



The University of Texas  
University Charter School System

# UT Elementary Charter School Management Board Bylaws



Updated January 2021



# MANAGEMENT BOARD BYLAWS

THE UNIVERSITY OF TEXAS ELEMENTARY SCHOOL

*Updated January 26, 2021.*

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# PREAMBLE

## ARTICLE I - NAME

**Section 1.01 Name:** The name of this organization shall be The UT Elementary Charter School Management Board and, in these Bylaws shall be referred to as the "Management Board."

## ARTICLE II - REGENTS' RULES AND REGULATIONS

**Section 2.01 Subordination Clause:** This organization is established by authority of the University of Texas System Board of Regents. The organization will adhere to all applicable provisions of State law and The University of Texas System Regents' Rules and Regulations ("Rules"). In the event a provision in these Bylaws is in conflict with the Regents' Rules, the Regents' Rules shall govern.

## ARTICLE III – PURPOSE AND RESPONSIBILITIES

**Section 3.01 Purpose:** The Management Board is appointed by the President of UT Austin to advise them on operation of the UT Elementary Charter School ("School") in accordance with the following established mission:

- (1) 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;
- (2) to serve as a professional development and research outreach for the UT Austin College of Education; and
- (3) to serve as a model of exemplary programs to other schools

**Section 3.02 Responsibilities:** In order to accomplish the above purpose, it is the responsibility of the Management Board:

- (1) to 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;
- (2) to monitor the budget monthly to identify material variances;
- (3) to recruit, interview candidates, and recommend a candidate for the position of chief executive officer of UT Elementary School (CEO) to the President of UT Austin for appointment in accordance with university policy;
- (4) to review all lease arrangements and make recommendations for the approval of the UT Austin President;
- (5) to engage in fundraising in accordance with university policy;
- (6) to 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;

- (7) to complete any required performance evaluation for the CEO in accordance with university policy;
- (8) to exercise any other powers delegated to it by the President of the University of Texas at Austin.

## **ARTICLE IV – MANAGEMENT BOARD MEMBERSHIP**

**Section 4.01 Membership:** The President of UT Austin will appoint eight (8) members to serve on the initial Management Board. The President of UT Austin may appoint additional members not to exceed fifteen (15) total members. The chief executive officer shall be a non-voting member of the Board, and the School's Director of Human Resources and Director of Finance shall be invited to attend all regular and special meetings of the Management Board as non-voting participants. In addition, other members of the administration and faculty may from time to time be invited by the Chairperson to attend regular meetings of the Management Board as non-voting participants.

**Section 4.02 Term of Office – Initial Management Board:** 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. The President of UT Austin will designate the terms on appointment of the initial members as well as on appointment of additional members.

**Section 4.03 Composition, Qualifications and Manner of Appointment:** After the first year of school operations (2003-2004), the Management Board will select and nominate to the President of UT Austin new members based on the following formula:

- (1) At least two-thirds of the members will be UT Austin faculty and staff;
- (2) The remaining members will be from the community, including at least one parent of the school;

The Management 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 may not exceed the term limit set out in Section 4.04 below. In order to be a Management Board member, a qualified person must be nominated by the then sitting Management Board and appointed by the President of UT Austin.

**Section 4.04 Term of Office and Term Limits:** After the initial term of office set forth in 4.02 above, the term of office for each Management Board position, excluding the parent of the school, shall be three (3) years. The term of office for the Management Board position who is a parent of the school shall be two (2) years. The first year of service of each Management Board member shall be deemed to commence as of the first July 1 after the date of the member's appointment, and shall be deemed to end as of June 30 of the next calendar year. Except as set out in this Section 4.04, the term limit for each member (excluding the parent) shall be six (6) consecutive years—i.e., 2 three-year terms. The parent shall serve 1 two-year term. For the purpose of determining the six (6) consecutive years of Management Board service, a person shall be deemed to commence their first year appointment as a member on July 1 as described above in this section. (Refer also to Addendum A.) Any person who has served six (6) or more consecutive years as a member shall be deemed to have submitted their resignation, effective on June 30. The President of UT Austin shall be deemed to have accepted such resignation, unless the Management Board nominates such member to serve an additional term, and the UT Austin President makes the appointment.

**Section 4.05 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 4.06 Resignation:** A member may resign from their position as Member of the Management Board by notifying the President of UT Austin and the Management Board Chairperson or CEO in writing. The resignation shall be effective when received.

