

TCSA Model Board Policy Series

Module 200: *Charter School Governance & Organization 2015*
Charter Board Policy for
University of Texas Elementary School

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.

This policy module and all updates are copyrighted publications of the TCSA. All rights are reserved and will be enforced to the fullest extent of the law. The policy modules are for the sole use of the purchaser. Duplication and distribution in whole or in part are prohibited unless otherwise specifically authorized in writing by TCSA. Inquiries should be directed to TCSA, 700 Lavaca, Suite 930, Austin, TX 78701. For questions concerning the Model Board Policies for Charter Schools contact:

Lindsey Gordon, Texas Charter Schools Association
lgordon@txcharterschools.org
512.584.8272

Module 200: *Charter School Governance & Organization 2015*

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: Financial Operations

Module 300: General School Operations

Module 400: Students

Module 500: Open Government

Module 600: Human Resources

Legal Abbreviations Used in the TCSA Model Board Policy Series

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
Texas Gov't Code	Texas Government Code
Tex. Labor Code	Texas Labor Code
Texas Local Gov't Code	Texas Local Government Code
Tex. Rev. Civ. Stat.	Texas Revised Civil Statutes
U.S.C.A.	United States Code Annotated

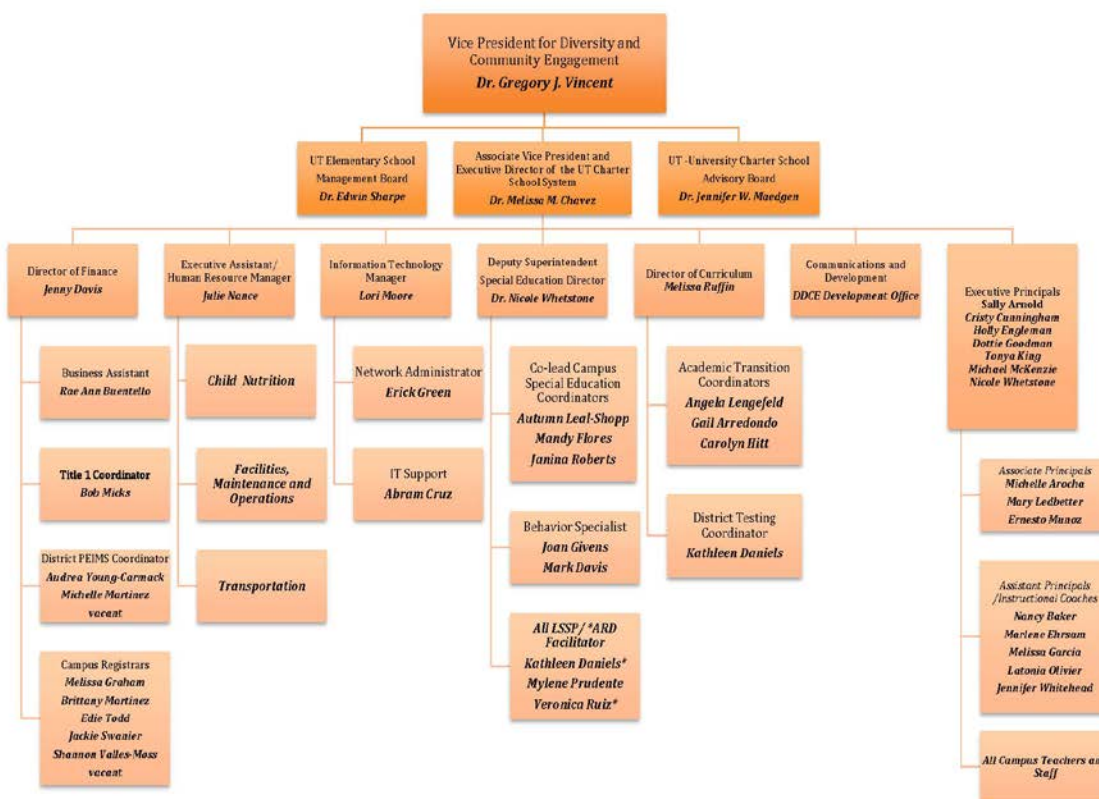
200.010. UTES MISSION

SECTION 1. Mission

The mission of the University of Texas Elementary School is three-fold: to develop students into lifelong learners through rigorous research-based curricula delivered in a nurturing environment that includes parental and community involvement; provide opportunities for professional development and outreach for the University’s academic units; and serve as a model of an exemplary program for diverse learners.

