

TEXAS ASSOCIATION OF SCHOOL ADMINISTRATORS PROFESSIONAL JOURNAL

# INSIGHT

FALL 2011

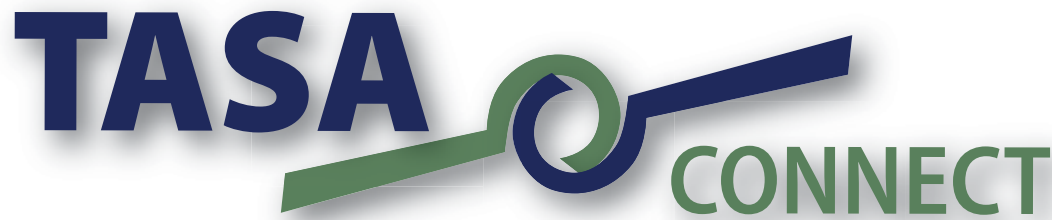
State Budget Shortfall  
Means Financial Hardships  
for Districts

At a Glance:

*The 82<sup>nd</sup>  
Legislative Session*

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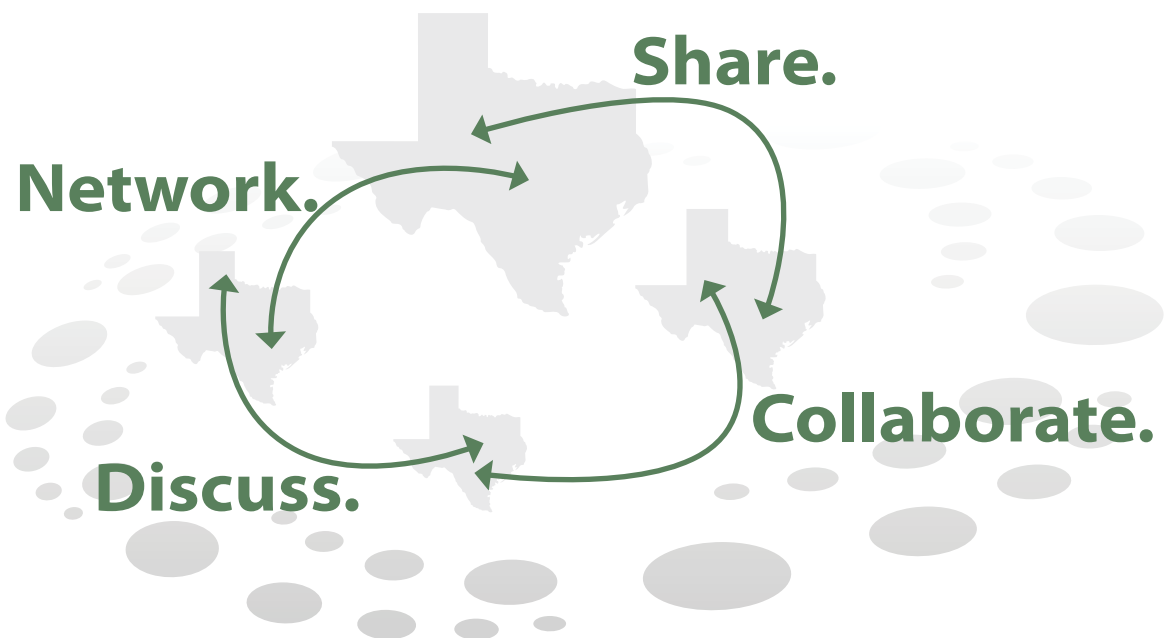




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# INSIGHT

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## PRESIDENT'S

## MESSAGE

.....

...I've discovered that nearly every person I talk to is looking for ways to turn the underlying negativity that seems to have pervaded public education into something positive. So what can we do?

.....

## *Accept the Challenge!*

**A**T THE TASA EXECUTIVE PLANNING MEETING IN JULY, several TASA committee members and I were talking at length with Dr. John Horn, senior consultant with the Schlechty Center. Our conversation naturally centered on what had transpired over the past 12 months and how we dealt with the situation as an association and as individual members. One particular point that rang true for all of us was the great energy required of us before, during, and immediately after the legislative session to push the public education agenda and battle the negativity that surrounded us. During that time, most of us operated in a call-to-action mode—doing whatever was needed to protect public education in Texas.

Dr. Horn challenged us to think in a new way about our responsibilities to public education. He encouraged us to think about ways that we could harness the high-level energy generated during the past few months and retool it to benefit our districts and communities. His words really struck a chord with me, and as I've shared that conversation with others over the past couple of weeks, I've discovered that nearly every person I talk to is looking for ways to turn the underlying negativity that seems to have pervaded public education into something positive. So what can we do?

Superintendents and other school leaders have a unique opportunity to turn our efforts away from defending public education and instead return to serving it. However challenging the aftermath may be, it is our new reality, and our leadership and spirit of service are needed more than ever before. Yes, we are being asked to do more with less, but we cannot let that stop us from increasing our own level of performance and meeting the expectations that have been set for us. Our students, teachers, parents, and communities need us to create and maintain a positive atmosphere in which not only public education but also individuals can succeed and thrive. What a great opportunity we have to demonstrate the power of public education!

We also need to take advantage of the unique times we find ourselves in and lead the way to truly transforming public education. With the passage of SB 1557—the Texas High Performance Schools Consortium bill—Texas superintendents, school officials, and districts have an opportunity to prove that we can vault over the status quo and truly succeed at “doing things differently.” Strong, service-oriented leadership will be the key to ensuring that our actions reflect our promises, and that our students have the support and encouragement they will need to truly become next-generation learners. So, I encourage every school leader to accept the challenge to provide the level of leadership that our teachers and communities need and that every student deserves.

I look forward to seeing you in Austin for TASA/TASB. Please don't hesitate to call or e-mail me with your thoughts on how TASA can better serve you and the students in Texas.

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## EXECUTIVE DIRECTOR'S VIEW

...TASA has partnered with the Children's Defense Fund-Texas for the past two years in a targeted program to identify and enroll students eligible for Medicaid and the Texas' Children's Health Insurance Program (CHIP)...

## Healthy Child, Better School Performance

**P**ERHAPS MORE THAN ANYONE ELSE, educators know how important a child's health is to their overall performance in school. A healthy student whose basic needs are being met is a student who is ready to learn. And access to healthcare is crucial to keeping students healthy.

Sadly, many children in Texas don't have access to medical care. That means no well-child visits to monitor their health and wellbeing and nowhere to turn when they do become ill. School nurses often become the primary medical caregivers for these children, and absences add up to lost learning time for the student and lost revenue for a school.

