

TCSA Model Board Policy Series

Module 200: *Charter School Governance & Organization 2012*
*Charter Board Policy for SCHOOL OF EXCELLENCE IN
EDUCATION*

INTRODUCTION

The Model Board Policies for Charter Schools is a series of publications by the Texas Charter Schools Association (TCSA). These publications are an educational tool for charter school leaders to aid in the operation and management of open-enrollment charter schools in Texas.

Overall Policy Framework

Each module in the Board Policy Series provides a summary of federal and state statutes, regulations, and related materials applicable to open-enrollment charter schools. Citations to these materials are provided throughout the module and many contain a hyperlink so the actual statutory or regulatory provision can be accessed on the Internet. The summary is designated by the LEGAL AUTHORITY tab on the right edge of each page.

After the LEGAL AUTHORITY portion of the module you will find the model policy section designed to comply with current statutory and regulatory requirements described in the LEGAL AUTHORITY summaries. These policies are designated by the red CHARTER BOARD POLICY tab on the right edge of each page.

These are suggested policies to address the requirements set forth in this Module. Prior to adoption of model policies by the Board of a charter school, each policy should be customized by including the school's name and by tailoring the language, if appropriate, to fit the specific needs, culture and requirements of the school. TCSA recommends that the Board of a charter school consult with and obtain the advice of the school's legal counsel in connection with adopting policies to comply with laws governing charter schools.

TCSA plans to update the Model Board Policies for Charter Schools after each Texas Legislative Session to reflect changes in applicable laws and regulations. We encourage you to renew your subscription to the policy series after each update to ensure that your school has the most recent laws and regulations.

Scope of Service & Copyright Notice

This policy module prepared by the TCSA is designed and intended as a resource of information for charter schools and is not to be construed as legal advice. It should be used in connection with consulting and obtaining the advice of the school's legal counsel to ensure compliance with applicable legal requirements.

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Module 200: Charter School Governance & Organization 2012

Charter School Governance & Organization, Module 200, is the second module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to the governance and organization of charter schools, as well as specific model board policies designed to comply with these legal requirements. Other policy modules in the series include:

Module 100: Charter School Governance & Organization

Module 300: General School Operations

Module 400: Students

Module 500: Open Government

Module 600: Human Resources

Legal Abbreviations Used In The Model Board Policies For Charter Schools

C.F.R	Code of Federal Regulations
Tex. Admin. Code	Texas Administrative Code
Tex. Bus. org. code	Texas Business Organization Code
Tex. Educ. Code	Texas Education Code Tex.
Gov't Code	Texas Government Code
Tex. Labor Code	Texas Labor Code
Tex. Local Gov't Code	Texas Local Government Code
Tex. Rev. Civ. Stat.	Texas Revised Civil Statutes
U.S.C.A	United States Code Annotated

200.020. CORPORATE STRUCTURE

Please find attachments in the Addendum.

200.030. SCHOOL OF EXCELLENCE IN EDUCATION'S MISSION (UPDATED APRIL 2012)**MISSION:**

The School of Excellence in Education School District challenges young people to strive in every aspect of their lives:

Academically

Socially

Mentally

Emotionally

Spiritually

VISION:

The School of Excellence in Education – a diverse community that insists on life-long learning for all stakeholders with a nurturing, and persistent environment for excellence through a *PHILOSOPHY OF POSSIBILITIES*.

CORE VALUES:

Responsibility

Courage

Curiosity

Fitness

Respect

Passion

Community

200.040. BOARD OPERATING PROCEDURES

The governing body (“Board”) of SCHOOL OF EXCELLENCE IN EDUCATION adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Composition of the Board

Section 1.1. Number of Board Members. The Board shall consist of the number of board members specified in the School of Excellence in Education bylaws.

Section 1.2. Selection and Terms in Office. **The bylaws of the School of Excellence in Education shall control the method by which board members are selected and their terms in office.**

Section 1.3. Officers. The Board shall consist of the following officer positions:

- a. President
 - i. The President of the Board is empowered to chair all Board meetings. In the President’s absence, authority to chair a meeting shall be delegated to another Board member.
- b. **Vice President**
 - i. The Vice President will chair any board meeting in the absence of the President.
- c. Secretary
 - i. The Secretary shall record the Closed Session minutes, and the Open Session minutes shall be recorded by the Secretary or the Secretary’s designee for each Board meeting. In the Secretary’s absence, a Board member shall be designated to record the minutes.

Section 1.4. Vacancies and Removals.

Filling of board member vacancies and removal of board members shall be conducted in accordance with the bylaws of the School of Excellence in Education.

SECTION 2. Open Government

The Board shall comply with the Texas Open Meetings Act and the Texas Public Information Act

SECTION 3. Annual Report on Charter Governance

The Board President, or the Board President's designee, shall ensure that by November 1st of each year the annual report on charter governance is submitted to the Texas Education Agency.

