

Windham School District
Board of Trustees
267th Meeting



Minutes

December 9, 2011
Austin, Texas

WINDHAM SCHOOL DISTRICT BOARD OF TRUSTEES

**Crowne Plaza Hotel – Salons A-D
6121 North IH-35
Austin, Texas 78752**

**December 9, 2011
1:45 – 2:30 PM**

ORDER OF BUSINESS

Call to Order

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

I. Regular Session

- A. Consideration of Approval of Consent Items
 - 1. Minutes of the October 14, 2011, WSD Board Meeting
 - 2. Personal Property Donations
 - 3. Excused Absences

- B. Discussion, Consideration, and Possible Action Regarding Annual Review of WSD Board Policies
 - 1. WBP-07.05, “Term Contract Employment”
 - 2. WBP-07.18, “Performance Evaluations and Professional Development Appraisal System”
 - 3. WBP-07.39, “At Will Employment”
 - 4. WBP-11.12, “Investment Policy,” and Resolution Adopting the Investment Policy

- C. Discussion, Consideration, and Possible Action Regarding Revisions to WSD Board Policies
 - 1. WBP-03.00, “Windham School District”
 - 2. WBP-03.01, “Windham School District Superintendent Qualifications, Selection, Evaluation, and Dismissal or Renewal/Non-Renewal of Contract”

- D. Discussion, Consideration, and Possible Action Regarding Proposed Repeal of Title 19 Texas Administrative Code Section 300.3, Employment Referral Services for Offenders Memorandum of Understanding

- E. Discussion, Consideration, and Possible Action Regarding Granting the Superintendent Authority to Award Administrative Leave to WSD Employees Fulfilling Requirements of the 2012 Chairman’s Fitness Challenge

- F. Overview of the Post Secondary Program

G. Superintendent's Report – Accountability Committee Meeting Results

H. Report from the Chairman, WSD Board – Holiday and End of the Year Message

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**

267th MEETING

The Windham School District Board of Trustees met in session on Friday, December 9, 2011, at the Crowne Plaza Hotel in Austin, Texas.

BOARD MEMBERS PRESENT:

Oliver Bell, Chairman
Tom Mechler, Vice Chairman
Leopoldo (Leo) Vasquez, III, Secretary
Eric Gambrell
Judge Larry Gist
Janice Harris Lord
Terrell McCombs
J. David Nelson
Carmen Villanueva-Hiles

WINDHAM STAFF MEMBERS PRESENT:

Debbie Roberts, Superintendent
Kevin Ainsworth
Allen Bourque
Veronica Casanova
Marcus Daughtry
Linda Goerdel
Marjie Haynes
Don Lawrence
Michael Mondville
Sandra Nash
Mike Vickers

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

Brad Livingston, Executive Director
Bryan Collier
Melinda Bozarth

CONVENED

Oliver Bell, Chairman, convened the 267th meeting of the Windham School District (WSD) Board of Trustees (board) on Friday, December 9, 2011, at 1:32 p.m., noted that a quorum was present, and declared the meeting open in accordance with Texas Government Code Chapter 551, the *Open Meetings Act*. He stated that the board would adjourn into executive session, which is closed to the public in accordance with Texas Government Code Sections 551.074 and 551.076, the *Open Meetings Act*.

RECONVENED

Chairman Bell reconvened the regular session of the 267th meeting of the WSD board on Friday, December 9, 2011, at 1:49 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 meeting was declared open.

Chairman Bell recognized County Judge Dale Spurgin of Jones County, and John Newton from the Legislative Budget Board.

The chairman reported the Windham School District Board of Trustees was committed to providing the opportunity for public presentations on posted agenda topics 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. For this meeting, no speaker registration cards were received by the board staff prior to the required deadline. Therefore, no public presentations were heard on posted agenda topics.

CONSIDERATION OF APPROVAL OF CONSENT ITEMS

Chairman Bell called the board's attention to the Consent Items on the agenda, which consisted of the minutes of the October 14, 2011, meeting, personal property donations, and an excused absence for Leo Vasquez who was unable to attend the August 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 WSD BOARD POLICIES

1. WBP-07.05, "Term Contract Employment"

Mike Mondville, WSD General Counsel, explained that WBP-07.05 details the conditions of contract employment with the district primarily for teachers. Changes were made to improve the readability of the policy and to reflect annual practices. The number of days was reduced prior to the end of the contract period that the employee shall receive written notice of non-renewal from 45 to 10. This was mandated for public schools by Senate Bill 8 and optional for WSD, but the district elected to follow the same process. He asked the board to approve the policy as presented.