SECTION 2. Organization Chart

The University of Texas Charter School System – *Organizational Chart*



The University of Texas –University Charter School & The University of Texas Elementary School

200.020 CORPORATE STRUCTURE

Pursuant to a delegation amendment to the UTES charter approved by the commissioner of education, the Management Board (“Board”) of UTES recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of The Division of Diversity and Community Engagement (DDCE), hereinafter referred to as the VP of UTES.

SECTION 1. Name

The Name of this organization shall be the University of Texas Elementary School (UTES).

SECTION 2. Authority

The Texas Education Agency pursuant to Chapter 12, Subchapter E of the Texas Education Code, issued a charter to The University of Texas at Austin to operate the UTES. The governing board of the charter-holder, the University of Texas Board of Regents, pursuant to *Regents’ Rules and Regulations* Series 40901, has delegated the responsibility for the operation and oversight of UTES to the President of the UT- Austin.

SECTION 3. Governance Structure

SECTION 3.1. Vice President. The President has delegated the responsibility for the operation and oversight of UTES to the Vice President for Diversity and Community Engagement (DDCE), while reserving the authority to make an annual report to the Board of Regents that details the activities and performance of UTES and to appoint the members of the Board. The Superintendent of UTES is appointed by and serves at the pleasure of the President and the VP for UTES.

SECTION 3.2. Management Board (“Board”). The President appoints and authorizes the members of the Board to advise and make recommendations to the Superintendent on matters related to the management, operation, and accountability for UTES.

SECTION 3.3. Superintendent. The VP for UTES appoints the UTES Superintendent upon the advice and recommendation of the Board. The Superintendent, who reports to the VP for UTES or delegate, is UTES’ central administration officer and performs the duties as provided in the Charter.

SECTION 4. Management Board Purpose

The Management Board is appointed by the President of UT Austin to advise him or her on operation of the UT Elementary Charter School (“School”) in accordance with the following established mission:

- i. to provide an excellent education foundation grounded in research-based educational practices and the Texas Essential Knowledge and Skills for a diverse group of students;
- ii. to serve as a professional development and research outreach for the UT Austin College of Education; and
- iii. to serve as a model of exemplary programs to other schools.

200.040. BOARD OPERATING PROCEDURES

Pursuant to a delegation amendment to the UTES charter approved by the commissioner of education, the Management Board (“Board”) of UTES recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of The Division of Diversity and Community Engagement (DDCE), hereinafter referred to as the VP of UTES.

SECTION 1. Composition of the Management Board

SECTION 1.1. Number of Board Members. The Board shall consist of at least eight but no more than fifteen voting members, a majority of whom must be faculty or staff members of The University of Texas at Austin and two permanent, ex-officio non-voting members: the VP for UTES or a designee and the Superintendent of UTES who also serves as an officer of the Board. Prior to serving on the Board, DDCE staff member’s job responsibilities will be screened to ensure that there is no conflict of interest that prevents the DDCE staff member from serving on the board.

SECTION 1.2. Selection and Terms in Office. The Bylaws of the Board control the method by which board members are selected and the board member terms of office.

SECTION 1.2.1. Appointment of Voting Members of the Board. The President appoints the voting members of the Board. As places for voting members become vacant, the Board shall nominate and recommend replacements to the President, via the VP for UTES, for consideration and appointment.

SECTION 1.2.2. Term of Appointment. The terms of the initial eight (8) board members will be staggered in the following manner: 2 – one-year terms; 3 – two-year terms; and 3 – three-year terms. After the initial terms of office set forth above, the term of office of each Board member position, excluding the parent of the school, shall be three (3) years. The term of office for the Management Board position that is a parent of the school shall be two (2) years. The term of office of each Board member shall be deemed to commence as of the 1 July closest in time to the date of appointment of such member, and shall be deemed to end as of 30 June. No appointed member shall serve more than two consecutive terms. Any person who has served six or more consecutive years as a member shall be deemed to have submitted their resignation. The President of UT Austin shall be deemed to have accepted such resignation, unless the Board nominates such member to serve an additional term and the UT Austin President makes the appointment.