According to the Kids Count annual report released last month, one in four Texas children are uninsured. That statistic is one of the compelling reasons that TASA has partnered with the Children's Defense Fund-Texas for the past two years in a targeted program to identify and enroll students eligible for Medicaid and the Texas' Children's Health Insurance Program (CHIP) through a \$1 million grant from the U.S. Department of Health and Human Services. The grant is through TASA's 501(c)(3) arm, the Texas Leadership Center.

Recently, the Department announced that it has awarded the Texas Leadership Center a second \$1 million grant to continue efforts to link students to affordable healthcare options. The grant is part of the second cycle of two-year grants under the Children's Health Insurance Program Reauthorization Act (CHIPRA) of 2009.

TLC will again contract with CDF-Texas to administer the program. The focus is to engage high school students in advocating for themselves, the health of their peers, and their communities. The grant will be used to conduct targeted, school-based outreach in at least four school districts: Alief, Spring Branch, Edinburg, and Pharr-San Juan-Alamo. The first cycle of the grant focused on efforts in Corpus Christi, San Antonio, Houston, McAllen, Hidalgo, Pharr-San Juan-Alamo, and Valley View ISDs. Since these efforts began in 2009, school district personnel with assistance from CDF-Texas have linked nearly 60,000 children to affordable health coverage options.

While the grant focuses on only a handful of districts, TASA is also using grant funds to develop online resources that will help districts across the state implement their own programs. The online toolkit will include videos from districts where successful programs have been implemented, links to resources such as talking points for board or community presentations, and ideas on how to link with community and corporate programs for support.

The Children's Defense Fund-Texas will be among the presenters at the 2011 TASA/TASB Convention, September 30–October 2, at the Austin Convention Center. The convention will showcase outstanding speakers, successful practices in schools throughout the state, the latest educational technology, and much more. And, there is no registration fee for school district administrators and trustees this year. We look forward to seeing you there.

*Johnny L. Veselka*

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# At a Glance:

## *The 82<sup>nd</sup> Legislative Session*

by Jenny LaCoste-Caputo

FROM VETERAN LAWMAKERS to longtime lobbyists to Capitol press corps members with years of experience under their belts, it seemed everyone who lived and breathed the 82<sup>nd</sup> Legislative Session this year characterized it as one of the toughest and most brutally challenging in recent history.

It began in January with a \$27 billion budget deficit; more than 30 new House members who came to Austin with the stated intent of holding the line on taxes; shrinking government and cutting spending; and a host of other issues deflecting attention and altering behavior, including redistricting and the possibility of a presidential run for Gov. Rick Perry.

School district leaders knew from the start that education would be a prime target, but no one could have predicted the roller coaster ride that was to come—first a regular session then a special session at times split the education community and result in a historic loss in funding for public schools of roughly \$5.3 billion.

School districts across the state are dealing with serious budget shortfalls and are making cuts to programs and staff, things aren't as bleak as they might have been had the initial proposal by the House Appropriations Committee become a reality. That would have cut from the Foundation School Program, plus slashing or zeroing out the budgets of many other important programs.

"It has been nothing short of devastating," said Amy Beneski, TASA's associate executive director of governmental relations. "I think it was a wakeup call to a lot of members who had no idea what budget cuts were going to look like. It became a realization that this was a serious blow to education."

The influx of freshmen House members that gave Republicans a super-majority of 101 to 69 played a huge role in the tenor of the session. Particularly since the new members had been swept into office with promises of no new taxes and protecting the state's Rainy Day Fund.

"The question is did people really realize what no new taxes, shrinking government, and not spending on the Rainy Day Fund would look like? They didn't realize budgets were already lean," Beneski said.

In fact, a February poll by UT and the Texas Tribune found that 82 percent of Texas voters opposed cuts to public education, yet by a 2-1 margin they favored spending cuts to balance the budget over raising new revenue.

At one point during budget debate, one of those new House Republicans took to the back microphone on the House floor to admit that he came to Austin believing it was a lot like Washington, but after



months of budget debate realized that there wasn't a lot of fat in state government and cuts were going to be difficult.

Ultimately, the lawmakers did hold the line on balancing the budget through cuts and blocked any attempt at new revenue, including making fixes to the margins tax. The business margins tax, created in 2006, was supposed to fund public schools and make up for the reduction in property taxes the Legislature passed in 2006. The tax never lived up to its projections, largely because of loopholes and lax oversight, leaving a gaping hole that just grows bigger every biennium in education funding.

They also refused to tap the state's Rainy Day Fund for education for the 2012–13 biennium, despite pleas from numerous organizations. In the end, the budget was balanced through a mix of funding cuts and accounting tricks, such as delaying some payments to the next biennium.

The Foundation School Program took a \$4 billion hit and lawmakers cut more than \$1.3 billion from other education programs, including the Student Success Initiative, teacher incentive pay programs, regional service centers, and pre-kindergarten grants.

The Texas Education Agency was another victim of budget cuts, and reductions there will ultimately affect school districts too. The state slashed TEA's budget by more than 36 percent, and the agency has cut its staff from more than 1,000 employees to just over 700.

The version of the budget that passed was close to what the Senate proposed—a much better outcome for public schools. Sen. Kevin Eltife, R-Longview, called the Senate's bill a "heroic effort" in a Senate Finance Committee hearing.

Finance Committee Chairman Steve Ogden agreed.

"I think this bill has the potential of saving public education in Texas," he told committee members. "If we don't pass the bill, I think public education as we know it is in big trouble."

As the regular session was drawing to a close, debate centered not on the total amount of cuts but on the way those cuts would be distributed. The hard-fought compromise knitted together a plan by Sen. Florence Shapiro to phase out target revenue and a proposal by Rep. Rob Eissler to use proration to distribute cuts. That bill was filibustered by Sen. Wendy Davis who opposed cuts to education, pushing the Legislature into special session.

During the special session, the Legislature passed Senate Bill 8 and Senate Bill 6, bills that give school districts more spending flexibility—a valuable tool at a time when money is scarce.

Senate Bill 8 gives districts the authority to reduce salaries for financial reasons, permits furloughs, and includes several other tools that will help districts dealing with a budget deficit. The bill also includes a sunset provision if funding levels go back above 2010–11 levels.

The bill was controversial and vehemently opposed by teacher groups, but Beneski pointed out that the provisions in SB 8 are not mandatory but give districts options and the decision on whether to use them will be made at the local level. The bill requires input in the decision-making process from teachers and the community.

"It's not a closed-door decision," Beneski said. "It's very much a community decision. Teachers will be involved, parents will be involved, and the community will be involved."

Eissler, the chair of the House Public Education Committee who introduced

the spending flexibility bill in the House, defended the plan, saying the authority to furlough employees or reduce salaries could save jobs by giving school boards the opportunity to use one of those methods instead of eliminating jobs.

