



A.W. BROWN
LEADERSHIP ACADEMY

Board Policy Series

200 Series: Governance

Module 200: Charter School Governance & Organization

Charter School Governance & Organization, Module 200, is the second module of the 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 board policies designed to comply with these legal requirements.

Legal Abbreviations Used in the 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
Texas Gov't Code	Texas Government Code
Tex. Labor Code	Texas Labor Code
Texas Local Gov't Code	Texas Local Government Code
U.S.C A	United States Code Annotated

Table of Contents

200.030. MISSION OF A.W. BROWN LEADERSHIP ACADEMY

200.040. BOARD OPERATING PROCEDURES

- SECTION 1. Composition of the Board
- SECTION 2. Open Government
- SECTION 3. Annual Report on Charter Governance

200.050. POLICY ON POLICIES

- SECTION 1. Qualifications
- SECTION 2. Policy Adoption and Review

200.060. BOARD MEMBER DUTIES AND RESPONSIBILITIES

- SECTION 1. Responsibility and Accountability
- SECTION 2. Fiduciary Duty
- SECTION 3. Evaluation of Executive Director
- SECTION 4. Web Posting of Board Member Names

200.080. BOARD MEMBER TRAINING

- SECTION 1. Board Member Training
- SECTION 2. Record of Board Member Training

200.100. NEPOTISM

200.120. CONFLICTS OF INTEREST

- CONFLICTS DISCLOSURE STATEMENT (CIS) FORMS

200.140. RESTRICTIONS ON SERVING AS A BOARD MEMBER OR OFFICER

- SECTION 1. Criminal History Records
- SECTION 2. Majority of Board Members as Qualified Voters

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

- SECTION 1. Compliance Record Maintenance
- SECTION 2. Compliance Form
- CONFLICT OF INTEREST QUESTIONNAIRE (CIQ)

200.200. CHIEF EXECUTIVE OFFICER

- SECTION 1. Powers & Duties
- SECTION 2. Training
- SECTION 3. Annual Evaluation
- SECTION 4. Development of Administrative Procedures
- SECTION 5. Posting of CEO Salary

200.220 CAMPAIGN CONTRIBUTIONS TO THE STATE BOARD OF EDUCATION

- SECTION 1. Disclosure
- SECTION 2. Benefits Conferred
- SECTION 3. Continuing Duty to Report
- SECTION 4. Management Services Companies
- SECTION 5. Political Advertising

200.030. AWBLA'S MISSION AND VISION

The mission of the Board of Directors of the A.W. Brown Leadership Academy is to plan and manage the use of all school resources in order to achieve optimal teaching and learning.

200.040. BOARD OPERATING PROCEDURES

The governing body (“Board”) of AW Brown Leadership Academy “AWBLA” 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. AWBLA’s “Board of Directors shall consist of not less than three (3) and not more than eleven (11) persons. The Board will seek a minimum of one (1) Parent or Guardian of a student currently enrolled at the Academy to serve as a Board member. The Superintendent of the Academy shall be a non-voting member of the Board. The Board will seek a minimum of one (1) Parent or Guardian of a student currently enrolled at the Academy to serve as a Board member. The Superintendent of the Academy shall be a non-voting member of the Board. (See Article III, 1a of Bylaws)

Section 1.2. Selection and Terms in Office.

Board of Directors shall be elected by the affirmative vote of a majority of the other Directors and shall serve a minimum three (3) year term with no more than 2 consecutive terms, with the exception of the Parent/Guardian Board Director(s). The Parent/Guardian Board Director(s) will serve a minimum two (2) year term. Terms shall be staggered so that no more than 1/3 of the Board shall be up for election during a term, unless a vacancy (ies) needs to be filled. Each person serving as a Director, unless Grandfathered, shall hold office until the earlier to occurs (a) the expiration of the term of which he/she is elected and until his/her successor has been elected or (b) his/her death, resignation or removal.

Section 1.3. Officers. The Board shall elect their successors at a regularly scheduled Board meeting. Board of Directors shall elect, at its annual meeting, the following officers: President, Vice-President, and Secretary. A Treasurer can be elected at the discretion of the Board.

Please see Article III of Bylaws for complete information related to Officers.

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 **December 1st** of each year the annual report on charter governance is submitted to the Texas Education Agency.

200.050. POLICY ON POLICIES

SECTION 1. Classification: There are two fundamental classes of policy subject to board review and action: board and administrative.

Section 1.1. Board Policies. Board policies may be recommended by individual board members, any board committees (standing or *ad hoc*) appointed with the task of developing one or more policies, or school administration, but in all cases must be adopted only by the board meeting in regular or special called session in accordance with standard operational procedures. Board policies become effective at the date set by the board upon adoption of the policy.