SECTION 4. Certificate of Amendment

The Superintendent, or Superintendent's designee, shall ensure that all updated information pertaining to the Board of Directors and the assigned Registered Agent is reported timely to the Texas Secretary of State. Form 424-General Information (Certificate of Amendment) is to be completed.

200.060. BOARD MEMBER DUTIES AND RESPONSIBILITIES

The governing body (“Board”) of SCHOOL OF EXCELLENCE IN EDUCATION adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Responsibility and Accountability

The Board assumes ultimate responsibility for the management, operation, and accountability of SCHOOL OF EXCELLENCE IN EDUCATION.

SECTION 2. Fiduciary Duty

Each member of the Board assumes the fiduciary duties of obedience, loyalty, and due care to SCHOOL OF EXCELLENCE IN EDUCATION.

SECTION 3. Evaluation of Executive Director

The Board shall conduct a minimum of one performance evaluation per calendar year of the Superintendent of SCHOOL OF EXCELLENCE IN EDUCATION.

200.080. BOARD MEMBER TRAINING

The governing body (“Board”) of SCHOOL OF EXCELLENCE IN EDUCATION adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Board Member Training

Each member of the Board assumes responsibility for the required training as specified by Texas Education Agency (TEA) guidelines.

SECTION 2. Record of Board Member Training

The Board President, or the Board President’s designee, shall maintain records concerning training hours of each member of the Board.

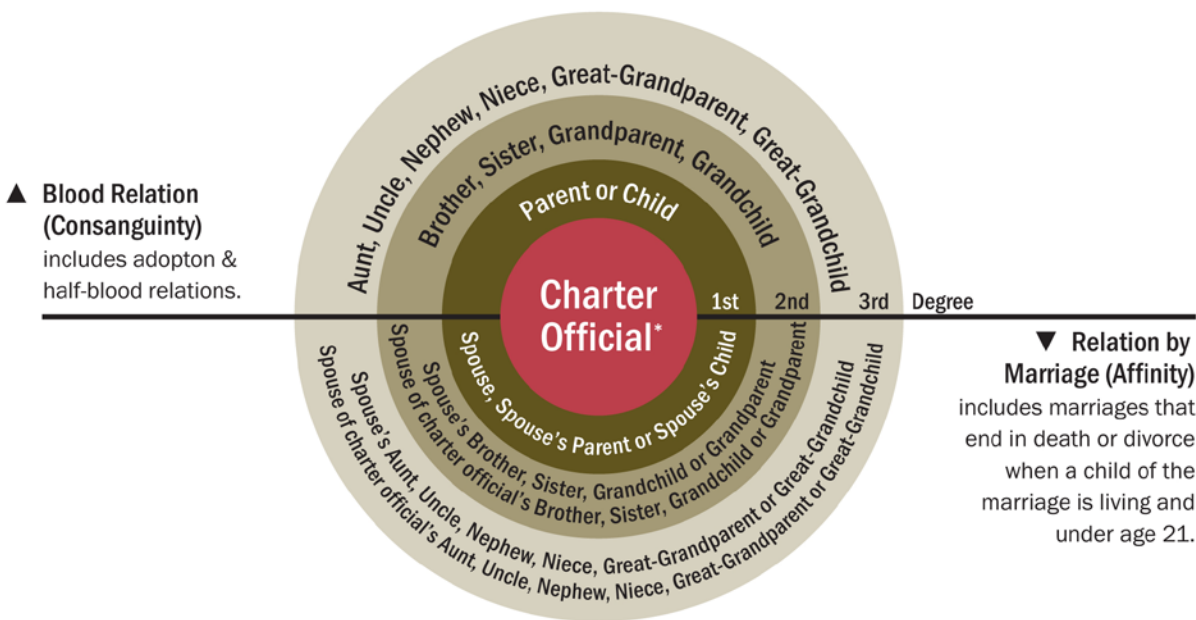
200.100. NEPOTISM

The governing body (“Board”) of SCHOOL OF EXCELLENCE IN EDUCATION adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

The Board of SCHOOL OF EXCELLENCE IN EDUCATION shall comply with all applicable nepotism statutes and rules.

Unless SCHOOL OF EXCELLENCE IN EDUCATION falls under a statutory or regulatory exception, if a charter holder or charter school board member, or an officer of a charter school, is related to the one of the following individuals then that related individual may not be employed by the charter school:

200.100 Nepotism Diagram



*Charter Official includes charter holder board member, charter school board member, or officer of a charter school.

200.120. CONFLICTS OF INTEREST

Section 1.

