

TCSA Model Board Policy Series

Module 200: Charter School Governance & Organization Charter Bo

200.020 CORPORATE STRUCTURE

TCSA Note: Attach a copy of the certificate of formation/articles of incorporation and bylaws that govern the tax exempt organization that hold the charter agreement with the Texas State Board of Education. This will function as the policy of Section 200.020 Corporate Structure.

200.030 TCCC'S MISSION & VISION

TCSA Note: State the charter school's mission and vision in this section.

200.040 BOARD OPERATING PROCEDURES

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

Section 1. Composition of the Board

Section 1.1 Number of Board Members. TCCC’s Board shall consist of up to 15 board members.

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

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

- a. President
 - i. The President of the Board is empowered to chair all Board meetings, and is empowered with other customary duties of the office.
- b. Secretary
 - i. The Secretary shall record the minutes of each Board meeting, and is empowered with other customary duties of the office. In the Secretary’s absence, a Board member shall be designated to record the minutes.
- c. ***Vice Chair***
 - i. In the Chair’s absence, authority to chair a meeting shall be delegated to the Vice-Chair, and the Vice-Chair shall assume the other customary duties of the Chair.
- d. Treasurer
 - i. The Treasurer shall chair a finance committee, sign checks, and assist in the preparation of the annual budget and is empowered with other customary duties of the office. In the Treasurer’s absence, a Board member shall be designated to fulfill the Treasurer’s duties.

Section 1.4. Vacancies and Removals. The bylaws 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 regarding school matters.

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

The governing body ("Board") of TCCC adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

Section 1. Responsibility and Accountability

The Board of TCCC assumes ultimate responsibility for the management, operation, and accountability of RYSS.

Section 2. Fiduciary Duty

Each member of the TCCC Board assumes the fiduciary duties of obedience, loyalty, and due care to RYSS.

Section 3. Evaluation of Executive Director

The Board shall conduct a minimum of one performance evaluation per calendar year of the President & CEO.

Section 4. Delegation

Pursuant to a delegation amendment to the school's charter or a written waiver from the commissioner, the board has delegated the following powers and duties: The President & CEO and the Chief Financial Officer (CFO) are authorized to expend funds up to \$25,000 for any one, single transaction, item, or service, but may not authorize separate, sequential, or component purchases, for the purpose or effect of exceeding or circumventing the \$25,000 limitation; "component purchases" means purchases of the component parts of an item that in normal purchasing practices would be purchased in one purchase; "sequential purchases" means purchases, made over a period, of items that in normal purchasing practices would be purchased in one purchase; "separate purchases" means purchases, made separately, of items that in normal purchasing practices would be purchased in one purchase.

Section 5. Web Posting of Board Member Names (UPDATED JANUARY 2014)

The names of the members of the board of the open-enrollment charter school shall be continuously posted on the homepage of the school's Internet website.

200.080. BOARD MEMBER TRAINING

The governing body ("Board") of TCCC adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Board Member Training

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

SECTION 2. Record of Board Member Training

The Chair of the Board or the Chair's designee shall maintain records concerning training hours of each member of the board.

200.100. NEPOTISM *(UPDATED JANUARY 2014)*

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

The Board of TCCC shall comply with all applicable nepotism statutes and rules.

If a charter holder or charter school board member, an officer of the board of a charter school or charter holder, or a superintendent or chief executive officer of a school to whom the board of directors has delegated the final authority to select school employees, is related to one of the following individuals then that related individual may not be employed by the charter school:

200.100 Nepotism Diagram

- Blood Relation
(Consanguinity)
includes adoption &
half-blood relations.

... Relation by
Marriage (Affinity)
includes marriages that
end in death or divorce
when a child of the
marriage is living and
under age 21.

¹Charter Official includes charter holder board member, charter school board member, or officer of a Charterschool.

200.120. CONFLICTS OF INTEREST

Section 1.

For purposes of compliance with Chapter 171 of the Texas Local Government 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 execute one of both of the attached affidavits, as appropriate. Affected board members or employees must timely file the executed affidavit with the official record keeper of the charter holder when circumstances require such a filing.

Section 2.