Tom Mechler moved that the WSD Board of Trustees approve the revisions to WBP-07.05, "Term Contract Employment," as presented.

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

2. WBP-07.18, “Performance Evaluations and Professional Development Appraisal System”

Mr. Mondville explained that WBP-07.18 refers to the Professional Development and Appraisal System (PDAS) covering teacher evaluations. An equal employment opportunity statement was added, but no other changes were made. He asked the board to approve the policy as presented.

Leo Vasquez moved that the WSD Board of Trustees approve the revisions to WBP-07.18, “Performance Evaluations and Professional Development Appraisal System,” as presented.

Carmen Hiles seconded the motion, which prevailed unanimously when called to a vote.

3. WBP-07.39, “At Will Employment”

Mr. Mondville stated that WBP-07.39 addresses at will employees. There was one substantive change to modify the Equal Employment Opportunity statement to reflect actual practices. He asked the board to approve the policy as presented.

Mr. McCombs moved that the WSD Board of Trustees approve the revisions to WBP-07.39, “At Will Employment,” as presented.

Judge Larry Gist seconded the motion, which prevailed unanimously when called to a vote.

4. WBP-11.12, “Investment Policy,” and Resolution Adopting the Investment Policy

Linda Goerdel, WSD Chief Financial Officer, explained that in accordance with Chapter 2256 of the Texas Government Code, the *Public Funds Investment Act*, and the board’s responsibilities as the WSD Board of Trustees, WBP-11.12, the WSD Investment Policy, was being presented for annual review.

Along with the change in the policy date, revisions were made to the policy as a result of the passage of House Bill 2226 during the 82nd Legislative Session. Some of the changes are related to:

- Time frame for the investment officer’s training
- Format changes in the report of investment transactions to the board
- The monitoring of credit ratings of investments
- Added requirements of an investment pool

She asked the board to approve the policy as presented.

Eric Gambrell moved that the WSD Board of Trustees approve the revisions to WBP-11.12, “Investment Policy,” as presented and that the chairman and secretary sign the resolution adopting the policy.

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

**DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING
REVISIONS TO WSD BOARD POLICIES**

1. WBP-03.00, “Windham School District”

Mr. Mondville informed the board that WBP-03.00 describes the establishment of the district, its legal authority, and its goals. Changes were made to clarify how WSD was established and to reflect current grammatical style. He asked the board to approve the policy as presented.

Ms. Hiles moved that the WSD Board of Trustees approve the revisions to WBP-03.00, “Windham School District,” as presented.

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

2. WBP-03.01, “Windham School District Superintendent Qualifications, Selection, Evaluation, and Dismissal or Renewal/Non-Renewal of Contract”

Mr. Mondville stated that WBP-03.01 lists the superintendent qualifications. The qualifications remained the same, but grammatical improvements were made to the policy. He asked the board to approve the policy as presented.

Janice Harris Lord moved that the WSD Board of Trustees approve the revisions to WBP-03.01, “Windham School District Superintendent Qualifications, Selection, Evaluation, and Dismissal or Renewal/Non-Renewal of Contract,” as presented.

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

**DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING
PROPOSED REPEAL OF TITLE 19 TEXAS ADMINISTRATIVE CODE
SECTION 300.3, EMPLOYMENT REFERRAL SERVICES FOR OFFENDERS
MEMORANDUM OF UNDERSTANDING**

Mr. Mondville stated that Rule 300.3, Employment Referral Services for Offenders Memorandum of Understanding (MOU), was adopted to be effective on June 14, 2007. It requires that the district enter into a MOU with the Texas Department of Criminal Justice (TDCJ), Texas Workforce Commission (TWC), and Texas Youth Commission concerning the operation of Project Reintegration of Offenders (RIO). Due to current funding levels of Project RIO, neither the MOU nor the rule is necessary. He asked the board to concur with the recommendation to repeal this rule.

Mr. Nelson moved that the WSD Board of Trustees approve the proposed repeal of Title 19 Texas Administrative Code Section 300.3, Employment Referral Services for Offenders Memorandum of Understanding, for publication in the Texas Register to receive public comment, as presented.

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

**DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION REGARDING
GRANTING THE SUPERINTENDENT AUTHORITY TO AWARD ADMINISTRATIVE
LEAVE TO WSD EMPLOYEES FULFILLING REQUIREMENTS OF THE 2012
CHAIRMAN’S FITNESS CHALLENGE**

Ms. Roberts stated that Mr. Livingston is granting administrative leave to those TDCJ employees who complete all requirements of the 2012 Chairman's Fitness Challenge. In order to encourage participation, she asked the board to give her the authority to grant administrative leave to WSD employees who complete the requirements of the 2012 Chairman's Fitness Challenge in the same manner and with the same amount of administrative leave being granted to TDCJ employees.