"We minimized the reduction in funding to school districts, but gave them flexibility to handle them," Eissler told *The Courier of Montgomery County*.

SB 6 creates an instructional materials allotment, a pot of money that merges what used to be separate funds for textbooks and technology into one. It entitles a school district to an annual allotment from the state instructional materials fund for each student enrolled in the district.

The allotment will give districts flexibility they didn't have before of what textbooks they can purchase and how to spend the money. Districts can also use it to purchase electronic instructional materials and the technology necessary to support them.

"We're looking for more and more control over dollars, and the Legislature has been moving in that direction," Beneski said. She added that the instructional materials allotment will allow districts to focus more on technology and to teach students the skills needed to compete in a global economy.

"Kids come to school and they power down," Beneski said. "That's not how it should be. Districts weren't getting enough technology money, and they were saying they needed a mix—the opportunity to choose—when it comes to instructional materials."

While the cuts to public education were not nearly as draconian as anticipated early in the session, there is no doubt that schools will suffer this year.



Districts are hacking budgets and cutting programs. While many districts have managed to avoid wide-scale layoffs, job positions are being eliminated. Those who are retiring or resigning aren't being replaced, and new teacher hires are miniscule compared to past years, even in fast-growth districts. That means larger classes and diminished course offerings.

And because the cuts were spread over the two years of the biennium, districts will have to reduce their budgets again in 2012–13. Since most districts have trimmed to the bone, school leaders are wondering where they can cut more.

An interim legislative committee is supposed to meet over the next two years to consider school finance, but no details have been announced yet. John Kuhn, superintendent of Perrin-Whitt CISD, says legislators need to ask themselves what kind of public education system they want for Texas and what are they willing to pay for.

"I'm desperately worried about next year," Kuhn said, explaining that he made deep cuts to staffing for the upcoming school year. "We're down to a bare-bones system of funding schools and that means our kids are going to get a bare-bones education."

Beneski said superintendents, administrators, and board members need to keep talking to legislators about what cuts look like in their district, not just this year but next year and the year after.

"Everyone wants to talk about all the things they want public education to do but, unfortunately, we back into the funding," Beneski said. "We only fund public schools based on the money we have available. We don't really ask the question 'What does it really cost to do the things the Legislature is asking schools to do?'" ■

*Jenny LaCoste-Caputo is director of communications and media relations at TASA.*

## Playing Defense

TASA members and TASA's governmental relations staff championed some important legislation this session and were able to see it passed into law.

Those hard-fought victories deserve celebration, but many times just as much or more work goes into defeating legislation—or ideas that might work themselves into legislation—that would adversely affect TASA members and the school districts they serve.

Superintendents and district administrators from across the state came to Austin to testify against certain bills. Many more called and e-mailed their legislators and let them know how proposed legislation would affect their districts. School leaders who cultivated an ongoing dialogue with their elected officials were also able to lend their perspective to the debate when ideas made their way through the Capitol, often stopping a proposal before it surfaced as a bill or amendment.

**Here's a sampling of some ideas that failed to pass the Legislature this year:**

- Consolidation of school districts, creating one district per county
- Lowering appraisal caps
- Allowing private schools to participate in University Interscholastic League competitions
- Sunsetting the UIL
- Requiring public notice of superintendent finalists
- Salary caps for school district administrators
- Ratio requirements for administrators to teachers
- Unlimited expansion of charter schools
- Creation of voucher programs

Some if not all of these ideas are likely to surface again in 2013, and it's important for educators to keep the conversation going with lawmakers, the community, and the media.

TASA worked to provide talking points for school district leaders this legislative session, particularly on the issues of vouchers, private school participation in UIL, and on the misconceptions of the number of "administrators" versus teachers in Texas public school districts. That information can be found on TASA's blog, *EduSlate*, at [tasanet.blogspot.com](http://tasanet.blogspot.com).

## Evolving Technology Spurs New Discipline Issues

Social media and instant access to technology via tools like smart phones and iPads have resulted in a seismic change in just a few short years to the way we communicate, learn, and live our lives.

Those changes include how children and teens interact and communicate with each other. Unfortunately, all of the changes haven't been positive. Bullies have been around forever, but social networks and texting have handed them the ability to inflict more harm in front of a larger audience than ever before.

Also, texting and camera phones with the ability to send pictures back and forth have led to the phenomenon of "sexting," sending and receiving sexually explicit messages or

continues on page 14

pictures. It's a dangerous behavior for youngsters that can have social and emotional ramifications.

The 82<sup>nd</sup> Legislature attempted to address some of these issues this year with new legislation directing districts to deal with the changes in technology and the new discipline problems those changes have spawned.

**House Bill 1942** by Rep. Diane Patrick allows a school district to include procedures in its staff development aimed at preventing, identifying, responding to, and reporting incidents of bullying. The bill, which went into effect immediately, also:

- Defines bullying as engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on a school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district and that has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property.
- Defines bullying as behavior that is sufficiently severe, persistent, and pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student.
- Considers conduct as bullying if it exploits an imbalance of power between the student perpetrator and the student victim through written or verbal expression or physical conduct and interferes with a student's education or substantially disrupts the operation of a school.
- Allows the board of trustees to transfer the student who engaged in bullying to another classroom or to another campus in the district, in consultation with the student's parent or other person authorized to act on the student's behalf.
- Requires that the State Board of Education, in consultation with the Texas School Safety Center, provide essential knowledge and skills that include evidence-based practices that will address awareness, prevention, identification, self-defense in response to, and resolution and/or intervention in bullying and harassment.
- Requires school district boards of trustees to adopt a policy concerning bullying that prohibits the bullying of students; prohibits retaliation against any person who provides information concerning a bullying incident; establishes a procedure for providing notice of a bullying incident to a parent or guardian of the victim and a parent or guardian of the bully within a reasonable amount of time; establishes the actions a student should take to get assistance and intervention in response to bullying; explains counseling

options for a student who is bullied, witnesses bullying, or engages in bullying; prohibits punishing a student who, after an investigation, is found to be a victim of bullying and used reasonable self-defense in response to the bullying; and requires that discipline for a student with disabilities who engages in bullying comply with federal law, including the Individuals with Disabilities Education Act (IDEA.)

- Requires that the school district policy and procedures be included annually in the student and employee school district handbooks and in the district improvement plan.
- Requires a school district to post on its Web site to the extent practicable the procedure for reporting bullying.

