



TCSA Model Board Policy Series

Module 600: *Human Resources 2015*
Charter Board Policy for
University of Texas-University Charter 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 600: *Human Resources 2015*

The Human Resources Module 600, is the sixth and final module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to charter schools, as well as specific model board policies designed to comply with these legal requirements. Other policy modules currently available include:

Module 100: Financial Operations

Module 200: Charter School Governance & Organization

Module 300: General School Operations

Module 400: Students

Module 500: Open Government

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

600.020 EQUAL OPPORTUNITY

Pursuant to a delegation amendment to the UT-UCS charter approved by the commissioner of education, the Advisory Board (“Board”) of UT-UCS 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, hereinafter referred to as the VP of UT-UCS.

SECTION 1. Anti-Discrimination Policy

UT-UCS employees shall not engage in discrimination or harassment motivated by race, color, religion, sex, disability, military service, or age directed toward other UT-UCS employees or students. A substantiated charge of discrimination and/or harassment shall result in disciplinary action. Retaliation against employees or students who report discrimination and/or harassment is strictly prohibited. Acts of retaliation may result in disciplinary action up to and including termination.

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

SECTION 2. Investigation

Any allegations of discrimination or harassment of students or employees shall be investigated and addressed.

SECTION 3. Coordinators

Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX coordinator. UT-UCS designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Position: Director of Curriculum and Instruction
Address: 2200 East 6th Street, Austin, TX 78702
Telephone: (512) 471-4864

Reports of discrimination based on disability may be directed to the ADA/Section 504 coordinator. UT-UCS designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:

Position: Director of Curriculum and Instruction
Address: 2200 East 6th Street, Austin, TX 78702
Telephone: (512) 471-4864

<http://www.policies.utexas.edu/policies/disability-accommodation-applicants-and-employees>

The Superintendent or designee shall serve as coordinator for purposes of the UT-UCS’s compliance with all other discrimination laws.

SECTION 4. Complaints

The Coordinator shall be responsible for the investigation of discrimination complaints filed by employees and citizens. Complaints by UT-UCS employees regarding any type of alleged discrimination shall be made in accordance with the Nondiscrimination Policy of the University of Texas at Austin. All other complaints regarding any type of alleged discrimination shall be made in accordance with UT-UCS's complaint policy in Section 300.120.

<http://policies.utexas.edu/policies/nondiscrimination-policy>

600.040 DRUG-FREE WORKPLACE

Pursuant to a delegation amendment to the UT-UCS charter approved by the commissioner of education, the Advisory Board (“Board”) of UT-UCS 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, hereinafter referred to as the VP of UT-UCS.

SECTION 1. Drug-Free Policy

UT-UCS is committed to maintaining a drug-free workplace and shall make a good faith effort to maintain such an environment. The unlawful manufacture, distribution, possession or use of a controlled substance in the workplace is strictly prohibited. In addition to any consequences established by law, violation of this policy may lead to disciplinary consequences up to and including termination.

SECTION 2. Drug-Free Awareness Program

The Superintendent or designee shall establish a drug-free awareness program in accordance with federal law.

SECTION 3. Notification

Employees shall notify the Superintendent or designee of any conviction based on a drug statute violation that occurred in the workplace within five days of such a conviction. Within 10 days of such notification, or otherwise being notified, the Superintendent or designee shall notify applicable relevant federal granting agencies of the conviction. Within 30 days of such notification the Superintendent or designee shall take appropriate personnel action or require the employee to participate in a drug abuse assistance or rehabilitation program.

SECTION 4. Alcohol & Drug Testing

Employees of UT-UCS are subject to the alcohol and drug testing policies of The University of Texas.

<http://www.policies.utexas.edu/policies/manufacture-sale-possession-distribution-or-use-alcohol-or-illegal-drugs>

600.060 HIRING PRACTICES & CRIMINAL BACKGROUND CHECKS

Pursuant to a delegation amendment to the UT-UCS charter approved by the commissioner of education, the Advisory Board (“Board”) of UT-UCS 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, hereinafter referred to as the VP of UT-UCS.

SECTION 1. New Hires

Section 1.1. Compliance. The Superintendent or designee shall ensure compliance with the policy of The University of Texas and all applicable laws and regulations regarding hiring practices of new employees.

<http://www.policies.utexas.edu/policies/recruiting-procedures-non-teaching-personnel>

Section 1.2. Posting Job Vacancies. The Superintendent or designee shall ensure that job vacancies are posted with ample time and in various venues so that a broad pool of potentially strong applicants may apply for available positions.

