
		HTS Project No. 10-S-319B		
1	hr.	<u>Engineering analysis and letter preparation (1)</u> Senior engineer, P.E.	\$123.00	\$123.00
		<b>TOTAL</b>		<b>\$123.00</b>
		NOTES: (1) See HTS letter dated 11/29/10.		
		<u>Invoice Summary</u> Invoice No. 10293 dated 11/30/10 <span style="float: right;">\$123.00</span> Total amount invoiced <span style="float: right;">\$123.00</span>		
		I certify that the above hours and expenses were incurred under this work order.		
		 Terry J. Jackson, P.E. President		

10-319B

TERMS: NET 30 DAYS





*Excellence in Engineering, Consulting, Testing and Inspection*

**November 29, 2010**

**RWS Architects, Inc.  
3100 Timmons Lane, Suite 410  
Houston, TX 77027**

**Attn: John S. Robertson, AIA**

**Re: Site Preparation Specifications  
Demolition of Old El Campo Middle School  
1401 MLK Boulevard  
El Campo, Texas  
RWS Project No. 1056**

**HTS Project No.: 10-S-319B**

**Dear Mr. Robertson:**

**It is our understanding that the existing middle school will be demolished to make room for new construction.**

**Provided herein are the "Site Preparation" recommendations for the referenced project.**

**Site Preparation Recommendations Where Foundation Piers Are Cut Off and Underground Utilities are Removed**

**Site preparation within the location of the proposed demolition areas should be performed in accordance with the following recommendations.**

- **Cut existing drilled piers off at a depth of 3 feet, remove underground utilities, and remove all demolition debris. Clean soils free of deleterious materials, removed to access the piers or underground utilities, should be stockpiled for later use.**
- **After demolition activities are complete, place properly compacted fill to the final grade elevations established by the Architect. Stockpiled soils may be used as fill unless otherwise directed by the Architect. Fill soils should be placed in maximum lifts of 8 inches of loose material and compacted to at least 95% of the maximum dry density at  $\pm$  2% of the optimum moisture content as determined by ASTM D 698. If water must be added, it should be uniformly applied and thoroughly mixed into the soil by discing or scarifying. Each lift of compacted fill should be tested by a representative of the owner prior to placement of subsequent lifts. Select fill materials may be used in lieu of on-site stockpiled soils. Select fill should consist of a clayey sand or inactive lean clay that is**

free of organic or other deleterious materials, and have a liquid limit not greater than 35 and a plasticity index between 8 and 20. Select fill should be placed in lifts to a thickness designated by the Architect.

Depending on weather conditions, difficulty may be encountered in adequately densifying/compacting the surficial soils. If the surficial soils are unsuitably wet, excess pore pressures ("pumping") may develop and excess displacement of the subgrade soils may occur during site preparation. If the site subgrade soils become unsuitably wet, the construction contractor should:

- dry the soils to within  $\pm 2\%$  of the optimum moisture content by discing the unsuitably wet soils,
- dry the soils by blending a stabilizing agent (lime or fly ash) with the unsuitably wet soil, or
- remove the unsuitably wet soils and replace the wet soil with select fill having an acceptable moisture content.

It has been a pleasure being of service to you on this project. Should you have any questions or require additional information, please do not hesitate to call.

Sincerely,

HTS, Inc. Consultants



Terry J. Jackson, P.E.  
President



HTS, Inc. Consultants  
F-3478

TJJ:cg

h:word/2010/300-349/10-319B

# RWS Invoice

ARCHITECTS

To: **El Campo ISD**  
700 West Norris Street  
El Campo, Texas 77437  
Attention: **Mr. Mark Pool, Superintendent**  
Project: **El Campo High School**  
**Ag Shop Renovations**  
Project No.: 1052

Date: January 26, 2011  
Invoice No.: 7865  
RWS Application for Payment No.: 2  
Fee Basis: Hourly Rate Basis  
Your Purchase Order:

There is due at this time for professional services and/or reimbursable items on the above Project, the sum of:

**One Thousand Five Hundred & No/100 Dollars** **\$1,500.00**

The amount of the invoice is calculated as follows:

**Consultant's Services – through December 8, 2010**

15.0 hours registered engineer x \$100.00/hour ..... \$1,500.00  
(See attached JSE Consulting Engineers, Inc. Invoice 10-106 dated 12/8/2010)

-----  
**TOTAL AMOUNT DUE THIS INVOICE ..... \$1,500.00**

THANK YOU

*REVIEWED*  
*Mark Pool*  
*02/18/2011*

Payable at the offices of:



16225 Park Ten Place  
Suite 810  
Houston, TX 77084  
Tel. 281.945.4545  
Fax. 281.945.4549

RECEIVED  
DEC 13 2010  
RWS ARCHITECTS

# Invoice

Date	Invoice #
12/8/2010	10-106

<b>Bill To</b>
RWS Architects Attn: Mr. Malcolm Gaus 3100 Timmons Lane, Suite 410 Houston, TX 77027

<b>Project</b>
El Campo Ag Shop

Description	Amount
15 Hours Registered Engineer x \$100/hr = \$1,500	1,500.00
<b>Total Due</b> \$1,500.00	

1052

**Agenda Item Summary Sheet (4 D.2)**  
**Meeting Date: February 22, 2011**  
**Submitted by: Mark Pool, Superintendent**

## ***Information Only***

<b>Consent Agenda: Curriculum and Instruction</b>	Review Administrative Regulation EKB, Testing Programs
<b>Summary</b>	<p>District policy EKB (LEGAL) states that procedures for maintaining security and the confidential integrity of a test shall be specified in the appropriate test administration materials. The State Testing Administration Manual states that Districts are required to develop a policy for cell phone use that serves their needs while preserving the security and confidentiality of the testing program. To fulfill this requirement we developed and issued EKB (REGULATION) on February 26, 2010.</p> <p>This regulation is being revised to include "other electronic devices." The revision also requires students to sign an Electronic Device/Cell Phone Compliance Policy prior to each tests administration; and clarifies the action to be taken as consequences for not following the regulation.</p>
<b>ECISD Board Policy</b>	EKB (LEGAL), TESTING PROGRAM
<b>Effective Date</b>	February 22, 2011
<b>Previous Board Action</b>	The Board previously reviewed the administrative regulation.
<b>Future Action Expected</b>	The Board will review any future changes to the administrative regulation.
<b>Background Information and Significant Issues</b>	None.
<b>Fiscal Impact</b>	Unknown.
<b>Student and Public Benefit</b>	Security measures help to maintain the integrity of the state testing program.
<b>Procedural and Reporting Implications</b>	None.
<b>Public Comments</b>	None.