**Senate Bill 290** by Sen. Kirk Watson addresses the issue of "sexting" by minors younger than 18. The bill does the following:

- Provides that a minor commits the offense of "sexting" if he or she intentionally or knowingly by electronic means promotes to another minor visual material depicting a minor (including themselves) engaging in sexual conduct.
- Provides that the promotion or possession of "sexting" material may be a Class A, Class B, or Class C misdemeanor.
- Provides that it is a defense to prosecution if the visual material was shared between two minors who are no more than two years apart in age and had a dating relationship at the time of the offense or were married at the time of the offense, and the material was not seen by anyone else.
- Provides that it is a defense to prosecution if the minor possessing the visual material did not produce or solicit it and destroyed it within a reasonable amount of time.
- Provides a law enforcement officer or a school administrator with a defense to prosecution if the visual material was possessed in good faith solely as a result of an allegation involving sexting.
- Allows a judge to order a minor that committed sexting to attend and successfully complete an educational program that addresses the legal and social consequences of sexting.
- Requires the Texas School Safety Center, in consultation with the Office of the Texas Attorney General, to develop education programs for use by school districts that address various issues relating to sexting.
- Requires school districts to annually provide or make available information on the educational programs developed by the Texas School Safety Center in a grade level and in a manner the district considers appropriate.

# TASA Visioning Network (TVN):

## *A Newly Established Statewide Initiative*

If you missed reading TASA's *Summer 2011 INSIGHT*, the following Q&A will give you a quick overview of the newly created TASA Visioning Network so you, too, can become part of creating a new vision for public education in Texas.

### What is TVN?

TVN is a statewide initiative to develop innovative, next-generation learning standards and assessment and accountability standards for Texas public schools.

### How did TVN's journey begin?

TVN is an expansion of the work of the Visioning Institute. Since the publication of *Creating a New Vision for Public Education in Texas* in 2008, resulting from the work of 35 superintendents who participated in the Public Education Visioning Institute over a 21-month period, TASA has continued to advance the work through various meetings and conferences and through expansion to districts throughout the state.

### Who is eligible for TVN?

TVN is open to any district that has the desire to connect and learn more about realizing the "new vision" for public education in their local districts.

### Where do TVN members connect?

TVN members are able to communicate and share best practices and ideas for transforming the vision into reality through **TASA Connect**, TASA's new online forum; participate in special seminars on "New Vision" topics; and collaborate with other network members through regional consortia.

### Who leads TVN?

TVN's design team consists of superintendents who are currently engaged in this work to provide the initial leadership. Dr. Jeff Turner, TASA 2011–12 president-elect, is chair of the design team.

### How will TVN accomplish its goals?

TVN members have access to TASA's recently launched New Vision Implementation Guide: From Vision to Results Web site. The Guide provides a district-level companion tool that delves more deeply into each of the transformational themes, applied directly to the core work of teaching and learning and the structures and systems that support the core work. TVN will play a role in developing closer connections among districts and bringing key instructional leaders into the discussion of how to use the NewVision Implementation tools.

### How will TVN complement and support the work of the Texas High Performance Schools Consortium authorized by SB 1557?

TVN principles, embodied in TASA's *Creating a New Vision for Public Education in Texas*, will guide the work of the legislatively authorized consortium, which will begin its work during the 2012–13 school year. The consortium will report to the Legislature and governor prior to the next legislative

session on its performance and progress, including submission of a plan for an effective and efficient accountability system for consortium participants.

### What is the next step for TVN?

TVN's next step is to inform and move all districts in Texas toward the dream of being "next-generation" school districts. TVN has an immediate goal to move the transformational themes of the vision from concept level to leadership action and successful implementation in schools.

### Summary

We look forward to expanding the work of the Visioning Institute through TVN, a collaboration of districts united by a desire to connect and learn more about realizing the "new vision" in their own local districts. TASA believes that many of the principles and premises stated in *Creating a New Vision for Public Education* are achievable if we have the courage to act on our convictions. Working together, we can gain support, learn from best practice, increase our districts' capacities, and continue the lifelong learning that the Visioning Institute championed. We hope that you will choose to engage with us on this important journey. ■

**For additional information about the TASA Visioning Network, contact**

**Susan Holley, associate executive director for instructional support and leadership development ([sholley@tasanet.org](mailto:sholley@tasanet.org)); Johnny Veselka, executive director ([jveselka@tasanet.org](mailto:jveselka@tasanet.org)); or TASA (800.725.8272).**

## TASA Fall 2011 Calendar

### September

14–15	First-time Superintendents Academy, Session One	Experts in the Field	Austin Marriott North Hotel, Round Rock, TX
30–Oct. 2	TASA/TASB Convention		Austin Convention Center, Austin, TX

### October

3–4	Leadership Development Process		TASA Headquarters, Austin, TX
13–14	TASA Academy for Transformational Leadership		Austin Doubletree Hotel, Austin, TX
13–14	50 Ways to Close the Achievement Gap		TASA Headquarters, Austin, TX
18–21	Level I Curriculum Management Audit™ Training	Jan Jacob	TASA Headquarters, Austin, TX

### November

2–3	First-time Superintendents Academy, Session Two	Experts in the Field	Austin Marriott North Hotel, Round Rock, TX
9–10	Texas A&M University/TASA Administrative Leadership Institute (ALI)		Hilton Hotel and Conference Center, College Station, TX
18–20	Texas Association of Suburban and Mid-Urban Schools (TAS/MUS) Fall Conference		The Woodlands Waterway Marriott Hotel and Convention Center, The Woodlands, TX

# Strike Bullying Out of Your School

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# Schools Find Brain Research Key *to Student Engagement and Improving Performance in Math*

by Timothy B. Jones

SOME TEXAS SCHOOL DISTRICTS are turning to the latest advances in the neurosciences to find new strategies for improving student achievement. With the advent of the State of Texas Assessments of Academic Readiness (STAAR) and implementation of end-of-course testing on the horizon, the following districts have taken a proactive approach to seeking better methods for students to learn and remember.

## Two School District Journeys

“All instruction is brain-based in theory and in intent...the whole idea is for students to learn. However, neuroscientists have begun research into how we physiologically learn best. So far, little instruction utilizes brain/mind compatible strategies and conceptual development resulting in learning that never enters long-term memory,” says Camille Malone, director of mathematics for Dallas ISD, who has implemented brain/mind instructional methods in many algebra and geometry classes across the district. Students more willingly engage in what they enjoy and are intrinsically motivated to do.

Malone continues, “Survey average people on the street and when asked if they liked math in school the vast majority will say, ‘No.’ Rather than learning mathematics by thinking through a problem and actually solving it, students in the past learned procedural skills to manipulate numbers or equations, and never really understood why they were doing it. Not only is that not how the brain learns, it was not fun and does not result in information penetrating the learners’ long-term memory.”