For purposes of compliance with Chapter 171 of the Texas Local Government Code, which relates to board members and other officers of the charter school doing business with the charter school, affected board members and employees must execute one or both of the Affidavit for Substantial Interest in Real Property (Real Estate), and/or the Affidavit for Substantial Interest in a Business Entity, as appropriate. Affected board members or employees must timely file the executed affidavit with the official record keeper of the charter holder when circumstances require such a filing.

Section 2.

For purposes of compliance with Chapter 176 of the Texas Local Government Code, which relates to the receipt of income or gifts from persons or entities that have entered into or seek to enter into a contract with the charter school, the Board extends the Conflicts Disclosure Statement Form (CIS Form) reporting requirements to the Superintendent and Comptroller.

The Superintendent, or the Superintendent's designee, must maintain a list of persons employed in these positions and ensure compliance by these employees with the CIS Form reporting requirements. The form must be filed with the records administrator of SCHOOL OF EXCELLENCE IN EDUCATION.

Section X. Managing CIQ Form Records

The Superintendent or the Superintendent's designee must maintain a list of the charter holder's local government officers and must make that list available to the public and any vendor required to file a Conflict of Interest Questionnaire (CIQ) form.

Section X. Web Posting Requirement

The Superintendent must ensure that completed CIS Forms and CIQ forms are posted to the charter's Internet website.

AFFIDAVIT FOR SUBSTANTIAL INTEREST IN REAL PROPERTY (REAL ESTATE)

State of Texas

County of _____

I, _____,
a local public official under Texas law, do hereby swear and affirm that I have a substantial interest the real property described below and that it is reasonably foreseeable that a board vote, decision, or other action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

The nature and extent of my interest of the real property is as follows:

Address and Description of the Real Property:

Concerning the real property described above, I hereby affirm that ____I have or ____a person related to me within the third degree by blood (consanguinity) or marriage (affinity) has an equitable or ownership interest with a fair market value of \$2,500 or more.

I further affirm that I will abstain from further participation on any matter before the _____
School Board of Directors concerning this real property.

These statements are based on my personal knowledge and are true and correct.

Signed this _____ day of _____, 2012.

(Signature of Charter School Official)

(SCHOOL OF EXCELLENCE IN EDUCATION Official)

ACKNOWLEDGEMENT CERTIFICATE BY NOTARY PUBLIC:

This instrument was acknowledged before me this _____ day of _____, 2012,
by _____
(SCHOOL OF EXCELLENCE IN EDUCATION Official)

_____ Personally known or _____ Produced _____
as identification.

(NOTARY SEAL)

(Signature of Notary Public)

(Printed Name of Notary)
Notary Public, State of Texas

AFFIDAVIT FOR SUBSTANTIAL INTEREST IN BUSINESS ENTITY

State of Texas

County of _____

I, _____,
a local public official under Texas law, do hereby swear and affirm that I have a substantial interest in the business entity described below and that a board vote, decision, or other action on the matter will have a special economic effect on the business entity that is distinguishable from its effect on the public.

The nature and extent of my interest of the real property is as follows:

Address and Description of the Real Property:

Concerning the business entity named above, I hereby affirm that _____ I or _____ a person related to me within the third degree by blood (consanguinity) or marriage (affinity):

_____ own or owns 10% or more of the voting stock or shares of the business entity

_____ own or owns 10% or more of the fair market value of the business entity

_____ own or owns \$15,000 or more of the fair market value of the business entity

_____ received funds from the business entity that exceeded 10% of the person's gross income for the previous year.

I further affirm that I will abstain from further participation on any matter before the

School Board of Directors concerning this business entity.

These statements are based on my personal knowledge and are true and correct.

Signed this _____ day of _____, 2012.

(Signature of Charter School Official)

(SCHOOL OF EXCELLENCE IN EDUCATION Official)

ACKNOWLEDGEMENT CERTIFICATE BY NOTARY PUBLIC:

This instrument was acknowledged before me this ____ day of _____, 2012,
by _____
(SCHOOL OF EXCELLENCE IN EDUCATION Official)

____ Personally known or ____ Produced _____
as identification.

(NOTARY SEAL)

(Signature of Notary Public)

(Printed Name of Notary)
Notary Public, State of Texas

200.140. RESTRICTIONS ON SERVING AS A BOARD MEMBER OR OFFICER

The governing body (“Board”) of SCHOOL OF EXCELLENCE IN EDUCATION adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Criminal History Records

Section 1.1. Criminal Background Check for Members of the Board. Before an individual becomes a member of the Board, and every third year thereafter, the Chair of the Board or the Chair’s designee shall ensure that all criminal history record information is obtained, as frequently as the law requires, from the Texas Department of Public Safety.

Section 1.3. Criminal History Background Checks for Officers of the Charter School. Before an individual becomes an officer of the charter school, the Superintendent, or Superintendent’s designee, shall ensure that all criminal history record information is obtained from the Texas Department of Public Safety. After the initial check, the Superintendent, or Superintendent’s designee, shall ensure that such a criminal history check is conducted as frequently as the law requires.

