



TCSA Model Board Policy Series

Module 300: *General School Operations 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 are suggested model policies designed to comply with current statutory and regulatory requirements described in the 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 the 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 300: General School Operations 2015

The General School Operations, Module 300, is the third module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to the general operations 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 200: Charter School Governance & Organization

Module 400: Students

Module 500: Open Government

Module 600: Human Resources

Legal Abbreviations Used In the TCSA Model Board Policy Series

Atty. Gen. Op	Attorney General Opinion
C.F.R	Code of Federal Regulations
Tex. Admin. Code	Texas Administrative Code
Tex. Educ. Code	Texas Education Code
Tex. Gov't Code	Texas Government Code
Tex. Labor Code	Texas Labor Code
Tex. Loc. Gov't Code	Texas Local Government Code
U.S.C.A	United States Code Annotated

300.020. SCHOOL YEAR

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. School Year

A charter holder shall adopt a school year for the charter school, with fixed beginning and ending dates.

300.040. INSTRUCTIONAL FACILITIES

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. Right to Occupy Facilities

Section 1.1. The Superintendent shall maintain in school records a copy of the legally enforceable instruments conferring on the school the right to occupy and use facilities suitable for classroom use.

SECTION 2. Occupancy Certificate

Section 2.1. A charter holder shall comply with all state and local laws and ordinances applicable to the occupation and use of the facilities it occupies.

Section 2.2. A charter holder shall not change the site of its instructional facilities or administrative offices from those listed in the charter without prior approval from the commissioner of education through an amendment to the open-enrollment charter.

Section 2.3. If UTES is approved for a new facility site by the commissioner of education, before commencing operations, the Superintendent shall file a certificate of occupancy or its equivalent with the Texas Education Agency, Division of Charter Schools.

300.060. CHARTER AMENDMENTS

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. Amendment Requests

Before amending the terms of its charter, the Superintendent shall ensure that UTES shall comply with all applicable regulations in regards to filing an amendment request with the Texas Education Agency.

SECTION 2. Substantive Amendments

Definition: Any changes to the terms of an open-enrollment charter that relate to:

- a) Grade levels;
- b) Maximum enrollment;
- c) Geographic boundaries;
- d) Approved sites;
- e) School name;
- f) Charter holder name;
- g) Charter holder governance;
- h) Articles of incorporation;
- i) Corporate bylaws;
- j) Management company;
- k) Admission policy; or
- l) Educational program of the school (e.g. educational philosophy, mission, curriculum models, whole-school designs that are inconsistent with those specified in the school’s charter.)

300.080. EMERGENCY MANAGEMENT PLAN

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 VP or designee shall ensure that a multi-hazard emergency operations plan is developed and implemented for use in UTES’s facilities. The plan must provide for:

1. the mitigation, preparedness, response and recovery in regards to an emergency;
2. employee training in responding to an emergency;
3. mandatory school drill exercises to prepare students and employees for responding to an emergency; and
4. measures to ensure coordination with the Department of State Health Services and local emergency management agencies, law enforcement, health departments and fire departments in the event of an emergency.

UTES will follow the University of Texas at Austin Emergency Plans regarding Emergency Management and Infectious Disease, but will default to the specific plans put forth by the facility regarding weather events.

The Superintendent shall ensure that copies of the facility’s emergency management plan are kept on file at the facility and can be provided upon request, and all staff/personnel will be trained annually on the emergency procedures.

<http://www.utexas.edu/safety/preparedness/plans/>

SECTION 1. Emergency Plan Notebook

UT Austin has clear emergency plans outlined in their Emergency Plan Notebook. UTES shall adhere to the following emergency procedures as outlined below and from excerpts from the University of Texas at Austin’s Emergency Plan. The Principal of the school (followed by the assistant principal and the business manager) shall act as Incident Commander on campus in the event of an emergency. The following topics are included in our Emergency Plan Notebook.