Section 1.2. Administrative Policies. Administrative policies are developed or adopted by the school administration and are subject to board review and may be modified, annulled, or replaced at the discretion of the board. Administrative policies become effective on the date established by the administration upon adoption of the policy and remain in effect until modified, annulled, or replaced by the administration or the board. The board is under no obligation to review or act upon any administrative policy and elects to do so at its sole discretion. (Ex. of administrative policies may include Employee Handbook, Student Code of Conduct, Accounting Procedures Manual, and Data Quality Manual)

SECTION 2. Policy Adoption and Review

Section 2.1. Board Policy

- i. Standard Operating Procedure: Proposed board level policies normally will be introduced at one meeting, discussed during the subsequent meeting, and acted upon during the second meeting following their introduction to the board. The board retains the freedom to suspend discussion or action with regard to any proposed policy at its sole discretion and may return to the matter in question at any time provided it follows the sequence outlined above.
- ii. Emergency Procedure: Should adequate cause exist for expedited action, the board may, at the recommendation of the board chair or administration, compress the standard operating procedure to allow for a proposed policy to be introduced, discussed, and acted upon in a single meeting. In all such cases, the public will be notified of the board's intent to apply emergency procedure in the case of specific policies by noting on the publicly posted agenda that such a procedure is to be applied.

Section 2.2. Administrative policy

- i. All administrative policies adopted by the administration but not yet reviewed by the board will be presented for board review, if requested. Policies subject to review will be noted on the board agenda of the meeting in which they are first presented for review.
- ii. Board members will be provided copies of the policies under consideration at least 72 hours before the board meeting in which they are to be reviewed.
- iii. Should at least two board members recommend a full board review of administrative policies subject to board review, the board as a whole will determine if the policy is to be formally reviewed (discussed and acted

upon) and, if so, under which procedure (standard operating or emergency) it is to be reviewed.

- iv. If the board elects to review an administrative policy, it must also determine the meeting at which the policy is to be reviewed and whether the policy in question will be suspended or active until such time as the board is able to deliberate and act.
- v. If the board decides to review an administrative policy immediately under emergency procedures, the policy must be read aloud in its entirety before the board may discuss or act upon the policy in question.
- vi. Should the board decline to review an administrative policy subject to review, the policy shall continue in force until such time as the board or the administration should elect to alter, nullify, or replace it.

200.060. BOARD MEMBER DUTIES AND RESPONSIBILITIES

The governing body (“Board”) of AW Brown Leadership Academy “AWBLA” 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 AWBLA assumes ultimate responsibility for the management, operation, and accountability of AWBLA.

SECTION 2. Fiduciary Duty

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

SECTION 3. Evaluation of Executive Director

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

SECTION 4. Web Posting of Board Member Names

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 AW Brown Leadership Academy “AWBLA” 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.

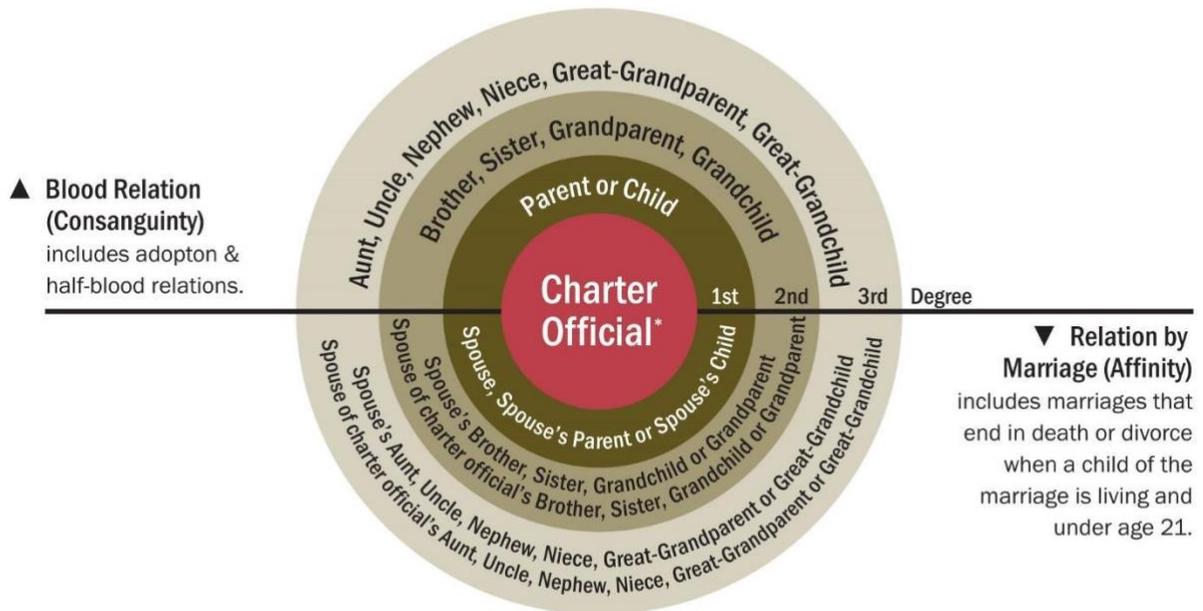
200.100. NEPOTISM

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

The Board of AWBLA 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



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

200.120. CONFLICTS OF INTEREST

Section 1. Substantial Interest in Real Property or Business Entity

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 or both of the attached affidavits, as appropriate.