SECTION 1.2.3. Board Places. Board members representing each of the Places (One – Seven) will be appointed to the board on staggered terms. The UTES administrative staff will maintain the records outlining a member’s terms of appointment. The Nominating Standing Committee of the Board will review these records on an annual basis prior to initiating the nominating process.

SECTION 1.2.4. Qualifications. After the first year of school operations (2003-2004), the Board will select and nominate to the President of UT Austin new members based on the following formula:

- i. At least two-thirds of the members will be UT Austin Faculty and staff
- ii. The remaining members will be from the community, including at least one parent of the school.

The Board will seek to maintain expertise from its members in banking and finance, real estate development, Texas school law, education, and fundraising and will further seek to represent the population in its service area. A member

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

a. Chair. The President, in consultation with the VP for UTES, appoints the Chair from the nominations by the Board from among the voting members. The Chair must be a UT-Austin employee and serves at the pleasure of the President. The Board Chair is empowered to chair all board meetings. In the Chair's absence, authority to chair a meeting shall be delegated to the Vice-Chair. The Chair shall perform all duties incidental to the office of Chair and other duties as may be prescribed by the charter. The Chair shall in general supervise and control all of the business and administrative affairs of the UTES. Except as otherwise stated in these bylaws, the Chair shall have the power to appoint the members and chairs of each standing and ad hoc committee, to fill vacancies and to change the chair and/or membership of any committee at any time. The Chair shall be a member of and preside at all meetings of the Board and the Executive Committee, and shall be an ex officio member of each standing and ad hoc committee. When authorized by a duly adopted resolution of the Board and University of Texas at Austin rules and regulations, the Chair may sign documents in the name of UTES.

b. Vice-Chair. The Board will elect one or more Vice Chairpersons by nominations from the floor and via voice vote. The Vice Chair shall perform duties as provided in the charter and other duties assigned by the Chair. In the Chair's absence, disability, or incapacity to act, the Vice Chair shall preside over meetings of the Board and shall perform the duties of the Chair. When so acting, the Vice Chair shall have all the powers and be subject to all the restrictions of the Chair.

c. Superintendent. The Superintendent shall be the central administration officer of the UTES. He or she shall be in charge of and responsible for the supervision of all aspects of the administration, management and operation of the UTES, subject only to the policies and procedures established by the Board and the direction and control of the Board. In general, the Superintendent shall have the usual powers and duties pertaining to the office of the Superintendent, and the Board may prescribe such additional duties from time to time. The Superintendent shall be empowered with all authority necessary to perform the duties of the Superintendent, which shall include, but not be limited to:

- (a) Recommend the establishment of curricula and standards appropriate for achieving the mission and goals of the UTES;
- (b) prepare and recommend to the Board annual and long range plans, and capital and operating budgets for the UTES, and manage all activities of the UTES in accordance with the plans and budgets approved by the Board;