**Section 4.07 Compensation:** Management 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.

## **ARTICLE V – MEETINGS**

**Section 5.01 Meetings:** The Management Board shall meet at least six times per year. Regular meetings of the Management Board shall be held at such times as the Management Board may determine. Special meetings of the Management Board shall be called by the Chairperson of the Management Board at such times as the Chairperson of the Management Board may elect, or on the written request of three (3) 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 Country, Texas as the Management Board may determine, as long as this location is accessible to the public. Management Board meetings can occur using videoconferencing or by telephonic means when allowed by Texas law or as sanctioned by state executive decree.

**Section 5.02 Agenda:** The CEO shall propose an agenda for any regular or special meeting of the Board to the Board Chairperson for approval. Any Management Board member may request that an agenda item be considered for inclusion at a Management Board meeting, subject to the approval by the Chairperson. If two (2) or more members request an item for inclusion, it shall be placed on the agenda.

**Section 5.03 Notice:** The CEO or their designee shall give notice of any meeting, to each Management Board member not less than five (5) nor more than thirty (30) days before the date of the meeting. The notice shall be in writing, shall specify the location, date, and hour of the meeting, and 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 two (2) hours prior to the meeting.

**Section 5.04 Waiver of Defects:** Each Management Board member present at a meeting shall be deemed to have waived any objection to defects in the calling or notice of a meeting of the Management Board, unless prior to the adjournment of the meeting such Management Board member submits to the Chairperson a written objection setting out the basis for such objection.

**Section 5.05 Quorum:** Except as otherwise provided by law, a quorum for any regular, or special meeting shall be constituted if a majority of the Management Board members then serving on the Management Board

are present in person (or on phone or video, if allowed) at such meeting. If less than a quorum is present at any meeting, a majority of the Management Board members present may adjourn the meeting.

**Section 5.06 Voting:** If at least a quorum is present at a meeting, the affirmative vote of a majority of the Management Board members present at the meeting shall constitute an act of the Management Board, unless a larger number of votes is required by law, or these Bylaws.

**Section 5.07 Closed Sessions:** The Management Board may meet in closed (executive) session on a particular topic if that topic meets one of the criteria identified in the Texas Open Meetings Act Chapter 551 for closed meetings.

**Section 5.08 Public Comments at Meetings:** An individual from the public may address the Management Board during an open session of a meeting, subject to conditions identified by the Chairperson, which would include a time limit for each speaker.

**Section 5.09 Meeting Attendance:** Management Board members shall be required to attend all meetings of the Management Board. The Chairperson may, for good cause shown, 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 of such member in the manner contemplated by these Bylaws.

## **ARTICLE VI – MANAGEMENT BOARD COMMITTEES**

**Section 6.01 Executive Committee:** There shall be an Executive Committee, which shall consist of the Officers (see Section 7.01) and such other persons as the Management Board may designate from time to time. The Executive Committee shall have and exercise all of the authority of the Management Board to manage the business and affairs of the School between Management Board meetings, except where action of the Management Board is required by law or these Bylaws. All actions of the Executive Committee shall be subject to ratification of the Management Board. The Chairperson of the Management 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 Management 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 or video at such meeting.

**Section 6.02 Standing Committees:**

- (a) There shall be the following standing committees:
  - (1) Development Committee;
  - (2) Education and Research Committee;
  - (3) Facilities (Health and Safety) Committee;
  - (4) Finance Committee;
  - (5) Nominating Committee; and
  - (6) Strategic Planning Committee.

(b) Each standing committee shall advise the Management Board on matters within the scope of its duties and on such other matters as the Management Board may designate from time to time. (See Addendum B for descriptions of the duties of the above six standing committees.)

(c) The standing committees shall have the authority only to make recommendations to the Management 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 Management 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 Management Board.

(d) Each standing committee shall consist of any number of Management Board members. The chairperson of each standing committee shall be a Management Board member appointed by the Chairperson of the Management Board, and the CEO shall be a member of all standing committees. In addition, standing committees may include non-Board members, such as members of the UT Elementary Charter School staff.

**Section 6.03 Ad Hoc Committees:** The Management Board may from time to time establish and empower one or more ad hoc committees for such purposes as the Management Board deems sufficient.

