



# TCSA Model Board Policy Series

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100.200. Annual Operating Budget  
*Pro-Vision Educational Services*

## **INTRODUCTION**

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### **Overall Policy Framework**

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For questions concerning the Model Board Policies for Charter Schools contact:

Lindsey Gordon, Texas Charter Schools Association  
lgordon@txcharterschools.org  
512.584.8272

## **Module 100: Financial Operations**

The Financial Operations, Module 100, is the first module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to the financial 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:

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Charter School Governance & Organization

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General School Operations

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

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Atty. Gen. Op.

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Texas Government Code

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Tex. Labor Code

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Texas Local Gov't Code

Texas Local Government Code

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U.S.C.A

United States Code Annotated

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## **100.020. ANNUAL OPERATING BUDGET**

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

### **SECTION 1. Budget Process**

SECTION 1.1. FASRG. The Superintendent will ensure that Pro-Vision Educational Services follows a budgeting process that is consistent with the requirements in the Budgeting Module of the Texas Education Agency’s (“TEA”) Financial Accountability System Resource Guide (FASRG).

SECTION 1.2. Chief Financial Officer. The Chief Financial Officer is responsible for the preparation of the annual budget.

SECTION 1.3. Campus Improvement Plan. Each year before the annual operating budget is drafted the Superintendent shall ensure that a campus improvement plan, which is based on a needs assessment of Pro-Vision Educational Services, is drafted and finalized. The needs assessment and campus improvement plan shall be completed by last business of March 30. The campus improvement plan shall inform the drafting of the annual budget.

SECTION 1.4. Adoption. The Board shall formally adopt the budget, in a meeting open to the public, before the fiscal year of September 1<sup>st</sup> begins and before the expenditure of any funds.

SECTION 1.5. Minutes. The Secretary or Recorder of the Board will record the adoption of the budget and any amendments in the Board meeting minutes in which the adoption occurs.

SECTION 1.6. Post-Adoption. After the adoption of the budget the Superintendent and the Board shall review actual fund disbursements compared to the adopted budget and make proposed amendments as needed. This shall occur soon after actual student enrollment is determined.

SECTION 1.7. Application for Accelerated Payments. The Superintendent will determine annually whether Pro-Vision Educational Services may be eligible for accelerated payments from the Foundation School Program, and if so, will make a recommendation to the board concerning whether the charter school should to apply to the Commissioner for accelerated payments of state funding.

### **SECTION 2. Fiscal Compliance**

The Superintendent shall ensure that Pro-Vision Educational Services complies with all state and federal laws and rules concerning the budget and related processes of the school, including but not limited to, laws and rules concerning online budget posting.



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100.040. Use of State Funds  
*Pro-Vision Educational Services*

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**100.40. USE OF STATE FUNDS**

The governing body ("Board") of Pro-Vision Educational Services adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

**SECTION 1. Use of State Funds**

The Superintendent of Pro-Vision Educational Services shall ensure that the school uses state funds only for lawful purposes.

**SECTION 2. Prohibition Against Co-mingling of Charter & Non-Charter Business**

The Superintendent shall ensure that the business activities of Pro-Vision Educational Services that are not directly related to the management and operation of Pro-Vision Educational Services shall be kept in a separate and distinct accounting, auditing, budgeting, reporting, and record keeping systems from those recording the business activities of Pro-Vision Educational Services.

**SECTION 3. Interested Transactions**

SECTION 3.1. Each member of the Board shall comply with all conflict of interest laws and rules applicable to affected board members.

SECTION 3.2. The Superintendent shall ensure that the employees of Pro-Vision Educational Services shall comply with all conflict of interest laws and rules applicable to affected employees.

SECTION 3.3. The Superintendent shall ensure that the following shall be recorded in the accounting, auditing, budgeting, reporting, and record keeping systems for the management and operation of the school:

- a. Financial transactions between the school and the non-charter activities of the charter holder;
- b. Financial transactions between the school and an officer or employee of the charter holder or the school;
- c. Financial transactions between the school and a member of the governing body of the charter holder or the school;
- d. Financial transactions between the school and a management company charged with managing the finances of a school; and
- e. Financial transactions between the school and any other person or entity in a position of influence over the charter holder or the school.



# TCSA Model Board Policy Series

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100.060. State Fiscal Compliance

*Pro-Vision Educational Services*

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**100.60. STATE FISCAL COMPLIANCE****(TCSA NOTE: POLICY ON THIS SUBJECT LEGALLY REQUIRED)**

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

**SECTION 1. Fiscal Year**

Pro-Vision Educational Services Board adopts [September 1st as the fiscal year for Pro-Vision Educational Services.

**SECTION 2. Financial Accounting**

SECTION 2.1. Compliance. The Superintendent shall ensure that Pro-Vision Educational Services fully complies with: generally accepted accounting principles, Texas Education Agency’s (“TEA”) Financial Accountability System Resource Guide, TEA’s Student Attendance Accounting Handbook, Public Education Information Management System (PEIMS), and any other applicable federal or state standards for financial management systems.

SECTION 2.2. Financial Reporting. The Superintendent, or designee, shall make an accurate, current, and complete disclosure of financially assisted activities in accordance with financial reporting requirements of each grant or subgrant.

SECTION 2.3. Accounting Records. The Superintendent, or designee, shall maintain records that adequately identify the source and application of funds provided for activities assisted with state or federal funds.

SECTION 2.4. Internal Control. The Superintendent, or designee, shall maintain effective control and accountability of all federal grant and sub-grant cash, real and personal property, and other assets obtained with federal funds. The Superintendent, or designee, shall safeguard all such property and assure that it is used solely for authorized purposes.

**SECTION 3. Grant Management Standards**

SECTION 3.1. Compliance. If Pro-Vision Educational Services receives a grant directly from a state or federal agency the Superintendent shall ensure that Pro-Vision Educational Services is in compliance with the grant requirements of that state or federal agency.

SECTION 3.2. Employee Time Sheet. If an Pro-Vision Educational Services employee’s compensation is funded by any grant, the Superintendent shall ensure that the employee maintains a time sheet on which he or she records the time spent during the work day along with a description of the service he or she performed during that time.

SECTION 3.3. Signature. The Superintendent shall ensure that the time sheets will contain the signatures of the employee that completed the time sheet, a school official, and Pro-Vision Educational Services’ grant manager.

**SECTION 4. Annual Audit by the Charter**

SECTION 4.1. Annual Audit. Annually, the President of the Board for NAME OF CHARTER SCHOOL shall ensure the engagement of a certified public accountant (“CPA”) to have

the financial and programmatic operations of Pro-Vision Educational Services audited. Pro-Vision Educational Services shall select and contract only with CPAs that are licensed by the Texas State Board of Public Accountancy and registered as a provider of public accounting services.

SECTION 4.2. Filing with TEA. The Superintendent shall ensure that Pro-Vision Educational Services timely files a copy of the annual audit report with the TEA division responsible for school financial audits. The report shall include a certificate of the Board which will include the original signatures of both the presiding officer and the secretary of the Board. The certificate shall indicate if the Board approved or disapproved the contents of the report along with the date of the Board's approval or disapproval. This approval or disapproval shall be supported in the Board's meeting minutes. The ED shall ensure that if the Board disapproved the audit, it shall still be filed with TEA along with a statement identifying the reason(s) for Board disapproval.

SECTION 4.3. Disclosure of Interest. On behalf of Pro-Vision Educational Services, the Superintendent shall ensure that all persons with a substantial interest in a management company are separately disclosed in the annual audit.