Section 1.1. 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 1.2. The minutes of the board meeting during which a board member or employee submits an affidavit or abstains from a vote must clearly identify each person participating in the matter, each person abstaining, each person voting, and the vote of each person.

Section 1.3. An action taken subject to this section must be approved through a written resolution adopted by the governing board and signed by the board members voting in favor of it.

Section 2. Managing Conflict Disclosure Form Records

For purposes of compliance with Chapter 176 of the Texas Government Code, the CEO or the CEO's 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. Additionally, the CEO or the CEO's designee must maintain the completed Conflicts Disclosure Statement (CIS) forms and CIQ forms in accordance with the charter school's records retention schedule.

Section 3. Web Postings of CIS and CIQ Forms

The CEO must ensure that completed CIS forms and CIQ forms are posted to the charter's Internet website.

The SES Board shall sign the Annual Conflict of Interest Disclosure form (aka Conflict of Interest Questionnaire (CIQ) by September 1 of each year.

Two types of Conflict Disclosure Statement (CIS) forms are available and can be completed as needed.

CONFLICTS DISCLOSURE STATEMENT (CIS) FORM
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 in 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 extent 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 matter before the

School Board of Directors concerning this real property.

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

Signed this _____ day of _____, 20____.

(Signature of Charter School Official)

(AWBLA Official)

ACKNOWLEDGEMENT CERTIFICATE BY NOTARY PUBLIC:

This instrument was acknowledged before me this _____ day of _____, 20____,
by _____
(AWBLA Official)

_____ Personally known or _____ Produced _____
as identification.

(NOTARY SEAL)

(Signature of Notary Public)

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

CONFLICTS DISCLOSURE STATEMENT (CIS) FORM
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 in the business entity 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 extent 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 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 matter before the

School Board of Directors concerning this business entity.

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

Signed this _____ day of _____, 20__.

(Signature of Charter School Official)

(AWBLA Official)

ACKNOWLEDGEMENT CERTIFICATE BY NOTARY PUBLIC:

This instrument was acknowledged before me this _____ day of _____, 2010,

By _____

(AWBLA 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 AW Brown Leadership Academy “AWBLA” 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 1.3. Criminal History Background Checks for Officers of the Charter School. Before an individual becomes an officer of the charter school, the CEO or CEO’s designee shall ensure that all criminal history record information is obtained from the Texas Department of Public Safety. After the initial check, the CEO or CEO’s designee shall ensure that such a criminal history check is conducted as frequently as the law requires.

Section 1.3. Confidentiality. The CEO of AWB shall ensure that criminal history information is released only to legally authorized entities.

Section 2. Majority of Board Members as Qualified Voters

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 AW Brown Leadership Academy “AWBLA” adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Compliance Record Maintenance

The 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 CEO may require each member of the governing body of the charter holder, each officer of the charter school, and certain employees of the charter school to complete the form template attached to this policy.

CONFLICT OF INTEREST QUESTIONNAIRE (CIQ)
COMPLIANCE RECORD FOR STATE CONFLICT OF INTEREST STANDARDS

See AWBLA's Annual Conflict of Interest Disclosure form

200.200. CHIEF EXECUTIVE OFFICER

The governing body (“Board”) of AW Brown Leadership Academy “AWBLA” 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 Chief Executive Officer (“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 CEO shall comply with and keep accurate records concerning the commissioner of education rules governing training of open-enrollment charter CEOs.

SECTION 3. Annual Evaluation

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

SECTION 4. Development of Administrative Procedures

The CEO, or the CEO’s designee, shall develop administrative procedures by which to implement Board policy.

SECTION 5. Posting of CEO Salary

Each year the CEO or CEO’s designee shall post the salary of the CEO on its Internet website.

200.220 CAMPAIGN CONTRIBUTIONS TO THE STATE BOARD OF EDUCATION

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

SECTION 1. Disclosure

SECTION 1.1 Disclosure. Board members, employees, and agents of AWBLA 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

SECTION 2.1. Disclosure. The Board members, employees, and agents of AWBLA 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

SECTION 3.1. AWBLA, its employees, agents and any contracted management company has a continuing duty to report contributions or expenditures made through 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 4. Management Services Companies

SECTION 4.1. The CEO shall ensure that any contract between AWBLA and a management services company includes an acknowledgement by the management services company of its duty to make disclosures of political campaign contributions and benefits conferred to candidates for or members of the State Board of Education.

SECTION 5. Political Advertising

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

The CEO shall ensure that any contract between AWBLA and a management services company includes a prohibition against the expanding of state funds for political advertising by the management company.