<b>Alternatives</b>	None
<b>Other Comments and Related Issues</b>	None
<b>Attachments</b>	<ul style="list-style-type: none"> <li>• Administrative Regulation EKB (REGULATION), TESTING PROGRAMS</li> </ul>
<b>Contact Person(s)</b>	<p>Carolyn Gordon, Assistant Superintendent of Curriculum and Instruction</p> <p>Tana Martin, District Assessment Facilitator</p>
<b>Action Required</b>	No action required. The Board only reviews administrative regulations.
<b>Superintendent's Recommendation</b>	<p>Information item only.</p> <p><b>Mark Pool, Superintendent of Schools</b></p>

## ADMINISTRATION

Policy EKB (LEGAL) states that the District shall follow the test administration procedures established by TEA in the applicable test administration materials. The Superintendent shall be responsible for:

- Administering tests;
- Maintaining the integrity of the test administration process; and
- Ensuring that every test administrator receives at least annual training in these procedures as provided by TEA through the education service centers.

## SECURITY

Policy EKB (LEGAL) states that procedures for maintaining security and the confidential integrity of a test shall be specified in the appropriate test administration materials.

The State Testing Administration Manual states that Districts are required to develop a policy for cell phone use that serves their needs while preserving the security and confidentiality of the testing program. This Administrative Regulation serves as that policy.

CELL PHONES AND  
OTHER ELECTRONIC  
DEVICES

The use of cell phones and other electronic devices during testing is not permitted for the following reasons:

- Making or receiving calls disrupts the testing environment by disturbing other students.
- Making or receiving calls could compromise the confidentiality of the test.
- The text messaging, camera features and internet capability of cell phones and other electronic devices could be used to compromise the security and confidentiality of the test.

## PROCEDURES

The following procedures apply to possession and use of cell phones and other electronic devices during the administration of local benchmark assessments or any state assessment:

- Campus principals will notify parents, prior to each testing period, through the normal means of parent notification (notes home, telephone messaging system, etc.) that they are encouraged to have their children to not bring their cell phones or other electronic devices to school on the designated testing dates.

- For students who do bring their cell phones or other electronic devices to school on designated testing dates, teachers are required to collect them and secure them during the time period the test is being administered. Students will be asked to sign an Electronic Device/Cell Phone Compliance Policy prior to each test administration.

## PENALTIES

Policy EKB (LEGAL) states that any person who violates, assists in the violation of, or solicits another to violate or assist in the violation of test security or confidential integrity, and any person who fails to report such a violation are subject to penalties.

- Students who fail to adhere to the procedures outlined in this administrative regulation are subject to three days in in-school suspension.
- Any irregularities in test security or confidential integrity may also result in the invalidation (Score Code "O") of students' results.
- Professionals who fail to adhere to the procedures outlined in this administrative regulation are subject to one or more of the following penalties:
  1. Formal, written reprimand;
  2. Proposed contract nonrenewal. (Note: One of the reasons in for proposed nonrenewal of term contracts in Policy DFBB (LOCAL) is the failure to comply with Board policies or administrative regulations.);
  3. Placement of restrictions on the issuance, renewal, or holding of a Texas teacher certificate, either indefinitely or for a set term;
  4. Issuance of an inscribed or non-inscribed reprimand;
  5. Suspension of a Texas teacher certificate for a set term; or
  6. Revocation or cancellation of a Texas teacher certificate without opportunity for reapplication for a set term or permanently.

Note: For items 3 – 6 refer to Policy EKB (LEGAL),  
TESTING PROGRAMS: STATE ASSESSMENT -  
PENALTIES

DRAFT

**Agenda Item Summary Sheet (4 D.1)**  
**Meeting Date: February 22, 2011**  
**Submitted by: Mark Pool, Superintendent**

## ***Information Only***

**Consent Agenda:** No Child Left Behind School Report Card  
**Curriculum and Instruction**

**Summary**

The No Child Left Behind Act requires each school district that receives federal Title I, Part A funding to disseminate specific district and campus level data. The data has to be made available to all district campuses and parents of all enrolled students. The district must also make the information widely available through public means such as posting on the internet, distribution to the media, or distribution through public agencies.

To facilitate this federal requirement the Texas Education Agency has developed the Texas NCLB Report Card, an internet-based system to generate the campus, district, and state-level reports that meet the specific federal reporting requirement.

**ECISD Board Policy** None.

**Effective Date** FEBRUARY 22, 2011.

**Previous Board Action** None.

**Future Action Expected** None.

**Background Information and Significant Issues**

No later than March 1, 2011, each district must distribute its district and campus-level reports to all of its campuses, send notifications about these reports to parents of all enrolled students, and make the reports available through public means.

The NCLB report Card requirements are separate from the 2009-2010 Academic Excellence Indicator System (AEIS) report and the 2009-2010 School Report Cards public reporting responsibilities. State reporting requirements for the AEIS and SRC have not changed and districts must continue to follow the guidelines provided for dissemination of these reports. Federal requirements are met by distribution of the Texas NCLB Report Card by the March 1<sup>st</sup> deadline.

The Division of NCLB Program Coordination will conduct a random validation to ensure the report card data are disseminated as required by the State.

<b>Fiscal Impact</b>	Time and effort of administrative staff members required to prepare and post the Texas NCLB Report Card.
<b>Student and Public Benefit</b>	Another means for the public to monitor the district's performance.
<b>Procedural and Reporting Implications</b>	Parents must be notified and the district and campus reports are posted on the district and campus web pages.
<b>Public Comments</b>	None.
<b>Alternatives</b>	None.
<b>Other Comments and Related Issues</b>	None.
<b>Attachments</b>	<ul style="list-style-type: none"> <li>• pdf downloads for each of the reports can be accessed through the following links:  EI Campo ISD Home Page / District Reports and Plans / NCLB Report Card</li> </ul>
<b>Contact Person(s)</b>	Carolyn Gordon, Assistant Superintendent of Curriculum and Instruction
<b>Action Required</b>	No action required.
<b>Superintendent's Recommendation</b>	This is an information item for review only. <b>Mark Pool, Superintendent of Schools</b>

**Agenda Item Summary Sheet (4 D.3)**  
**Meeting Date: February 22, 2011**  
**Submitted by: Mark Pool, Superintendent**

## ***Information Only***

**Consent Agenda:** Performance Based Monitoring Discipline Data Validation Report  
**Curriculum and Instruction**

**Summary** House Bill 3459, 78<sup>th</sup> Regular Legislative Session, significantly revised the scope of school district monitoring. The system is referenced as the Performance-Based Monitoring (PBM) system. The system relies on the evaluation of performance and program effectiveness data at the state level. Therefore, one important aspect of TEA's PBM system is data validation monitoring. Districts and charter schools are subject to additional data analysis, including random audits, as necessary to ensure the accuracy of data submitted to the agency.

**ECISD Board Policy** None.

**Effective Date** FEBRUARY 22, 2011.

**Previous Board Action** None.

**Future Action Expected** None.

**Background Information and Significant Issues** We recently had to submit a PDM Discipline Data Validation Report. The report was required because we reported more than five discretionary disciplinary alternative education placements for African American Students. We actually reported six discretionary placements of African American students. In preparing the data validation report we discovered that one of the six was actually a coding area. That student had been coded as a discretionary placement, when in reality it was a mandatory placement.