## **SECTION 5. Annual Financial Statement**

SECTION 5.1. Annual Financial Statement. The Superintendent of Pro-Vision Educational Services shall prepare, or cause to be prepared, an annual financial statement for each fund subject to the authority of the Board during the fiscal year showing:

- a. the total receipts of the fund, itemized by source of revenue, including taxes, assessments, service charges, grants of state money, gifts, or other general sources from which funds are derived;
- b. the total disbursements of the fund, itemized by the nature of the expenditure; and
- c. the balance in the fund at the close of the fiscal year.

SECTION 5.2 Posting of Annual Financial Statement. The ED, or designee of NAME OF CHARTER SCHOOL shall ensure that the annual financial statement is posted continuously on the school's Internet website.

## **SECTION 6. Annual Financial Management Report**

SECTION 6.1. The Superintendent shall ensure that Pro-Vision Educational Services complies with the reporting procedures TEA develops for charter holders to prepare and distribute the school's annual financial management report.

## **SECTION 7. Audit by the Commissioner**

SECTION 7.1. Pro-Vision Educational Services and its officers, employees and agents shall fully cooperate with an audit by the commissioner of education and will take all actions necessary to secure the cooperation of a management company.

**SECTION 8. Attendance Accounting**

SECTION 8.1. Compliance. The Superintendent shall ensure that Pro-Vision Educational Services complies with the TEA Student Attendance Accounting Handbook and all other laws and rules concerning charter school student attending accounting, reporting, and record keeping.

SECTION 8.2. Responsibility. The Superintendent, chief campus leaders, and teachers of Pro-Vision Educational Services will be responsible to the Board of Pro-Vision Educational Services and to the state to maintain accurate, current student attendance records;

SECTION 8.3. When Attendance is Taken. Attendance at Pro-Vision Educational Services will be determined by [A student who is not actually in school at the time attendance is taken must not be counted in attendance for FSP funding purposes, unless the student is participating in an activity that meets the conditions set out in subsection (j) of this section, or unless the student is enrolled in and participating in an alternative attendance accounting program approved by the commissioner. per Section 129.21(i) of the Texas Administrative Code]. Pro-Vision Educational Services will not change the established period in which absences are recorded during the school year;

**SECTION 9. PEIMS Data Standard**

SECTION 9.1. PEIMS. The Superintendent shall ensure that Pro-Vision Educational Services' fiscal accounting system is compatible with PEIMS data standards and conforms to Generally Accepted Accounting Principles.

SECTION 9.2. Account Code Structure. The Superintendent shall ensure that, with the exception of the codes that may be used at local option, Pro-Vision Educational Services shall use the account code structure described in TEA's Special Supplement to the Financial Accountability System Resource Guide, Nonprofit Charter School of Accounts.



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100.080 Federal Fiscal Compliance

*Charter Board Policy for Pro-Vision Educational Services*

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Module 300: General School Operations

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Module 500: Open Government

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Module 600: Human Resources

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The governing body ("Board") of Pro-Vision Educational Services adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

**Section 1. Commitment to Compliance**

Prior to expending federal grant funds, the Superintendent shall ensure that Pro-Vision Educational Services consults the appropriate compliance standards. The Superintendent shall adopt and follow appropriate procedures to ensure that all grant funds are expended in accordance with applicable requirements, including where applicable, the Education Department General Administrative Regulations (EDGAR).

**Section 2. Federal Grant Time and Effort**

The Executive Director or designee shall develop and maintain an electronic record keeping system that can receive, store, and reproduce electronic records and signatures of electronic transactions in their original form. The records shall be retained in an accessible format for as long as legally required.

Section 2.1. Employee Time Sheet. If Pro-Vision Educational Services employee's compensation is funded by any federal grant, the Superintendent shall ensure that the employee maintains a time sheet on which he or she records the time spent during the work day along with a description of the service he or she performed during that time.

Section 2.2. Signature. The Superintendent shall ensure that the time sheets contain the signatures of the employee who completed the time sheet, a school official, and Pro-Vision Educational Services's grant manager.

[Section 2.3. Substitute System for Time and Effort Reporting. Each school year, the Superintendent shall submit a management certification form by the deadlines required by the Texas Education Agency to qualify as a participant under the substitute system of semi-annual time and effort reporting for employees of Pro-Vision Educational Services. The Superintendent shall also ensure that any eligible employee participating in the substitute system of federal time and effort reporting completes a schedule and certification form at least semi-annually. The Superintendent shall ensure that the semi-annual certification form contains the signature of the employee and the employee's supervisor. The semi-annual certifications for each employee shall be maintained as part of the records of the charter school.]

**Section 3. Use of Federal Grant Funds for Procurement**

Section 3.1. Compliance. When expending federal grant funds, The Superintendent, or the Superintendent's designee shall require compliance by Pro-Vision Educational Services' employees, officers, and agents with all applicable federal and state procurement standards and policies. Violations of applicable laws or policies may lead to disciplinary consequences including and up to termination of employment or removal from any officer position, if applicable.

Section 3.2. Shared Services. The Superintendent is encouraged to participate in group

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purchasing programs, shared services agreements, inter-local contracts and inter-entity agreements whenever possible to generate a cost savings for the charter school.

Section 3.3 Open and Free Competition. The Superintendent shall ensure that all procurement transactions are conducted in a manner that provides open and free competition. The Superintendent shall ensure that the procurement procedures implemented by Pro-Vision Educational Services have written selection procedures that do not contain features which unduly restrict competition.

Section 3.4. Conflicts of Interest: Standards of Conduct. The Superintendent shall ensure that no employee, officer, or agent of Pro-Vision Educational Services, who has a real or apparent conflict of interest, participates in the selection, award, or administration of a contract supported by federal funds. Employees, officers, and agents may not solicit or accept favors, gratuities, or anything of monetary value from contractors or their agents. The Superintendent shall maintain written standards of conduct governing the performance of Pro-Vision Educational Services employees engaged in the award and administration of contracts. The written standards of conduct shall also address organizational conflicts of interest. The Superintendent shall disclose in writing any potential conflict of interest to the Board of Directors, to the Texas Education Agency, and to the federal awarding agency.

Section 3.5. Disclosures of Misconduct. The Superintendent shall ensure that any evidence of fraud, bribery or a gratuity violation is promptly reported to the Board of Directors, to the Texas Education Agency, and to the federal awarding agency. The Superintendent shall also report any such evidence to local law enforcement authorities.

Section 3.6. Small and Minority Firms, Women's Businesses. The Superintendent shall ensure that Pro-Vision Educational Services takes all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.

Section 3.7. Record Documentation. The Superintendent shall maintain records sufficient to detail the history of each procurement secured with federal funds. The records must include, but not be limited to, the rationale for the procurement method, the selection of the contract type, contractor selection or rejection, and the basis of the contract price.

Section 3.8. Mandated Contract Provisions. The Superintendent shall ensure that all legally mandated provisions are included in each procurement contract.

#### **Section 4. Special Fiscal Requirements under Title I, Part A of NCLB ("Title I")**

Section 4.1. Supplement not Supplant. The Superintendent shall ensure that Title I funds will be used to supplement, not supplant regular non-federal funds.

Section 4.2. Documentation. Documentation shall be maintained, or caused to be maintained, by the Superintendent. The documentation must clearly demonstrate the

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supplementary nature of federal funds.

Section 4.3. Campus Improvement Plan. The Superintendent shall ensure that Title I funds used by Pro-Vision Educational Services shall be aligned to the campus improvement plan. There shall be no costs expended that are not directly related to the campus improvement plan.