Section 1.3. Confidentiality. The Superintendent shall ensure that criminal history information is released only to legally authorized entities.

**200.160. COMPLIANCE RECORDS ON NEPOTISM, CONFLICTS OF INTEREST,
& RESTRICTIONS ON SERVING**

The governing body (“Board”) of SCHOOL OF EXCELLENCE IN EDUCATION adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Compliance Record Maintenance

The Superintendent shall maintain the compliance records for state conflict of interest standards as required by law.

SECTION 2. Compliance Form

As a means toward complying with this policy, the Superintendent may require each member of the governing body of the charter holder, each officer of the charter school, each member of the governing body of charter school, and each employee of the charter school to complete the form template attached this policy.

COMPLIANCE RECORD FOR STATE CONFLICT OF INTEREST STANDARDS

Date of Completion by the Named Individual _____

Date of Expiration of this Compliance Record _____

(i.e., three years after the date of completion)

Name: _____

Title: _____

Indicate whether you are:

_____member of governing body of charter holder

_____officer of the charter school (including a chief executive officer, a central administrative officers, a campus administration officer, or a business manager; or a volunteer working under the direction of a charter holder, charter school, or management company)

_____member of governing body of charter school

_____employee of a charter school (anyone employed by the charter who is not considered an “officer of the charter school” as defined above.

Describe your specific powers and duties:

State legal name of the individual:

Current Legal Name:

Aliases: _____

Formerly Used Names (including maiden name):

Provide a full and complete list of your business interest in or transactions with any charter holder, charter school, or management company:

List all of your relatives within the third degree of by blood and by marriage who:

1. are employed by the charter holder or charter school:

2. conduct business transactions with the charter holder or charter school:

3. serve on the governing body of the charter holder or charter school:

4. have a substantial interest in a management company:

200.200. SUPERINTENDENT

The governing body (“Board”) of SCHOOL OF EXCELLENCE IN EDUCATION adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Powers & Duties

Section 1.1. Non-Delegable Powers and Duties. The Superintendent shall not delegate the following powers and duties:

- a. Organizing the charter school’s central administration;
- b. Approving reports or data submissions required by law; and
- c. Selecting charter school employees or officers.

SECTION 2. Training

The Superintendent or Superintendent’s designee shall comply with and keep accurate records concerning the commissioner of education rules governing training of open-enrollment charter school Chief Executive and Central Administrative Officers, Campus Administrative Officers, and Business Managers.

SECTION 3. Development of Administrative Procedures

The Superintendent, or the Superintendent’s designee, shall develop administrative procedures by which to implement Board policy.

200.220 CAMPAIGN CONTRIBUTIONS TO THE STATE BOARD OF EDUCATION

(TCSA NOTE: POLICY ON THIS SUBJECT LEGALLY REQUIRED)

The governing body (“Board”) of SCHOOL OF EXCELLENCE IN EDUCATION adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Disclosure

SECTION 1.1. Disclosure. Board members, employees, and agents of SCHOOL OF EXCELLENCE IN EDUCATION shall disclose whether, at any time in the preceding four years, the person, corporation, or other legal entity made a campaign contribution to a candidate for or to a member of the State Board of Education (SBOE).

SECTION 1.2. In Writing. The disclosure will be made in writing to the commissioner of education within the timeline and in the format established by the SBOE Rule.

SECTION 2. Benefits Conferred

SECTION 2.1. Disclosure. The Board members, employees, and agents of SCHOOL OF EXCELLENCE IN EDUCATION shall disclose in the same manner, as stated in Section 1.2 of this policy, any benefit conferred on a candidate for, or member of, the SBOE during the preceding four years.

SECTION 3. Continuing Duty to Report

SECTION 3.1. SCHOOL OF EXCELLENCE IN EDUCATION, its employees, agents, and any contracted management company has a continuing duty to report contributions or expenditures made through the term of a contract, grant, or charter and shall, within 21 calendar days, notify the commissioner of education upon making a contribution or expenditure covered by this section.

SECTION 4. Management Services Companies

SECTION 4.1. The Superintendent shall ensure that any contract between SCHOOL OF EXCELLENCE IN EDUCATION and a management services company includes an acknowledgement by the management services company of its duty to make disclosures of political campaign contributions and benefits conferred to candidates for or members of the State Board of Education.

SECTION 5. Political Advertising

The Superintendent shall ensure that no state funds are expended by the SCHOOL OF EXCELLENCE IN EDUCATION for any political advertising.

The Superintendent shall ensure that any contract between SCHOOL OF EXCELLENCE IN EDUCATION and a management services company includes a prohibition against the expending of state funds for political advertising by the management company.