Fun or enjoyment is key to intrinsic motivation in the brain/mind classroom. Jon Peters, principal of McMillan Middle School in Wylie ISD adds this testimonial from one student on his campus: “I love this brain stuff. My head hurts when the class is over, but it is great when we get to do it.” All three junior high campuses in Wylie implemented brain/mind instructional methods in their math classrooms last year and are implementing brain/mind instruction in all science classes this coming year.

“On our campus, students continually stated that they had never learned math this way before and it was actually fun. The students struggled at first, creating the cognitive conflict needed to make the learning connection. However, once the connection was made, the looks on their faces were priceless,” says Dr. Justin Terry, principal of Burnett Junior High School. Tami Nauyokas, principal of Cooper Junior High School, adds that the initiative

FUN  
OR  
ENJOYMENT  
IS  
KEY  
TO  
INTRINSIC  
MOTIVATION  
IN  
THE  
BRAIN/  
MIND  
CLASSROOM.

in Wylie has been popular with other stakeholders too. “The buzz among students about something in math being fun quickly spread around the district. Students were excited and talking about their math work outside of their math classes and outside of school. Central Administration and the school board took note and became very supportive when they were able to hear students and teachers both express how much fun and success they were having in class with the brain/mind learning activities.” In fact, several classes videotaped their classroom activities, which ultimately made their way into a presentation for the school board and was even published on YouTube.

## The Brain-Compatible Classroom

So what does a brain-compatible classroom look like? For starters, they look different! Teachers facilitate processes that are just as rewarding to learners as the outcomes produced by those learners. In other words, process must be as important as product to be brain/mind compatible (Caine & Caine, 2011). It is much easier to motivate learners for a fun and engaging process as opposed to motivating them for an outcome or product at the end of the process. The brain/mind classroom emphasizes an active process of learning for the student instead of emphasizing the formal assessment that comes at the end of learning (Jensen, 2005).

Students are active in classrooms as peer groups work collaboratively and utilize technology to solve some *relevant* problem in mathematics, science, social studies, or English language arts. They are discovering and constructing new knowledge for themselves, using manipulatives, resources, materials, maps, the Internet, and literature all while they are talking, thinking, creating, and presenting their newfound revelations to the larger group. Creativity is critical in a brain-enriched environment as students truly become the center of learning, and

as a result they have fun while they learn. Dr. Terry adds, “Brain/mind instruction has transformed the traditional repetition and processed-based mathematics in our math instruction into meaningful and application-based long-term learning opportunities. Learning is truly centered on learners!”

## Results

The \$64,000 question is, of course, “Does it work?” Numerous data, including TAKS performance, document success at both school districts in the early implementation of the initiatives. Ms. Malone reports that Dallas ISD has realized significant increases in algebra performance, particularly with Hispanic students and other sub-groups. She continues that, “In the first year of implementation, Grade 9 TAKS data, for example, resulted in a closure of the district gap with state performance by 29 points.” Encouraged by this progress, the central math division of the district began providing teacher training and support for implementing brain/mind instruction in other levels of secondary math classes.

In Wylie ISD, TAKS data in math for the schools involved were also exciting and encouraging. Dr. T. J. Farler, then-assistant superintendent of curriculum and instruction and now superintendent of schools in Pine Tree ISD, was so satisfied with the success the district had with junior high math, she encouraged both high school principals to implement brain/mind algebra and geometry in the 2011–12 school year. The Wylie instructional leaders believe that student success in brain/mind classrooms at the junior high level make it increasingly important for those students to be able to continue to learn that way as they transition to high school. Dr. Farler emphasizes, “Students, teachers, and administrators must all experience cognitive dissonance in order to learn and grow in our work. Instruction that is designed and centered on the learner is critical for deep learning, and learning that is retained over time. The design and

the intent of brain-based instruction does exactly that—it engages the learner and ensures that the learning is meaningful and retained over time.”

But Farler also cautions that it takes deliberate leadership to philosophically move educators, parents, and students in such a fundamentally different instructional way. She notes, “It is essential that the campus principal leads, participates, and experiences brain-based instruction with the teachers. The principal must lead the effort, monitor the work (teachers and students) in the classroom, and collaborate with the teachers during the professional learning process. Otherwise, it’s just another one-time workshop with no lasting change in teacher behavior.” Ongoing support for the faculty is essential for successful implementation.

## In Summary

Students who have fun learning cannot help but learn and remember more. Mrs. Nauyokas concludes, “It became very apparent that students enjoyed doing higher-level thinking activities more than the traditional skill-drills practice they had done in the past. Profound learning was definitely taking place in our math classes, and we have similar expectations for science this year.” For more information, pick up one of the books referenced below or contact any of the participants involved in this work. ■

*Timothy B. Jones, Ed.D., is an associate professor and director of the Research Center and Doctoral Programs in Educational Leadership at Sam Houston State University.*

## References

- Caine, G. & Caine, R. (2011). *Natural Learning for a Connected World: Education, Technology, and the Human Brain*. New York: Teachers College Press.
- Jensen, E. (2005). *Teaching with the Brain in Mind, Revised 2<sup>nd</sup> Edition*. Alexandria, VA: Association of Supervision & Curriculum Development.



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**November 9 & 10, 2011  
College Station Hilton Hotel**

#### Registration

**Online:** Opens Thursday,  
September 1, 2011  
<http://ALI.tamu.edu>

**Deadline:** Tuesday, November 1, 2011

For additional information, contact  
Susan Sassano, [ssassano@tamu.edu](mailto:ssassano@tamu.edu),  
979.862.3283

#### Housing

A block of rooms has been reserved for ALI participants at the College Station Hilton Hotel and Conference Center, 810 University Drive East, College Station, TX. Call 979.693.7500 for your reservations or visit [www.hiltoncs.com](http://www.hiltoncs.com). The rate is \$109 single/double, payable to the Hilton. Room blocks will be held at this rate until Tuesday, October 18, so please reserve early. In order to receive this special rate, indicate that you are attending the Administrative Leadership Institute.

## 2011 Administrative Leadership Institute

TASA is pleased to again cosponsor the Administrative Leadership Institute (ALI). The 2011 Administrative Leadership Institute, *Teacher Effectiveness: From Highly Qualified to Highly Effective*, is bringing in national and state experts to help us understand and identify the characteristics and classroom behaviors of highly effective classroom teachers. In addition, participants will learn how managing teacher effectiveness as a reform system requires districts to make informed connections between teacher and student performance and related human capital practices.