(a) Any ad hoc committees shall have the authority only to make recommendations to the Management 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 Management 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 Management Board.

(b) The Management 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 Management Board members and other persons appointed by the Chairperson of the Management Board, and shall be chaired by a Management Board member appointed by the Chairperson of the Management Board. The Chairperson of the Management 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 6.04 Committee Procedure:** Unless the Management 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 (as long as the location is accessible to the public), 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 Management Board when required.

**Section 6.05 Advisory Board (s):** The Management Board may establish an Advisory Board(s) to assist the Management 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 Management Board, subject to final approval by the President of University of Texas at Austin. The Management Board in its discretion may appoint and/or remove members from the Advisory Board(s).

**Section 6.06 Affiliated Organizations:** The Management 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 Management Board shall specify such conditions and requirements for authorization as the Management Board deems appropriate. At a minimum the Management 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 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 Management 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).

## **ARTICLE VII - OFFICERS**

**Section 7.01 Officers:** The Officers of the Management Board shall be a Chairperson, one Vice Chairperson, and the CEO. The Chairperson shall be appointed from the UT faculty and staff members of the Management Board by the President of UT Austin. The full Management Board shall vote to recommend a Chairperson of the Board for the President's consideration. (See Addendum C for the nomination and voting process.) The Chairperson shall serve until the Management Board recommends to the President another person to serve in this role. The Management Board will have a two-year voting cycle in which the current Chairperson is either confirmed for another two-year term, or the Board votes for another Chairperson to recommend to the UT President. The Vice Chairperson shall be selected by the Chairperson. No person may hold more than one office.

**Section 7.02 Power and Duties of Officers:** Officers of the Management Board shall have the powers and duties described below:

(a) The Chairperson shall, in general, supervise and control all of the business and administrative affairs of the School. Except as otherwise stated in these Bylaws, the Chairperson shall have the power to appoint the members and chairpersons of each standing and ad hoc committee, to fill vacancies and to change the chairperson and/or membership of any committee at any time. The Chairperson shall be a member of and preside at all meetings of the Management 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 Management Board and University of Texas rules and regulations, the Chairperson may sign documents in the name of School. In general, he or she shall have the usual powers and duties pertaining to the office of Chairperson, and such additional duties as may be prescribed by the Management Board from time to time.

(b) The Vice Chairperson shall perform the duties of the Chairperson in the Chairperson's absence, disability or incapacity to act, and when so acting shall have all the powers and be subject to all the restrictions of the Chairperson. Should the Chairperson resign from or leave the Management Board, the Vice Chairperson shall assume the title of Interim Chairperson until a permanent Chairperson is selected.

(c) The CEO shall be the chief administrator of the School. He or she shall be in charge of and responsible for the supervision of all aspects of the administration, management and operation of the School, subject only to the policies and procedures established by the Management Board and the direction and control of the Management Board. The CEO shall report directly to and be accountable to the Management Board. In general, the CEO shall have the usual powers and duties pertaining to the office of CEO and such additional duties as may be prescribed by the Management Board from time to time. The CEO shall be empowered with all authority necessary to perform the duties of CEO which shall include, but not be limited to:

- (1) Recommend the establishment of curricula and standards appropriate for achieving the mission and goals of the School;
- (2) prepare and recommend to the Management Board annual and long-range plans, and capital and operating budgets for the School, and manage all activities of the School in accordance with the plans and budgets approved by the Management Board;
- (3) 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;
- (4) enroll, evaluate, suspend or expel students on the basis of merit, appropriate conduct (as identified in the School's Code of Conduct), fulfillment of obligations to the School or other reasons in accordance with University of Texas at Austin policies;
- (5) receive and collect state and federal funds, fees, contributions and other revenues or credits payable to the School and deposit such moneys into the bank accounts of the School;
- (6) within the limits of the applicable authorizations to contract and/or authorizations for expenditure approved by the Management Board, tender and award contracts, incur expenses and make payments necessary for the proper operation and management of the School, 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 School, the CEO shall obtain from the Management Board, or its delegate, an authorization to contract and/or an authorization for expenditure;
- (7) keep full and complete records and accounts of all administrative, educational, financial, operational and capital development activities of the School, and inventories of all property of the School;
- (8) serve as an ex officio and non-voting member of and attend all meetings of the Management Board and serve as a member of the various committees of the Management Board, other than meetings from which the Chairperson of the Management Board has excused the CEO;
- (9) report to and advise the Management 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 School as the Management Board may require from time to time. The CEO shall prepare and present interim reports at each meeting of the Management Board and such other times as the Management Board may require, and complete reports at the end of each fiscal year;