- (c) employ, evaluate, suspend and discharge faculty and staff on the basis of merit, appropriate conduct, performance of their duties or other reasons in accordance with University of Texas at Austin policies;
- (d) enroll, evaluate, suspend or expel students on the basis of merit, appropriate conduct, fulfillment of obligations to the UTES or other reasons in accordance with University of Texas at Austin policies;
- (e) receive and collect state and federal funds, fees, contributions and other revenues or credits payable to the UTES and deposit such moneys into the bank accounts of the UTES;
- (f) within the limits of the applicable authorizations to contract and/or authorizations for expenditure approved by the Board, tender and award contracts, incur expenses and make payments necessary for the proper operation and management of the UTES; provided that before incurring any commitment or expense, including without limitation, commitments and expenses for the provision of services, for the purchase of books, equipment, materials and supplies, for the construction or modification of facilities, or for the repair and maintenance of facilities, grounds and other property of the UTES, the Superintendent shall obtain from the Board, or its delegate, an authorization to contract and/or an authorization for expenditure;
- (g) keep full and complete records and accounts of all administrative, educational, financial, operational and capital development activities of the UTES, and inventories of all property of the UTES;
- (h) serve as an *ex officio* and non voting member of and attend all meetings of the Board and of the various committees of the Board, other than meetings from which the Chair of the Board has excused the Superintendent;
- (i) report to and advise the Board concerning the faculty, the students, the facilities, the educational and other activities, the financial condition, the capital development activities and such other aspects of the UTES as the Board may require from time to time. The Superintendent shall prepare and present interim reports at each meeting of the Board and such other times as the Board may require, and complete reports at the end of each fiscal year;
- (j) represent the decisions and policies of the Board to faculty, staff, students, parents and other constituencies of the UTES in an accurate manner that does not negatively or inappropriately characterize the position or vote of any individual Board member; and
- (k) implement the policies, procedures and obligations of the UTES and the decisions of the Board to the best of their ability, and perform duties in a proper, effective and fiscally sound manner and in accordance with University of Texas at Austin policies and all applicable laws and regulations.

The Superintendent may delegate such portion of their duties and authorities, as they deem appropriate, provided that the Superintendent shall retain ultimate responsibility for the performance of such duties.

d. Secretary/Treasurer. The Secretary/Treasurer shall issue, or cause the issuance of, all notices to meetings of the Board and in accordance with the provisions of these bylaws or as required by law. He or she shall record, or cause the recordation of, the minutes of the meetings of the Management Board, and shall assure that the books and records of the School are properly kept. He or she shall have charge and custody of, and be responsible for, all funds and securities of the School. He shall receive and give receipts, or cause to be received and receipts to be given, for monies due and payable to the School from any source whatsoever, and shall deposit, or cause to be deposited, all such monies in the name of the School in such banks or other depositories as may be approved pursuant to university policy and procedures. Upon recommendation of the Chairperson, and with approval of a majority of the Management Board, the Secretary/Treasurer role may be held by the business officer of the school. In this circumstance the Secretary/Treasurer will be supervised by the Finance Committee Chairperson.

SECTION 1.4. Board Committees.

SECTION 1.4.1. Executive Committee. There shall be an Executive Committee, which shall consist of the Officers and such other persons as the Board may designate from time to time. The Executive Committee shall have and exercise all of the authority of the Board to manage the business and affairs of the School between Board meetings, except where action of the Board is required by law or these Bylaws. All actions of the Executive Committee shall be subject to ratification of the Board. The Chairperson of the Board shall act as the Chairperson of the Executive Committee. The Executive Committee shall meet at the request of the Chairperson. The notice, waiver and voting provisions set out in Article V above for meetings of the Board shall also be applicable to meetings of the Executive Committee. A quorum for any Executive Committee meeting shall be constituted if a majority of the members of the Executive Committee are present in person or by telephone at such meeting.

SECTION 1.4.2. Standing Committees. There shall be the following standing committees:

- (1) Development Committee
- (2) Education Committee
- (3) Facilities Committee
- (4) Finance Committee;
- (5) Nominating Committee
- (6) Other standing committees deemed necessary by the Management Board.

Each standing committee shall advise the Board on matters within the scope of its duties as set out in the then current Board Handbook and on such other matters as the Board may designate from time to time.

The standing committees shall have the authority only to make recommendations to the Board, and to exercise, to the extent permitted by law, University of Texas at Austin regulation, or these bylaws, such additional powers as may be granted from time to time by the Board. For the avoidance of doubt, no standing committee shall have the right to expend funds or to commit to expend funds without the express authority of the Board.

Each standing committee shall consist of any number of Board members. The chair of each standing committee shall be a Board member appointed by the Chair of the Board. Standing committees may include voting non-Board members designated by the chair of such standing committee.

SECTION 1.4.3. Ad Hoc Committees. The Board may from time to time establish and empower one or more *ad hoc* committees for such purposes as the Board deems sufficient.

Any *ad hoc* committees shall have the authority only to make recommendations to the Board, and to exercise, to the extent permitted by law, University of Texas at Austin regulations, or these Bylaws, such additional powers as may be granted from time to time by the Board. For the avoidance of doubt no *ad hoc* committee shall have the right to expend funds or to commit to expend funds without the express authority of the Board.

