

# TCSA Model Board Policy Series

Module 200: *Charter School Governance & Organization 2012*  
Charter Board Policy for  
University of Texas-University Charter School

## Module 200: Charter School Governance & Organization 2012

Charter School Governance & Organization, Module 200, is the second module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to the governance and organization of charter schools, as well as specific model board policies designed to comply with these legal requirements. Other policy modules in the series include:

Module 100: Charter School Governance & Organization

Module 300: General School Operations

Module 400: Students

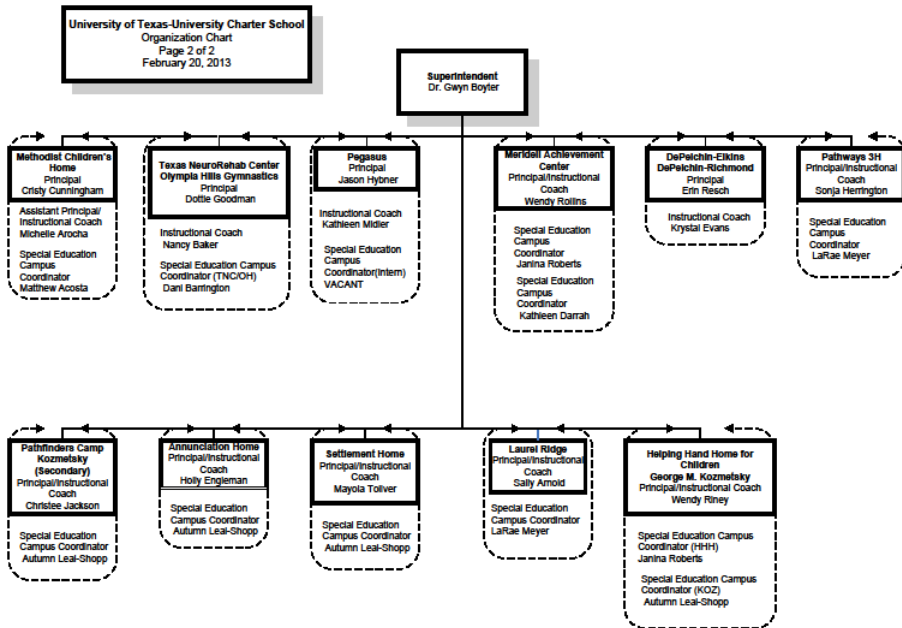
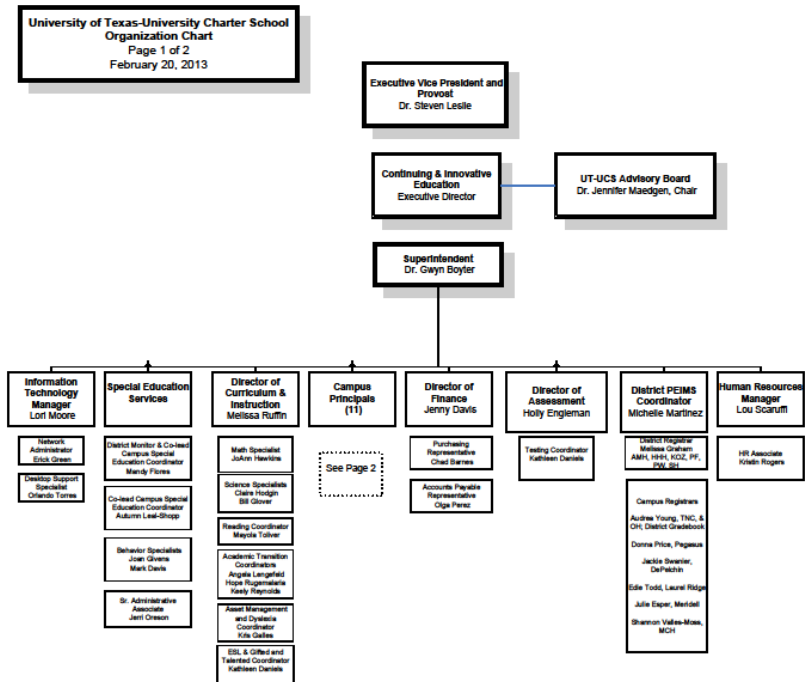
Module 500: Open Government

Module 600: Human Resources

### Legal Abbreviations Used In the TCSA Model Board Policy Series

C.F.R.	Code of Federal Regulations
Tex. Admin. Code	Texas Administrative Code
Tex. Bus. Org. Code	Texas Business Organization Code
Tex. Educ. Code	Texas Education Code
Texas Gov't Code	Texas Government Code
Tex. Labor Code	Texas Labor Code
Texas Local Gov't Code	Texas Local Government Code
Tex. Rev. Civ. Stat.	Texas Revised Civil Statutes
U.S.C.A.	United States Code Annotated

## 200.020. ORGANIZATIONAL STRUCTURE



**200.030. UNIVERSITY OF TEXAS: UNIVERSITY CHARTER SCHOOL'S ("UT-UCS") MISSION****Mission**

Provide effective, individualized, educational opportunities for unique learners.

