

Governance Documents

Legal Policy, Local Policy,
and Administrative Regulations



Policy Management
Office of Board Services
Houston Independent School District

Introduction

Good business practice and, in many instances, the law itself require written governance of district operations and easy accessibility to governance documents by school employees, parents, and the general public.

Because policymaking is central to governance and oversight, it is imperative that policies and regulations be clearly written, up-to-date, and legally viable.

The board and staff members have specific roles in policy development, adoption, implementation, review, and evaluation.

- Policy **development** is a cooperative effort involving the board and district staff members.
- Policy **adoption** is the responsibility of the board.
- Policy **implementation** is the responsibility of the superintendent and staff.
- Policy **review and evaluation** is the responsibility of the board on the basis of information received from the administration, community, and other sources.

The policymaking process should result in policy that:

- (1) reflects the board's intent and articulates a definite course of action,
- (2) delegates key responsibilities, and
- (3) declares desired outcomes.

Written governance fosters stability and continuity, establishes a legal record—and a legal basis—for many board actions, forms the core of the district's written governance system, and provides a framework for the superintendent and staff members to confidently assign duties and execute those assignments.

Frequently Asked Questions

What makes good policy?

Policy must be carefully and accurately phrased to convey the board's intent and describe the district's programs and practices. Simple, direct, unambiguous statements are invaluable to district staff in fulfilling board mandates and help ensure that the policies are readily understood by all.

In general, policies that point to a course of action should give clear guidance by defining governing principles and designating responsibility but should not unduly limit administrative discretion or professional judgment. In other words, these policies should define what the board intends or requires, leaving the "how" of implementation and administration to the superintendent or designees.

However; some policies necessarily define procedural due process (such as grievance procedures) or grant specific rights or benefits (such as sick-leave benefits); these should be both explicit and detailed. The topic and intent of any policy define a balance between general and specific statements, suggest where board directives end and where administrative discretion begins, and guide the use of mandatory or permissive language (e.g., "shall" or "may").

What are Administrative Regulations and Exhibits?

A process or plan implementing district policy is commonly defined as an *administrative regulation*. Forms, notices, and other illustrative documents related to these regulations are termed *exhibits*.

Together, regulations and exhibits constitute administratively determined guidelines, processes, and tools that enable the superintendent to ensure effective, consistent management of the district. Generally, the larger the number of campuses within a district and the more decentralized administrative functions become, the greater the need for this formal approach.

As a matter of law, they are the responsibility of the superintendent. Texas Education Code 11.201 charges the superintendent with "developing or causing to be developed appropriate administrative regulations to implement policies established by the board."

As a matter of necessity, administrative regulations are detailed. They define standard operating procedures that involve a broad sampling of staff (such as grading, purchasing, or payroll procedures). Written regulations are necessary for consistency and to promote knowledge transfer among staff members.

As a matter of practicality, administrative regulations define the way the district ordinarily conducts its business. They should be viewed as flexible and inherently less absolute than policy; variations in a standard operating procedure may be appropriate for out-of-the-ordinary circumstances or requests. However, these occasional variations should not occur without the approval of the superintendent or appropriate administrator. A note of caution: care should be taken to ensure that variations are not unlawfully discriminatory nor in violation of policy.

What's the difference between regulation and policy?

In short, board-approved policies state the board's intent and requirements, while administrative regulations state how the district implements or acts on the board's policies. The development and implementation of regulations or procedures are appropriately left to the district's administrators. Regulations should be reviewed and revised by administrators as policy changes or circumstances warrant. Regulations are not adopted by the board.

What's the role of the board regarding administrative regulations?

The board is responsible by law for overseeing the management of the district and for evaluating the performance of the superintendent. Consistent with these roles, the board adopts policies delineating its expectations and sets performance targets for the superintendent. At this point, it becomes the superintendent's responsibility to exercise professional judgment in developing or refining procedures to meet these expectations. The superintendent is accountable for the outcomes as well as for ensuring that the processes by which outcomes are achieved are consistent with policy.

The board adopts the policies, and the superintendent formulates administrative regulations. The board should not adopt regulations; to do so would eliminate any latitude for administrative discretion and reduce efficiency because every change and exception would have to be approved by the board.

Is HISD required to develop regulations?

Yes. Texas Education Code 11.201 charges the superintendent with "developing or causing to be developed appropriate administrative regulations to implement policies established by the board."

Processes that affect a large number of staff (such as grading, purchasing, or payroll procedures) need to be defined in print. HISD Policy Management is a resource for developing regulations and exhibits, works closely with the Texas Association of School Boards (TASB) Policy Service, and has access to sample regulations and exhibits. These sample documents can be easily tailored to the district's needs.

Please contact HISD Policy Management for assistance when creating or revising governance documents.

How are HISD's governance documents organized?

Governance documents, comprised of LEGAL and LOCAL board policies, administrative regulations, and exhibits, are organized according to the TASB codification system that has evolved with the changing legal landscape and with emerging local issues. The seven sections are devoted to the following areas of school governance:

- A. Basic District Foundations
- B. Local Governance
- C. Business and Support Services
- D. Personnel
- E. Instruction
- F. Students
- G. Community and Governmental Relations

For example, all governance documents pertaining to shared decision making committees (SDMCs) are found at codes [BQA](#) and [BQB](#), which are part of the Local Governance section wherein all policy codes start with the letter B.

How do I find governance documents?

All governance documents (i.e., LEGAL and LOCAL board policies, administrative regulations, and exhibits) are incorporated into HISD's official policy manual at [Policy Online](#).

What support does Policy Management provide regarding governance documents?

When changes to federal and/or state law result in changes to LEGAL policies, TASB Policy Service and HISD policy analysts review associated LOCAL policies, regulations, and exhibits. After review, HISD Policy Management contacts district administrators to discuss recommendations regarding LOCAL policy revisions that may need to be taken to the board for approval, as well as to discuss recommendations regarding regulations and exhibits in the affected policy codes.

Changes to regulations and exhibits must be submitted to Policy Management to be prepared for review by the chief of staff's senior leadership meeting and the superintendent for final approval.