The Board shall have the power to disband any *ad hoc* committee, either with or without cause, at any time. Each *ad hoc* committee shall consist of Board members and other persons appointed by the Chairperson of the Board, and shall be chaired by a Board member appointed by the Chairperson of the Board. The Chairperson of the Board shall have the power to fill vacancies and/or change the chairperson and/or membership of any standing or *ad hoc* committee at any time.

SECTION 1.4.4. Committee Procedure. Unless the Board shall determine otherwise, any standing or *ad hoc* committee may by a resolution of a majority of its committee members fix the time and place of its meetings, whether within or without Travis County, Texas, and establish its rules of notice, quorum, voting and other procedural matters. Each committee shall keep regular minutes of its proceedings, and shall report to the Board when required.

SECTION 1.4.5. Advisory Board(s). The Board may establish an Advisory Board(s) to assist the Board in supporting and facilitating the activities of the School. The Advisory Board(s) shall have no independent authority. The Advisory Board shall consist of persons selected by the Board, subject to final approval by the President of University of Texas at Austin. The Board in its discretion may appoint and/or remove members from the Advisory Board(s).

SECTION 1.4.6. Affiliated Organizations. The Board (on its own initiative or in response to an application by other persons) may from time to time authorize one or more organizations to use the name of the School and/or to act in concert with one or more activities of the School. The Board shall specify such conditions and requirements for authorization as the Board deems appropriate. At a minimum the Board shall require any such organization to establish objectives consistent with those of the School, to undertake to not contravene the policies and procedures of the School and to periodically report to the CEO/Executive Director on the objectives, activities and functions of such organization. In addition each such organization shall be responsible for conducting and financing its own activities and functions. No action, obligation or expression of any such organization shall be considered an action, obligation or expression of the School. Every publication regarding an action, obligation or expression by any such organization shall contain a statement to the effect that such organization will assume sole responsibility for the contents of the

publication. If an organization fails to accept or abide by any of the conditions and requirements, then the Board shall revoke the authorization of such organization to use the name of the School, to act in concert with activities of the School, and to derive any other benefits from the School (i.e. status as a University of Texas at Austin organization).

SECTION 1.5. Vacancies and Removals. The Bylaws of the Board control the method by which board vacancies are filled and the method by which members are removed. Vacancies and replacement of out-going voting members shall be filled by presidential appointment upon advice and recommendation of the Board via the VP for UTES.

SECTION 1.5.1 Removal. The Management Board may recommend removal of a member with or without cause. A decision to recommend to UT Austin President the removal a member shall require the affirmative vote of at least two thirds of the members then serving on the Management Board.

SECTION 1.5.2. Absence. Board members shall be required to attend all meetings of the Management Board. The Management Board may, for good cause shown, as may be determined within its discretion, excuse a Management Board member from attendance at a Management Board meeting. If a member is absent from:

- (a) three (3) consecutive meetings of the Management Board without having been excused by the Chairperson, or
- (b) more than half of the meetings of the Management Board during any twelve-month period without having been excused by the Chairperson, then, the Management Board may recommend removal such member in the manner contemplated by these Bylaws.

SECTION 1.5.3. Resignation. A member may resign from his or her position as Member of the Board by notifying the President of UT Austin and the Board Chair in writing. The resignation shall be effective when received.

SECTION 2. Board Meetings and Public Records

SECTION 2.1. Open Meetings. The Board shall comply with the Texas Open Meetings Act and the Texas Public Information Act. The Board agenda shall be formulated by the Superintendent, who, after consultation with the Chair of the Board, shall post the agenda as part of the meeting notice in advance, in accordance with the Texas Open Meetings Act. Written notices of all meetings stating the date, place, agenda, and time shall be sent by UTES administrative staff not less than five (5) nor more than thirty (30) days before the date of the meeting to each member of the Board prior to the holding of such meetings. The notice shall clearly state the purpose and the business to be transacted at the meeting. Notice may be delivered personally, by facsimile transmission, by mail or electronic mail. In accordance with the Texas Open Meetings Act Chapter 551, the notice of the meeting must be posted in a place readily accessible to the public at all times for at least 72 hours before the scheduled time of the meeting, unless there exists an emergency or urgent public necessity in which case the notice of the meeting or supplemental notice of subject added to the meeting shall be posed at least 2 hours prior to the meeting.