- a. A comprehensive needs assessment shall be conducted that will inform the drafting of the campus improvement plan. The campus improvement plan shall be aligned to the needs assessment and only needs that can be met with current funding levels shall be addressed in the campus improvement plan.
- b. New goals shall be added as new money is identified.
- c. The Superintendent shall ensure that Pro-Vision Educational Services shall conduct the needs assessment and campus improvement plan prior to any grant application.

Section 4.4. Comparability Testing. Unless the charter school is exempt from Title I's comparability requirements, the ED or designee shall ensure that Pro-Vision Educational Services remains in compliance with all applicable comparability requirements. To ensure proper use of the receipt of any Title I, Part A funding, Pro-Vision Educational Services will strive to avoid diverting state and local resources away from its Title I, Part A campus(es) by:

- a. Implementing a district-wide salary schedule. The ED shall recommend for Board approval a salary schedule that indicates salary comparability across all Title I and non-Title I campuses and positions. The district wide salary schedule shall allow for fair and comparable compensation for each position based each employee's job duties, special assignments, education, certifications, and experience. The ED shall administer the compensation plan in a manner consistent with the annual budget adopted by the Board;
- b. Ensuring equivalence among campuses in teachers, administrators, and other staff. The ratio of students to teachers, administrators, and other staff at each Title I campus shall be equivalent to the ratio of students to teachers, administrators and other staff at non-Title I campuses. Equivalence shall be determined by various reasonable and appropriate factors;
- c. Ensuring equivalence among campuses in the provision of curriculum materials and instructional supplies. Each Title I and non-Title I campus shall receive equivalent funding for curriculum and instructional materials. Equivalence shall be determined by various reasonable and appropriate factors; and
- d. Adjusting to Ensure Comparability. The ED or designee shall conduct testing to measure comparability and maintain records documenting compliance. If any instances of noncompliance are identified, the ED or designee shall promptly implement adjustments as needed to ensure comparability, seeking board approval where necessary or appropriate.

### Section 5. Special Fiscal Requirements under IDEA, Part B (Special Education)

The Superintendent shall ensure that Pro-Vision Educational Services complies with the specific requirements applicable to the receipt of special education funding including maintenance of effort, excess costs, supplemental use, and Coordinated Early Intervening Services.

### Section 6. Charter Schools Program (CSP), NCLB Title V, Part B

Section 6.1. Compliance. If Pro-Vision Educational Services receives CSP grants, the ED shall ensure that Pro-Vision Educational Services shall comply and use the federal funds in accordance with all statutes, regulations, and approved applications.

Section 6.2. Fiscal Control. The ED shall directly administer or supervise the administration of any projects funding through CSP funds, and shall use fiscal control and fund accounting procedures that ensure proper disbursement of, and accounting for, federal funds.

Section 6.3. Conflicts of Interest. Pro-Vision Educational Services Board members and employees shall avoid apparent and actual conflicts of interest. An individual is prohibited from participating in an administrative decision regarding a project funded through CSP funds if the decision is likely to benefit that person or an immediate family member and the person is a public official or has a family or business relationship with Pro-Vision Educational Services. A person is prohibited from participating in a project to use his or her position for a purpose that is, or gives the appearance of being, motivated by a desire for a private or financial gain for that person or for others.

Section 6.4. Procurement. When using CSP funds to enter into a contract for equipment or services the ED, or the ED's designee, shall comply with the applicable federal procurement standards. No Board member, employee, officer, or agent of Pro-Vision Educational Services may participate in the selection, award, or administration of any contract supported by federal funds if a real or apparent conflict of interest exists.

### Section 7. National Child Nutrition Programs

#### SECTION 7.1. National School Breakfast Program Participation.

If at least 10 percent of enrolled students in Pro-Vision Educational Services are eligible for free or reduced-price breakfasts under the national school breakfast program, provided for by the Child Nutrition Act of 1966, Pro-Vision Educational Services shall either make the benefits of the program available to all eligible students or develop and implement a locally funded program to provide free or reduced-priced meals according to each student's eligibility.

Unless the Board has obtained a waiver from the Commissioner for the applicable school year, if at least 80 percent or more of the students in Pro-Vision Educational Services qualify for a free or reduced-price breakfast under the National School Breakfast Program, Pro-Vision Educational Services shall provide a free breakfast to every student at the school.

The Superintendent shall ensure the school's compliance with all federal and state rules governing administration of the National School Breakfast Program.

SECTION 7.2. National School Lunch Program.

The Superintendent or designee shall ensure compliance with all federal and state rules governing the administration of the National School Lunch Program.



# TCSA Model Board Policy Series

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100.100. Cash Management & Credit Card Procedures

*Pro-Vision Educational Services*

## **INTRODUCTION**

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lgordon@txcharterschools.org  
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## **Module 100: Financial Operations**

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Charter School Governance & Organization

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General School Operations

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Students

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Open Government

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Human Resources

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Attorney General Opinion

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C.F.R

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Texas Government Code

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Tex. Labor Code

Texas Labor Code

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Texas Local Gov't Code

Texas Local Government Code

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U.S.C.A

United States Code Annotated

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## **100.100. CASH MANAGEMENT & CREDIT CARD PROCEDURES**

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

School funds are public funds. Consequently, all expenditures of school funds, including cash expenditures, shall be documented and accounted for by daily receipts.

As a general rule, cash will not be used to make purchases except from petty cash, as described below. School checks shall not be made payable to “Cash”.

The Superintendent of Pro-Vision Educational Services shall ensure that appropriate “separation of duties” are complied with in the handling of all money transactions, including reconciliation.

### **SECTION 1. Accounting for Cash Transactions**

SECTION 1.1. Documentation. All cash transactions shall be recorded in writing, such as by hand written receipt, which shall be signed and dated by the individual who receives the cash. Staff members who receive or collect money from parents or teachers shall document from whom the money was received and in what amount. A copy of the receipt shall be kept with the cash received. Such money shall be submitted to the Chief Financial Officer on the same school day as it is received for deposit.

SECTION 1.2. Depositing Cash. The Chief Financial Officer shall be responsible for ensuring that cash received is deposited in Pro-Vision Educational Services’ bank account. Deposits shall be made whenever cash receipts total \$ 100, or, at weekly, whichever is more frequent. A copy of the validated deposit slip shall be returned to the school on same day the deposit is made or the next day after the deposit is made.

SECTION 1.3. Petty Cash. Petty cash shall be maintained in a locked box in each campus Principal’s office in an amount not to exceed \$100. All disbursements from petty cash shall be documented in writing, indicating the date, amount disbursed, the identity of the individual receiving the funds, and the reason for the disbursement. Receipts from purchases made with petty cash shall be remitted to the campus principal’s office as soon as practicable. Petty cash funds shall not be used to cash checks.

SECTION 1.3. Petty Cash Prohibited. The use of petty cash shall not be allowed at Pro-Vision Educational Services.

### **SECTION 2. Checks**

SECTION 2.1. Pro-Vision Educational Services’ Checks. Any authorized check drafted on Pro-Vision Educational Services’ bank account shall have two

authorized check signers. The following Pro-Vision Educational Services' officers are authorized to sign checks from Pro-Vision Educational Services' bank account on behalf of Pro-Vision Educational Services: Board Members, Superintendent and Chief Financial Officer. Each check must be completed in its entirety before it is signed by either party.

SECTION 2.2. Checks Received. Checks received shall be endorsed "for deposit only" and shall either be deposited when the total amount is at least \$100 or at least weekly, whichever is more frequent.

