

Windham School District
Board of Trustees
262nd Meeting



Minutes

February 11, 2011
Austin, Texas

WINDHAM SCHOOL DISTRICT BOARD OF TRUSTEES

Sheraton Austin Hotel – Capitol Ballroom D
701 East 11th Street
Austin, Texas 78701

February 11, 2011
12:30 PM – 1:00 PM

ORDER OF BUSINESS

Convene Windham School District (WSD) Board of Trustees (Board)

I. Regular Session

- A. Discussion, Consideration, and Possible Action Regarding Consent Items
 - 1. Minutes of the December 9, 2010, WSD Board Meeting
 - 2. Appraiser for the 2010-2011 School Year
 - 3. Excused Absences

- B. Discussion, Consideration, and Possible Action Regarding Annual Review of Superintendent Directive, SD-07.18, “Performance Evaluations and Professional Development Appraisal System”

- C. Discussion, Consideration, and Possible Action Regarding Proposed New Superintendent Directive, SD-07.47, “Short Course and Apprenticeship Employment Agreements”

- D. Discussion, Consideration, and Possible Action Regarding Annual Review of WSD Board Policies
 - 1. WBP-07.05, “Term Contract Employment”
 - 2. WBP-07.44, “Professional Standards of Conduct and Disciplinary Guidelines”

- E. Discussion, Consideration, and Possible Action Regarding Proposed New Board Policy, WBP-07.39, “At-Will Employment”

- F. Human Resources Division Update

- G. Superintendent’s Report – Budget Process and Legislative Activities

- H. Report from the Chairman, WSD Board
 - 1. Legislative Budget Board WSD Effectiveness Study
 - 2. Chairman’s Fitness Challenge

Adjourn WSD Board

The WSD Board may discuss and/or take action on any of the items posted on this meeting agenda. The WSD Board may also convene into Executive Session on any of these matters when attorney-client privilege is warranted.

**MINUTES OF THE WINDHAM SCHOOL DISTRICT
BOARD OF TRUSTEES**

262nd MEETING

The Windham School District Board of Trustees met in session on Friday, February 11, 2011, at the Sheraton Austin Hotel in Austin, Texas.

BOARD MEMBERS PRESENT: Oliver Bell, Chairman
Tom Mechler, Vice Chairman
Leopoldo (Leo) Vasquez, III, Secretary
Eric Gambrell
Janice Harris Lord
Terrell McCombs
J. David Nelson

BOARD MEMBERS ABSENT: Pastor C. L. Jackson
Carmen Villanueva-Hiles

WINDHAM STAFF MEMBERS PRESENT: Debbie Roberts, Superintendent
Veronica Casanova
Mike Mondville

**TEXAS DEPARTMENT OF CRIMINAL
JUSTICE STAFF MEMBERS PRESENT:** Melinda Bozarth

CONVENED

Oliver Bell, Chairman, called the meeting of the Windham School District (WSD) Board of Trustees (Board) to order on Friday, February 11, 2011, at 12:37 p.m. in accordance with Chapter 551 of the Texas Government Code, the *Open Meetings Act*. During the regular session, the Board conducted business from the agenda posted in the Texas Register. A quorum was present and the 262nd meeting of the Board was declared open.

The chairman reported the Board was committed to providing the opportunity for public presentations on topics posted on the meeting agenda, as well as public comment on issues within its jurisdiction as provided in Board Rule 300.1. Persons interested in providing presentations at the meeting were required to complete a registration card and submit it at least ten minutes prior to the meeting's posted start time. As no cards were received prior to the required deadline, the Board would not hear public presentations on posted agenda topics.

Chairman Bell recognized County Judge Dale Spurgin from Jones County.

**DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING
CONSENT ITEMS**

Chairman Bell called the Board's attention to the Consent Items on the agenda which consisted of the approval of the minutes of the December 9, 2010, meeting, appraisers for the 2010-2011 school year, and the excused absence of Pastor Jackson from the October meeting due to personal business.

Chairman Bell asked if there were any comments, objections or amendments to the Consent Items. Noting there were none, he stated the Consent Items were approved as submitted.

**DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING ANNUAL
REVIEW OF SUPERINTENDENT DIRECTIVE, SD-07.18, "PERFORMANCE
EVALUATIONS AND PROFESSIONAL DEVELOPMENT APPRAISAL SYSTEM"**

Michael Mondville, WSD General Counsel, informed the Board that policy language has been updated throughout SD-07.18, "Performance Evaluations and Professional Development Appraisal System" but no significant changes were made. Mr. Mondville asked for Board approval of the annual review as presented.

Leo Vasquez made a motion that the Windham Board of Trustees approve the revisions to Windham Superintendent Directive 07.18 concerning "Performance Evaluations and Professional Development Appraisal System," as presented.