For purposes of compliance with Chapter 176 of the Texas Local Government Code, which relates to the receipt of income of gifts from persons or entities that have entered into or seek to enter into a contract with the charter school, the TCCC Board of Directors extends the CIS Form reporting requirements to the following additional employment positions:

- a. President & CEO
- b. Chief Financial Officer
- c. Superintendent

The President & CEO must maintain a list of persons employed in these positions and ensure compliance by these employees with the CIS Form reporting requirements.

Section 3. Managing CIQ Form Records

The President & 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 4. Web Posting Requirement

The President & CEO must ensure that completed CIS Forms and CIQ forms are posted to the charter’s Internet website.

AFFIDAVIT FOR SUBSTANTIAL INTEREST IN REAL PROPERTY

State of Texas
County of _____

I, _____,
a local public official under Texas law, do hereby swear and affirm that I have a substantial interest the real property described below and that it is reasonably foreseeable that a board vote, decision, or other action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

The nature and extend of my interest of the real property is as follows:

Address and Description of the Real Property:

Concerning the real property described above, I hereby affirm that _____ I have or _____ a person related to me within the third degree by blood (consanguinity) or marriage (affinity) has an equitable or ownership interest with a fair market value of \$2,500 or more.

I further affirm that I will abstain from further participation on any school-related matter before the

TCCC Board of Directors concerning this real property.

These statements are based on my personal knowledge and are true and correct.

Signed this _____ day of _____, 201__.

(Signature of Charter School Officer)

(Name of Charter School Official)

ACKNOWLEDGEMENT CERTIFICATE BY NOTARY PUBLIC:

This instrument was acknowledged before me this ____ day of _____, 201__,
by _____

(Name of Charter School Official)

____ Personally known or ____ Produced _____ as
identification.

(NOTARY SEAL)

(Signature of Notary Public)

(Printed Name of Notary)
Notary Public, State of Texas

AFFIDAVIT FOR SUBSTANTIAL INTEREST IN BUSINESS ENTITY

State of Texas

County of _____

I, _____,
a local public official under Texas law, do hereby swear and affirm that I have a substantial interest the real property described below and that a board vote, decision, or other action on the matter will have a special economic effect on the business entity that is distinguishable from its effect on the public.

The nature and extend of my interest of the real property is as follows:

Address and Description of the Real Property:

Concerning the business entity named above, I hereby affirm that _____ I have or _____ a person related to me within the third degree by blood (consanguinity) or marriage (affinity):

_____ own or owns 10% or more of the voting stock or shares of the business entity

_____ own or owns 10% or more of the fair market value of the business entity

_____ own or owns \$15,000 or more of the fair market value of the business entity

_____ received funds from the business entity that exceeded 10% of the person's gross income for the previous year.

I further affirm that I will abstain from further participation on any school-related matter before the TCCC Board of Directors concerning this real property.

These statements are based on my personal knowledge and are true and correct.

Signed this _____ day of _____, 201__.

(Signature of Charter School Officer)

(Name of Charter School Official)

ACKNOWLEDGEMENT CERTIFICATE BY NOTARY PUBLIC:

This instrument was acknowledged before me this ____ day of _____, 201____,
by _____

(Name of Charter School Official)

____ Personally known or ____ Produced _____ as
identification.

(NOTARY SEAL)

(Signature of Notary Public)

(Printed Name of Notary)
Notary Public, State of Texas

200.140. RESTRICTIONS ON SERVING AS A BOARD MEMBER OR OFFICER

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

SECTION 1. Criminal History Records

Section 1.1. Criminal Background Check for Members of the 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 Chair, or designee, shall ensure that criminal history record information is obtained from the Texas Department of Public Safety. After the initial check, the Chair, or designee, shall ensure that such a criminal history check is conducted as frequently as the law requires.

Section 1.3. Confidentially. The President & CEO of TCCC shall ensure that criminal history information is released only to legally authorized entities.

SECTION 2. Majority of Board Members as Qualified Voters (UPDATED JANUARY 2014)

The Board shall ensure that at all times at least a majority of the members of the Board are qualified voters in the state of Texas.

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

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

SECTION 1. Compliance Records Maintenance

The President & CEO shall maintain the compliance records for state conflict of interest standards as required by law.