**Fiscal Impact** Time and effort of administrative staff members required to research, prepare and submit the Discipline Data Validation Report.

**Student and Public Benefit** None.

**Procedural and Reporting Implications** Discipline Data Validation Report submitted to the Texas Education Agency.

<b>Public Comments</b>	None.
<b>Alternatives</b>	None.
<b>Other Comments and Related Issues</b>	None.
<b>Attachments</b>	<ul style="list-style-type: none"> <li>• 2010-2011 Data Validation Monitoring System for Student Discipline Records, Continuous Improvement Plan / Corrective Action Plan</li> </ul>
<b>Contact Person(s)</b>	Carolyn Gordon, Assistant Superintendent of Curriculum and Instruction
<b>Action Required</b>	No action required.
<b>Superintendent's Recommendation</b>	<p>This is an information item for review only.</p> <p><b>Mark Pool, Superintendent of Schools</b></p>

**2010-2011  
Data Validation Monitoring (DVM) System for Student Discipline Records  
Continuous Improvement Plan (CIP)/Corrective Action Plan (CAP)**

LEA Name:	El Campo	CDN:	241-903	Submission Date:		2/19/2011	Date Findings were Presented to the Board of Trustees in Accordance with TEC §7.028(b):	2/18/2011
Indicator Description	Area of Concern	Components	Corrective Actions/Improvement Activities <i>(See tab titled "Considerations for CIP_CAP")</i>	Start Date	Projected Completion Date	Resources Required and Person(s) Responsible	Evidence of Implementation	Evidence of Impact
African American discretionary DAEP placements	behavior_management_plans	discipline management plan	Ensure all teachers and administrators are applying the Student Code of Conduct consistently, fairly and equitably.	8/1/2010 on-going	6/3/2011	Campus Administration and teachers	Monitor discipline referrals and the consequences to ensure fairness	Equitable placement of students
African American discretionary DAEP placements	behavior_management_plans	discipline management plan	Generate list and track African American students that demonstrate persistent misbehavior.	9/1/2010	9/22/2010	PEIMS Clerk, Assistant Principals, RTI Discipline Representative	Generated list, scheduled monitoring dates and up-dated list	Decrease in African American Discretionary DAEP placements
African American discretionary DAEP placements	behavior_management_plans	discipline management plan	Assign a mentor from the Positive Behavior Team to each targeted African American student. Schedule meetings and monitor progress.	9/1/2010 on-going	9/1/2010	Positive Behavior Team Members and African American Students	List of students and mentors, schedule of dates and up-dated list	Decrease in African American Discretionary DAEP placements
African American discretionary DAEP placements	behavior_management_plans	discipline management plan	Inform and involve parents/guardians to keep them abreast of students progress.	9/1/2010 on-going	6/3/2011	Mentors and Campus Administrators	Parent communication documentation	Decrease in African American Discretionary DAEP placements and increase in parental involvement
African American discretionary DAEP placements	behavior_management_plans	discipline management plan	Implement and monitor research based positive interventions to targeted African American students.	10/1/2010 monitor every 6 to 9 weeks	6/3/2011	Mentors and RTI Campus Coordinator	RTI Documentation Plan and up-dated RTI Plan	Increase in appropriate positive behavior
African American discretionary DAEP placements	behavior_management_plans	discipline management plan	Provide opportunities for staff to study the research and discuss instructional practices that are more engaging for African American students.	8/19/2010	on-going	Central Office, Campus Administrators and Teachers	Scheduled dates	Increase in knowledge and appreciation of the African American culture.
African American discretionary DAEP placements	behavior_management_plans	discipline management plan	Provide incentives for targeted African American students who met the designated goal set by student and mentor.	10/1/2010 monitor every 6 to 9 weeks	on-going	Mentors and Campus Administrators	Incentives provided	Decrease in African American Discretionary DAEP placements
African American discretionary DAEP placements	behavior_management_plans	discipline management plan	Conduct a comprehensive needs assessment.	8/23/2010	6/3/2011	Core Analysis Team members	Agenda, Sign in sheets, minutes	Decrease in African American Discretionary DAEP placements
African American discretionary DAEP placements	data_quality	discipline action code determination	Monitor 425 reports once every 6 weeks to ensure data integrity.	10/1/2011	on-going	District Discipline PEIMS Coordinator, Campus PEIMS Clerk and Campus Administrators	425 Report each 6 weeks	100% accuracy of data input
African American discretionary DAEP placements	data_quality	discipline action code determination	Conduct a comprehensive needs assessment.	10/1/2010	on-going	Campus Administration	425 Report each 6 weeks	100% accuracy of data input

**Agenda Item Summary Sheet (5 A)**  
**Meeting Date: February 22, 2011**  
**Submitted by: Mark Pool, Superintendent**

## ***Discussion Item***

<b>Business and Operations</b>	Request by Nancy Reyes to address the Board Regarding Usage of Ricebird Stadium.
<b>Summary</b>	<p>Nancy Reyes, who is a co-owner and secretary of the Redhawks Amateur Football Team has requested to be placed on the agenda to discuss the usage of Ricebird Stadium for the team's home games.</p> <p>Because of the timing of our board meetings we allowed the Redhawks to use the facility under our standard rental agreement for their first game ON February 19th. However, since this is a "for profit" organization I wanted the Board to grant their approval before we authorized a long-term rental agreement.</p>
<b>ECISD Board Policy</b>	GKD (LOCAL), COMMUNITY RELATIONS: NONSCHOOL USE OF SCHOOL FACILITIES
<b>Effective Date</b>	February 22, 2011
<b>Previous Board Action</b>	Representatives of the Redhawks Amateur Football Organization addressed the Board in open forum at the regular meeting in January.
<b>Future Action Expected</b>	None.
<b>Background Information and Significant Issues</b>	<p>According to district policy GKD (LOCAL) the District shall permit nonschool use of designated District facilities for educational, recreational, civic, or social activities when these activities do not conflict with school use. The District shall permit individuals and for-profit organizations to use its facilities for financial gain when these activities do not conflict with school use or district policy,</p> <p>The Athletic Director is authorized to approve use of District athletic facilities.</p> <p>According to policy the District shall permit repeated use by any group or organization for nonschool purposes for no longer than one year. Any organization approved for nonschool use of District facilities shall be required to complete a written agreement indicating receipt and understanding of the district's policy and any applicable administrative regulations, and acknowledging that the District is not liable for any personal</p>

injury or damages to personal property related to nonschool use.

Nonschool users shall be charged a fee for the use of designated facilities based on a schedule that is developed and published by the Assistant Superintendent of Finance and Operations. The fee is based on the cost of the physical operation of the facilities, as well as any applicable personnel costs for supervisions, custodial services, food services, security, and technology services.

Finally, the policy addresses required conduct. Persons using school facilities shall:

1. Conduct business in an orderly manner.
2. Abide by laws and policies, including but not limited to those prohibiting use, sale, or possession of alcoholic beverages, illegal drugs, and firearms, and use of tobacco products on school property.
3. Make no alteration, temporary or permanent, to school property without prior written consent from the Superintendent.