**Core Principles**

- Develop relational capacity with all stakeholders
- Lead to serve
- Failure is not an option
- Hold high expectations for all

## 200.040. BOARD OPERATING PROCEDURES

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 Chief Executive Officer (“CEO”) of UT-UCS.

### SECTION 1. Composition of the Advisory Board

Section 1.1. Number of Board Members. The Board shall consist of seven voting members and two permanent, ex-officio non-voting members.

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

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

- a. **Chair.** The Board Chair is empowered to chair all board meetings. In the Chair’s absence, authority to chair a meeting shall be delegated to the Vice-Chair. The Chair shall perform all duties incidental to the office of Chair and other duties as may be prescribed by the charter.
- b. **Vice-Chair.** The Vice-Chair shall perform the duties assigned by the Chair, and preside over board meetings in the Chair’s absence.

Section 1.4. Vacancies and Removals. The Bylaws of the Board control the method by which board vacancies are filled and the method by which members are removed.

### SECTION 2. Open Government

The Board shall comply with the Texas Open Meetings Act and the Texas Public Information Act.

### SECTION 3. Annual Report on Charter Governance

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

## 200.060. BOARD MEMBER DUTIES AND RESPONSIBILITIES

Pursuant to a delegation amendment to the 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 Chief Executive Officer (“CEO”) of UT-UCS.

### SECTION 1. Responsibility and Accountability

The Board provides recommendations to the CEO, who assumes ultimate responsibility for the management, operation, and accountability of UT-UCS.

### SECTION 2. Fiduciary Duty

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

### SECTION 3. Delegation

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

Pursuant to a delegation amendment to the UT-UCS charter approved by the commissioner of education, the Board of Regents of The University of Texas System has delegated powers and duties related to the daily oversight and supervision of UT-UCS to the President of The University of Texas at Austin.

Section 3.1. Administration of UT-UCS. The President of The University of Texas at Austin has delegated the responsibility for the oversight and supervision of UT-UCS to the University’s Executive Vice President and Provost, reserving the authority to make an annual report to the Board of Regents that details the activities and performance of UT-UCS, and to appoint the members of the UT-UCS Board. The University’s Executive Vice President and Provost has re-delegated the responsibility for the daily oversight and supervision of UT-UCS to the Executive Director of the Division of Continuing and Innovative Education (CIE), who is considered the CEO of UT-UCS.

The CEO appoints the Superintendent, who serves as the central administration officer of UT-UCS.

Section 3.2. Advisory Board. The President also appoints an Advisory Board to advise and make recommendations to the CEO on matters related to the operation, and accountability of UT-UCS that include but are not limited to:

- a. Implementation and evaluation of long and short term policy and programs of UT-UCS to assure its continuous improvement and educational excellence;
- b. Annual operating and capital budgets;
- c. Recruitment and selection of Superintendent candidates and recommendation of finalists to the CEO;
- d. Generation of Advisory Board Nominees and recommendations of new Board

- appointees to the CEO;
- e. Monthly monitoring of budgets to identify and explore significant variances;
  - f. Development of facility contracts, Student Information Guide and the Student Code of Conduct;
  - g. Annual external audit of UT-UCS financial statements;
  - h. Review and recommendations concerning annual report submitted to the President of The University of Texas at Austin;
  - i. Review parental grievances that the Superintendent is unable to resolve at the school level; and
  - j. Review and/or make recommendations concerning any other reports or items required by state or federal law.

**200.080. BOARD MEMBER TRAINING**

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 Chief Executive Officer (“CEO”) of UT-UCS.

**SECTION 1. Board Member Training**

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

**SECTION 2. Record of Board Member Training**

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



**200.100. NEPOTISM**

Pursuant to a delegation amendment to the 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 Chief Executive Officer (“CEO”) of UT-UCS.