SECTION 2.2. Frequency of Meetings. Meetings of the Board shall be conducted once a month from August through June unless the Board Chair in consultation with the Superintendent determines a meeting is unnecessary. Special meetings of the Board shall be called by the Chair of the Board at such times as the Chair of the Board may elect, or on the written request of two (2) or more members. Regular or special meetings shall be held at any suitable location in Travis County, Texas, or at such other location outside Travis County, Texas as the Board may determine.

SECTION 2.3. Conduct of Business. The business of the Board shall be conducted in accordance with Roberts Rules of Order, rules and regulations of the State Board of Education, The University of Texas System Board of Regents, and The University of Texas at Austin, as well as applicable state and federal laws, in particular the Texas Open Meetings Act.

SECTION 2.4. Minutes. The Secretary/Treasurer shall be responsible for drafting the minutes of all meetings of the Board and shall see that any and all legal notices are duly given as required by law.

SECTION 2.5. Board Actions. The presence of more than one-half of the Board membership (not including vacant seats) shall constitute a quorum of that body. Any action taken by the majority of the Board at any meeting at which a quorum is present shall be an act of the Board. If less than a quorum is present at any meeting a majority of the Board members present may adjourn the meeting.

As provided by Texas Government Code § 551.071- 555.076, the Board shall have the authority to discuss items regarding personnel, contracts under negotiation, security, or salary in executive session and reconvene in an open meeting to record the votes on such items.

All actions taken by a majority Board vote are final and not subject to amendment without a majority Board vote.

SECTION 2.6. Board Votes. Each member of the Board shall be entitled to one vote. Voting by proxy is not allowed.

A final recommendation or vote on a matter deliberated in a closed meeting may only be made in an open meeting.

SECTION 2.7. Waiver of Defects. Each Board member present at a meeting in person shall be deemed to have waived any objection to defects in the calling or notice of a meeting of the Board, unless prior to the adjournment of the meeting such Board member submits to the Chair a written objection setting out the basis for such objection.

SECTION 3. Annual Report on Charter Governance

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

200.060. BOARD MEMBER DUTIES AND RESPONSIBILITIES

Pursuant to a delegation amendment to the UTES charter approved by the commissioner of education, the Management Board (“Board”) of UTES recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of The Division of Diversity and Community Engagement (DDCE), hereinafter referred to as the VP of UTES.

SECTION 1. Responsibility and Accountability

The Board provides recommendations to the VP, who assumes ultimate responsibility for the management, operation, and accountability of UTES.

SECTION 1.1. Roles and Responsibilities The Board is an oversight and advisory body that makes recommendations and advises the Superintendent to ensure educational excellence, fiscal accountability, compliance with university, state and federal policies, procedures, rules, regulations, laws and any matters set out in the Charter. More specifically, it is the responsibility of the Board to:

- a) Review annual operating and capital budgets and make recommendations to the President of UT Austin for their approval and submission to the UT Board of Regents;
- b) monitor the budget monthly to identify material variances;
- c) annual external audit of UTES financial statements;
- d) assist the VP for UTES in the recruitment and interviewing of candidates for Superintendent, and to submit a recommendation of a candidate to the VP for UTES and the President of UT Austin for appointment in accordance with university policy;
- e) generation of Board Nominees and recommendations of new Board appointees to the VP;
- f) review all lease arrangements and make recommendations for the approval of the UT Austin President;
- g) engage in fundraising in accordance with university policy;
- h) review proposed school education policies, including policies relating to admissions, student goals and assessments, student conduct and student dress code, and make recommendations for the adoption of policy to the President of UT Austin in accordance with university procedures;
- i) development of faculty contracts, Student Information Guide and the Student Code of Conduct;
- j) review parental grievances that the Superintendent is unable to resolve at the school level;
- k) complete any required performance evaluation for the Superintendent in accordance with university policy;
- l) exercise any other powers delegated to it by the President of the University of Texas at Austin.