All groups using school facilities shall be responsible for the cost of repairing any damages incurred during use and shall be required to indemnify the District for the cost of any such repairs.

<b>Fiscal Impact</b>	\$625 per game of which \$200 goes to the City for police security
<b>Student and Public Benefit</b>	Entertainment value for the community.
<b>Procedural and Reporting Implications</b>	None.
<b>Public Comments</b>	Public comment will be by representatives of the Redhawks Amateur Football Organization.
<b>Alternatives</b>	None.
<b>Other Comments and Related Issues</b>	None.
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Copy of Nancy Reyes' request to address the Board.</li><li>2. Copy of El Campo Redhawks Home Game Schedule</li></ol>
<b>Contact Person(s)</b>	David Bright, Assistant Superintendent of Finance and Operations Bob Gillis, Director of Athletics

**Action Required**

None.

**Superintendent's  
Recommendation**

This is a discussion item only.

**Mark Pool, Superintendent of Schools**

EXHIBIT F

REQUEST FOR PLACEMENT OF AN ITEM ON THE AGENDA

I wish to address the Board of Trustees at the next scheduled meeting of the Board and request that this presentation be placed on the agenda for that meeting.

Subject of presentation; give brief description:

Usage of the Ricebird Stadium for a amateur football home games

The presentation will include discussion of specific District personnel.

[ ] YES [x] NO

The presentation will include discussion of discipline of a specific student.

[ ] YES [x] NO

I understand that the following rules apply:

1. All appropriate administrative remedies must be exhausted before any complaint is brought before the Board; this is not the form to use when presenting a complaint unless the concern or complaint directly pertains to the Board's own actions or policy, for which there is no administrative remedy. [See DGBA, FNG, and GF, as appropriate]
2. Only the items appearing on the posted agenda may be discussed with the Board.
3. All presentations will be limited to 5 minutes unless additional time is allotted by the presiding officer.
4. Matters involving specific employees or discipline of a specific student will be discussed in closed meeting unless the right to a closed meeting is waived by the employee or by the student or his or her parent or guardian.
5. The deadline for submitting items for inclusion on the agenda is noon of the 5th day before regular meetings and noon of the 3rd day before special meetings, in accordance with policy BE(LOCAL).

Name of person making request Nancy Reyes - El Campo Redhawks

Position of person making request (e.g., Trustee, employee, citizen) co-owner/secretary

Address 852 CR 310

Daytime telephone number 979 618-9266

Signature Nancy Reyes

Date 1/19/11

heads of the Ricobind Stadium for a venture  
football home games

v  
v

Navon Keres - El Compo Restaurants  
General Manager

222 65 810  
P.O. Box 818-830  
Navon Keres  
1/18/11

## ***El Campo Redhawks***

### ***Home game schedule:***

***2/19/2011 - vs Knights (Kingsville)***

***2/26/2011 - vs Seahawks (Port Lavaca)***

***3/5/2011 - vs Gunslingers (San Antonio)***

***3/12/2011 - vs Broncos (Bay City)***

***4/2/2011 - vs Texans (Victoria)***

***4/9/2011 - vs Vipers (Brazos)***

*Nancy Reyes*  
*979-618-9266*

**Agenda Item Summary Sheet (5 B)**  
**Meeting Date: February 22, 2011**  
**Submitted by: Mark Pool, Superintendent**

## ***Discussion Item***

**Business and Operations**      Discuss Proposal to Contract Custodial Services.

**Summary**

We have a proposal that has been submitted by SSC Service Solutions to provide custodial services for the district. SSC Service Solutions is a nationwide facility support company and a member of the Compass Group, PLC.

SSC Service Solutions has been in business since 1969 as a company that provides nationwide, full service custodial and facility maintenance support for K-12 schools. They have \$66 million in annual sales with a 20% organic growth annually.

SSC Service Solutions services over 80 education accounts in 11 states, and employees over 4,000 people. Their customer retention rate is 95%.

SSS has proven quality control methods and programs that includes custodial training for hourly employees. Their upper level management has a 20 year average tenure with the company, and they are number one in the industry n dollars spent on management training programs.

SSC has strong financial backing as a member of the Compass Group, which is the world's largest food and facility support provider.

**ECISD Board Policy**      CLB (LEGAL), BUILDINGS, GROUNDS, AND EQUIPMENT MAINTENANCE

**Effective Date**      February 22, 2011

**Previous Board Action**      None.

**Future Action Expected**      The Board may be asked to consider this as an action item at a future board meeting.

**Background Information and Significant Issues**      SSC Service Solutions had a survey team to conduct an on-site visit to note the general condition, the age, the types of wall and floor coverings, and the layout of each building in the district. Each building was then work-loaded using a formula that has been developed over 40 years of cleaning schools. Time was assigned to each room and hallway to meet the daily, weekly, and monthly requirements. Finally, time was allotted for periodic

work such as summer and winter clean-ups. These numbers were then compared to the company's historical data as well as the industry standard to calculate the best value staffing.

It is the intent of SSC Service Solutions to provide a strong management infrastructure and support system for the district. To accomplish this goal, SSC Service Solutions will provide the following local and regional management support:

- Senior Regional Manager – John Lane, Austin
- Regional Manager – Jeremy Haney, Victoria
- Contract Manager – the SSC Contract Manager will have previous experience in the K-12 school environment. While our local manager may initially be relocated to our area from another K-12 account, the ultimate goal is to identify and groom a strong candidate from the current ECISD staff to act as our long term manager. (Robert Montalvo)

SSC Service Solutions would hire our existing staff. The wages offered to our existing staff represent 80% of the total overall contract cost. The following is a chart representing their average pay structure. I have included our midpoint for comparable positions for comparison purposes:

	<b>Contract Manager</b>	<b>Supervisor</b>	<b>Day Porters</b>	<b>Night Custodian</b>
<b>SSC</b>	\$40,000	\$10.55	\$9.50	\$8.52
<b>ECISD</b>	\$30,775	\$11.11	\$9.66	\$9.66

SSC Service Solutions' typical operation staffs schools minimally during the school day with "day porters" to ensure that restrooms are maintained, cafeterias are staffed and spills are attended to. However, the bulk of cleaning should occur at night when the students and staff are gone. This staffing plan allows for maximum productivity.

Day Person	6:00 a.m. – 3:30 p.m.
Evening	3:30 p.m. – 11:30 p.m.

Employee Benefit Programs:

**401K Savings Plan.** All employees working at least 1,000 hours per year are eligible to participate after 60 days of service. Each dollar contributed by an employee is matched by \$0.25 from SSC.

**Health Insurance Option.** Employees who work 16+ hours a week are eligible to participate in SSC's health insurance plan. Once the employee elects the plan, it is effective after the first payroll deduction.

**Vacation Pay.** All SSC Service Solutions employees working on this project will be eligible to receive a one-week paid vacation

after the one year anniversary of their hire date. The amount of vacation depends on the employees average hours worked per week.