1. Reporting an Emergency
 - a. Crisis team planning
 - b. Crisis management checklist
 - c. Crisis phone tree, staff roster, schedules, map
2. School safety practice
 - a. Transitions
 - b. Student supervision and assistance
 - c. Visitors and volunteers
 - d. Classroom emergencies
 - e. Early release
 - f. Building security
3. Cafeteria procedures
4. Fire drills

- a. Minor fire
 - b. Major fire and explosion
5. Severe or inclement weather
 - a. Ice/snow storm
 - b. Tornado
6. Communicable disease outbreak
7. Injury
 - a. Report to nurse
 - b. UTES accident report
8. Death or homicide
9. Hazardous materials release
10. Shelter in place
11. Bomb threat
12. Active shooter
 - a. Hostage situation
 - b. Armed person
 - c. Weapons
13. Sexual assault
14. Vandalism or graffiti
15. Emergency outside contacts

SECTION 2. Fire Drills

TEC 37.108 (2) requires that public schools have two fire drills a month – one obstructed and one unobstructed. Evacuations for bomb threats and gas leaks will be managed in the same manner.

300.100. INSTRUCTIONAL MATERIALS

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 instructional material adoption process shall comport with relevant laws and regulations.

SECTION 1. Instructional Materials Allotment

Section 1.1. Certification of Use. The use of UTES’s instructional materials allotment (“IMA”) shall comport with applicable law and regulation. The Superintendent or designee shall annually certify to the commissioner of education that UTES’s IMA has been used solely for expenses allowed by law.

Section 1.2. If the number of students attending UTES will increase or decrease during the school year for which the IMA is provided, the Superintendent or designee shall ensure that by May 31 of each school year a request is submitted to the commissioner of education requesting an adjustment in the number of students for which UTES is entitled to receive an IMA.

SECTION 2. Selection of Instructional Materials

Section 2.1. Instructional Materials Selection Committee.

- a. Appointment. The Superintendent shall appoint an instructional materials selection committee to review and consider instructional materials for adoption by UTES. The term, “instructional materials” includes textbooks, supplementary materials and other content that conveys the essential knowledge and skills of a subject in the public school curriculum through a medium or a combination of media for conveying information to a student.
- b. Recommendation to the Board. The committee shall review instructional materials and make a recommendation to the Board as to which instructional materials should be adopted by UTES.

Section 2.2. Board Adoption and Recording. The Board will consider the committee’s recommendation for adoption at a scheduled board meeting. If the Board chooses not to adopt any or part of the committee’s recommendation, the committee shall reconvene to determine alternate instructional materials for adoption. This process shall continue until the Board chooses to adopt all of the instructional materials recommended by the committee. Final selections of instructional materials adopted by the Board shall be recorded in the board minutes.

Section 2.3. Supplemental Instructional Materials. If UTES requisitions supplemental instructional materials, the Superintendent shall ensure that UTES certifies to the Texas Education Agency that the supplemental instructional materials, in combination with any other instructional materials or supplemental instructional materials used by UTES, cover the essential knowledge and skills identified in law.

Section 2.4. Notification to SBOE. Each year, during the period established by the State Board of Education (“SBOE”), the Superintendent or designee shall notify the SBOE of the instructional materials selected for the following school year as required by law.

Section 2.5. TEA Report. By April 1st of each year, the Superintendent shall transmit to the TEA a report listing the instructional materials selected for use at UTES.

Section 2.6. Annual Certification of Provision of Materials. Before the beginning of each school year, the Superintendent shall certify to the SBOE and the commissioner of education that UTES, for each subject in the required curriculum and each grade level, provides instructional materials that cover all elements of the essential knowledge and skills adopted by the SBOE.

Section 2.7. Board Ratification of the Annual Certification. The certification shall be ratified by the Board in a public, noticed meeting and shall be submitted in a format approved by the commissioner of education.

SECTION 3. Handling and Requisition

Section 3.1. Instructional Materials Coordinator. The VP delegates to the Director of Curriculum and Instruction the authority to requisition, distribute and manage the inventory of instructional materials in a manner consistent with all laws and regulations.

Section 3.2. Requisitions. By June 1st each year, UTES shall requisition instructional materials using the online requisition program maintained by the commissioner of education.

Section 3.3. Inventory. Annually, the Instructional Materials Coordinator shall conduct a physical inventory of all currently adopted instructional materials. The results of the inventory shall be recorded in UTES’s files.