Judge Gist moved that the WSD Board of Trustees grant the superintendent the authority to award administrative leave to WSD employees fulfilling the requirements of the 2012 Chairman’s Fitness Challenge.

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

OVERVIEW OF THE POST SECONDARY PROGRAM

Don Lawrence, WSD Director of Operational Support, presented the overview of the post secondary program (attached). He began by stating that correctional post secondary programs were impacted by funding reductions resulting from the 82nd Legislative Session. He gave an update on the current status of these programs and discussed challenges the district experienced while dealing with the financial impacts.

The first and most obvious matter regarding offering college programs to incarcerated adults is the question “Why?” When the question is put in context of WSD’s mission, the link between a reduction in recidivism and a positive transition to employment is obvious. The best response to this question is two-fold.

- A national study published in 2003 stated, “...the recidivism rate of those inmates from TDCJ without college degrees was four times higher than those with a degree” (*The Effect of Educating Prisoners*; JaPaula Kemp and Marcia Johnson, 2003).
- The Texas Association of Business in 2010 stated, “If Texas is to ensure its economic future...it will need to have at least 60% of its working age population (those 25-64 years of age) holding postsecondary credentials by 2030” (Texas Association of Business, *Reforming Higher Education*, 2010).

Mr. Lawrence explained that many colleges and universities are contracted throughout the state to provide post secondary educational opportunities to offenders within the respective institutions service area. The individual degree plans and courses of incarcerated offenders are very similar to their on-campus counterparts. In addition to meeting agency eligibility guidelines, offender students must also meet college admittance standards. The college or university sends an instructor to the TDCJ facility for on-sight direct delivery of the curriculum. Lastly, the diplomas and certificates awarded by the colleges and universities are in accordance with the Texas Higher Education Coordinating Board standards.

Mr. Lawrence further explained that funding options are the primary differences between the incarcerated college student and the traditional on-campus college student. Presently, there are two primary forms of funding assistance programs administered by the WSD. The first form is provided through state funds. These funds pay only for initial academic courses each term and must be repaid by the individual upon release as a condition of parole. These funds are commonly referred to as state reimbursable funds. The second form is provided through the Incarcerated Individuals Grant Program, which is currently funded through the U.S. Department of Education. Offenders must meet certain eligibility criteria, which include age, time remaining on sentence, and nature of crime of conviction. In addition to these two assistance programs, the individual may also qualify for Hazelwood funds, Texas Public Education Grants, and other grants or scholarships. All are administered through the respective higher educational institutions. Mr. Lawrence noted his presentation would focus on the two sources of funds administered by the WSD for post secondary services.

Funds available through the two programs totaled approximately 4.5 million in fiscal year (FY) 2011. The state reimbursement funds were reduced in the 82nd Legislative Session by approximately 42% over the biennium (as illustrated in slide 4). The full impact of the funding reduction will not be completely realized until September 2013. The federal grant is currently not funded in the federal budget beginning in FY 2013. The loss of the federal grant program in FY 2013, coupled with the state reduction in funding, will result in a loss of approximately \$3.1 million dollars available to incarcerated adults in Texas from FY 2011 to FY 2013.

This 70% reduction of funding assistance available to these individuals left many challenges. Colleges and universities were also affected by direct funding reductions and many increased tuition costs in efforts to address appropriation losses. These tuition increases extended to the prison programs, resulting in higher costs paid for the contracted services. In the case of Texas correctional college education, tuition rates are established by the board of regents of each college/university, and these rates may vary widely from institution to institution. An additional issue that required consideration was program availability to offenders in terms of gender as well as geographic location.

With these funding issues, district staff had to determine how the post secondary program would remain viable. First, the quality of the post secondary program had to be retained, and secondly, post secondary programs had to keep the core mission focus of the WSD, TDCJ, and the colleges themselves. These first two points led WSD to realize the value of the partnerships with the higher educational institutions. Discussions began and many experts were contacted to determine the best course of action; these experts included workforce boards throughout the state to evaluate the current emerging occupations that employ ex-offenders. The WSD Vocational Program Effectiveness study proved an invaluable resource because it provided feedback on the

occupations that offered the most promising post-release employment opportunities. Concurrently, many colleges were also engaged in dialogue with internal and external parties to help them ascertain workplace and institutional needs.