**Perkspot.** As a result of SSC's recent acquisition, SSC employees also have access to Compass Group's employee benefits program, Perkspot. Employees can participate in this employee discount program with such companies as: Target; Dell; Verizon; Overstock.com; Disney' Best Buy; and others.

**Additional Benefits.** Career opportunities, Employee of the Month, Clean Campus Award, and Contractor of the Year Award.

**Fiscal Impact**

We are currently estimating this could save the district \$141,205 annually.

**Student and Public Benefit**

Reduces the district's cost for custodial services. Could also improve the level of service provided through employee training programs and more on the job supervision. Allows current custodial employees to retain a job..

**Procedural and Reporting Implications**

None.

**Public Comments**

None.

**Alternatives**

None.

**Other Comments and Related Issues**

Health insurance coverage is affordable. SSC Service Solutions offers a limited-benefit health plan through CIGNA. Benefit highlights include:

- Doctor visits as low as \$15
- Up to \$5,000 Inpatient Care
- Up to \$10,000 Accident Coverage
- Prescription Drug Programs
- CIGNA 24-Hour Employee Assistance Program
- Dental and Vision Plan also available

Plans start at \$26.54 semi-monthly, or \$12.25 per week.

**Attachments**

None.

**Contact Person(s)**

David Bright, Assistant Superintendent of Finance and Operations

**Action Required**

None.

**Superintendent's  
Recommendation**

This is a discussion item only.

**Mark Pool, Superintendent of Schools**

**Agenda Item Summary Sheet (7 A)**  
**Meeting Date: February 22, 2011**  
**Submitted by: Mark Pool, Superintendent**

## ***Information Only***

<b>Governance</b>	Review of Information on Election of Region III ESC Board of Directors
<b>Summary</b>	<p>Each year at the regular meeting in March board members have the opportunity to vote for candidates for the Region III Educational Service Center Board of Directors.</p> <p>I have included with this agenda item information from Julius D. Cano, Executive Director of the Region III Education Service Center regarding the election of Region III ESC Board of Directors.</p>
<b>ECISD Board Policy</b>	None.
<b>Effective Date</b>	February 22, 2011
<b>Previous Board Action</b>	Members of the Board annually vote for the directors of the Region Education Service Center.
<b>Future Action Expected</b>	Members of the Board will have the opportunity to vote for Region III ESC Board of Directors at the regular meeting in March.
<b>Background Information and Significant Issues</b>	All information included in attachments,
<b>Fiscal Impact</b>	None.
<b>Student and Public Benefit</b>	The governance of the Region Education Service Center can have a significant impact on the services provided to this District and our students.
<b>Procedural and Reporting Implications</b>	None.
<b>Public Comments</b>	None.
<b>Alternatives</b>	None.

**Other Comments and Related Issues**

None.

**Attachments**

- Memo from Julius D. Cano dated January 13, 2011 regarding the Election for Region III ESC Board of Directors.
- Copy of Election Order and Notice
- Application for Place on Ballot
- Eligibility Qualifications and Instructions for Filing
- Copy of News Release

**Contact Person(s)**

Mark Pool, Superintendent of Schools

**Action Required**

No action required.

**Superintendent's Recommendation**

This is an Information Item Only.

**Mark Pool, Superintendent of Schools**



# Region III

## Education Service Center

ISO 9001:2008 Certified Management System


1905 Leary Lane • Victoria, Texas 77901-2899  
(361) 573-0731

*Dr. Julius D. Cano  
Executive Director*

January 13, 2011

### Action Requested

TO: Superintendent Addressed  
Counties DeWitt, Lavaca and Wharton

FROM:  Julius D. Cano, Executive Director

SUBJECT: Election for Region III ESC Board of Directors

Please assist me with the election for board members for the Center. I am enclosing the following:

One election order and notice  
(please post in your administration building by February 1)

One application for Place on Ballot

Eligibility qualifications and instructions for filing  
(should you have someone that wishes to file)

Copy of the press release

Mr. Lloyd Nelson is the incumbent for Place 2 representing Wharton County and Mrs. Janie Rudolph is the incumbent for Place 6 representing DeWitt and Lavaca Counties.

The Center has sent a news release to the newspaper in the county seat of each of the counties that have places on the Board up for election.

You will receive follow-up communications from me concerning the election procedures in which your board members will vote between March 1 and April 5 for each of the vacancies on the board.

Please contact me should you desire additional information.

JDC/b

Enclosures

ELECTION ORDER AND NOTICE

THE STATE OF TEXAS  
COUNTY OF VICTORIA

ON THIS THE 13th DAY OF December, 2010, The Board of Directors of the Region III Education Service Center convened in regular session, open to the public, with the following members present, to-wit:

<u>Mr. Ronald C. Flournoy, Chairman</u>	<u>Mr. Reggie Brisco</u>
<u>Mrs. Janie Rudolph</u>	<u>Mr. Wilbert Treybig</u>
<u>Mr. Lloyd Nelson</u>	<u>Mrs. Sandra Kimball</u>
<u>Mrs. Mary Hickok</u>	

Constituting a quorum and among other proceedings had by said Board of Directors was the following:

WHEREAS, the term of office of Lloyd M. Nelson and Janie Rudolph members of the Board of Directors of the Region III Education Service Center will expire on May 31, 2011, and said dates of election shall be March 1, 2011, through April 5, 2011.

THEREFORE, it is necessary for this board to pass an order establishing the procedure for filing for and conducting said directors election:

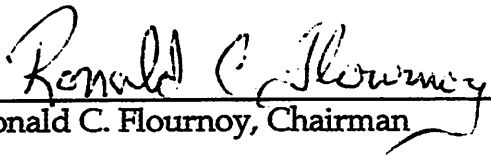
WHEREAS, BE IT ORDERED BY THE BOARD OF DIRECTORS OF THE REGION III EDUCATION SERVICE CENTER:

1. That an election be held in said Education Service Center between the dates of March 1 and April 5, for the purpose of electing to the Board of Directors of said Education Service Center members to fill positions 2 and 6.
2. That all requests by candidates to have their names placed upon the ballot for the above mentioned election shall be in writing and signed by the Candidate

and filed with the Secretary of the Board of Directors at the Executive Director's office not later than the 21st day of February, 2011, by 4:30 p.m.

The secretary of this Board of Directors shall post on the bulletin board in the building where the Board of Directors meets the names of all candidates that have filed their applications in accordance with the terms and provisions of this order, and said secretary shall otherwise comply with the terms and provisions of the Education Code 8.003 and 19 TAC 53.1001.

Region III Education Service Center  
Board of Directors

  
\_\_\_\_\_  
Ronald C. Flournoy, Chairman

  
\_\_\_\_\_  
Reggie Brisco, Secretary

December 13, 2010

**APPLICATION FOR PLACE ON BALLOT**  
**Region III Education Service Center Board of Directors**

Request is made that my name be placed upon the official ballot for Place \_\_\_\_ for the Board of Directors Election to be held by Region III Education Service Center between March 1st and April 5th in each school district within the region.

My occupation is \_\_\_\_\_.