Eric Gambrell seconded the motion, which prevailed unanimously when called to a vote.

(Attachment – SD-07.18, "Performance Evaluations and Professional Development Appraisal System")

**DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING
PROPOSED NEW SUPERINTENDENT DIRECTIVE, SD-07.47, "SHORT COURSE
AND APPRENTICESHIP EMPLOYMENT AGREEMENTS"**

Mr. Mondville stated that SD-07.47, "Short Course and Apprenticeship Employment Agreements" is a new policy. It was formally included in WBP-07.05, "Contract and Non-contract Employment." The separation allows the district to provide more information concerning the qualification of short course and apprenticeship personnel. Mr. Mondville asked the Board to approve the policy as presented.

David Nelson stated that Texas is an employment at-will state and it appears as though approval of this policy may imply that there is an employment contract which limits action that can be taken by the superintendent. He asked if this affects the employment at-will status and Windham's ability to terminate the employee. Mr. Mondville responded that in the beginning of the policy, there is an employment at-will clause that indicates employees who are employed underneath this policy do not have a contract and do not have a property interest in their job

position. It also states that they are at-will employees. Mr. Nelson asked if there was a written agreement between the employee and the WSD. Mr. Mondville responded there was a written agreement which indicates the person's employment is for a set number of hours and does not give them a permanent job. Mr. Nelson asked if WSD could terminate the contract before the set number of hours has been completed, and if this could be done without breaching at least an implied contract. Mr. Mondville responded that WSD could terminate the contract. There are provisions in several policies that allow for termination without breaching a contract. Mr. Nelson asked if Mr. Mondville was satisfied that this did not create an employment contract that is binding and burdensome on the WSD. Mr. Mondville responded that he was satisfied that it creates an employment contract, but only as specified in the terms of that contract and is limited by the number of hours that a person is going to teach.

Chairman Bell stated that SD-07.47, Attachment A, Section IV.C, states the employment agreement may be terminated by WSD or the Texas Department of Criminal Justice. He added that the employment at-will clause is also on the first page of the directive. Mr. Nelson asked if WSD had to have a reason to terminate for cause. He said it appears to him that the breach must be on the employee's part before we can terminate for cause. Mr. Mondville stated that he felt the district could terminate when needed.

Mr. Nelson asked why WSD needed a short term contract. Mr. Mondville responded that an instructor is given a term contract when hired, as specified under Chapter 21 of the Texas Education Code. Those contracts are always for the remainder of the year or a multi-year time period. Since these short-course positions are hired for a term that is shorter than that, WSD has a special contract that allows employment for a shorter period of time. Mr. Nelson asked if this was used in other school districts or similar correctional school districts. Debbie Roberts, Superintendent, responded that it is found in other correctional situations. WSD is unique because some of these short courses provide training for particular TDCJ jobs inside the unit. As the need arises, this employment agreement gives WSD the ability to hire someone to teach that short course. Chairman Bell commented that in the employment industry this actually defines the category of employee. It limits the term of any potential obligation by the shorter duration term of the agreement. If this sort of agreement is not in place, it can imply a different type of employment relationship. It's good to have them defined so there is no confusion.

David Nelson made a motion that the Windham Board of Trustees approve the new Superintendent's Directive 07.47, "Short Course and Apprenticeship Employment Agreement," as presented.

Terrell McCombs seconded the motion, which prevailed unanimously when called to a vote.

(Attachment – SD-07.47, "Short Course and Apprenticeship Employment Agreement")

**DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING ANNUAL
REVIEW OF WSD BOARD POLICIES**

1. WBP-07.05, “Term Contract Employment”

Mr. Mondville stated that Windham Board Policy (WBP) 07.05, “Term Contract Employment” was previously called “Contract and Non-Contract Employment.” The sections on short course and apprenticeship employment and at-will employment were removed and placed in their own policies. Language was also updated throughout the policy and the contracts for administrators, teachers and librarians were revised. Mr. Mondville asked the Board to approve the policy as presented.

Terrell McCombs made a motion that the Windham Board of Trustees approve the revisions to Windham Board Policy 07.05, concerning “Term Contract Employment,” as presented.

Janice Harris Lord seconded the motion, which prevailed unanimously when called to a vote.

(Attachment – WBP-07.05, “Term Contract Employment”)

2. WBP-07.44 “Professional Standards of Conduct and Disciplinary Guidelines

Mr. Mondville informed the Board that WBP-07.44 “Professional Standards of Conduct and Disciplinary Guidelines” was formerly titled “Progressive Discipline Policy.” The new title more accurately reflects its contents. Language and format has also been updated throughout the policy however no other significant changes were made. Mr. Mondville asked the Board to approve the policy as presented.