SECTION 4. Responsibility for Instructional Materials and Technological Equipment

Section 4.1. Student. A student must return all instructional materials and/or technological equipment to the teacher at the end of the school year or when the student withdraws from school.

- a. A student who fails to return in an acceptable condition all instructional materials and technological equipment forfeits the right to free instructional materials and technological equipment until all instructional materials and technological equipment previously issued, but not returned in an acceptable condition, are paid for by the student, student’s parent or student’s guardian.
- b. UTES shall allow the student to use instructional materials and technological equipment during each school day.
- c. At the discretion of the Superintendent, UTES may waive or reduce the required payment for a student upon demonstration of financial hardship.

SECTION 5. Disposal procedures

The Superintendent shall ensure that the Board determines how UTES will dispose of

discontinued printed instructional materials, electronic instructional materials, and technological equipment, subject to approval by the VP.

300.120. GRIEVANCE PROCESS

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.

This policy governs student, parent and citizen complaints. Employee complaints are governed by the Grievance Policy of the University of Texas at Austin.

<http://www.policies.utexas.edu/policies/grievance-policy>

For purposes of this policy, “days” means UTES business days.

The law requires that “absent a specific waiver from the commissioner of education, the Board of a charter holder shall not delegate final authority to hear or decide employee grievances, citizen complaints, or parent concerns.” 19 Tex. Admin. Code §100.1033(c)(6)(C). The Board encourages all complaints to be resolved at the lowest administrative level possible. In most circumstances, complaints must be filed at the Principal Review level. If the only administrator with the authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Section 2 below, following the procedure including the deadlines for filing a complaint under Section 1.

If the complaint is not filed with the appropriate administrator, the receiving administrator must make a record of the date and time the complaint was received and immediately forward the complaint to the appropriate administrator.

Concerns should be expressed as soon as possible to allow early and efficient resolution.

SECTION 1. Principal Review of Complaint

Where a UTES student, parent or guardian of a student, or a member of the public has a complaint or concern regarding UTES, the individual shall first bring their complaint or concern in writing to the principal. The complaint must be brought within 15 school days of the date that the complainant knew or should have known of the alleged harm. The complaint must be specific, and where possible suggest a resolution. The principal must hear the complaint, attempt to remedy the complaint in the best interest of the affected parties, and document the outcome. The principal must respond to the complainant and issue a final decision in writing within 10 days of the principal’s receipt of the complaint.

SECTION 2. Superintendent Review of Complaint

If the individual bringing the complaint is not satisfied with the principal’s final decision, then the individual may file a written appeal to the Superintendent of UTES. This written appeal shall be filed with the Superintendent’s office within 10 days of the individual’s receipt of the principal’s final decision. The appeal shall include a copy of the written complaint to the campus principal along with a copy of the principal’s final decision. A copy of the appeal shall also be delivered to the principal.

The appeal must be specific, and where possible suggest a resolution. The appeal shall not include any new issues or complaints not included in the original complaint expressed to the

principal.

The Superintendent, or the Superintendent's designee, shall respond to the complaint and issue a final decision in writing within 15 days of receipt of the written appeal.

SECTION 3. Board Review of Complaint

If the individual bringing the complaint is not satisfied with the Superintendent's final decision, then the individual may appeal his or her complaint in writing to the Board within 10 days of receiving the Superintendent's final decision. The appeal shall be directed to the Chair of the Board, and shall include a copy of the written appeal to the Superintendent along with a copy of the Superintendent's final decision. A copy of this appeal shall also be delivered to the Superintendent.

The Chair of the Board, at the next regular meeting of the Board, shall provide a copy of the complaint record to all board members. The Board's decision shall be based on a review of the record developed at the Superintendent level, which shall include (1) the record at the Principal level; (2) the written response issued by the Superintendent and any attachments; and (3) all other documents relied upon by the Superintendent in reaching a final decision.

The Chair of the Board shall determine whether the meeting shall be held in open or closed session in accordance with the Texas Open Meetings Act and any other applicable law. Any action of the Board regarding the complaint shall be taken in compliance with the Texas Open Meeting Act.

The failure of the Board to act on a complaint has the effect of upholding the Superintendent's decision.