The county of my residence is \_\_\_\_\_.

My post office/ mailing address is \_\_\_\_\_.

Length of residency in Texas: \_\_\_\_\_ years.

Length of residency in Region III: \_\_\_\_\_ years.

I am over 18 years of age and I am not disqualified or ineligible to hold the above-mentioned office and meet all qualifications.

Being a candidate for the office of Board of Directors of the Region III Education Service Center, I do solemnly swear I will support and defend the Constitution and Laws of the United States and of the State of Texas; therefore please place my name on the official ballot as follows:

\_\_\_\_\_  
(Print or type candidate's name to appear on ballot)

\_\_\_\_\_  
Signature of Candidate

**THE STATE OF TEXAS**

**COUNTY OF \_\_\_\_\_**

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument in writing, and acknowledged to me that \_\_\_he executed the same for the purpose therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Texas

**ELIGIBILITY QUALIFICATIONS  
AND INSTRUCTIONS FOR FILING  
FOR  
REGION III EDUCATION SERVICE CENTER  
BOARD OF DIRECTORS**

The Region III ESC Board consists of one member appointed by the Commissioner of Education to represent charter schools and seven members who are elected to a specific Place on the Board for three-year terms. A Board member must be a citizen of the United States, at least 18 years of age, and a resident of the county being represented in the education service center region. He or she may not be engaged professionally in education nor be a member of a board of any educational agency or institution. Elected members of a regional education service center board of directors shall be elected by the boards of trustees of the school districts in that education service center region.

Any eligible person wishing to seek election to the education service center board of directors needs to file in person at the Service Center's office in Victoria or by certified mail between February 1 and February 21. Filing forms may be obtained at the Center, which is located at 1905 Leary Lane in Victoria, Texas, 77901, or from the superintendent of the local school district.

News Release

REGION III EDUCATION SERVICE CENTER  
BOARD MEMBER ELECTION SET

The Region III Education Service Center Board of Directors, has authorized an election for board members. The Board consists of seven members who are elected to a specific Place on the Board for three year terms. Two places on the Board are to be filled in the coming election. Place 2 where the board member must reside in Wharton County and Place 6 where the board member must reside in DeWitt or Lavaca Counties are the positions open.

A Board member must be a citizen of the United States, at least 18 years of age, and a resident of the county being represented in the education service center region. He or she may not be engaged professionally in education nor be a member of a board of any educational agency or institution. Any eligible person wishing to seek election to the education service center board of directors needs to file in person at the Service Center's office in Victoria or by certified mail between February 1 and February 21. Filing forms may be obtained at the Education Service Center which is located at 1905 Leary Lane in Victoria, Texas, 77901, or from the superintendent of the local school district.

A member of a regional education service center board of directors shall be elected by the boards of trustees of the school districts in that education service center region. Each local school board member shall have one vote for each vacancy on the Board. Votes are to be cast in March and returned to the Chair of the Region III Board of Directors by April 5. The Board of Directors shall canvass the ballots at its next regularly scheduled meeting, but not later than May 31 and determine the winner by a plurality of the votes cast.

If you have questions or need additional information, contact Region III E.S.C. at 361/573-0731.

**Agenda Item Summary Sheet (9 A)**  
**Meeting Date: February 22, 2011**  
**Submitted by: Mark Pool, Superintendent**

## ***Action Item***

**Personnel** Early Notice Incentive Program for Clerical and Paraprofessional Employees

**Summary** Based on discussions at the Budget Workshop conducted on Tuesday, February 15, 2011, I have worked with the district's legal counsel to develop an *Early Notice of Resignation Incentive Program* for clerical and paraprofessional employees.

You will recall that an early resignation notice incentive is a cash incentive to employees who already intend to resign at the end of the school year in return for early notice of their resignation. The *Draft* document, which is attached, calls for a cash incentive of 20% of the employees annualized wages. Some Trustees have indicated they prefer a specific dollar amount rather than a percentage or wages earned. This is one decision that will need to be made by the Board before finalizing this plan.

To provide the district with an earlier opportunity to begin forecasting salary and benefits components of the 2011-2012 budget and provide planning time for staffing, the deadline for participation in this program is Friday, March 25, 2011.

The program is available to the first thirty-three (33) clerical and/or paraprofessional employees to submit the appropriate documents. All documents will be date and time stamped as they are submitted.

**ECISD Board Policy** DFE (LOCAL), TERMINATION OF EMPLOYMENT: RESIGNATIONS

**Effective Date** Following approval by the Board the plan becomes effective on Wednesday, February 23, 2011.

**Previous Board Action** Discussion with district's legal counsel at a Budget Workshop on Tuesday, February 15, 2011..

**Future Action Expected** None.

**Background Information and Signification Issues**

In trying to make the determination as to whether to offer a percentage of annualized wages earned or a specific dollar amount the following information may be helpful:

Category	Range	Base Salary	10%	15%	20%	25%
Educational Aides						
	Maximum	\$20,533	\$2,053	\$3,080	\$4,107	\$5,133
	3 <sup>rd</sup> Quartile	\$18,735	\$1,873	\$2,810	\$3,747	\$4,684
	Midpoint	\$16,923	\$1,692	\$2,538	\$3,385	\$4,231

In the 1995-96 Retirement Incentive Program paraprofessionals were offered \$3,000. In that program six paraprofessionals participated.

In the 2001-2002 Retirement Incentive Program paraprofessionals were offered \$4,800. In that program seven paraprofessionals participated and three auxiliary staff participated.

**Fiscal Impact**

Unknown.

**Student and Public Benefit**

Opportunity to reduce the number of educational aides to a more efficient staffing level as recommended by the TASBO Staffing Analysis Management Review.

**Procedural and Reporting Implications**

None.

**Public Comments**

None.

**Alternatives**

None.

**Other Comments and Related Issues**

Some board members have inquired about unemployment benefits. By the strictest interpretation if employees resign they should be unable to draw Unemployment Compensation. However, with the argument that the district was possibly planning to reduce the number of educational aides anyway there is a possibility that employees who resigned in lieu of possible termination may be approved for unemployment benefits.

Using the unemployment benefit calculator on the Texas Workforce Commission website we have calculated benefits an educational aid with 39 years experience and one with 22 years experience. Unemployment compensation would range from \$207.00 per week to \$256.00 per week; maximum possible benefits from \$5,382.00 to \$6,656.00.

ECISD's unemployment compensation is through the TASB Risk Management Pool. TASB is hosting a webinar on Thursday, February 24<sup>th</sup>, to discuss this very issue. We should have a better grasp of exactly the exposure the district might have following that webinar.

