



A.W. BROWN
LEADERSHIP ACADEMY

Board Policy Series

300 Series: General School Operations

Module 300: General School Operations

The General School Operations, Module 300, is the third module of the 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.

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

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300.020. SCHOOL YEAR AND ELIGIBILITY STATUS

The governing body (“Board”) of A.W. 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. School Year

The Board adopts the following dates as AWBLA’s school year: **August 9, -May 23.**

SECTION 2. Eligibility Status

AWBLA 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/Superintendent (“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

NOTE: Please reference [Module 100: Financial Operations 2010](#), Section 100.280 Property, for the legal authority and charter board policy applicable to the use of public 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 school’s 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 A.W. Brown Leadership Academy (“AWBLA”) 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 multi-hazard emergency operation plan for use in AWBLA’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 AWBLA shall have a copy of the emergency management plan and all staff/personnel will be trained annually on the emergency procedures.

300.140. MEDIA RELATIONS

The governing body (“Board”) of A.W. Brown Leadership Academy (“AWBLA”) 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 AWBLA to be prepared to cooperate with media representatives and gain favorable media coverage.

SECTION 1. Compliance

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

SECTION 2. Designation of Spokespersons for A.W. Brown Leadership Academy

The CEO or CEO’s designee, will serve as the primary spokesperson with the media for AWBLA 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 AWBLA.

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.

300.160. ASBESTOS HAZARD EMERGENCY RESPONSE ACT

The governing body (“Board”) of A.W. 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

AWBLA shall comply with all federal and state laws and regulations in regards to the Asbestos Hazard Emergency Response Act (“AHERA”). AWBLA designates the CEO or CEO’s designee, as the individual who will ensure such compliance. The CEO shall receive appropriate and relevant training on the AHERA.

SECTION 2. Annual Notice

The CEO or CEO’s designee, shall send an annual notice to students, parents, guardians, and employees regarding the AHERA as required by law.

AHERA YEARLY NOTIFICATION FORM

[Date]

Dear Students, Parents, Guardians, & Employees:

In 1986, Congress passed the Asbestos Hazard Emergency Response Act (AHERA) which requires school inspections to identify any asbestos containing building materials. In accordance with AHERA, A.W. Brown Leadership Academy hereby notifies all parties of the availability of the Asbestos Management Plan for A.W. Brown Leadership Academy.

The plan has several ongoing requirements: publish a notification on management plan availability and the status of asbestos activities; educate and train its employees about asbestos and how to deal with it; notify short-term or temporary workers on the locations of the asbestos containing building materials; post warning labels in routine maintenance areas where asbestos was previously identified or assumed; follow set plans and procedures designed to minimize the disturbance of asbestos containing building materials; and survey the condition of these materials every six months to assure that they remain in good condition.

The plan and a copy of the inspections and assessments are available for review Monday through Friday during regular office hours in all school offices and at the AWBLA administrative building. If any interested parties would like to view the plan, contact the principal, assistant principal, or the AWBLA Asbestos Program Manager.

Please refer to the management plan for specific details regarding whether or not this campus' building(s) has asbestos-containing building materials, and if applicable at your school, a program for regular surveillance inspection of asbestos-containing materials. Also, every three years, an asbestos re-inspection of this campus will be conducted to comply with the AHERA law.

It is the intention of AWBLA to comply with all federal and state regulations controlling asbestos in an effort to ensure students and employees a healthy and safe environment in which to learn and work.

300.180. MUNICIPAL ORDINANCES

The governing body ("Board") of A.W. 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

A.W. Brown Leadership Academy ("AWBLA") shall comply with all applicable municipal ordinances. A.W. Brown Leadership Academy ("AWBLA") designates the CEO or CEO's designee, as the individual who will ensure such compliance.

300.220. RISK MANAGEMENT POLICY

A.W. Brown Leadership Academy (“AWBLA”) strives to ensure that risks to AWBLA are identified, analyzed, and managed so that they are maintained at acceptable levels. AWBLA employees are responsible for ensuring AWBLA 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 AWBLA.
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

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

