

# MCALLEN AFT EYES ON THE BOARD

## MEETINGS AND LEGAL RULINGS AT TEA



A Union of Professionals

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### **MISD Regular Board Meeting October 13, 2014**

**All board members were present.** A change in clinic providers was voted on. It seems PCI will continue to be a provider, but Doctor Hospital at Renaissance will also provide services. There will be more details soon.

There was no action taken on pending and/or potential litigation taken. There was no real estate acquisition.

Pavilions for Wilson and Roosevelt Elementaries were approved. Expenses are shared by the McAllen ISD and the City of McAllen. Athletic equipment, supplies, reconditioning services (eg. helmets), and related categories bid was approved.

### **MISD Special Board Meeting October 22, 2014**

**All members of the Board were present.**

The Board met to discuss the goals for 14-15. Every area of the school district budget was referred to. A detailed discussion of every aspect of the district was familiar information. It was mentioned that Dr. Ponce's contract was complete.

### **MISD Regular Board Meeting October 27, 2014**

**Sam Saldivar was absent.**

The Board approved the Superintendent's summative evaluation 5-0. Sam Saldivar was out of town on business and Hilda De Shazo left the room and did not vote. In

addition, the Board gave the Superintendent two (2) additional years (until 2018) on his contract--voting 5-0. Sam Saldivar was out of town on business, and Hilda De Shazo did not reenter the room under later. Additional money for the Superintendent was not mentioned. During Public Comment we presented the petitions we had collected supporting the PCI Clinic. This is an unfolding story--more to come. Will keep you informed.

There was no pending and/or potential litigation. There was no possible real estate acquisition.



# LEGAL CASES

## PAPERWORK REDUCTION ACT

In a surprising decision, the Commissioner of Education ruled that a school district's requirement that a teacher complete paperwork associated with an intervention plan violated the Paperwork Reduction Act, Tex. Educa. Code Section 11.164. As part of the intervention plan, the teacher was required to write up what she learned after completing some of the requirements of her growth plan, such as attending a rapport building exercise. The law limits the paperwork that a teacher can be required to complete to the ten categories set out in the statute. This district argued that the growth plan paperwork fell into the catch-all category of "any information specifically required by law, rule or regulation." The Commissioner rejected this argument because he found that the growth plan was discretionary, and not required by law. "The issue is whether a teacher is in danger of receiving a rating of 'below expectations' or 'unsatisfactory.'" The Paperwork Reduction Act does not allow this."

Keep in mind that not all growth plans are discretionary; a district is required to place a teacher on a growth plan if he/she is evaluated as unsatisfactory in one or more domains or below expectations in two or more domains. However, in this case, it was discretionary on the district's part. It is possible that school districts may try to amend the Paperwork Reduction Act to "fix" this issue in their favor; TASB filed an amicus brief before the Commissioner. *Ortiz v. Plano ISD*, Dkt. No. 014-RIO-10-2912 (Comm 'r Educ. 2014).

## TINAs

In *Meyer v. Brenham ISD*, Dkt. No. 064-R10-07-2013 (Comm'r Educ. 2014), the Commissioner rejected a teacher's appeal of the denial of her grievance that the TINA was improper because it had not been developed in consultation with her, as required under 19 Tex. Admin. Code Section 150.1004(b). The teacher had recently been the subject of a student petition complaining about her supposedly being mean to students. The principal met with some of the students who signed the petition and then met with the teacher to discuss his concerns about her performance, including his intention to place her on a growth plan. The two discussed a number of issues during the meeting but the teacher did not specifically bring up any concerns about the growth plan. Later, she filed a grievance stating that it had not been developed in consultation with her.

The Commissioner ruled that the district's obligation had been met by the principal having given the teacher the opportunity to raise any issues about the TINA. "When a draft plan is presented to a teacher and the teacher is given the opportunity to question and comment on the plan, no lack of consultation will be found because no change to the plan is made." This case is in line with other Commissioner's decisions on the consultation obligation. It highlights the importance of the teacher needing to affirmatively bring concerns forward about the TINA if he or she wishes to complain about the lack of consultation but also stands for the proposition that the district is required to make the changes the teacher requests.