**Attachments**

- Early Notice of Resignation Incentive Program

**Contact Person(s)**

Mark Pool, Superintendent of School

**Action Required**

Motion, second and majority vote to *approve the implementation of the Early Notice of Resignation Incentive Program, in order to accurately forecast the District's staffing and financial needs for the 2011-2012 school year.*

**Superintendent's Recommendation**

I recommend that the Board *approve the implementation of the Early Notice of Resignation Incentive Program, in order to accurately forecast the District's staffing and financial needs for the 2011-2012 school year.*

**Mark Pool, Superintendent of Schools**

**EL CAMPO INDEPENDENT SCHOOL DISTRICT**

ROBERT MARK POOL, Superintendent

**DAVID BRIGHT**  
ASSISTANT SUPERINTENDENT  
FOR FINANCE

700 WEST NORRIS STREET  
EL CAMPO, TEXAS 77437  
(979) 543-6771 – FAX (979) 543-1670

**CAROLYN GORDON**  
ASSISTANT SUPERINTENDENT  
FOR INSTRUCTION

Date: **February 23, 2011**  
To: Clerical and Paraprofessional Personnel  
From: Department of Human Resources

Re: **EARLY NOTICE OF RESIGNATION INCENTIVE PROGRAM**

In an effort to anticipate staffing needs for the 2011-2012 school year, the Board of Trustees has authorized an incentive payment for clerical and paraprofessional personnel who provide notice of end-of-year resignation on or before **Friday, March 25, 2011**.<sup>1</sup> Clerical and paraprofessional employees, District-wide, are eligible to participate in this Program.

Any eligible employees submitting their end-of-year resignation in compliance with the terms and conditions of this Program will receive a one-time payment of **20% of their annualized wages**, subject to legally required deductions, added to the **June 2011** paycheck. In order to qualify for the incentive payment, resignations must comply with the following requirements.

Form of Resignation Letter: All resignation letters must be typed and must include a statement that the resignation is effective at the end of the 2010-2011 school year. Resignations must be dated and signed.

Delivery of Resignation Letter: All resignation letters must be hand-delivered to **the Human Resources Coordinator or Superintendent's Secretary**, and must be accompanied by a signed and dated copy of this document; the date and time of delivery will be noted on the resignation letter.

Deadline for Resignation: In order to qualify for the incentive payment, resignations must be **submitted no later than 4:00 p.m. on Friday, March 25, 2011**.<sup>2</sup>

Each resignation is accepted upon receipt. Once accepted, **resignations cannot be withdrawn**. The requirements of the incentive program in no way limit any employee's ability to resign from employment with the District, pursuant to Board Policy DFE (Local).

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<sup>1</sup> This offer is not available to any employee who resigns effective immediately.

If you are unsure whether you are eligible to participate in this program, you may contact the Department of Human Resources.

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I am voluntarily choosing to participate in the Early Notice of Resignation Incentive Program for the 2010-2011 school year. By signing below, I acknowledge my understanding of the terms and conditions set out herein, and that my failure to comply with the terms and conditions of the Program may affect the receipt of any incentive amount.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee Position

\_\_\_\_\_  
Date

**Agenda Item Summary Sheet (9 B)**  
**Meeting Date: February 22, 2011**  
**Submitted by: Mark Pool, Superintendent**

## ***Action Item***

<b>Personnel</b>	Employee Exit Incentive Program
<b>Summary</b>	<p>Based on discussions at the Budget Workshop conducted on Tuesday, February 15, 2011, I have worked with the district's legal counsel to develop an <i>Employee Exit Incentive Program</i> for specific classes of contract employees.</p> <p>You will recall that an exit incentive is a payment to an employee in return for the employee's voluntary resignation.</p> <p>You will also recall that this incentive program must be offered to all professional employees who choose to resign for whatever reason, and cannot be strictly limited to those employees who are eligible to retire since it is a violation of the Texas Education Code to offer employees a cash incentive to retire.</p> <p>Various amounts of incentives have been discussed ranging from 15% to 25% of the professional employees annual base salary. This amount must be determined by the Board, but it appears that a majority of the Board favors 20%.</p> <p>The program is available to the first fifteen (15) elementary teachers, the first twenty (20) secondary teachers, the first four (4) mid-management administrators, and the first five (5) professional support personnel to submit the appropriate documents. All documents will be date and time stamped as they are submitted.</p> <p>The incentive program will be offered for 45 days; beginning on Wednesday, February 23, 2011, and ending at 4:00 p.m. on Friday, April 8, 2011. After submitting their document an employee has seven days from the time it is submitted to revoke their commitment. The final day for revocation would be Friday, April 15, 2011.</p>
<b>ECISD Board Policy</b>	DPE (LOCAL), TERMINATION OF EMPLOYMENT: RESIGNATIONS
<b>Effective Date</b>	Following approval by the Board the plan becomes effective on Wednesday, February 23, 2011.
<b>Previous Board Action</b>	Discussion with district's legal counsel at a Budget Workshop on Tuesday, February 15, 2011.
<b>Future Action Expected</b>	None.

**Background Information and Signification Issues**

I have attached a copy of the spreadsheet I shared with the Board earlier entitled Maximum Exposure Calculations. This spreadsheet shows the different categories of employees who may be offered the incentive; a base salary for these employees based on their pay grade maximum, midpoint, and a point half way between the two; and four columns showing the dollar amount of the incentive at 10%, 15%, 20% and 25% of base salary.

For comparison purposes:

In the 1995-96 Retirement Incentive Program paraprofessionals were offered \$10,000. In that program there were 17 professional employees who participated.

In the 2001-2002 Retirement Incentive Program paraprofessionals were offered \$16,000. In that program there were 27 teachers and 6 administrators who participated.

**Fiscal Impact**

Unknown.

**Student and Public Benefit**

Opportunity to reduce the number of professional employees to a more efficient staffing level as recommended by the TASBO Staffing Analysis Management Review.

**Procedural and Reporting Implications**

None.

**Public Comments**

None.

**Alternatives**

None.

**Other Comments and Related Issues**

All other comments have been previously communicated.

**Attachments**

- Early Notice of Resignation Incentive Program
- Maximum Exposure Calculations Spreadsheet

**Contact Person(s)**

Mark Pool, Superintendent of School

**Action Required**

Motion, second and majority vote to *approve the implementation of the Early Notice of Resignation Incentive Program, in order to accurately forecast the District's staffing and financial needs for the 2011-2012 school year.*

**Superintendent's  
Recommendation**

I recommend that the Board *approve the implementation of the Early Notice of Resignation Incentive Program, in order to accurately forecast the District's staffing and financial needs for the 2011-2012 school year.*

**Mark Pool, Superintendent of Schools**

# EL CAMPO INDEPENDENT SCHOOL DISTRICT

ROBERT MARK POOL, Superintendent

**DAVID BRIGHT**  
ASSISTANT SUPERINTENDENT  
FOR FINANCE

700 WEST NORRIS STREET  
EL CAMPO, TEXAS 77437  
(979) 543-6771 – FAX (979) 543-1670

**CAROLYN GORDON**  
ASSISTANT SUPERINTENDENT  
FOR INSTRUCTION

## **EMPLOYEE EXIT INCENTIVE PROGRAM**

To allow the District an earlier opportunity to begin forecasting salary and benefits components of the 2011-2012 budget and provide extra planning time for staffing, teaching assignments, and preparing course offerings for students, the El Campo Independent School District is offering a one-time incentive payment in the amount of **20%** of base salary<sup>1</sup> for the 2010-2011 school year to eligible employees who voluntarily choose to resign their employment with the District, effective at the end of the 2010-2011 school year.<sup>2</sup>

### **ELIGIBILITY:**

**The following groups of employees are eligible to participate in this incentive program: elementary classroom teachers, secondary classroom teachers, mid-management administrators, and professional support positions. Incentive payment is not available for employees who resign effective immediately. If you are unsure whether you are eligible to participate in this program, you may contact the Human Resources Department.**

In order to qualify for the incentive payment, eligible and interested employees must agree and comply with the following terms:

**Limitations:** Only a limited number of participants will be accepted into the Employee Exit Incentive Program (the “Program”); participation shall be granted in the order that employees submit their resignation and otherwise comply with the terms and conditions of this Program. The following chart illustrates the number of participants which will be accepted from each of the four eligible employment groups:

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<sup>1</sup> Base salary does not include stipend or other payment amounts received for the performance of supplemental duties.