300.140. MEDIA RELATIONS

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 purpose of this policy is for UTES to be prepared to cooperate with media representatives and gain favorable media coverage.

SECTION 1. Compliance

UTES shall comply with all applicable laws and rules governing media relations.

UTES shall not allow the media to visit the building unescorted but will assist in finding answers to all questions and needs. The UTES website helps provide the media with facts and information regarding the school, thereby allowing easy access to information.

SECTION 2. Designation of Spokespersons for UTES

The VP or designee will serve as the primary spokesperson with the media for UTES on all matters of school interest.

300.160. ASBESTOS HAZARD EMERGENCY RESPONSE ACT

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

UTES shall comply with all federal and state laws and regulations in regards to the Asbestos Hazard Emergency Response Act (“AHERA”). In accordance with the UTES Charter, UTES designates the Superintendent as the individual who will ensure such compliance. The Superintendent or designee shall receive appropriate and relevant training on the AHERA.

SECTION 2. Annual Notice

The Superintendent or designee shall send an annual notice to students, parents, guardians and employees regarding the AHERA as required by law.

Model AHERA Yearly Notification Form

[Date]

Dear Students, Parents, Guardians, & Employees:

In 1986, Congress passed the Asbestos Hazard Emergency Response Act (AHERA) which requires school inspections to identify any asbestos containing building materials. In accordance with AHERA, the UTES Superintendent ensures that the UTES campus has developed and implemented the required asbestos management plan.

The plans have several ongoing requirements: publish a notification on management plan availability and the status of asbestos activities; educate and train its employees about asbestos and how to deal with it; notify short-term or temporary workers on the locations of the asbestos containing building materials; post warning labels in routine maintenance areas where asbestos was previously identified or assumed; follow set plans and procedures designed to minimize the disturbance of asbestos containing building materials; and survey the condition of these materials every six months to assure that they remain in good condition.

The plans and copies of the inspections and assessments are available for review during regular office hours in the UTES principal's office. If any interested parties would like to view the plan, contact the principal or the Superintendent, who is designated as the UTES Asbestos Program Manager. Please refer to the management plan for specific details regarding whether or not a facility has asbestos-containing building materials, and if applicable at your school, a program for regular surveillance inspection of asbestos-containing materials. The Superintendent ensures that every three years, an asbestos re-inspection of facilities which have asbestos-containing material will be conducted to comply with the AHERA law.

It is the intention of UTES to comply with all federal and state regulations controlling asbestos in an effort to ensure students and employees a healthy and safe environment in which to learn and work.

300.220. RISK MANAGEMENT POLICY

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.

UTES strives to ensure that risks to UTES are identified, analyzed, and managed so that they are maintained at acceptable levels. UTES employees are responsible for ensuring UTES programs, activities, and policies are conducted in a manner that considers the risk of loss or injury.

SECTION 1. Risk Management Officer

Through The University of Texas at Austin, the VP will designate a Risk Management Officer (RMO) who is responsible for providing guidance on risk management issues and the interpretation of specific policy requirements. Additionally, the RMO is responsible for:

1. Coordinating the development and maintenance of risk management policies, procedures, standards and forms for UTES;
2. Identifying strategic risks;
3. Identifying tasks and implementing such tasks to ensure risk management becomes part of day-to-day management;
4. Ensuring staff are aware of risks and how to manage them; and
5. Monitoring our strategic risk profile and implementing a continuous improvement approach to risk management.

The RMO will forward recommendations to the Superintendent, who will present those recommendations to the Board.

SECTION 2. General Liability Insurance

The University of Texas at Austin provides appropriate liability insurance to protect UTES, its board members, officers, employees and volunteers from the cost of defending litigation brought against them in their official capacity as board members, officers, employees and/or volunteers of UTES for acts or omissions committed by them in the good faith discharge of their official UTES duties.

Such insurance shall include, but not be limited to, insurance protection against claims for property damage, personal injury or death proximately caused by the negligence, wrongful act or omission of UTES’s officers or employees, acting within the scope of their employment or office, and arising from the operation or use of a motor vehicle under circumstances where such officers or employees would be personally liable to the claimant in accordance with the laws of this state.

http://www.utexas.edu/business/accounting/hbp/19_insurance/index.html