



TCSA Model Board Policy Series

Module 300: *General School Operations 2012*

*Charter Board Policy for SCHOOL OF EXCELLENCE IN
EDUCATION*

INTRODUCTION

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

Overall Policy Framework

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

After the LEGAL AUTHORITY portion of the module 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 2012

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 AND ELIGIBILITY STATUS

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

SECTION 1. School Year

The Board adopts the District calendar for all dates and services for the SCHOOL OF EXCELLENCE IN EDUCATION.

SECTION 2. Eligibility Status

SCHOOL OF EXCELLENCE IN EDUCATION shall maintain its status as an organization that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986 (26 U.S.C. Section 501(c)(3)). Any change in status shall cause the SUPERINTENDENT to immediately notify the commissioner of education.

300.040. INSTRUCTIONAL FACILITIES

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

SECTION 1. Right to Occupy Facilities

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

SECTION 2. Occupancy Certificate

If SCHOOL OF EXCELLENCE IN EDUCATION 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.

00.060 CHARTER AMENDMENTS

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

Before amending the terms of its charter, the SUPERINTENDENT shall ensure that SCHOOL OF EXCELLENCE IN EDUCATION shall comply with all applicable regulations in regards to filing an amendment request with the Texas Education Agency.

300.080. EMERGENCY MANAGEMENT PLAN

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

The SUPERINTENDENT, or the SUPERINTENDENT’S designee, shall develop and implement a multi-hazard emergency operations plan for use in SCHOOL OF EXCELLENCE IN EDUCATION’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.

Each campus of SCHOOL OF EXCELLENCE IN EDUCATION shall have a copy of the emergency management plan and all staff/personnel will be trained annually on the emergency procedures.

300.100. INSTRUCTIONAL MATERIALS

The governing body (“Board”) of SCHOOL OF EXCELLENCE IN EDUCATION adopts the following policy which shall be effective on the date that the policy is adopted by the Board. The 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 SCHOOL OF EXCELLENCE IN EDUCATION’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 SCHOOL OF EXCELLENCE IN EDUCATION’s IMA has been used solely for expenses allowed by law.

Section 1.2. If the number of students attending SCHOOL OF EXCELLENCE IN EDUCATION will increase or decrease during the school year for which the IMA is provided, the SUPERINTENDENT, or SUPERINTENDENT’s 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 SCHOOL OF EXCELLENCE IN EDUCATION is entitled to receive an IMA.

SECTION 2. Selection of Instructional Materials

Section 1.1. Instructional Materials Selection Committee.

- a. Appointment. The SUPERINTENDENT shall appoint an instructional materials selection committee to review and consider textbooks, as well as other instructional materials for adoption by SCHOOL OF EXCELLENCE IN EDUCATION.
- b. Recommendation to the Board. The committee shall review instructional and make a recommendation to the Board as to which instructional materials should be adopted by SCHOOL OF EXCELLENCE IN EDUCATION.

Section 1.2. Board Adoption and Recording. The Board will consider the committee’s recommendation for adoption at a scheduled Board meeting and give suggestions or recommendations to the Instructional Materials Selection Committee. 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.

Section 1.3. Supplemental Instructional Materials. If SCHOOL OF EXCELLENCE IN EDUCATION requisitions supplemental instructional materials, the SUPERINTENDENT, or SUPERINTENDENT’s designee, shall ensure that SCHOOL OF EXCELLENCE IN EDUCATION certifies to the Texas Education Agency that the supplemental instructional materials, in combination with any other instructional materials or supplemental instructional materials used by SCHOOL OF EXCELLENCE IN EDUCATION, cover the essential knowledge and skills identified in law.

Section 1.4. Notification to SBOE. Each year, during the period established by the State Board of Education (“SBOE”), the ED, or ED’s designee, shall notify the SBOE of the instructional materials selected for the following school year as required by law.

Section 1.5. TEA Report. By April 1st of each year, the SUPERINTENDENT, or SUPERINTENDENT's designee, shall transmit to the TEA a report listing the instructional materials selected for use at SCHOOL OF EXCELLENCE IN EDUCATION.