SECTION 2.3. Check Requests. Services or products rendered, reimbursement requests with original receipts, or mileage reimbursements may receive payment with a check. A check request form must be completed by the requestor and approved with a signature by the [Board Members, Superintendent and Chief Financial Officer]. The check request form shall contain the name of the payee, the date the check is requested to be written, the amount of the check, a brief description for the issuance of the check, and the funding source that will be drawn from.

Checks made payable to "Cash" are prohibited. The check request shall then be submitted to the [Board Members, Superintendent and Chief Financial Officer] for processing. All check request forms shall be maintained by the [Board Members, Superintendent and Chief Financial Officer] in the [Finance Office].

SECTION 2.4. Check Acceptance Policy. Parents of students enrolled at Pro-Vision Educational Services and employees of Pro-Vision Educational Services must receive prior notice from Pro-Vision Educational Services that in the event a check they have submitted to Pro-Vision Educational Services is returned for insufficient funds, or any other reason, Pro-Vision Educational Services shall collect from the check maker the amount originally due in addition to any fee assessed to Pro-Vision Educational Services by the bank because of the returned check.

### **SECTION 3. Paying Bills with State or Federal Grant Funds**

SECTION 3.1. Grant funds shall not be requested from the Texas Education Agency until Pro-Vision Educational Services is prepared to pay any outstanding balances within three days from when the funds are deposited in Pro-Vision Educational Services' bank account. The Superintendent shall ensure that all bills, including payroll and related withholding taxes, shall be paid by Pro-Vision Educational Services within three working days from when such funds are deposited in Pro-Vision Educational Services' bank account.

### **SECTION 4. Bank Reconciliations**

The Superintendent or Superintendent's designee is responsible for bank reconciliations a minimum of once a month. Each Pro-Vision Educational Services bank statement, assets, and liabilities shall be reconciled to both the checkbook and the general ledger.

### **SECTION 5. Credit Card Procedures**

Only the following are authorized to use Pro-Vision Educational Services' credit card: Superintendent and Chief Financial Officer.

All authorized users of Pro-Vision Educational Services credit card assume the responsibilities pertaining to the use and reconciliation of the credit card. Pro-Vision Educational Services' credit card shall only be used for school business expenditures. It may not be used for personal

purchases and/or cash transactions and shall be maintained by the highest level of security.

Employees issued an Pro-Vision Educational Services credit card must receive prior, documented approval from the Superintendent or designee before the use of the credit card. Each credit card transaction by any user must be accompanied by appropriate documentation such as original receipts documenting each transaction.

### **SECTION 6. Activity Funds**

SECTION 6.1. Parent/Volunteer Groups. The Superintendent, or Superintendent's designee, shall develop procedures to for parent and school volunteer groups to follow in the collection of funds. Such procedures should distinguish between what the school is collecting and what the parent group is collecting. See Texas Education Code §12.108 for allowable fees that may be collected by Pro-Vision Educational Services.

SECTION 6.2. Activity Expenditures. The following individual(s) is/are authorized to approve activity expenditures: [Board Members, Superintendent and Chief Financial Officer



# TCSA Model Board Policy Series

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100.110 Electronic Signatures

*Charter Board Policy for Pro-Vision Educational Services*

## INTRODUCTION

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Module 100: Financial Operations

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Module 200: Charter School Governance & Organization

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Module 300: General School Operations

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Module 500: Open Government

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Module 600: Human Resources

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

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Tex. Loc. Gov't Code

Texas Local Government Code

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U.S.C.A

United States Code Annotated

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## **100.110 ELECTRONIC SIGNATURES**

The governing body (“Board”) of Pro-Vision Educational Services adopts the following policy which shall be effective on the date approved by the Board.

### **Section 1.**

Pro-Vision Educational Services wishes to promote effective and efficient use of electronic communications to conduct school business. An electronic signature shall have the full force and effect of a manual signature only if the electronic signature satisfies all of the following requirements:

Section 1.1. The individual affixing his or her electronic signature to a document, contract, data transmission, or report is otherwise authorized by the governing body to represent Pro-Vision Educational Services in legal transactions, to commit the resources of the charter school, or to make or affirm representations concerning operations of the charter school.

Section 1.2. The electronic signature identifies the individual signing the document by his or her name and title;

Section 1.3. The electronic signature and the document to which it is affixed cannot be altered once the electronic signature is affixed; and

Section 1.4. The identity of the individual signing with an electronic signature is capable of being validated.

### **Section 2.**

The Superintendent or designee shall develop and maintain an electronic record keeping system that can receive, store, and reproduce electronic records and signatures of electronic transactions in their original form. The records shall be retained in an accessible format for as long as legally required.

### **Section 3.**

This policy does not require electronic signatures to be created or used for any particular business transactions for the charter school.



# TCSA Model Board Policy Series

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100.120. Capital Assets  
*Pro-Vision Educational Services*

## **INTRODUCTION**

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U.S.C.A

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## **100.120. ACCOUNTING FOR CAPITAL ASSETS**

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

### **SECTION 1**

SECTION 1.1. Capital Asset. Capital assets, which include land and improvements, building and improvements and furniture and equipment, and construction in progress, are reported in the financial statements. Capital assets are defined by the Charter Holder as assets with an individual cost of more than **\$5,000**. Such assets are recorded at historical cost and are depreciated over the estimated useful lives of the assets. Payments for additions, major renewals and betterments are capitalized, and maintenance and repairs are charged to expense as incurred.

\_\_\_A capital asset for Pro-Vision Educational Services is an asset that is:

- f. Tangible in nature;
- g. Has a life that exceeds one year;
- h. Is valued at \$5000 or less per unit; and
- i. Is reasonably identified and controlled through a physical inventory system.

SECTION 1.2. Documentation. The Superintendent shall ensure that Pro-Vision Educational Services maintains accurate records of capital assets in accordance with applicable rules.

SECTION 1.3. Inventory. The Superintendent will ensure that a physical inventory of capital assets takes place once every two years in accordance with rules.

SECTION 1.4. Financial and Compliance Report. For purposes of the Financial and Compliance Report, the Superintendent shall ensure that the report includes:

- a. An exhibit in the financial and compliance report identifying all capital assets and the ownership interest of local, state, and federal parties; or
- b. A statement that all property acquired during the term of Pro-Vision Educational Services, and all property presently held by Pro-Vision Educational Services, may be considered public property.



# TCSA Model Board Policy Series

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100.040. Investment of State Funds

*Pro-Vision Educational Services*

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Texas Local Gov't Code

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U.S.C.A

United States Code Annotated

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## **100.140. INVESTMENT OF STATE FUNDS**

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

SECTION 1. The Superintendent shall ensure that Pro-Vision Educational Services invests state funds in accordance with applicable state law and rules. The investment of state funds shall be made with judgment and care and not for speculation, but for investment, considering the probable safety of capital and the probable derived income.

SECTION 2. Investment Management Firm and/or Officer. The Superintendent may determine to recommend to the Board to contract with an investment management firm that is registered under the appropriate governmental entities to provide for the investment and management of the funds. Such a contract shall not exceed two years. If the Board determines to renew any such contract the board shall issue the appropriate order or resolution.

SECTION 3. Discrete Maintenance of Records. The Superintendent shall ensure that all investments will be maintained in a discrete, charter investment account, separate from any other of Pro-Vision Educational Services’ accounts.

SECTION 4. Investments. The overall investment objective of the Organization is to maximize the return on invested assets while minimizing risk and expenses. This is done through prudent investing and planning, as well as through the maintenance of a diversified portfolio. TexPool, an Investment Service for Public Funds, has been approved by the Board.