It was apparent that focusing financial resources in the vocational training programs would provide the best service to the offender students. It was also apparent that vocational courses, which are by nature more expensive, would leave limited financial resources for academic courses. Therefore, to the extent funding was available, funding for academic courses would be targeted to academic courses directly associated with vocational training. The information provided to the colleges by industry also supported this approach. The Associate of Applied Science, a degree built on enhanced vocational training, became the academic degree of choice in the new model. This degree addresses academic issues through workplace demands, thereby meeting the needs expressed by industry. The elimination of federal grant program money appears to be imminent, so a quality vocational post secondary program that could sustain itself on only state funding became the primary focus. Contracts with many institutions were not renewable in FY 2012, and existing renewable contract amounts were reduced

The full impact in the reduction of contracted colleges will not be realized until FY 2013, when the federal funding has been discontinued. One of the reasons for the additional contract reduction is there are colleges whose contracts for services are paid exclusively from the federal grant.

Mr. Lawrence emphasized that FY 2012 will be a year of transition. This is a dramatic change from the way post secondary programming has been offered in the past. He added that existing degree plans were addressed individually. There are many students whose current Associate of Arts (AA) or Associate of Science (AS) degree completion may be imminent, but the discontinuation of the federal grant would prevent that completion. Funds will be redirected to students who are near degree completion to the extent possible. Colleges and universities have been willing to explore different and non-traditional delivery models in order to assist these students in their efforts to attain the degree. Perhaps the biggest challenge has been to phase out one avenue of post secondary (the traditional AA or AS) degree while implementing the vocationally-focused Associate of Applied Science (AAS) degree. This course of action is targeted at the community college male offenders. The female offender post secondary programs are largely unaffected.

There will be an obvious reduction in participation and achievement numbers. Those reductions are unavoidable facing a 70% funding shortfall. Mr. Lawrence reviewed the projected impacts on participation figures (slide 9) and stated that this is an estimate of the impact in FY 2013. The final slide indicated the changes anticipated in the number of achievements or completions.

Mr. Lawrence concluded the presentation by stating that although funding has been significantly reduced, this re-focus allows a high quality, mission-focused post secondary experience for students who participate. The funding reductions are expected to have little impact on the post release employment possibilities for those offenders who participate, although the number of offenders will be smaller. This process has taken a substantial commitment on the part of many organizations, all focusing on providing the most positive educational experience possible as these individuals prepare themselves for reintegration.

Mr. Mechler asked Mr. Lawrence to define a post secondary vocational degree. Mr. Lawrence advised that the largest number of credit hours of an AAS degree is centered on the actual hands-on vocational training. It is a greatly enhanced vocational program. If an offender wanted to get an AAS in welding, he would take a basic welding course and then an advanced welding course. Some of the remaining academic classes would include English, which could be technical writing and reading as they relate specifically to those courses. Over 50% of the credit hours must be attained in the actual hands-on vocational training.

Mr. Mechler stated that he did not understand the value of this type of degree. Mr. Lawrence replied that many occupations either require a degree or require a degree for advancement and this serves that function. It is also a transferable degree to a large extent in that many of the credit hours can be transferred to a more traditional bachelor's degree.

Ms. Roberts noted that during her past six years as superintendent of the district, higher education, TWC and K-12 educators have come together to talk about workforce needs for the future. Community colleges are moving toward this vocational associate's degree, trying to address the needs of the future workforce. Vocational training at the high school level is expanding to vocational training at the college level. This movement is not only taking place in Windham programs but in public schools as well. Mr. Lawrence stated that an offender is still allowed to complete a vocational class without attaining an associate's degree. Mr. Vasquez commented there are core vocational courses that allow participants to be welders, but there are also those core academic courses that any associate's degree would include. These courses enable students to enhance reading and math skills. Mr. Lawrence agreed.

Chairman Bell commented the focus is essentially moving away from the traditional two, four, or master's degree program to this type of associate's program. It is the principal post secondary education model. He said this trend is happening in community colleges, and WSD is being driven toward it because there is no funding available to go beyond that point.

Mr. Mechler asked who the contracting party is with these universities. Mr. Lawrence responded that the state funds are awarded to the TDCJ. TDCJ contracts with the colleges and universities to provide services to the offenders. WSD administers the program for the TDCJ.

Mr. Mechler asked if the offender's families could pay for their post secondary education. Mr. Lawrence said that is always an option. Mr. Mechler asked if any educational foundations had been contacted to supplement some of the lost funds. He added that the Gates Foundation could be a possibility. Mr. Lawrence stated this option had not been explored, but may be a possibility. He remarked there is one university that funds many of their students through the university's foundation. Ms. Roberts stated the district could investigate this option.