Section 1.6. Annual Certification of Provision of Materials. Before the beginning of each school year, the SUPERINTENDENT, or SUPERINTENDENT's designee, shall certify to the SBOE and the commissioner of education that SCHOOL OF EXCELLENCE IN EDUCATION, 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 1.7. 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 2. Handling and Requisition

Section 2.1. Instructional Materials Coordinator. The Board delegates to SUPERINTENDENT the authority to requisition, distribute, and manage the inventory of instructional materials in a manner consistent with all laws and regulations.

Section 2.2. Requisitions. By June 1st each year, SCHOOL OF EXCELLENCE IN EDUCATION shall requisition instructional materials using the online requisition program maintained by the commissioner of education.

Section 2.3. 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 SCHOOL OF EXCELLENCE IN EDUCATION's files.

SECTION 3. Responsibility for Instructional Materials and Technological Equipment

Section 3.1. 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. SCHOOL OF EXCELLENCE IN EDUCATION shall allow the student to use instructional materials and technological equipment during each school day.
- c. At the discretion of the SUPERINTENDENT, or SUPERINTENDENT's designee, SCHOOL OF EXCELLENCE IN EDUCATION may waive or reduce the required payment for a student who is eligible for free or reduced price school meals.

Section 3.2. Employee. The SUPERINTENDENT, or SUPERINTENDENT's designee, shall ensure that in consideration for

the ability of an employee to use, for personal business, electronic instructional material or technological equipment off school property or outside of a school-sponsored event, the employee enters into a written agreement with SCHOOL OF EXCELLENCE IN EDUCATION whereby the employee assumes financial responsibility for the electronic instructional material and/or technological equipment. Such agreement shall clearly inform the employee of the amount of the financial responsibility and advise the employee to consider obtaining appropriate insurance. The employee may not be required to agree to such an agreement as a condition of employment.

SECTION 4. DISPOSAL PROCEDURES

The ED shall recommend procedures to the Board for how SCHOOL OF EXCELLENCE IN EDUCATION will dispose of discontinued printed instructional materials, electronic instructional materials, and technological equipment.

300.120. GRIEVANCE PROCESS

The governing body (“Board”) of SCHOOL OF EXCELLENCE IN EDUCATION adopts the following policy which shall be effective on the date that the policy is adopted by the Board and supersede any grievance policy in Employee Handbook. This policy governs student and parent complaints, employee grievances, and citizen complaints.

For purposes of this policy, “days” means school calendar days.

With the exception of a complaint against the SUPERINTENDENT, each complaint must initially be brought at the lowest level of review, at the Campus Principal Review level for employees on a school campus, and the immediate supervisor for other district employees. Complaints alleging a violation of law by a Supervisor may be made to the Superintendent or designee. Complaints alleging a violation of law by the Superintendent may be made directly to the Board of Directors or the Board’s designee.

The Board encourages all complaints to be resolved at the lowest level possible. All complaints must be submitted in writing.

SECTION 1. Campus Principal Review of Complaint

Where a(n) SCHOOL OF EXCELLENCE IN EDUCATION employee, student, guardian of a student, or a member of the public has a complaint or concern regarding SCHOOL OF EXCELLENCE IN EDUCATION, the individual shall first bring their complaint or concern in writing to the appropriate campus 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 within 10 school days, 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 hearing of the complaint.

SECTION 2. Superintendent Review of Complaint

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

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

The Superintendent must hear the complaint within 10 school days, attempt to remedy the complaint in the best interest of the affected parties, and document the outcome. The Superintendent must respond to the complainant and issue a final decision in writing within 10 days of the Superintendent’s hearing of the complaint.

SECTION 3. Board of Directors Review of Complaint

If the individual bringing the complaint is not satisfied with the SUPERINTENDENT's final decision, then the individual may appeal their complaint in writing to SCHOOL OF EXCELLENCE IN EDUCATION'S Board of Directors within 10 days of receiving the SUPERINTENDENT's final decision. The complaint shall be directed to the President of the Board, and shall include a copy of the written complaint 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 President of the Board, at the next regular or special meeting of the Board, shall provide a copy of the complaint record to all board members, and the Board will hear the complaint. The Board's decision shall be decided on a review of the record developed at the SUPERINTENDENT'S level. Any action of the Board of Directors regarding the complaint shall be taken in compliance with the Texas Open Meeting Act.