Tom Mechler made a motion that the Windham Board of Trustees approve the revisions to Windham Board Policy 07.44, “Professional Standards of Conduct and Disciplinary Guidelines,” as presented.

Mr. Vasquez seconded the motion, which prevailed unanimously when called to a vote.

(Attachment – WBP-07.44, “Professional Standards of Conduct and Disciplinary Guidelines”)

**DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING
PROPOSED NEW BOARD POLICY, WBP-07.39 “AT-WILL EMPLOYMENT”**

Mr. Mondville stated that WBP-07.39 “At-Will Employment” is also a new policy. This was formerly a section of the old WBP-07.05, “Contract and Non-Contract Employment.” Other than moving the section to its own policy, there have been no significant changes. Mr. Mondville asked the Board to approve the policy as presented.

Mr. Gambrell made a motion that the Windham Board of Trustees approve the revisions to Windham Board Policy 07.39, "At-Will Employment," as presented.

Mr. Nelson seconded the motion, which prevailed unanimously when called to a vote.

(Attachment – WBP-07.39, "At-Will Employment")

HUMAN RESOURCES DIVISION UPDATE

Veronica Casanova, Director of Human Resources, gave a presentation on the latest statistical information on WSD staff. WSD currently operates with 1,370 positions. These positions serve 90 campuses across 97 different facilities. Of the 1,370 positions, 88.5% serve the students at the campus level providing various services including student placement, academic, vocational and life skills instruction, library services and a variety of testing.

The WSD's turnover rate for the 2009-2010 school year was 9%. This is compared to 10.9% the prior year. The average years of experience for WSD teachers during the 2009-2010 school year was 17 years, which is similar to past years. Ms. Casanova reviewed slide 3, which showed there are 1,212 positions located on WSD campuses and 157 positions support the campuses through four regional offices and the administrative complex. The 157 positions provide leadership through policy and curriculum development; coordination and providing staff development; gathering and reporting research and evaluation information; and administering the business, human resources and information technology functions for the district.

Ms. Casanova reviewed a list of responsibilities for the Human Resources Division. Her focus for this presentation was on the teachers and the evaluation tool that is used to evaluate teacher performance. WSD, like most public schools in Texas uses the Professional Development Appraisal System (PDAS) for teacher evaluation. This document has been in use since the 1997-1998 school year.

The evaluation of a teacher is addressed through eight domains with 51 different criteria. Ms. Casanova explained the PDAS scoring process and stated that an appraiser uses four guiding factors to evaluate each area: strength, impact, variety, and alignment. In addition to these four guiding factors, each criterion is scored at a proficiency level. Each of the 51 criteria is scored individually as: exceed expectations, proficient, below expectations, or unsatisfactory. In this scoring matrix proficient is actually a well versed teacher. A proficient teacher is a teacher that keeps 80-89% of the students engaged for 80-89% of the time. The PDAS scoring guide describes a proficient teacher as someone who is skilled, experienced, masterful, and knowledgeable.

Principals attend several days of training to ensure they are well prepared for their role as an appraiser. In order to become a certified PDAS appraiser, principals must participate in five days of instructional leadership development that is focused on creating a learner-centered environment. Then they participate in three additional days of staff development that are solely focused on learning how to implement PDAS successfully on their campus.

Human Resources develops a PDAS calendar each year. No appraisals are conducted during the first three weeks of school or the day before any holiday. All new teachers must be provided an orientation upon hire and they must not be evaluated during their first three weeks of school. The appraisal period ends no later than 15 working days before the last day of instruction for the school year.

With PDAS, at a minimum, teachers must be formally observed for 45 minutes each year. They are given a one-week window, but not a specific date or time for the observation. A written summary must be given to the teacher within 10 days of the observation and the teacher shall be offered a conference to discuss the observation. Teachers are given an opportunity to provide the appraiser with additional information through a teacher self-report. This is an opportunity for the teacher to brag on themselves and also to discuss their goals for professional development as it relates to student improvement. Any information gathered must be included in the evaluation.

If teachers score poorly on their appraisal, appraisers are required to collaborate with the teacher to develop a growth plan. A growth plan is a tailored set of activities designed to improve performance in one or more specific areas. If a teacher feels the appraisal is incorrect or invalid, then the teacher has the option of requesting a second appraisal. If poor teacher performance does not improve, then the principal must initiate the non-renewal process to separate a teacher from employment.

Developing documentation that accurately reflects performance, especially when there are concerns, can be time consuming. Growth plans, by design, are individualized and typically take two to three months for completion. If timelines are not met or documentation is lacking, the PDAS may be rendered useless when making employment decisions.

Recently, the Information Technology Division installed a software program for electronic scoring. This will allow staff to update and change PDAS documents quickly and easily in the future.