SECTION 2. Criminal Background Checks

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

In addition to any hiring requirements in the policy of The University of Texas, the Superintendent or designee shall ensure compliance with applicable laws and regulations regarding criminal background checks for charter school employees. Upon notification that an employee or prospective employee has engaged in an offense which legally prohibits that individual from employment at an open-enrollment charter school, the Superintendent or designee shall terminate, or not hire as applicable, that individual.

SECTION 3. SBEC Reporting Requirements

The Superintendent, or designee, shall ensure compliance with reporting laws and regulations regarding employee termination and background checks. If the open-enrollment charter school learns of criminal history outside of the clearinghouse background check, the Superintendent, or designee, must notify SBEC. Additionally, if an educator is terminated for or resigned due to inappropriate behavior, including being involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor, the Superintendent, or designee, shall notify SBEC.

600.080 COMPENSATION

Pursuant to a delegation amendment to the UT-UCS charter approved by the commissioner of education, the Advisory Board (“Board”) of UT-UCS 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, hereinafter referred to as the VP of UT-UCS.

SECTION 1. Fair Labor Standards Act (FLSA) Compliance

Section 1.1. Designation of Work Week. For purposes of the FLSA and consistent with the policies of The University of Texas, the Board generally designates the 40-hour work-week for employees as Monday at 8:00 am through Friday at 5:00 pm. The Board authorizes the Superintendent to designate separate work weeks for specific school personnel such as, but not limited to, the school maintenance staff.

<http://www.policies.utexas.edu/policies/work-schedule>

Section 1.2. Classification of Employees. The classification of employees as “exempt” or “nonexempt” shall be determined in accordance with the Fair Labor Standards Act (FLSA).

<http://www.utexas.edu/hr/manager/comp/flsa.html>

Section 1.3. Permission Required to Work in Excess of 40 Hours Per Week. All employees, without regard to exempt or nonexempt status, may only work over 40 hours per week if they have received prior approval from their supervisor.

SECTION 2. Compensation Plans for School Employees

UT-UCS complies with the salary structure and schedule of The University of Texas. The Superintendent shall administer the compensation plan in a manner consistent with all policies of The University of Texas and the annual budget adopted by the Board. UT-UCS personnel are not granted automatic pay increases based on length of employment or step but may receive pay increases based on reclassification, additional job duties, salary studies or other similar determinations by the Superintendent, subject to approval by the VP.

600.100 TRAINING: CAMPUS ADMINISTRATIVE OFFICERS & BUSINESS MANAGERS

Pursuant to a delegation amendment to the UT-UCS charter approved by the commissioner of education, the Advisory Board (“Board”) of UT-UCS 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, hereinafter referred to as the VP of UT-UCS.

Pursuant to the UT-UCS charter, the Superintendent and all principals are required to maintain certification through the State Board for Educator Certification. Each campus administrative officer and business manager shall comply with and keep accurate records concerning his or her compliance with the commissioner of education rules governing training requirements for certified charter school employees. Copies of such records are also kept by the Superintendent or designee in the central administrative offices of UT-UCS.

Section 2: Staff Development

The Superintendent or designee will adopt a policy to provide annual training on suicide prevention for all new staff and a schedule for returning staff to renew their training in line with rules adopted by TEA.

600. 160 TEACHER CREDENTIALS & QUALIFICATIONS

Pursuant to a delegation amendment to the UT-UCS charter approved by the commissioner of education, the Advisory Board (“Board”) of UT-UCS 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, hereinafter referred to as the VP of UT-UCS.

SECTION 1. Compliance.

The Superintendent or designee shall ensure that each teacher employed by the UT-UCS is properly credentialed and qualified as required by state and federal law. Further, the Superintendent or designee shall ensure that the appropriate notices are sent to parents concerning the credentials and qualifications of the student’s teachers.

SECTION 2. Local Requirements for Teaching Credentials and Qualifications

In addition to the federal and state requirements, in accordance with the UT-UCS charter the Superintendent shall hire teachers with the following credentials and qualifications:

- a. State certification appropriate for the subject areas being taught by the teacher; and
- b. Additional certification requirements at the discretion of the Superintendent.

600.200 COMPLAINTS BY SCHOOL EMPLOYEES

Pursuant to a delegation amendment to the UT-UCS charter approved by the commissioner of education, the Advisory Board (“Board”) of UT-UCS 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, hereinafter referred to as the VP of UT-UCS.

SECTION 1. Process for Employee Complaints

Employees of UT-UCS who have a complaint about their terms or conditions of work are encouraged to resolve their concerns informally with their co-workers and/or supervisors at the lowest level possible. If the employee is not satisfied with the outcome of the informal resolution, then the employee may file a formal complaint in accordance with the grievance process set forth in the Grievance Policy of the University of Texas at Austin.

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