A complaint against the SUPERINTENDENT shall begin at this level of review and will be heard initially by the Board or the Board's designee.

The failure of the Board to act on a complaint by the next board meeting has the effect of upholding the SUPERINTENDENT'S decision.

300.140. MEDIA RELATIONS

The governing body (“Board”) of SCHOOL OF EXCELLENCE IN EDUCATION adopts the following policy which shall be effective on the date that the policy is adopted by the Board. The purpose of this policy is for SCHOOL OF EXCELLENCE IN EDUCATION to be prepared to cooperate with media representatives and gain favorable media coverage.

SECTION 1. COMPLIANCE

SCHOOL OF EXCELLENCE IN EDUCATION shall comply with all laws and rules governing media relations.

SECTION 2. Designation of Spokespersons for SCHOOL OF EXCELLENCE IN EDUCATION

The SUPERINTENDENT, or the SUPERINTENDENT’S designee, will serve as the primary spokesperson with the media for SCHOOL OF EXCELLENCE IN EDUCATION on all matters of school interest, except that the Board President or the Board’s designee of the Board shall serve as the spokesperson for matters specifically involving the Board of SCHOOL OF EXCELLENCE IN EDUCATION.

SECTION 3. Procedures Governing Media Access

Requests to interview, film, videotape, and/or photograph students and/or school personnel on school grounds shall go through the SUPERINTENDENT, or the SUPERINTENDENT’s designee. Whenever possible, the SUPERINTENDENT or the SUPERINTENDENT’s designee shall contact the school principal before a media visit.

300.160. ASBESTOS HAZARD EMERGENCY RESPONSE ACT

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

SECTION 1. Compliance

SCHOOL OF EXCELLENCE IN EDUCATION shall comply with all federal and state laws and regulations in regards to the Asbestos Hazard Emergency Response Act (“AHERA”). SCHOOL OF EXCELLENCE IN EDUCATION designates the SUPERINTENDENT or the SUPERINTENDENT’s designee, as the individual who will ensure such compliance. The SUPERINTENDENT or SUPERINTENDENT’s designee shall receive appropriate and relevant training on the AHERA.

SECTION 2. Annual Notice

The SUPERINTENDENT, or the SUPERINTENDENT’s 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, [SCHOOL OF EXCELLENCE IN EDUCATION] hereby notifies all parties of the availability of the Asbestos Management Plan for [SCHOOL OF EXCELLENCE IN EDUCATION].

The plan has 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 plan and a copy of the inspections and assessments are available for review Monday through Friday during regular office hours in all school offices and at the [SCHOOL OF EXCELLENCE IN EDUCATION] administrative building. If any interested parties would like to view the plan, contact the principal, assistant principal, or the [SCHOOL OF EXCELLENCE IN EDUCATION] Asbestos Program Manager. Please refer to the management plan for specific details regarding whether or not this campus' building(s) has asbestos-containing building materials, and if applicable at your school, a program for regular surveillance inspection of asbestos-containing materials. Also, every three years, an asbestos re-inspection of this campus will be conducted to comply with the AHERA law.

It is the intention of SCHOOL OF EXCELLENCE IN EDUCATION 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.

300.180. MUNICIPAL ORDINANCES

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

SECTION 1. Compliance

SCHOOL OF EXCELLENCE IN EDUCATION shall comply with all applicable municipal ordinances. SCHOOL OF EXCELLENCE IN EDUCATION designates the SUPERINTENDENT or the SUPERINTENDENT’s designee, as the individual who will ensure such compliance.

300.220. RISK MANAGEMENT POLICY

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

SECTION 1. Risk Management Officer

The SUPERINTENDENT 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 SCHOOL OF EXCELLENCE IN EDUCATION.
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

SCHOOL OF EXCELLENCE IN EDUCATION shall purchase appropriate liability insurance to protect itself, 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 SCHOOL OF EXCELLENCE IN EDUCATION for acts or omissions committed by them in the good faith discharge of their official SCHOOL OF EXCELLENCE IN EDUCATION 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 SCHOOL OF EXCELLENCE IN EDUCATION'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.