The following investments have received approval by the Board for the one-year period from September 1<sup>st</sup> to August 31<sup>st</sup>:

1. TexPool



# TCSA Model Board Policy Series

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100.160. Payroll

*Pro-Vision Educational Services*

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U.S.C.A

United States Code Annotated

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**100.160. PAYROLL**

SECTION 1.1. Accurate & Timely Payroll. The Superintendent shall ensure that school employees are paid accurately and timely in accordance with applicable laws and rules

SECTION 2.2. Paydays.

- a. Exempt Employees. The paydays for exempt employees shall be on 15<sup>th</sup> and the last day of the month.
- b. Non-exempt Employees. The paydays for non-exempt employees shall be on [15<sup>th</sup> and the last day of the month].

SECTION 2.3. Withholding of Wages. The Superintendent shall ensure that the wages of school employees are not withheld except as expressly required or expressly permitted by applicable laws and rules.



# TCSA Model Board Policy Series

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100.180. Property  
*Pro-Vision Educational  
Services*



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**Module 100: Financial Operations**

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Atty. Gen. Op.

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C.F.R

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Texas Government Code

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Tex. Labor Code

Texas Labor Code

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Texas Local Gov't Code

Texas Local Government Code

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U.S.C.A

United States Code Annotated

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**100.180. PROPERTY**

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

**SECTION 1. Public Property Held in Trust**

SECTION 1.1. Public Property. An interest in real estate or personal property acquired, improved, or maintained using state funds that were received by Pro-Vision Educational Services on, or after, September 1, 2001, is public property for all purposes under state law.

SECTION 1.2. Public Property Held in Trust. Public property is held by Pro-Vision Educational Services in trust for the benefit of enrolled students.

**SECTION 2. Use of Public Property (TCSA Note: Policy on this subject legally required)**

SECTION 2.1. Allowable Use. The Superintendent shall ensure that public property shall only be used for a purpose for which a school district may use school district property and only to implement a program that is described in the open-enrollment charter and is consistent with the Texas Education Code §12.102.

The ED also shall ensure that Pro-Vision Educational Services employees, agents, contractors, and management companies do not use or apply public property for any purpose but a program described in Pro-Vision Educational Services’ charter.

SECTION 2.2. Exception to Allowable Use. Employees of Pro-Vision Educational Services may use local telephone service, cellular phones, electronic mail and Internet connections for incidental personal use under the following conditions:

- a. Such incidental personal use must not result in any direct cost paid with state funds. If this does happen, the Superintendent shall ensure that the employee which caused the direct cost to be incurred by Pro-Vision Educational Services shall reimburse Pro-Vision Educational Services;
- b. Such incidental personal use shall not impede the functions of Pro-Vision Educational Services ;
- c. The use of public property for private commercial purposes is strictly prohibited; and
- d. Only incidental amounts of an employee’s time for personal matters, comparable to reasonable coffee breaks during the day, are authorized under this section.

**SECTION 2.3. Violations of Section 2.**

SECTION 2.3.1. Employee Violations. The Superintendent shall ensure that a violation of Section 2 of this policy by an employee of Pro-Vision Educational Services shall have disciplinary consequences which may include termination of employment.

SECTION 2.3.2. Contractor Violations. The Superintendent shall ensure that each contract between Pro-Vision Educational Services and another party includes language stating the allowable use of public property and that a violation of the allowable use may lead to termination of a contract. If a contract is terminated based on a violation of Section 2 of this policy Pro-Vision Educational Services will compensate the entity for services performed as required by law.

SECTION 2.4 Joint Use of Real Property. The Board President shall ensure that the Board takes a separate vote to approve any joint use of real property for charter and non-charter activities. In the meeting minutes of the vote approving the joint use, the Board Secretary shall ensure that the minutes set forth the methodology used to allocate shared costs and the percentage allocation basis between charter and non-charter activities.

### **SECTION 3. LEASE OF Pro-Vision, Inc. FACILITIES**

Pro-Vision Educational Services may not lease its facilities to various organizations such as those that are educational, religious, or civic in nature. However, the availability of facilities for lease by out-side entities will depend on Pro-Vision Educational Services s own needs and convenience.

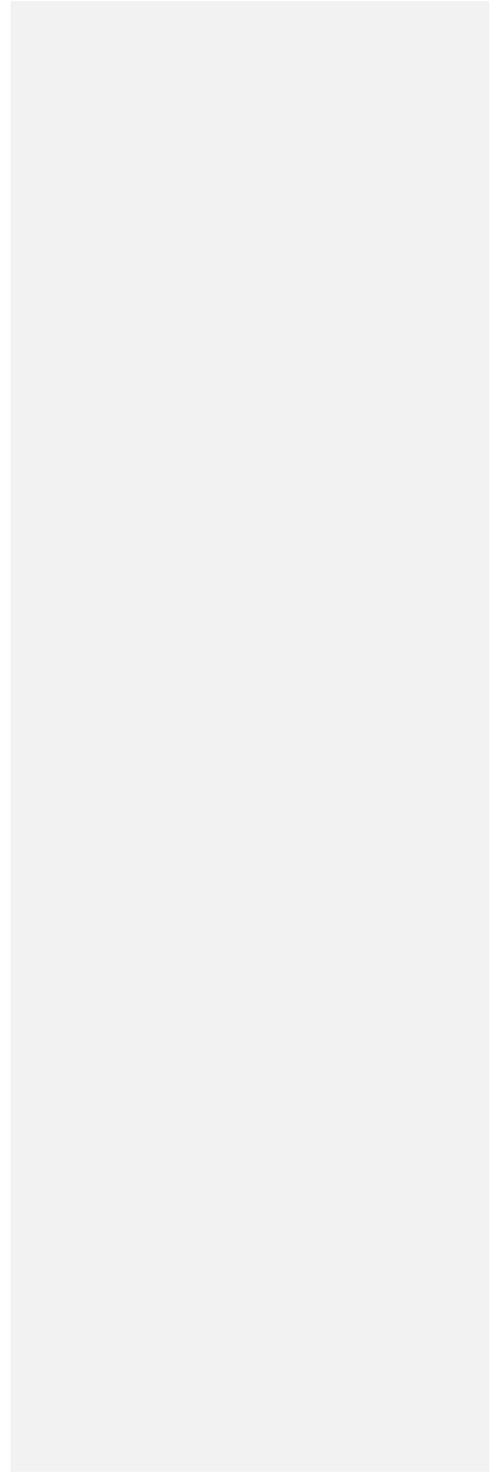


## TCSA Model Board Policy Series

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100.200. Purchasing & Contracting  
*Pro-Vision Educational  
Services*

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**100.200. PURCHASING & CONTRACTING**

The governing body ("Board of Directors") of Pro-Vision Educational Services adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

**Section 1. Public Works Contracts Pursuant to Chapter 271, Subchapter B, Local Gov't Code**

SECTION 1.1. Applicable Law. In awarding contracts that will involve the construction, repair, or renovation of a structure, road, highway, or other improvement or addition to real property, Pro-Vision Educational Services, will comply with Chapter 271, Subchapter B, of the Local Government Code. The Superintendent shall ensure that all applicable advertisement notice bid requirements are satisfied.

SECTION 1.2. Bidding Threshold. The Superintendent shall engage the applicable law when an expenditure of more than \$25,000 in public funds is required. All contracts and agreements must be approved by the Board.

SECTION 1.3. Contract Award. The Superintendent shall make a recommendation to the Board concerning the award of a public works projects bid pursuant to this policy.

