



TCSA Model Board Policy Series

300 Series: General School Operations

Sustainable Education Solutions dba

Trinity Environmental Academy

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 you will find the model policy section designed to comply with current statutory and regulatory requirements described in the LEGAL AUTHORITY 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. We also will regularly and continually update the Policy Series when changes occur in state and federal case law and administration regulations that affect open enrollment charter schools. We encourage you to renew your subscription to the policy series each year 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*

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

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300.020. SCHOOL YEAR AND ELIGIBILITY STATUS

The governing body (“Board”) of Trinity Environmental Academy (“TriEA”) 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 following dates as TriEA’s school year: August, 21, 2017-May 24, 2018

SECTION 2. Eligibility Status

TriEA 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 Chief Executive Officer (“CEO”) to immediately notify the commissioner of education.

300.040. INSTRUCTIONAL FACILITIES

A. Right to Occupy Facilities

1. Throughout the term of the open-enrollment charter a charter holder shall have and maintain legally enforceable lease agreements, titles, or other legal instruments conferring on it the right to occupy and use one or more facilities suitable for classroom use as well as other instructional facilities described in the open-enrollment charter. The legal instrument must confer the right to occupy and use the facilities for the entire school year adopted by the charter school.

B. Occupancy Certificate

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.
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.
3. When approved for a new site under (2), the charter holder shall, before commencing any operations at that site, file with the Texas Education Agency, Division of Charter Schools, a certificate of occupancy or an equivalent certificate appropriate for the proposed use of the facility at the new site.

Tex. Admin. Code §100.1215.

C. Use of Public Property

TCSA NOTE: Please reference TCSA's Module 100: Financial Operations 2010, Section 100.280Property, for the legal authority and charter board policy applicable to the use of public property property.

300.060. CHARTER AMENDMENTS

Charter amendments must be in writing and approved by the commissioner of education in writing.

A. Non-Substantive Amendments

1. Definition: Any change in the terms of the open-enrollment charter that is not a substantive amendment described under the Substantive Amendment subsection below.
2. A charter holder must first file with the charter division at TEA a notice clearly labeled “notice of non-substantive amendment”. This notice should include either the text and page reference, or an actual copy, of the current charter language to be changed. It must also include the proposed new text for the charter language.
3. Within 15 business days of receiving the notice, the commissioner of education may determine that the amendment will be processed under the processing methods for a substantive amendment. Without such action by the commissioner, the notice is effective after the 15th business day following the receipt of the notice by the TEA charter school division.

B. Substantive Amendments

1. 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.)
2. All substantive amendments must be approved by the commissioner of education.
3. A charter holder must first file with the charter division at TEA a request clearly labeled "charter amendment request". This notice should include either the text and page reference, or, an actual copy of the current charter language to be changed. It must also include the proposed new text for the charter language. The request must be made in or attached to a written resolution adopted by the charter holder's governing body and signed by the members voting in favor of the amendment request.
4. If an amendment receives conditional approval it is only effective once a written resolution, accepting all conditions and/or requirements, is adopted by the charter holder's governing body, signed by the board members voting in favor of the resolution, and filed with TEA's charter schools division.
5. Expansion Amendment
 - a. An expansion amendment is a substantive amendment that allows a charter school to extend the grade levels it serves, add the site of an instructional facility, change its geographic boundaries, or increase its maximum allowable enrollment.
 - b. Expansion amendments must be filed with TEA by **February 1st** to be considered for the preceding school year.
6. New School Amendment
 - a. A new school amendment is an expansion amendment that permits a charter holder to establish an additional charter school under an existing open-enrollment charter pursuant to federal non-regulatory guidance in the Elementary and Secondary Education Act, Section 5202(d)(1). *19 Tex. Admin. Code §100.103*

300.080 EMERGENCY MANAGEMENT PLAN

The governing body (“Board”) of Trinity Environmental Academy (“TriEA”) adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

The Executive Director, or the Executive Director’s designee, shall develop and implement a multihazard emergency operations plan for use in TriEA’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 TriEA 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 Trinity Environmental Academy (“TriEA”) 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 TriEA’s instructional materials allotment (“IMA”) shall comport with applicable law and regulation. The Chief Executive Officer (“CEO”), or designee, shall annually certify to the commissioner of education that TriEA’s IMA has been used solely for expenses allowed by law.

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

SECTION 2. Selection of Instructional Materials

(TCSA NOTE: THE BOARD IS LEGALLY REQUIRED TO ADOPT A POLICY FOR SELECTING INSTRUCTIONAL MATERIALS.)

Section 1.1. Instructional Materials Selection Committee.

- a. Appointment. The CEO shall appoint an instructional materials selection committee to review and consider textbooks, as well as other instructional materials for adoption by TriEA.
- 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 TriEA.

Section 1.2. 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 (TCSA Note: Highlighted section required by law).

Section 1.3. Supplemental Instructional Materials. If TriEA requisitions supplemental instructional materials, the CEO or CEO’s designee, shall ensure that TriEA certifies to the Texas Education Agency that the supplemental instructional materials, in combination with any other instructional materials or supplemental instructional materials used by TriEA, 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 CEO or CEO’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 CEO or CEO’s designee, shall transmit to the TEA a report listing the instructional materials selected for use at TriEA.

Section 1.6. Annual Certification of Provision of Materials. Before the beginning of each school year, the CEO or CEO’s designee, shall certify to the SBOE and the commissioner of education that TriEA, 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 3. Handling and Requisition

Section 2.1. Instructional Materials Coordinator. The Board delegates to the CEO or CEO’s designee, 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, TriEA 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 TriEA’s files.

SECTION 4. 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. TriEA shall allow the student to use instructional materials and technological equipment during each school day.
- c. At the discretion of the CEO or CEO's designee, TriEA 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 CEO or CEO'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 TriEA 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 5. DISPOSAL PROCEDURES

The CEO shall recommend procedures to the Board for how TriEA will dispose of discontinued printed instructional materials, electronic instructional materials, and technological equipment.

300.140. MEDIA RELATIONS

The governing body (“Board”) of Trinity Environmental Academy (“TriEA”) 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 TriEA to be prepared to cooperate with media representatives and gain favorable media coverage.

SECTION 1. COMPLIANCE

TriEA shall comply with all laws and rules governing media relations.

SECTION 2. Designation of Spokespersons for Trinity Environmental Academy

The CEO or CEO’s designee, will serve as the primary spokesperson with the media for TriEA on all matters of school interest, except that the Chair, or the Chair’s designee of the Board shall serve as the spokesperson for matters specifically involving the Board of TriEA.

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 CEO or CEO’s designee. Whenever possible, the CEO or CEO’s designee, shall contact the school principal before a media visit.

300.180. MUNICIPAL ORDINANCES

The governing body (“Board”) of Trinity Environmental Academy (“TriEA”) adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Compliance

Trinity Environmental Academy (“TriEA”) shall comply with all applicable municipal ordinances. Trinity Environmental Academy (“TriEA”) designates the CEO or CEO’s designee, as the individual who will ensure such compliance.

300.220. RISK MANAGEMENT POLICY

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

SECTION 1. Risk Management Officer

The CEO 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 TriEA.
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 CEO, who will present those recommendations to the Board.

SECTION 2. General Liability Insurance

TriEA 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 TriEA for acts or omissions committed by them in the good faith discharge of their official TriEA 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 TriEA’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.