Mr. McCombs asked Mr. Lawrence to clarify a statement from earlier - Funding for female offenders would not be cut, but over time and especially in FY 2013, funding for male offenders would be totally cut. Mr. Lawrence responded that was not correct. He noted federal funding is cut entirely for both male and female offenders; however, the female programming that is offered at this time is unaffected.

Mr. Vasquez asked if there is a possibility the FY 2013 cut in federal funding could be restored. Mr. Lawrence advised that this is funding the district has received for many years but must apply

for annually. The grants are spread out over a 27-month period. The funds that will expire in FY 2013 were awarded in an earlier appropriation, and the life cycle of the funding extends to September. It will not be renewed unless it is funded in the federal budget, and WSD would have to reapply. Ms. Roberts added, at this time, funding is not in the budget and WSD has been told it will not be restored. She also noted that the only reason there is money left to fund this year is there was carryforward remaining from last year.

Ms. Lord asked, regarding the study that was quoted at the beginning of the presentation that noted - the recidivism rate is four times lower among those that have a college degree versus those that do not have a degree - if it was a TDCJ study, and if the study indicated whether the offenders attained their degrees while incarcerated. Mr. Lawrence noted the study was a national study by JaPaula Kemp in 2003, and it was a study of several states, including Texas. The wording of the study stated offenders who attained a degree, it did not clarify where they attained it.

Ms. Roberts thanked Mr. Lawrence and his staff for their hard work during this difficult task.

SUPERINTENDENT'S REPORT

Ms. Roberts informed the board that WSD held its annual accountability meeting in Huntsville on November 8th and 9th. The accountability committee is comprised of 28 people from all over the district. It includes academic, vocational, and life skills teachers, counselors, principals, regional administrators, instructional specialists, and division directors. The purpose of the committee is to review end-of-year school data and make recommendations to the superintendent, and ultimately to the board, relative to making changes to the accountability standards.

The committee is broken down into three subcommittees representing WSD's three program areas – academic, vocational, and life skills. The WSD accountability system was implemented by policy in September 1999, although WSD has no statutory requirement for an accountability system. Over the years, WSD has raised the standards for what constitutes academic achievement several times, and has incorporated standards for Literacy-I Reading, English as a Second Language, and Special Education. In addition, after gathering data on Career and Technology Education (CTE) achievement two years ago, CTE standards were adopted into the accountability system for the 2011 school year.

Over the last two years, the accountability committee has also been working on a measurement of achievement for life skills classes that can be incorporated into the accountability system. To that end, the Criminal Sentiments Scale, a nationally recognized and validated instrument used to measure pro-criminal attitudes, is being used as a pre and post-test for the Cognitive Intervention Program. The Division of Instruction has also developed a pre and post-test for the CHANGES program that is being piloted this year. Data from this year will be used to establish standards for these programs, which WSD plans to add to the accountability system for the 2013 school year.

WSD has made a commitment to include every program area in the accountability system and is very close to meeting this goal. All of the programs are equally important to the rehabilitation and reentry of offenders, and they all need to be included in the evaluation. The data gathered

each year through the accountability process is used by individual campuses, the regions, and the district to develop campus, regional and district improvement plans, so the process is very important to the district's philosophy of continuing improvement.

At the end of the accountability meeting, each subcommittee, after analyzing all the relevant data, makes recommendations to the full committee relative to the standards for their respective program areas. Ms. Roberts concluded the report by stating the subcommittees did not recommend any changes to the standards utilized for the 2011 school year.

REPORT FROM THE CHAIRMAN

Chairman Bell stated that during the last school year, WSD employed approximately 800 teachers who served 74,486 offenders. Of those offenders, 1,605 learned to read, 3,052 became functionally literate, and 5,169 earned a GED. In addition, over 5,800 offenders earned an industry certification in a vocational field.

These achievements were possible because of the WSD leadership, staff, and teachers. WSD teachers are dedicated professionals who are motivated to make a difference. They are devoted to helping offenders change their behavior and make a positive contribution upon release.

Almost two-thirds of the offenders who were released last fiscal year participated in at least one Windham program during their incarceration. This participation provided them an opportunity for change and an opportunity for success.

With the holiday season upon us, Chairman Bell expressed the board's deepest appreciation to all Windham teachers and the Windham staff, noting what they do is important and changes lives. He concluded by wishing everyone Happy Holidays and best wishes for the New Year.

ADJOURNMENT

There being no further business, the 267th meeting of the WSD Board of Trustees adjourned at 2:42 p.m.

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Chairman

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Secretary

**Signature on file*