In determining the contract award, the Board may take into account several factors, including:

- a. The safety record of the bidder;
- b. Whether the bidder, its employees, and agents have relevant and mandatory licenses/registrations;
- c. Complaints and/or accident reports to relevant local and/or state agencies;
- d. The purchase price;
- e. The reputation of the bidder and of the bidder's goods or services;
- f. The quality of the bidder's good or services;
- g. The extent to which the goods or services meet Pro-Vision Educational Services' needs;
- h. The bidder's past relationship with Pro-Vision Educational Services;
- i. The impact on the ability of Pro-Vision Educational Services to comply with the laws and rules relating to historically underutilized businesses;
- j. The total long-term cost to Pro-Vision Educational Services to acquire the bidder's goods or services; and
- k. Any other relevant factor specifically listed in the request for bids or proposals.

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Section 1.4. Definition of Safety Record. The safety record includes a bidder's Occupational Safety and Health Administration inspection log for the last three years, a loss analysis from the bidder's insurance career, any known safety violations on previous projects, and a loss history covering all lines of insurance coverage by the bidder.

## **SECTION 2. Public Works Contracts – Chapter 44 of the Education Code**

SECTION 2.1. Applicable Law. In awarding contracts that will involve the construction, repair, or renovation of a structure, road, highway, or other improvement or addition to real Property ("construction services"), Pro-Vision Educational Services will comply with Chapter 44, Subchapter B, of the Education Code. Pursuant to Chapter 44, Subchapter B, of the Education Code, Pro-Vision Educational Services shall select a method pursuant to Chapter 2269 of the Texas Government Code for construction services.

SECTION 2.2. Bidding Threshold. This policy applies when an expenditure of more than \$25,000 in public funds is required for construction services.

SECTION 2.3. Delegation of Authority. The Board of Directors may/may not delegate any or all of its authority under this Policy to the Superintendent. The act of delegating authority itself shall be accomplished through an act of the Board of Directors at a lawfully held meeting in compliance with the Texas Open Meetings Act. Upon delegation of such authority, the Superintendent shall have and may exercise the power and authority of the Board of Directors pursuant to this Policy.

If the Board of Directors has delegated any of its authority under this Policy, the Superintendent shall ensure that any request for bids (RFB), proposals (RFP), or qualifications (RFQ) issued by Pro-Vision Educational Services, shall provide notice of the delegation, the limits of such delegation, and include the name and title of each person to whom authority has been delegated. If the Executive Director fails to include such notice, any action taken under this Policy by the Executive Director must be ratified by the Board through formal action at a meeting held in compliance with the Texas Open Meetings Act.

SECTION 2.4. Selection of Construction Methodology. For each expenditure of more than \$25,000 for construction services, the Board of Directors shall determine the procurement method that provides the best value to Pro-Vision Educational Services in accordance with applicable law. The procurement methods available to Pro-Vision Educational Services are as follows:

- a. Competitive Bidding
- b. Competitive Sealed Proposals
- c. Construction Manager-Agent
- d. Construction Manager-at-Risk
- e. Design-Build Contract
- f. Job Order Contracts

SECTION 2.5. Use of Architect or Engineer; Use of Other Professional Services. The selection or designation of any architect or engineer, or the procurement of construction materials, engineering services, testing and inspection services, or verification testing services shall be made on the basis of demonstrated competence and qualifications in accordance with Section 3 of this Policy.

SECTION 2.6. Sealed Bids. The Superintendent shall ensure that all bids, proposals or qualifications are sealed.

SECTION 2.7. Contract Award. In determining the award, regardless of the procurement method selected, the Board must consider any existing laws, including any criteria, related to historically underutilized businesses and/or existing laws or criteria related to the use of women, minority, small or disadvantaged businesses. The Board may take into account several factors, including:

- a. Price
- b. Experience and Reputation
- c. Quality of Goods and Services
- d. Impact on the ability of Pro-Vision Educational Services to comply with rules relating to historically underutilized businesses
- e. Safety Record
- f. Proposed Personnel
- g. Financial capability appropriate to the size and scope of the project
- h. any other relevant factor provided it is specifically listed in the RFB, RFP, or RFQ

The Board shall make its selection based on the applicable criteria for the particular procurement method and document the basis for its selection. The Superintendent shall ensure that the evaluations are made public not later than the seventh (7th) day after the date any contract is awarded.

SECTION 2.8. Advertisement/Notice of Procurement Request and Notice. The Superintendent shall ensure compliance with any advertisement or notice required by Chapter 2269, Texas Government Code upon the issuance of a request for proposal, bid or qualifications, and that any such notice contains the following:

- a. The time by when and the place where the bids, proposals, or responses will be received and opened; and
- b. The criteria for the particular procurement method that will be used to evaluate the bids, proposals or responses.

### **SECTION 3. Professional Services**

Section 3.1. Applicable Law. The Superintendent shall ensure that professional service providers are selected in accordance with the applicable law.

### **SECTION 4. Workers Compensation**

Section 4.1. Applicable Law. The Superintendent shall ensure that any workers compensation benefits for employees are selected and provided in accordance with applicable law.

### **SECTION 5. Cooperative Purchasing Programs and Inter local Contracts**

Section 5.1. The Superintendent shall ensure full compliance with all applicable law and rules if Pro-Vision Educational Services has amended its charter to enter into a cooperative purchasing program.

Section 5.2. The ED shall ensure full compliance with all applicable law and rules if Pro-Vision Educational Services has determined to enter a inter local contract with another open-enrollment charter school or any other entity permitted by law to enter into inter local contracts.

### **SECTION 6. Other Purchasing and Contracting**

Section 6.1 Appropriate Value. In awarding contracts for goods and services that are not governed by Sections 1, 2, 3 or 4 of this policy, the Superintendent shall ensure that Pro-Vision Educational Services receives appropriate value for the expenditure.

Section 6.2. Competitive Process Threshold. In an expenditure of school funds for a contract awarded under Section 5.1 will exceed \$25,000 then the Superintendent shall engage a competitive process before selecting a person or entity to which to make the award.

Section 6.3. Purchase Order Required. The Superintendent shall establish procedures identifying a purchase order process as the method for purchasing or expending funds. Approval for a purchase or expenditure of funds must be obtained by Superintendent before the purchase or expenditure of funds is made.

### **Section 7. Board Approval Required**

For any contract or purchase made pursuant to this policy, the board of directors shall approve all contracts valued above \$25,000. The Superintendent does not

have authority to bind the board of directors or Pro-Vision Educational Services to any contract for goods and services valued above \$25,000. Any contract or purchase valued above this amount that is not approved by Pro-Vision Educational Services' board of directors is void and ineffective.

**Section 8. State Travel Management Program**

Board members, officers, and employees, engaged in travel on official business of Pro-Vision Educational Services, shall utilize the Texas Comptroller's State Travel Management Program where it provides a better value for Pro-Vision Educational Services.



# TCSA Model Board Policy Series

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200.020 Corporate Structure

*Charter Board Policy for Pro-Vision Educational Services*

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## **200.020. CORPORATE STRUCTURE**

Charter Bylaws



# TCSA Model Board Policy Series

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200.030 Mission & Vision

*Charter Board Policy for Pro-Vision Educational Services*

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**200.030. Pro-Vision Educational Services MISSION & VISION****Pro-Vision Educational Services Mission Statement**

Our mission is to inspire hope and purpose in young people through access to academic, economic and social enrichment opportunities.

**Pro-Vision Educational Services Vision Statement**

“The vision of Pro-Vision Educational Services is to provide a small, safe intimate environment where teachers can more effectively identify and address individual student needs. Through academics, cultural enrichment, professional counseling, life skills training, mentoring, parental involvement, community service, and sports and recreation, students are transformed into intelligent and well-rounded young adults.”