SECTION 2. Compliance Form

As a means toward complying with this policy, the Chair or designee may require each affected: member of the governing body of the charter holder, officer of the charter school, member of the governing body of charter school, and employee of the charter school to complete the form template attached this policy.

COMPLIANCE RECORD FOR STATE CONFLICT OF INTEREST STANDARDS

Date of Completion by the Named Individual _____

Date of Expiration of this Compliance Record _____

(i.e., three years after the date of completion)

Name: _____

Title: _____

Indicate whether you are:

_____ member of governing body of charter holder

_____ officer of the charter school (including a chief executive officer, a central administrative officers, a campus administration officer, or a business manager; or a volunteer working under the direction of a charter holder, charter school, or management company)

_____ member of governing body of charter school

_____ employee of a charter school (anyone employed by the charter who is not considered an “officer of the charter school” as defined above.

Describe your specific powers and duties:

State legal name of the individual:

Current Legal Name:

Aliases: _____

Formerly Used Names (including maiden name):

Provide a full and complete list of your business interest in or transactions with any charter holder, charter school, or management company:

List all of your relatives within the third degree of by blood and by marriage who:

1. are employed by the charter holder or charter school:

2. conduct business transactions with the charter holder or charter school:

3. serve on the governing body of the charter holder or charter school:

4. have a substantial interest in a management company:

200.200. CHIEF EXECUTIVE OFFICER

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

SECTION 1. Powers & Duties

Section 1.1. Non-Delegable Powers and Duties. The President & CEO shall not delegate the following powers and duties:

a. Organizing the charter school’s central administration;

- b. Approving reports or data submissions required by law; and
- c. Selecting charter school employees or officers.

SECTION 2. Training

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

SECTION 3. Annual Evaluation

The Board of Directors shall conduct an annual evaluation of the President & CEO.

SECTION 4. Development of Administrative Procedures

The President & CEO, or designee, shall develop administrative procedures by which to implement Board policy.

SECTION 5. Posting of CEO Salary (UPDATE JANUARY 2014)

Each year the President & CEO, or designee shall post the salary of the President & CEO on the charter holder's Internet website.

200.230 EVALUATIO OF PERFORMANCE IN COMMUNITY AND STUDENT ENGAGEMENT; COMPLIANCE (NEW JANUARY 2014)

Section 1. Evaluation of Performance

This policy is effective with the 2013-2014 school year. The board of directors of TCCC shall evaluate the charter school's performance and the performance of each campus of the charter school in community and student engagement and in compliance. The following programs or specific categories of performance must be evaluated at each campus:

1. Fine arts
2. Wellness and physical education
3. Community and parental involvement
4. 21st Century Workforce Development Program
5. Second Language Acquisition Program

6. Digital Learning Environment
7. Dropout Prevention Strategies
8. Gifted & Talented Educational Programs
9. The record of the charter school and each campus regarding compliance with statutory reporting and policy requirements.

TCSA Note: The charter school may, in its discretion, include other programs or categories. Also, the charter school should only evaluate those programs or categories of program it offers to students.

Section 2. Method and Criteria for Evaluation

The President & CEO's designee, shall complete the TCSA Quality Framework, which provides an objective and comprehensive evaluation for each category required above.

TCSA Note: Through the TCSA Quality Framework, TCSA offers a tool for evaluating and rating the performance of the school and/or each campus in the categories required above. Include the sentence above and Section 3 in your policy if your school will use the Quality Framework to satisfy this requirement. Otherwise, if your school does not use the Quality Framework for this purpose, identify below, the method and criteria used to evaluate the school's performance in these categories.

The following criteria shall be used to evaluate the performance of the school and each campus in the categories described above:

1. The record of the charter school and each campus regarding compliance with statutory reporting and policy requirements; and
2. The results of the TCSA Quality Framework regarding performance of the school/and/or each campus of the school in the applicable categories.

Section 3. Assignment of Performance Rating & Report to the Texas Education Agency

No later than August 8th of each year, the Board of Directors shall assign the charter school and each campus of the charter school the performance rating based on the analysis and review of the TCSA Quality Framework data. The President & CEO's designee, shall report each performance ratings to the Texas Education Agency no later than August 8th of each year.