SECTION 1.2. Response to Complaints from Parents The Board, through the UTES Parent Handbook, will establish clear channels of communication and clear grievance procedures. The Superintendent will handle complaints of parents. If the problem cannot be resolved at the school level, parents can petition the Board, per procedures in the Parent Handbook, for review.

SECTION 2. Fiduciary Duty

Each member of the Board assumes the fiduciary duties of obedience, loyalty and due care to UTES.

SECTION 3. Delegation

SECTION 3.1. General Rule. The governing body's powers and duties to operate the charter school shall not be delegated, transferred, assigned, encumbered, pledged, subcontracted, or in any way alienated by the board of the charter holder except as provided by law. Any attempt to do so shall be null and void and of no force or effect, and shall constitute abandonment of the contract for charter.

<http://www.utsystem.edu/bor/rules/40000Series/40901.pdf>

SECTION 4. Miscellaneous Provisions

SECTION 4.1. Contracts. Subject to the contracting authority delegated to it, the Board may authorize any Officer of the Board to enter into any contract or execute and deliver any instrument of document in the name of and on behalf of the School. Such authority may be general or confined to specific instances. No contract, document or other instrument executed and delivered in the name of and on behalf of the School shall be required to be attested to or signed by the Secretary or any other Officer, or to have the corporate seal affixed thereto, unless otherwise required by law, the Articles of Incorporation, or these Bylaws.

SECTION 4.2. Banking. All checks, drafts, and other orders for the payment of money out of the funds of the School shall be signed in the name of and on behalf of the School by such persons in such manner as shall from time to time be authorized or directed by the Board. All funds of the School not otherwise employed shall be deposited from time to time to the credit of the School in such banks, trust companies, or their depositories, or may be invested in other forms of investments, as the Board may from time to time designate or as may be designated by an Officer of the Board to whom such power of designation may from time to time be delegated by the Board.

200.080. BOARD MEMBER TRAINING

Pursuant to a delegation amendment to the UTES charter approved by the commissioner of education, the Management Board (“Board”) of UTES recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of The Division of Diversity and Community Engagement (DDCE), hereinafter referred to as the VP of UTES.

SECTION 1. Board Member Training

Each member of the Board assumes responsibility for the required training.

SECTION 2. Record of Board Member Training

The Superintendent shall maintain records concerning training hours of each member of the Board.

200.100. NEPOTISM

Pursuant to a delegation amendment to the UTES charter approved by the commissioner of education, the Management Board (“Board”) of UTES recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of The Division of Diversity and Community Engagement (DDCE), hereinafter referred to as the VP of UTES.

The Board shall comply with all applicable nepotism statutes and rules, including the University of Texas-Austin Individual Conflicts of Interest Policy, unless a statutory or regulatory exception applies.

<http://policies.utexas.edu/policies/employment-close-relatives-nepotism>

200.120. CONFLICTS OF INTEREST

Pursuant to a delegation amendment to the UTES charter approved by the commissioner of education, the Management Board (“Board”) of UTES recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of The Division of Diversity and Community Engagement (DDCE), hereinafter referred to as the VP of UTES.

SECTION 1. UT Austin Policy

For purposes of compliance with Chapter 171 of the Tex. Local Gov’t 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 comply with all affidavit and disclosure requirements applicable to UTES pursuant to 19 Tex. Admin. Code § 100.1017, including, but not limited to, The University of Texas at Austin Individual Conflicts of Interest Policy. <http://policies.utexas.edu/policies/individual-conflicts-interest>

SECTION 1.1. Compensation. Board members shall not receive any salary or compensation for their services, but may as authorized by university policy receive reimbursement for reasonable expenses incurred in carrying out any of their duties as members.

SECTION 2. Managing CIQ Form Records

The VP or 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 3. Web Posting Requirement

The VP or designee must ensure that completed Conflicts Disclosure Statement forms (CIS forms) and CIQ forms are posted to the UTES Internet website.