- (10) represent the decisions and policies of the Management Board to faculty, staff, students, parents and other constituencies of the School in an accurate manner that does not negatively or inappropriately characterize the position or vote of any individual Management Board member; and
- (11) implement the policies, procedures and obligations of the School and the decisions of the Management Board to the best of their ability, and perform their 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 CEO may delegate such portion of their duties and authorities, as he or she deems appropriate; provided that the CEO shall retain ultimate responsibility for the performance of such duties. Section 7.03 School Staff Supporting the Work of the Management Board: The following staff shall have the duties described below:

- (a) The Director of Finance of the School shall support the work of the Management Board by overseeing the administration of the financial affairs of the School and by providing documentation of how monies are received and spent; and make available any financial information to support decision-making by the CEO and all Management Board members. The Director of Finance also prepares the agenda and all materials for the finance chair and finance committee of the Board. He or she also supports the Management Board by completing the annual financial audit and any and all financial compliance work required by the Texas Education Agency (TEA).
- (b) The Director of Human Resources of the School shall support the work of the Management Board by recording the minutes of all meetings, maintaining records of committee meetings, overseeing the maintenance of membership lists, providing for the safe keeping of all official records of the organization, and publishing notices of scheduled Board meetings. The Director of Human Resources supports the CEO with all communication and correspondences to the Management Board as well as upholding all the legal requirements of the Board to include: governance reporting to TEA, criminal history checks of Board members, and yearly training obligations.

**Section 7.04 Removal:** The President of UT Austin may remove any Officer from their office at any time with or without cause.

## **ARTICLE VIII – MISCELLANEOUS PROVISIONS**

**Section 8.01 Contracts:** Subject to the contracting authority delegated to it, the Management Board may authorize any Officer of the Management Board to enter into any contract or execute and deliver any instrument or 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 any other Officer of the School, or to have the corporate seal affixed thereto, unless otherwise required by law, the Articles of Incorporation, or these Bylaws.

**Section 8.02 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 Management 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 Management Board may from time to time designate or as may be designated by an Officer of the Management Board to whom such power of designation may from time to time be delegated by the Management Board.

**Section 8.03 Fiscal Year:** The fiscal year of the School shall begin on the first day of September and end on the last day of the following August.

**Section 8.04 Request for Information by Management Board Members:** No individual Management Board member may direct or require the CEO or their staff to prepare/produce new or revised material for the Management Board that would require a significant amount of staff time. Such material may be requested only by a majority of the Management Board. The Management Board should consider the amount of staff time needed for this information compared to the value of the material when making a request for new material. Members of the Management Board can request and receive material that is already available and accessible. In addition, the Chairperson and Vice Chairperson may request material that requires only a modest amount of staff time.

**Section 8.05 Management Board Members Involvement in School Affairs:** Management Board members shall avoid personal involvement in activities that have been delegated to the CEO.

**Section 8.06 Effect of Bylaws:** These Bylaws are intended to serve as a general guide to the conduct of the business and affairs of the School.

**Section 8.07 Amendment of Bylaws:** These Bylaws may be amended by additions, deletions, or repeal and adoption of new bylaws by the President of UT Austin after consultation with the members then serving on the Management Board.

### **Amendments made to the University of Texas Elementary Charter School Bylaws by year**

- (1) Amendment Proposed: September 2004
  - Approved by President Subject to Review by UT Austin Legal Affairs Office: December 2004
  - Approved by UT Austin Legal Affairs Office: May, 2006 (by e-mail)
- (2) Amendments Proposed: November 2012
  - Approved by UT Austin Legal Affairs Office: February 2013 (in-person and via e-mail)
  - Approved by UT Austin Office of the President: July 18, 2013
  - Approved by UT Austin Office of the President: May 6, 2015
- (3) Amendment Proposed: February 2016
  - Approved by UT Austin Legal Affairs Office: February 24, 2016 (via e-mail)
- (4) Amendment Proposed: November 2017
  - Approved by UT Austin Legal Affairs Office: December 8, 2017 (by e-mail)
- (5) Amendments Proposed: November 2020
  - Approved by Legal Affairs Office:
  - Approved by UT Austin Office of the President:



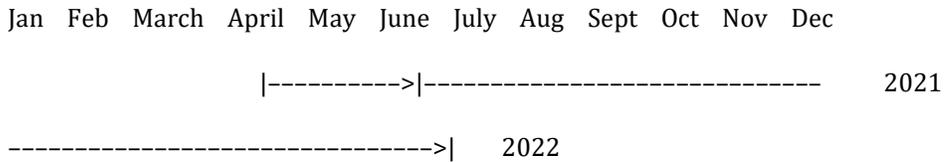
# ADDENDUMS

## ADDENDUM A

### First Year of Service and Term of Service (based on time of appointment/vote)

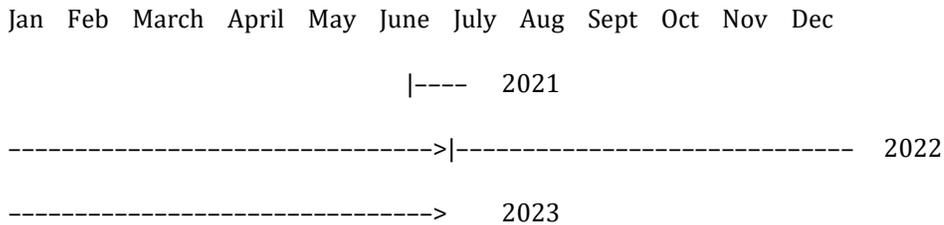
Bylaws: "The first year of service of each Management Board member shall be deemed to commence as of first July 1 after the date of appointment of such a member, and shall be deemed to end as of June 30 of the next calendar year."

#### Example 1: Appointed by vote on April 30, 2021



Recorded First Year of Service: 1 year  
Actual First Year of Service: 1 year and 2 months

#### Example 2: Appointed by vote on November 30, 2021



Recorded First Year of Service: 1 year  
Actual Initial Time of Service: 1 year and 7 months

## ADDENDUM B

### Standing Committee Roles and Responsibilities

- 1) **Strategic Planning Committee:** The strategic planning committee is made up of members of the board and works in concert with the executive director, faculty members, and administrators to develop the strategic plan for board approval, including its mission and goals, and strategic issues. This work includes assessing the current status of these items, including strengths weaknesses and opportunities; forecast priorities for the School; developing action plans; implementing such plans as deemed necessary. This committee also works on the board's bylaws, district policy, and any significant challenges or changes that the school must work through.
- 2) **Development Committee:** The development committee serves as an advancement initiative for the School. The development committee coordinates the School's fund-raising activities and advises the board on the financial goals of the annual campaign and on any capital or endowment campaign. The chair of the development committee is a board member who works directly with the development council and the annual giving committee and communicates the work of the development council to the management board.
- 3) **Education and Research Committee:** The education committee takes a broad-spectrum view of the School, concentrating on developing and recommending to the board educational policies, assessing the overall school performance against the strategic plan, and plays a major role during the School's accreditation process. This committee is also responsible for reviewing research proposals and bringing them forward to the full board for a vote. The education committee does not have the responsibility of setting curriculum or evaluating teachers.
- 4) **Health and Safety / Facilities Committee:** The health and safety committee of the board will work with the school to develop, approve and monitor the district's multi-hazard emergency operations plan. The committee will also develop the master plan for the School's building and grounds with the staff and outside consultants for board approval; monitors implementation of the plan; reports to the board periodically on major plant and campus issues; and keeps the finance committee informed of buildings and grounds needs. The committee provides board oversight of major building projects but does not act as a project manager nor get involved in the day-to day operations.
- 5) **Finance Committee:** The finance committee serves the board in two principle functions: finances and budget. In concert with the executive director, the committee develops the long-range financial plan and yearly operational budget; monitors the implementation of the budget; makes periodic reports to the board on the school's financial status; and educates the board on non-profit financial reporting and trends affecting the school's finances. The finance committee along with the chair sets the board agenda.
- 6) **Nominating Committee:** The nominating committee with board approval determines the essential criteria for new nominees based on a thorough assessment of the board's and the School's needs; solicits names from the board, parents and community members of candidates who meet the approved criteria; continuously adds to the candidate pool and is vigilant in the identification of potential board members.