### WEDNESDAY, NOVEMBER 9

#### Golf Tournament—Texas Scramble.

On Wednesday morning, the annual golf tournament will be held at the Texas A&M University Golf Course, located on the Texas A&M campus. This is a fun event, and prizes are plentiful—even for the high scorers. A boxed lunch is provided for the tournament participants and a handicapping system is used. Tee off is at 8 a.m. Only registered ALI participants are eligible to play and compete for prizes. All tournament participants must pay a \$45 entry fee the morning of the tournament. The fee includes cart, range balls, green fees, prizes, and a boxed lunch.

#### Panel of Experts—From Teacher Quality to Teacher Effectiveness.

We will hear from the experts at the District Management Council (DMC) and the work that they have done on *teacher effectiveness* with school districts in Texas and other parts of the country. This session includes best practices, case studies, and insights from the DMC's work with leading school practitioners around the country. In addition, the session includes frameworks, tools, and extensive facilitated discussion targeted at addressing key leadership and management issues pertaining to *teacher effectiveness*.

#### Evening Banquet—Every Child Deserves an Effective Teacher.

Wednesday evening's banquet at the College Station Hilton features Texas A&M

University's own Dr. Linda Skrla, professor in the College of Education and Human Development. Dr. Skrla is professor of educational administration, editor of the *Educational Administration Quarterly*, and vice president-elect for Division A of the Educational Research Association. Dr. Skrla is widely published in the areas of accountability and educational equity. In addition, *The Golden Deeds Award* will be presented to an individual for distinguished service to education in the state of Texas; a Texas educator will receive *The John R. Hoyle Award* for distinguished service to the public schoolchildren of Texas; and two outstanding graduate students from Texas A&M University will receive *The Paul R. Hensarling and T.M. Stinnett Awards*.

### THURSDAY, NOVEMBER 10

#### In-Depth Discussion—Perspectives to Teacher Effectiveness.

On Thursday morning, Dr. Scott Van Beck, executive director with Houston A+ Challenge, will bring us the *National Perspective to Teacher Effectiveness*. Dr. Van Beck will share some of the work and research that is being done in the area of *teacher effectiveness* in other parts of the country. Following Dr. Van Beck's presentation, several teacher leaders will share their thoughts on the *Teachers' Perspective to Teacher Effectiveness*, followed by a dialogue with some district-level administrators who have been involved in this work in their respective districts.

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**Don't delay registering for this conference! You will leave with creative and practical ideas for moving your district from a compliance district of *highly qualified* teachers to a high performing district of *highly effective* teachers.**

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### ■ TASA Accountability Forum

A unique subscription service, offered by TASA in cooperation with Moak, Casey & Associates, designed to assist superintendents and other school leaders in understanding and managing the upheaval of simultaneous transitions in all of Texas' assessment and accountability systems (state, federal/AYP, PBMAS, FAST, student data systems, etc.). Forum subscribers benefit from a built-in network of expert advisors who bridge the gap between state and local school districts. In addition, subscribers become part of an active professional community where peers share information and solutions.

### ■ Legislative and Public Policy Services

Legislative advocacy on behalf of the schoolchildren of Texas, considered one of the most important benefits of association membership. TASA devotes significant time, energy, and resources to monitor and influence legislative and public policy matters, seeking to fulfill this role through research, policy analysis and development, education, and technical assistance. TASA is able to remain highly visible and successful in large part through the support of our members who choose to subscribe to LPPS.

### ■ "Read to Lead" Book Study Series

An opportunity to engage in digital learning and improve teacher quality with your own leadership team! Read to Lead includes in-depth book studies with collaborative conversations, podcasts, transcripts, and related books and materials, offered by TASA in partnership with Syfr. The 2011–12 series, which is specifically focused on improving teacher quality through neuroscience, includes *Drive* (Daniel Pink), *The Talent Code* (Daniel Coyle), *Talent Is Overrated* (Geoff Colvin), and *The Genius in All of Us* (David Shenk).

### ■ TASA Visioning Network

Collaborative network of districts that focuses on development of innovative, next-generation learning, assessment, and accountability standards for Texas public schools. Expands on the work of the original Visioning Institute and on a broader scale will complement and support the work of the Texas High Performance Schools Consortium, authorized by SB 1557.

**For information on any TASA service,  
contact us at 512.477.6361 or 800.725.8272,  
or visit us online at [TASAnet.org](http://TASAnet.org)**





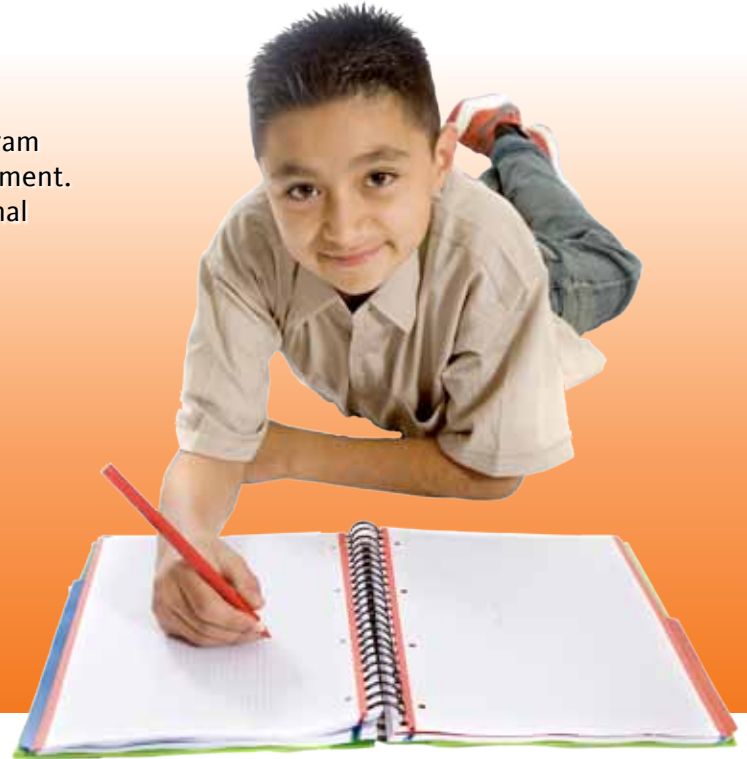
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## Legal Insights

### View from the 82<sup>nd</sup> Legislature: *The Impact of Selected Legislation on Superintendents*

THE 82ND LEGISLATURE ended its regular session on May 30. According to the Texas Legislative Reference Library, a total of 5,796 bills were introduced during the session.<sup>1</sup> Of that total, 1,379 were passed and sent to Governor Rick Perry.<sup>2</sup> Twenty-five bills were vetoed.<sup>3</sup> The rest of the bills were either signed by the governor or allowed to become law by the governor's failure to exercise his veto power.<sup>4</sup> During the First Called Session, 114 bills were introduced and 8 passed.<sup>5</sup> All of the bills passed during the called session were signed by the governor.<sup>6</sup> This article addresses two bills that have a direct impact on Texas superintendents:

Senate Bill 1669, which relates to the resumption of service by retirees under the Texas Retirement System of Texas ("TRS"); and Senate Bill 8, which relates to a school district's board of trustees "flexibility" in the management and operation of a school district during a fiscal crisis.