<sup>2</sup> This Exit Incentive Plan does not apply to employees resigning effective immediately.

<b>Employee Group</b>	<b>Participant Limit</b>
Elementary Classroom Teachers	15
Secondary Classroom Teachers	20
Mid-Management Administrators	4
Professional Support Positions <sup>3</sup>	5

**Amount:** A one-time payment equal to 20% of base salary for the 2010-2011 school year will be added to the employee's June 2011 paycheck, subject to legally required deductions. All incentive payments are contingent upon the participating employee maintaining his or her employment and completing his or her assigned work schedule through the effective date of resignation at the end of the 2010-2011 school year.

**Waiver:** Eligible employees who choose to participate in the incentive program agree to release the District, its trustees, employees, and agents from any and all claims associated with participation. This release includes, without limitation, a waiver of rights under the Age Discrimination in Employment Act, codified at 29 U.S.C. § 626(f). This waiver of rights under 29 U.S.C. § 626(f) only applies to those rights or claims arising at or before the date on which this document is executed by the eligible employee, and those rights are knowingly and voluntarily waived by the eligible employee in exchange for the consideration as set forth herein. By execution of this document, the eligible employee acknowledges that he/she has consulted an attorney regarding this agreement if he/she so chooses and executes it knowingly and voluntarily. The eligible employee voluntarily and knowingly manifests consent to this agreement through his/her signature below. Eligible employees are afforded a period of forty-five (45) days within which to consider this offer, which was made February 23, 2011. This agreement also provides for a period of seven (7) days following the execution of this document during which the agreement may be revoked by either party. The agreement shall be irrevocable and binding after the expiration of the revocation period.

**Form of Resignation Letter:** All resignation letters must be dated and signed and must state that the resignation is effective at the end of the 2010-2011 school year.

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<sup>3</sup> ARD Facilitator, Assessment Coordinator, Counselor, Curriculum Facilitators, Diagnosticians, Librarians, Orientation and Mobility Specialist, Registered Nurse, Speech Therapist, Speech Therapy Assistant, Teacher Technology Specialist

**Deadline:** In order to qualify for the incentive payment, the signed resignation and a signed copy of this memorandum must be hand-delivered by the eligible employee to **the Human Resources Coordinator or Superintendent's Secretary, no later than 4:00 p.m. on Friday, April 8, 2011.**

**Acceptance of Resignation:** Each resignation is accepted upon receipt. Once accepted, **resignations cannot be withdrawn.** The requirements of the incentive program in no way limit any employee's ability to resign from employment with the District, pursuant to Board Policy DFE (Local).

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### **EMPLOYEE AGREEMENT & ACKNOWLEDGMENT**

I am voluntarily choosing to participate in the Employee Exit Incentive Program for the 2010-2011 school year. By signing below, I acknowledge my understanding of the terms and conditions set out herein. I specifically acknowledge the following:

1. The Employee Exit Incentive Program is not intended to encourage any District employee to retire from the Teacher Retirement System ("TRS") of Texas;
2. The El Campo ISD does not and shall not make any guarantees regarding tax consequences, unemployment compensation, or TRS implications in relation to the Employee Exit Incentive Program or my participation in the Program;
3. The El Campo ISD does not and shall not make any guarantees or promises of employment or reemployment with the District now or in the future;
4. I understand that this Program and the Employee Agreement & Acknowledgment may have significant legal consequences, and have hereby been advised to consult my own legal counsel prior to signing the Employee Agreement & Acknowledgment.

---

Employee Name

---

Date

### Maximum Exposure Calculations

Category	Range	Base Salary	Incentive				Limit	Maxium Exposure			
			10%	15%	20%	25%		10%	15%	20%	25%
Elementary Teacher	Maximum	\$61,580	\$6,158	\$9,237	\$12,316	\$15,395	15	\$92,370	\$138,555	\$184,740	\$230,925
	3rd Quartile	\$56,241	\$5,624	\$8,436	\$11,248	\$14,060					
	Midpoint	\$50,902	\$5,090	\$7,635	\$10,180	\$12,726					
	Average	\$49,283	\$4,928	\$7,392	\$9,857	\$12,321					
Secondary Teacher	Maximum	\$61,580	\$6,158	\$9,237	\$12,316	\$15,395	20	\$123,160	\$184,740	\$246,320	\$307,900
	3rd Quartile	\$56,241	\$5,624	\$8,436	\$11,248	\$14,060					
	Midpoint	\$50,902	\$5,090	\$7,635	\$10,180	\$12,726					
	Average	\$49,283	\$4,928	\$7,392	\$9,857	\$12,321					
Professional Support	Maximum	\$70,846	\$7,085	\$10,627	\$14,169	\$17,711	5	\$35,423	\$53,134	\$70,846	\$88,557
	3rd Quartile	\$64,943	\$6,494	\$9,741	\$12,989	\$16,236					
	Midpoint	\$59,037	\$5,904	\$8,856	\$11,807	\$14,759					
	Average	\$55,991	\$5,599	\$8,399	\$11,198	\$13,998					
Midmanagement Administration	Maximum	\$98,272	\$9,827	\$14,741	\$19,654	\$24,568	4	\$39,309	\$58,963	\$78,617	\$98,272
	3rd Quartile	\$90,777	\$9,078	\$13,617	\$18,155	\$22,694					
	Midpoint	\$83,283	\$8,328	\$12,492	\$16,657	\$20,821					
	Average	\$70,266	\$7,027	\$10,540	\$14,053	\$17,567					
Educational Aides	Maximum	\$20,533	\$2,053	\$3,080	\$4,107	\$5,133	33	\$67,758	\$101,636	\$135,515	\$169,394
	3rd Quartile	\$18,735	\$1,873	\$2,810	\$3,747	\$4,684					
	Midpoint	\$16,923	\$1,692	\$2,538	\$3,385	\$4,231					
<b>TOTAL</b>								<b>\$358,019</b>	<b>\$537,029</b>	<b>\$716,038</b>	<b>\$895,048</b>