200.140. RESTRICTIONS ON SERVING AS A BOARD MEMBER OR OFFICER

Pursuant to a delegation amendment to the UTES charter approved by the commissioner of education, the Management Board (“Board”) of UTES recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of The Division of Diversity and Community Engagement (DDCE), hereinafter referred to as the VP of UTES.

SECTION 1. Criminal History Records

<http://policies.utexas.edu/policies/criminal-background-checks>

Section 1.1. Criminal Background Check for Members of the Management Board. Before an individual becomes a member of the Management 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 1.2. Criminal History Background Checks for Officers of the Charter School. Before an individual becomes an officer of the charter school, the Superintendent or 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 designee shall ensure that such a criminal history check is conducted as frequently as the law requires.

Section 1.3. Confidentiality. The Superintendent or designee 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

Pursuant to a delegation amendment to the UTES charter approved by the commissioner of education, the Management Board (“Board”) of UTES recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of The Division of Diversity and Community Engagement (DDCE), hereinafter referred to as the VP of UTES.

SECTION 1. Compliance Record Maintenance

The Superintendent or designee shall maintain the compliance records for state conflict of interest standards as required by law and The University of Texas at Austin Individual Conflict of Interest Policy.

[http://www.policies.utexas.edu/policies/individual-conflicts-interest;](http://www.policies.utexas.edu/policies/individual-conflicts-interest)
<http://policies.utexas.edu/policies/conflicts-interest-conflicts-commitment-and-outside-activities>

SECTION 2. Compliance Form

As a means toward complying with this policy, the Superintendent or designee 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 designated by the University of Texas at Austin.

<http://www.utexas.edu/compliance/wp-content/uploads/guide.pdf>

200.200. ADMINISTRATION OF UTES

Pursuant to a delegation amendment to the UTES charter approved by the commissioner of education, the Management Board (“Board”) of UTES recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of The Division of Diversity and Community Engagement (DDCE), hereinafter referred to as the VP of UTES.

SECTION 1. Powers & Duties

Section 1.1. Delegated Powers & Duties. Pursuant to a charter amendment authorized by the commissioner of education the following powers and duties are delegated to the VP:

- a. Appointment of the Chair from nominations of the Board;
- b. Appointment of the Superintendent upon the advice and recommendation of the Board;
- c. Approval of policies recommended by the Superintendent and reviewed by the Board;
- d. Approval of any other action taken by the Board.

The VP has delegated to the Superintendent the following powers and duties:

- a. Organizing the charter school's central administration;
- b. Approving reports or data submissions required by law;
- c. Selecting charter school employees or officers;
- d. Planning, operation, supervision and evaluation of the charter school's educational programs, services, personnel and facilities;
- e. Managing the charter school's day-to-day operations as its administrative manager;
- f. Preparing a proposed budget and submitting it to the Management Board for review and making recommendations to the VP for approval;
- g. Recommending policies to be reviewed by the Board and approved by the VP;
- h. Overseeing the implementation of policies approved by the VP; and
- i. Providing leadership for the attainment of student performance based on the indicators adopted under Tex. Educ. Code, § 39.051, or adopted by the VP.

SECTION 2. Training

The VP or designee shall comply with and keep accurate records concerning the commissioner of education rules governing training of open-enrollment charter VPs.

SECTION 3. Development of Administrative Procedures

The Superintendent or designee shall develop administrative procedures by which to implement Board policy.

200.220 CAMPAIGN CONTRIBUTIONS TO THE STATE BOARD OF EDUCATION

Pursuant to a delegation amendment to the UTES charter approved by the commissioner of education, the Management Board (“Board”) of UTES recommends the following policy, which shall be effective on the date that the policy is approved by the Vice President (“VP”) of The Division of Diversity and Community Engagement (DDCE), hereinafter referred to as the VP of UTES.

SECTION 1. Disclosure

Section 1.1. Disclosure. Board members, employees and agents of UTES 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

Board members, employees and agents of UTES 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

UTES, its employees and agents have a continuing duty to report contributions or expenditures benefiting a candidate for, or member of, the State Board of Education made during 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. Political Advertising

The VP shall ensure that no state funds are expended by UTES for any political advertising.

<http://www.policies.utexas.edu/policies/prohibitions-political-activity>