#### The Path to Employment after Retirement under Senate Bill 1669

Two roads diverged in a yellow wood,  
And sorry I could not travel both  
And be one traveler, long I stood  
And looked down one as far as I could  
To where it bent in the undergrowth;

— Robert Frost —

It is believed by many that, given the option, most Baby Boomers will choose to work after retirement for one reason or another. Some may explore more fun and creative jobs such as working at sports arenas, golf courses, or marinas; or sharing life tidbits and lessons learned through freelance writing. Others may wish to return to public education and continue to serve and educate the children in their particular community/district. Until re-

cently, however, public education employees tended to view retirement and re-employment as an either-or solution similar to the divergent paths in one of Robert Frost's most popular poems *The Road Not Taken*. The previous return-to-work provisions in the TRS scheme were limited, confusing, difficult to administer, and came with the ultimate risk—loss of retirement benefits. The penalty for not meeting all requirements for a particular exception was a loss of monthly retirement benefits for any month in which the retiree worked in a position by a Texas public educational institution.<sup>7</sup> In passing S.B. 1669, the legislature eliminated many of the confusing, more trap-weary exceptions to a loss of benefits under section 824.601(b) and opened a path to employment in public education after retirement.

TRS retirees who retired before January 1, 2011, may now work in a Texas public educational institution in any capacity without a loss of monthly TRS annuity benefits.<sup>8</sup>

1 Legislative Reference Library of Texas, 82<sup>nd</sup> Legislature Legislative Statistics (August 10, 2011).

2 Id.

3 Id.

4 As a general rule, the governor has ten (10) days upon receipt of a bill to sign it, veto it, or allow the bill to become law without a signature. However, if a bill is sent to the governor within ten (10) days of final adjournment, he has until twenty (20) days after adjournment to act on the bill. If the governor neither signs nor vetoes the bill within the allotted time, the bill becomes law. Tex. Const. art. 4, §14.

5 Legislative Reference Library of Texas, 82<sup>nd</sup> Legislature Legislative Statistics (August 10, 2011).

6 Id.

7 Tex. Gov't Code § 824.601(b).

8 Tex. S.B. 1669, § 1 (2011) (to be codified at Tex. Gov't Code § 824.601(b-1)).

For TRS retirees who retire after January 1, 2011, the amendments of S.B. 1669 provide a clear path to full-time employment after retirement. Now, persons who retire after January 1, 2011, may work full-time for as much as twelve (12) months each school year without any loss of monthly TRS annuity benefits if the retiree has been separated from service with all Texas public educational institutions for at least twelve (12) full consecutive months.<sup>9</sup> The bill also repeals the six-month exception<sup>10</sup>, acute shortage exception,<sup>11</sup> principal/assistant principal exception,<sup>12</sup> bus driver exception,<sup>13</sup> and nurse faculty exception.<sup>14</sup> Thus, retirees who have not been separated from service with a Texas public educational institution for the full twelve (12) consecutive calendar months after retiring may only work as a substitute<sup>15</sup> or on a one-half time basis.<sup>16</sup> Working full-time without the break in service will still result in a loss of TRS monthly annuity benefits for the month in which the full-time work occurs. Also, working in any capacity for a TRS-covered employer will restart the counting toward the required full twelve-consecutive-calendar-month break in service.<sup>17</sup>

### **The Impact of Senate Bill 8 on Superintendent Contracts during a Fiscal Crisis**

During the 82<sup>nd</sup> Legislature's First Called Session, the Legislature passed Senate Bill 8 which, according to the caption of the bill, was designed to give a school district's board of trustees "flexibility" in the

management and operation of a school district.<sup>18</sup> S.B. 8 includes language that adds both a "fiscal exigency" provision to the Texas Education Code ("Code") and a provision that permits a school district's board of trustees to amend a superintendent's contract when the board declares a "financial exigency" that requires a reduction in personnel. Specifically, S.B. 8 added the following subsection (f) to section 21.212 of the Code:

On the basis of a financial exigency declared under Section 44.011 that requires a reduction in personnel, the board of trustees of a school district may choose to amend the terms of the contract of a superintendent employed under a term contract. A superintendent whose contract is amended under this subsection may resign without penalty by providing reasonable notice to the board and may continue employment for that notice period under the prior contract.<sup>19</sup>

According to S.B. 8, a board of trustees may adopt a resolution declaring a "financial exigency" for the district if certain "minimum standards concerning school district financial conditions" exist for declaring a financial exigency.<sup>20</sup> The term "financial exigency" is not defined in S.B. 8. The minimum standards utilized to determine whether a "financial exigency" exists must be adopted by the Commissioner of Education.<sup>21</sup>

S.B. 8 also does not expressly state what the Legislature had in mind when it adopted section 21.212(f) in terms of whether it intended to authorize a board of trustees to unilaterally modify the terms of a superintendent's existing contract when a "financial exigency" has been declared. Testimony on the House floor demonstrates that the amendment

is to be prospective in nature and is not intended to impair or otherwise affect a superintendent's rights under an existing contract.<sup>22</sup> However, even if the Legislature intended to authorize a board of trustees to modify an existing contract during a "financial exigency," such a law would be unenforceable with respect to existing contracts because of the United States and Texas constitutional prohibitions against the enactment of laws that impair existing contractual obligations.<sup>23</sup>,<sup>24</sup> In summary, section 21.212(f) is intended to be applied prospectively and, under current law, a board of trustees would be constitutionally prohibited from unilaterally terminating or otherwise modifying a superintendent's existing contract, even if a board declares a "financial exigency" for the district.

*This article is for informational purposes only and is not intended to be a substitute for legal or tax advice. Specific questions and circumstances regarding the issues addressed in this article should be individually discussed with legal counsel and a qualified tax professional.*

Neal W. Adams  
Jerry D. Bullard  
Cory S. Hartsfield

Adams, Lynch & Loftin, P.C.  
General Counsel  
Texas Association of School Administrators

9 Tex. S.B. 1669, § 2 (2011) (to be codified at Tex. Gov't Code § 824.602 (a)(3)).

10 Id. (formerly Tex. Gov't Code § 824.602(a) (3)).

11 Id. (formerly Tex. Gov't Code § 824.602(a) (5)).

12 Id. (formerly Tex. Gov't Code § 824.602(a) (6)).

13 Id. (formerly Tex. Gov't Code § 824.602(a) (7)).

14 Id. (formerly Tex. Gov't Code § 824.602(a) (8)).

15 Tex. Gov't Code § 824.602(a) (1) and (2).

16 Tex. Gov't Code § 824.602(a) (4).

17 Tex. Gov't Code § 824.602(a) (3).

18 Tex. S.B. 8, 82<sup>nd</sup> Leg., 1<sup>st</sup> Called Sess. (2011).

19 Tex. S.B. 8, §11 82<sup>nd</sup> Leg., 1<sup>st</sup> Called Sess. (2011)(to be codified at Tex. Educ. Code §21.212(f)).