# TCSA Model Board Policy Series

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200.040 Board Operating Procedures

*Charter Board Policy for Pro-Vision Educational Services*

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**200.40. BOARD OPERATING PROCEDURES**

The governing body (“Board”) of Pro-Vision Educational Services 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. Pro-Vision Educational Services’ Board shall consist of 5 members.

Section 1.2. Selection and Terms in Office. [State whether the certificate of formation or bylaws control the method by which board members are selected and the terms in office. If there is not a provision in the articles or bylaws state that vacancies and removals shall be conducted in accordance with applicable law.]

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. In the President’s absence, authority to chair a meeting shall be delegated to another Board member.
- b. Secretary
  - i. The Secretary shall record the minutes of each Board meeting. In the Secretary’s absence, a Board member shall be designated to record the minutes.
- c. ***Note: It is discretionary to include additional officers]***

Section 1.4. Vacancies and Removals. By-laws 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 President's designee, shall ensure that by November 1st of each year the annual report on charter governance is submitted to the Texas Education Agency.



# TCSA Model Board Policy Series

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200.060. Board Member Duties & Responsibilities  
*Charter Board Policy for Pro-Vision Educational Services*

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**Module 200: Charter School Governance & Organization**

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:

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Module 100: Charter School Governance & Organization

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Module 300: General School Operations

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Module 400: Students

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Module 500: Open Government

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Module 600: Human Resources

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**Legal Abbreviations Used In The Model Board Policies For Charter Schools**

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Tex. Admin. Code	Texas Administrative Code
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U.S.C.A	United States Code Annotated

## **200.060. BOARD MEMBER DUTIES AND RESPONSIBILITIES**

The governing body (“Board”) of Pro-Vision Educational Services 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 Pro-Vision Educational Services assumes ultimate responsibility for the management, operation, and accountability of Pro-Vision Educational Services.

### **SECTION 2. Fiduciary Duty**

Each member of Pro-Vision Educational Services Board assumes the fiduciary duties of obedience, loyalty, and due care to Pro-Vision Educational Services.

### **SECTION 3. Evaluation of Superintendent**

The Board shall conduct a minimum of one performance evaluation per calendar year of the Superintendent of Pro-Vision Educational Services.

***TCSA NOTE: The policy below is drafted for open-enrollment charter schools that have had a delegation amendment approved by the Texas Education Agency and/or have received a written waiver from the commissioner of education. If an open-enrollment charter school has not amended its charter to delegate certain powers or duties or received a waiver from the commissioner, the board of directors should not adopt this policy.***

### **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: [Insert list of delegated duties]

Such duties shall be performed by [Insert name of party or entity].

### **SECTION 5. 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.



# TCSA Model Board Policy Series

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200.080. Board Member Training  
*Charter Board Policy for Pro-Vision Educational Services*

## **INTRODUCTION**

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**200.080. BOARD MEMBER TRAINING**

The governing body (“Board”) of Pro-Vision Educational Services 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 President of the Board or the President’s designee shall maintain records concerning training hours



# TCSA Model Board Policy Series

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200.100. Nepotism

*Charter Board Policy for Pro-Vision Educational Services*

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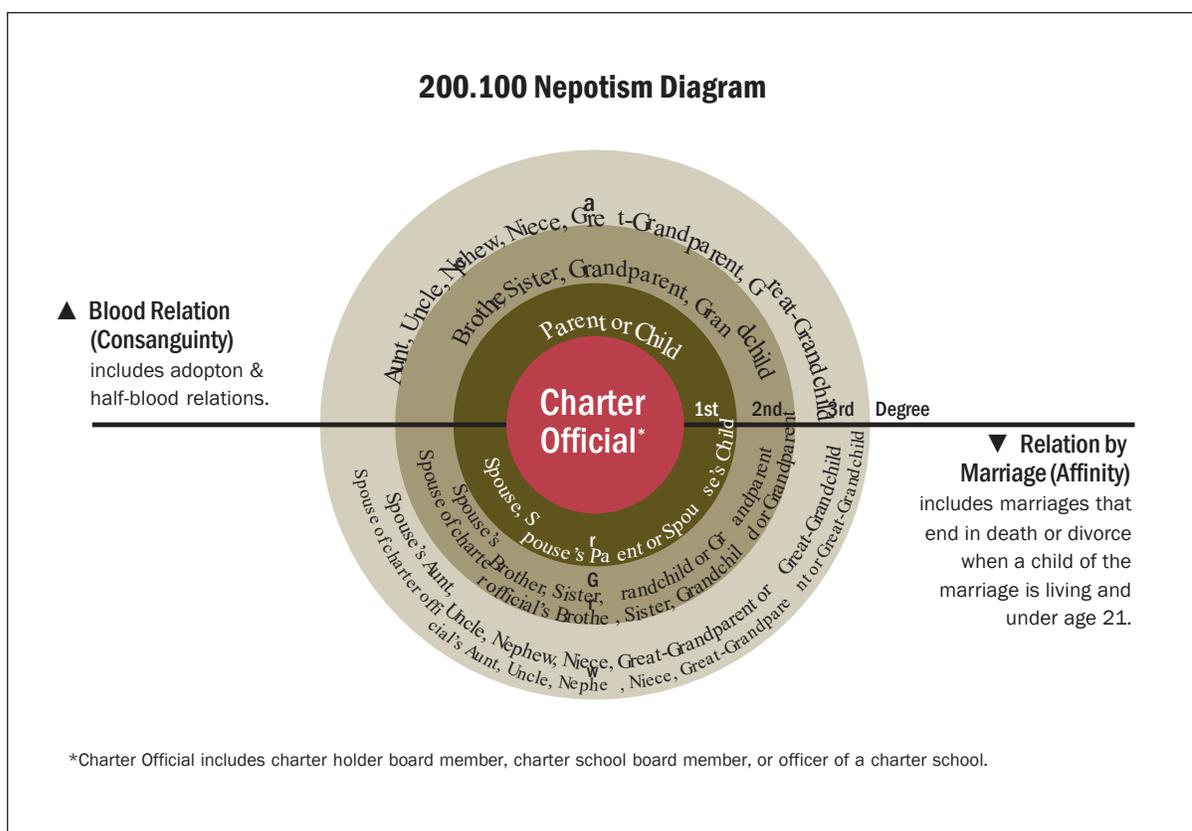
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## 200.100. NEPOTISM

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

The Board of Pro-Vision Educational Services, Inc. DBA Pro-Vision Educational Services 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:







# TCSA Model Board Policy Series

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200.120. Conflicts of Interest

*Charter Board Policy for Pro-Vision Educational Services*

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## **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 Superintendent or the Superintendent'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 Superintendent or the Superintendent'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**

***TCSA Note: Adopt only if the charter school maintains a website.***

The Superintendent 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 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 \_\_\_\_\_, 20XX.

\_\_\_\_\_  
(Signature of Charter School Official)

\_\_\_\_\_  
(Name of Charter School Official)

**ACKNOWLEDGEMENT CERTIFICATE BY NOTARY PUBLIC:**

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20XX,  
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 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 \_\_\_\_\_, 20XX.