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

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

## **200.120. CONFLICTS OF INTEREST**

Pursuant to a delegation amendment to the 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 Chief Executive Officer (“CEO”) of UT-UCS.

### **SECTION 1.**

For purposes of compliance with Chapter 171 of the Tex. Local Gov’t Code, which relates to board members and other officers of the charter school doing business with the charter school, affected board members and employees must comply with all affidavit and disclosure requirements applicable to UT-UCS pursuant to 19 Tex. Admin. Code § 100.1017, including, but not limited to, The University of Texas at Austin Individual Conflicts of Interest Policy. <http://policies.utexas.edu/policies/individual-conflicts-interest>

### **Section 2. Managing CIQ Form Records**

The CEO or designee must maintain a list of the charter holder’s local government officers and must make that list available to the public and any vendor required to file a Conflict of Interest Questionnaire (CIQ) form.

### **Section 3. Web Posting Requirement**

The CEO or designee must ensure that completed Conflicts Disclosure Statement forms (CIS forms) and CIQ forms are posted to the UT-UCS Internet website.

## 200.140. RESTRICTIONS ON SERVING AS A BOARD MEMBER OR OFFICER

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 Chief Executive Officer (“CEO”) of UT-UCS.

### **SECTION 1. Criminal History Records**

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

Section 1.1. Criminal Background Check for Members of the Advisory Board. Before an individual becomes a member of the Board, and every third year thereafter, the Chair of the Board, or the Chair’s designee, shall ensure that all criminal history record information is obtained, as frequently as the law requires, from the Texas Department of Public Safety.

Section 1.2. Criminal History Background Checks for Officers of the Charter School. Before an individual becomes an officer of the charter school, the Superintendent or designee shall ensure that all criminal history record information is obtained from the Texas Department of Public Safety. After the initial check, the Superintendent or designee shall ensure that such a criminal history check is conducted as frequently as the law requires.

Section 1.3. Confidentiality. The Superintendent or designee shall ensure that criminal history information is released only to legally authorized entities.

## **200.160. COMPLIANCE RECORDS ON NEPOTISM, CONFLICTS OF INTEREST & RESTRICTIONS ON SERVING**

Pursuant to a delegation amendment to the 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 Chief Executive Officer (“CEO”) of UT-UCS.

### **SECTION 1. Compliance Record Maintenance**

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

[http://www.policies.utexas.edu/policies/individual-conflicts-interest;](http://www.policies.utexas.edu/policies/individual-conflicts-interest)

<http://policies.utexas.edu/policies/conflicts-interest-conflicts-commitment-and-outside-activities>

### **SECTION 2. Compliance Form**

As a means toward complying with this policy, the Superintendent or designee may require each member of the governing body of the charter holder, each officer of the charter school, each member of the governing body of charter school and each employee of the charter school to complete the form designated by the University of Texas at Austin.

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

## **200.200. ADMINISTRATION OF UT-UCS**

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 Chief Executive Officer (“CEO”) of UT-UCS.

### **SECTION 1. Powers & Duties**

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

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

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

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

### **SECTION 2. Training**

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

### **SECTION 4. Development of Administrative Procedures**

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

## **200.220 CAMPAIGN CONTRIBUTIONS TO THE STATE BOARD OF EDUCATION**

Pursuant to a delegation amendment to the 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 Chief Executive Officer (“CEO”) of UT-UCS.

### **SECTION 1. Disclosure**

Section 1.1. Disclosure. Board members, employees and agents of UT-UCS shall disclose whether, at any time in the preceding four years, the person, corporation or other legal entity made a campaign contribution to a candidate for, or to a member of the State Board of Education (SBOE).

Section 1.2. In Writing. The disclosure will be made in writing to the commissioner of education within the timeline and in the format established by the SBOE Rule.

### **SECTION 2. Benefits Conferred**

Board members, employees and agents of UT-UCS shall disclose in the same manner, as stated in Section 1.2 of this policy, any benefit conferred on a candidate for, or member of, the SBOE during the preceding four years.

### **SECTION 3. Continuing Duty to Report**

UT-UCS, its employees and agents have a continuing duty to report contributions or expenditures benefiting a candidate for, or member of, the State Board of Education made during the term of a contract, grant or charter and shall, within 21 calendar days, notify the commissioner of education upon making a contribution or expenditure covered by this section.

### **SECTION 5. Political Advertising**

The CEO shall ensure that no state funds are expended by UT-UCS for any political advertising.

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