Ms. Casanova concluded her presentation by stating, overall, PDAS is an excellent instrument that is focused on student achievement and is recognized across the state.

Referring back to WSD's turnover rate of 9%, Mr. McCombs inquired on the statewide turnover rate for school district staff. Ms. Casanova responded the rate was 14.7 percent.

Regarding PDAS, Ms. Lord asked if there was a similarly stringent process for evaluating principals, assistant principals and counselors. Ms. Casanova advised WSD is in the process of updating the evaluation process for those staff positions; it is not as stringent however as the PDAS because of the timelines involved.

Chairman Bell inquired as to who evaluates the teachers. Ms. Casanova responded that the principal evaluates the teacher. Chairman Bell asked if there was a second rater in the PDAS process. Ms. Casanova responded that there is not a formal second rater; however, principals seek guidance from their supervisor before issuing a less than proficient evaluation.

SUPERINTENDENT'S REPORT

Ms. Roberts updated the Board on the legislative session and where WSD stands in the appropriations process. WSD staff has carefully analyzed both the Senate and House appropriations bills and both contain a significant reduction in the WSD appropriation. It is still very early in the process and WSD will continue to work with the legislature to provide them with the information that they need to make decisions throughout the session.

WSD has been preparing for a possible budget reduction by implementing a process to review each staff vacancy as it occurs before making a decision to refill that position. Priority consideration is being given to those positions that provide direct services to the offender population however as 88.5% of WSD's positions fall into that category, it will be impossible to implement a significant budget reduction without eliminating some of those positions.

Ms. Roberts concluded by saying WSD has asked staff to notify Human Resources, as early as possible, if they plan to retire prior to September 1, so those vacancies can be taken into consideration as decisions are made about educational programming for the next school year. So far, staff has been very forthcoming about their plans to retire, and with careful planning, Ms. Roberts noted she is hopeful WSD may be able to eliminate primarily vacant positions.

REPORT FROM THE CHAIRMAN, WSD BOARD

Legislative Budget Board WSD Effectiveness Study

Chairman Bell informed the Board that the Legislative Budget Board's 2010 Effectiveness Study on the Windham School District has been released. The study reviewed offenders who participated in WSD's secondary level vocational programs as well as college credit vocational programs.

The report's findings remain consistent with past LBB studies, indicating that in general, offenders who completed vocational training while incarcerated were more likely to be employed upon release. They were also more likely to retain employment, and to be employed on the first anniversary of their initial employment.

The chairman stated findings indicate that 49% of the offenders who were WSD vocational completers and 52% of the college vocational completers were employed within one year of release, compared to 37% of offenders who did not receive vocational training.

The Effectiveness Study also found that in general offenders who completed vocational training while incarcerated were more likely to exhibit an increase in earnings over their first year of employment. They were also more likely to exhibit a higher average salary difference, and to have higher average annual earnings than individuals who did not receive or did not complete their vocational training.

In addition, of those employed, the study found that almost 77% of the WSD vocational completers and 75% of the college vocational completers earned income working in an occupation related to their vocational training. Once again, this study affirms the beneficial role

He congratulated all participants and added that he was looking forward to seeing the numbers continue to grow in the next two quarters.

The chairman concluded his report by stating third quarter registration is now underway for the Chairman's Football League 2011 Round-Up. For this event, employees will be encouraged to do 30 minutes of physical activity five days a week, or 150 minutes per week. This third quarter activity is a six week challenge. Following the CFL Round-Up, the Texas Round-Up Run/Walk event will be held in Austin on April 30th.

Referring back to Chairman Bell's comments on college vocational training, Mr. Nelson asked if the offenders enrolled in the college programs pay for those classes. Ms. Roberts responded there were several sources of funding. A federal grant is available but offenders must be less than 35 years old in order to be eligible. There is also a state appropriation that WSD uses to pay for the first three hours of academic and a six-hour vocational class each semester however the offender is responsible for paying those funds back after release. In addition, there are offenders whose families pay for their college education while they are incarcerated.

Mr. McCombs inquired what percentage of offenders actually pay WSD back for their college classes after release, and who collects those funds. Ms. Roberts advised that WSD receives between \$500,000 and \$600,000 per year. She added that the parole officers collect the funds. Mr. McCombs asked how an offender qualifies for the grant money. Ms. Roberts noted there are a series of qualifications. The primary criteria includes offenders that are within seven years of release, and excludes sex offenders and offenders 35 years old and older.

ADJOURNMENT

There being no further business, Chairman Bell adjourned the 262nd meeting of the WSD Board of Trustees at 1:11 p.m.

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Chairman

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Secretary

*Signature on File

Note: Referenced attachments are available upon request from the Office of Record, Executive Services.