20 Tex. S.B. 8, §19 82<sup>nd</sup> Leg., 1<sup>st</sup> Called Sess. (2011)(to be codified at Tex. Educ. Code §44.011)).

21 Id.

22 H.J. of Tex., 82<sup>nd</sup> Leg., 1<sup>st</sup> Called Sess. 571 (2011).

23 See U.S. Const. art. I, § 10 ("No State shall...pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts..."); Tex. Const. art. 1, § 16 ("No bill of attainder, ex post facto Law, retroactive law, or any law impairing the obligation of contracts, shall be made..").

24 In general, a statute is unconstitutionally retroactive "if it takes away or impairs vested rights acquired under existing law." City of Tyler v. Likes, 962 S.W.2d 489, 502 (Tex. 1997); Also, under article I, section 16, a contractual "obligation is impaired when a statute is enacted that releases a part of [an] obligation or to any extent or degree amounts to a material change or modifies it." Price Pfister, Inc. v. Moore & Kimmey, Inc., 48 S.W.3d 341, 356 (Tex. App.—Houston [14<sup>th</sup> Dist.] 2001, pet. denied).



## TSPRA VOICE

TASA joins TSPRA in supporting the critical role of public information and communications professionals in Texas public schools.

# Strength in Numbers:

## *Making Parent Communication Effective and Easy*

*by Angela Jenkins*

PERHAPS NO TASK IS MORE IMPORTANT to district, campus, and community success than communication. How well school employees, especially administrators, communicate day after day can make or break a district's image. School districts use the media to communicate with the community—features that demonstrate the wonderful lessons and efforts taking place in the classroom or stories tackling tough issues that need to be shared with taxpayers. However, what is shared with viewers and readers is up to the mercy of the reporter. So, what is the best way to get that information out to the parents and members of the community? It depends on the community. In Tyler ISD, our community runs the spectrum when it comes to successful communication efforts. We have some parents who are tech savvy who text and tweet. Others do not have computers in their household, nor are they able to communicate via e-mail. We also have parents who do not speak English, and Spanish is the primary language spoken at home. No one method of communication reaches all parents; that is why it is important to use various methods to get that one message out. Our district uses a variety of ways to reach our parents and community members.

**Phone Communication System.** Our rapid phone system has become an essential part of our communication efforts the past few years. Not only can the device send general messages to parents reminding them of campus events, but it is also a great communication tool in an emergency situation. We did discover that using this type of technology comes with some workarounds. We discovered that many of our parents do not have phone plans with a cell phone provider and instead use a pay-per-use phone. In these situations, parents would not use their cell phone minutes but would call back from a landline to see what the call was about. As a district, we created a special caller ID number that distributed the district messages and then, if need be, some parents could call back from a landline to hear the recorded message. These communication systems are wonderful in the area of reporting how many calls were completed and received, as well as generating a list of disconnected phone numbers. Campuses can then follow up on these incorrect numbers to make sure a student's contact information is accurate so future communication efforts can be successful.



**Websites/Social Media.** District and campus websites serve as informational bulletin boards for all types of information. Whether displaying the district's check registers and monthly payroll summaries for financial transparency or sharing the state funding scenario that will impact next year's budget, visitors can navigate through all types of information. A school district does not have to wait for parents to visit a website to gather information; the information can be pushed out using subscription services and social media such as sending school board notes to parents via e-mail, Facebook, or Twitter so they know what curriculum has been approved or what new technology will be made available to students. Photos of students and their many accomplishments can be posted and viewed by family members all across the country. Surveys, input, questions, and concerns can all be addressed in a timely manner and prevent rumors from spreading like wildfire. The immediacy of this communication tool allows a district to celebrate the many accomplishments taking place at the campuses.

**Key Communicators.** A key communicator can be someone who works for the school district as well as those individuals seen as leaders in the community. Turning your teachers and staff into communication assets is an effective way to educate the public on issues related to the district and specific campuses. Teachers and employees are stopped in grocery stores, shopping malls, and churches to ask their opinion on certain topics as well as to gather accurate information about rumors heard around town. Keeping your staff informed through e-mail, newsletters, and staff meetings can help generate accurate information and at the same time create a

sense of oneness in the district. A unified front and a well-informed staff can stop wrong information quickly and help to eliminate misinformation.

These same efforts can be applied to those in the community. Many community leaders have contact with parents in ways that do not have anything to do with the school



district. Sometimes hearing information from a source other than a district employee can be even more credible. Sharing district news with these key communicators allows a district to make sure it is promoted in a positive way to help generate support and a successful image.

**Digital Media.** No longer is video the tool of only the major networks. Operating a cable broadcast channel has become standard operating procedure for many districts. Producing informational programs, newscasts, and public service announcements is a major component of communication efforts. School districts do not have to wait for the media to cover a great story. They can write, produce, and broadcast the feature themselves. It is also no longer just employees creating video projects; students create some of the programming. Whether a fifth-grade class creates a video on a recent field trip or a student produces a documentary as part of

a class assignment, students are using video as part of their presentation tools, which in turn creates district publicity. These programs can air beyond local TV for the community to see but also can be posted on a district website, a Facebook account, or YouTube so grandma in Grand Rapids can watch. What a great tool for districts to have at their disposal.

**Newsletters.** These communication tools are used throughout our district both internally and externally. We electronically distribute our employee newsletter as well as a district newsletter to community stakeholders. Tyler ISD also has printed publications that are circulated to parents. We distribute district- and campus-specific newsletters to highlight the accomplishments of our students and staff as well as share district and campus information. Many districts are moving away from printed newsletters and are distributing electronic newsletters only, but our district has found that the printed document is the only way some parents receive this information.

A quote by Anthony Robbins summarizes the diversity of these communication tools and efforts: "To effectively communicate, we must realize that we are all different in the way we perceive the world and use this understanding as a guide to our communication with others." ■

*Angela Jenkins is director of communications and public relations for Tyler ISD; vice president, East Texas region of the Texas School Public Relations Association; and has more than 20 years of experience in the fields of communications, public relations, and public education.*

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