

# Governance Documents

Legal Policy, Local Policy,  
and Administrative Regulations



Policy Administration  
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, staff members, and the community.
- 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.

Some policies, however, necessarily run against this grain. Policies that define procedural due process (such as grievance procedures) or that grant specific rights or benefits (such as sick-leave benefits) should be both explicit and detailed. The topic and intent of any policy define a balance between general and specific statements, suggest where board directive ends and where administrative discretion begins, and guide the use of mandatory or permissive language (e.g., "shall" or "may").

## What are Administrative Regulations?

A process or plan implementing district policy is commonly defined as an administrative regulation. Previously referred to as *Standard Practice Memoranda* or *SPMs*, these documents are termed "regulations" by TASB. Forms 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 to avoid repeatedly reinventing the administrative wheel 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 this 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?

A process or plan implementing district policy is commonly defined as an administrative regulation or procedure. The development and implementation of these regulations or procedures are appropriately left to the district's administrators. Local regulations guide implementation of policy, define standard operating procedure, and generally allow room for professional discretion and judgment, as appropriate. 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 his or her best professional judgment in developing or refining procedures to meet these expectations. The superintendent is accountable for the outcome as well as for ensuring that the process by which the outcome is achieved is consistent with policy.

The board adopts the policies and the superintendent formulates administrative regulations. The board should not adopt regulations; to do so would lock in the processes, essentially eliminating any latitude for administrative discretion. Every change and exception would have to be approved by the board, a self-defeating exercise if the board expects efficient and timely administration.

In most districts the board's review of administrative regulations is in the context of periodic reports on various management initiatives including major changes in administrative procedures or briefings on administrative procedures for which public or staff has voiced concern or opposition.

## 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 involve a broad sampling of staff (such as grading, purchasing, or payroll procedures) need to be defined in print. Written regulations are necessary to avoid repeatedly reinventing the administrative wheel. And, in that same interest, staff members may find that the **TASB Regulations Resource Manual** is an excellent springboard for developing regulations and exhibits. It uses the same coding structure as the **TASB Policy Manual** and contains hundreds of sample regulations and exhibits. These sample documents can be easily tailored to the district's needs.

Both manuals are readily available in searchable electronic form to staff members within the Policy Administration Department through TASB's controlled-access online application. Please contact Policy Administration 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 by a common coding structure.

For example, all governance documents pertaining to shared decision making committees (SDMCs) are found at code [BQA](#), which is 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) will be incorporated into a single online manual called [\*Policy On Line\*](#). Converting to a single online manual promotes policy/procedure alignment and improves accessibility.

You will notice buttons at the bottom of the *Policy On Line* manual pages. The buttons will be labeled as (LEGAL) and/or (LOCAL) policies as well as (REGULATIONS) and/or (EXHIBITS). The buttons will be active for any document type found at a particular code.

## **What support does Policy Administration provide regarding governance documents?**

When changes to federal and/or state law result in changes to (LEGAL) policies, Policy Analysts review associated (LOCAL) policies, regulations, and exhibits. After review, Policy Analysts contact administrators to discuss recommendations regarding (LOCAL) policy revisions that may need to be taken to the Board of Education 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 Administration to be processed for submission to the Superintendent's Cabinet for final approval. Governance documents pertaining to employee wages, hours, or working conditions are submitted to the appropriate consultation group for review prior to final approval by the Cabinet.