\_\_\_\_\_  
(Signature of Charter School Official)

\_\_\_\_\_  
(Name of Charter School Official)

**ACKNOWLEDGEMENT CERTIFICATE BY NOTARY PUBLIC:**

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2010.,  
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





# TCSA Model Board Policy Series

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200.160. Compliance Records on Nepotism,  
Conflicts of Interest & Restrictions on Serving  
*Charter Board Policy for Pro-Vision Educational Services*

## **INTRODUCTION**

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

The governing body (“Board”) of Pro-Vision Educational Services 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 Superintendent 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 Superintendent 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 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:

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

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

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- 4. have a substantial interest in a management company:

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# TCSA Model Board Policy Series

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200.200. Superintendent Power & Duties  
*Charter Board Policy for Pro-Vision Educational Services*

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## **200.200. CHIEF EXECUTIVE OFFICER**

The governing body (“Board”) of Pro-Vision Educational Services 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 Superintendent 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 1.1. Delegated Powers & Duties. Pursuant to a charter amendment authorized by the commissioner of education the following powers and duties are delegated to Superintendent:

- 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 Superintendent shall comply with and keep accurate records concerning the commissioner of education rules governing training of open-enrollment charter’s.

### **SECTION 3. Annual Evaluation**

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

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

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

### **SECTION 5. Posting of Superintendent Salary**

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



# TCSA Model Board Policy Series

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200.220. Campaign Contributions & Political Advertising  
*Charter Board Policy for Pro-Vision Educational Services*

## **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.

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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**

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For questions concerning the Model Board Policies for Charter Schools contact:

Lindsey Gordon, Texas Charter Schools Association  
lgordon@txcharterschools.org  
512.584.8272

**Module 200: Charter School Governance & Organization**

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:

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Module 100: Charter School Governance & Organization

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Module 300: General School Operations

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Module 400: Students

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Module 500: Open Government

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Module 600: Human Resources

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**Legal Abbreviations Used In The Model Board Policies For Charter Schools**

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
Tex. Gov't Code	Texas Government Code
Tex. Labor Code	Texas Labor Code
Tex. Local Gov't Code	Texas Local Government Code
Tex. Rev. Civ. Stat.	Texas Revised Civil Statutes
U.S.C.A	United States Code Annotated

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

The governing body (“Board”) of Pro-Vision Educational Services 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 Pro-Vision Educational Services 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 Pro-Vision Educational Services 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. Pro-Vision Educational Services, 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 Superintendent shall ensure that any contract between Pro-Vision Educational Services 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 Superintendent shall ensure that no state funds are expended by Pro-Vision Educational Services for any political advertising.

The Superintendent shall ensure that any contract between Pro-Vision Educational Services and a management services company includes a prohibition against the expending of state funds for political advertising by the management company.



# TCSA Model Board Policy Series

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300.020. School Year and Eligibility Status  
*for Pro-Vision Educational Services*

## INTRODUCTION

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lgordon@txcharterschools.org  
512.584.8272

### **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:

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Module 200: Charter School Governance & Organization

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Module 400: Students

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Module 500: Open Government

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Module 600: Human Resources

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

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Atty. Gen. Op.

Attorney General Opinion

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C.F.R

Code of Federal Regulations

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Tex. Admin. Code

Texas Administrative Code

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Tex. Educ. Code

Texas Education Code

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Tex. Gov't Code

Texas Government Code

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Tex. Labor Code

Texas Labor Code

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Tex. Loc. Gov't Code

Texas Local Government Code

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U.S.C.A

United States Code Annotated

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**300.020. SCHOOL YEAR AND ELIGIBILITY STATUS**

The governing body (“Board”) of Pro-Vision Educational Services 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 Pro-Vision Educational Services school year: 2020-2021.

**SECTION 2. Eligibility Status**

Pro-Vision Educational Services 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 Superintendent to immediately notify the commissioner of education.



# TCSA Model Board Policy Series

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300.040. Instructional Facilities  
*for Pro-Vision Educational Services*

## INTRODUCTION

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Tex. Loc. Gov't Code	Texas Local Government Code
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**300.040. INSTRUCTIONAL FACILITIES**

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

**SECTION 1. Right to Occupy Facilities**

The Superintendent shall maintain in school records a copy of the legally enforceable instrument conferring on the school the right to occupy and use facilities suitable for classroom use.

**SECTION 2. Occupancy Certificate**

If Pro-Vision Educational Services is approved for a new facility site by the commissioner of education, before commencing operations, the Superintendent shall file a certificate of occupancy or its equivalent with the Texas Education Agency, Division of Charter Schools.



# TCSA Model Board Policy Series

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300.080. Emergency Management Plan  
*for Pro-Vision Educational Services*

## INTRODUCTION

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### Overall Policy Framework

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Tex. Labor Code

Texas Labor Code

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Tex. Loc. Gov't Code

Texas Local Government Code

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U.S.C.A

United States Code Annotated

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**300.80. EMERGENCY MANAGEMENT PLAN**

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

The Superintendent, or the Superintendent’s designee, shall develop and implement a multi-hazard emergency operations plan for use in Pro-Vision Educational Services 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 Pro-Vision Educational Services shall have a copy of the emergency management plan and all staff/personnel will be trained annually on the emergency procedures.



# TCSA Model Board Policy Series

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300.100. Instructional Materials  
*for Pro-Vision Educational Services*

## INTRODUCTION

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Tex. Loc. Gov't Code	Texas Local Government Code
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### **300.100. INSTRUCTIONAL MATERIALS**

The governing body (“Board”) of Pro-Vision Educational Services 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 Pro-Vision Educational Services instructional materials allotment (“IMA”) shall comport with applicable law and regulation. The Superintendent, or designee, shall annually certify to the commissioner of education that Pro-Vision Educational Services IMA has been used solely for expenses allowed by law.

Section 1.2. If the number of students attending Pro-Vision Educational Services will increase or decrease during the school year for which the IMA is provided, the Superintendent, or Superintendent’s designee, shall ensure that a timely request is submitted to the commissioner of education requesting an adjustment in the number of students for which Pro-Vision Educational Services is entitled to receive an IMA.

#### **SECTION 2. Selection of Instructional Materials**

Section 1.1. Instructional Materials Selection Committee.

- a. Appointment. The Principal shall appoint an instructional materials selection committee to review and consider textbooks, as well as other instructional materials for adoption by Pro-Vision Educational Services.
- b. Recommendation to the Board. The committee shall review instructional and make a recommendation to the Board as to which instructional materials should be adopted by Pro-Vision Educational Services.

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.

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

Section 1.6. Annual Certification of Provision of Materials. Before the beginning of each school year, the Superintendent, or Superintendent's designee, shall certify to the SBOE and the commissioner of education that Pro-Vision Educational Services, 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 2. Handling and Requisition**

Section 2.1. Instructional Materials Coordinator. The Board delegates to Principal 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, Pro-Vision Educational Services 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 NAME OF CHARTER SCHOOL's files.

## **SECTION 3. 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. Pro-Vision Educational Services shall allow the student to use instructional materials and technological equipment during each school day.
- c. At the discretion of the Superintendent, or Superintendent's designee, Pro-Vision Educational Services 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 Superintendent, or Superintendent'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 Pro-Vision Educational Services 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 4. DISPOSAL PROCEDURES**

The Superintendent shall recommend procedures to the Board for how Pro-Vision Educational Services will dispose of discontinued printed instructional materials, electronic instructional materials, and technological equipment.



# TCSA Model Board Policy Series

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300.120. Grievance Process  
*for Pro-Vision Educational Services*

## INTRODUCTION

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**300.120. GRIEVANCE PROCESS**

The governing body (“Board”) of Pro-Vision Educational Services adopts the following policy which shall be effective on the date that the policy is adopted by the Board. This policy governs student and parent complaints, employee grievances, and citizen complaints.

For purposes of this policy, “days” means school calendar days.

With the exception of a complaint against a Superintendent, each complaint must initially be brought at the lowest level of review, at the Campus Principal Review level.

The Board encourages all complaints to be resolved at the lowest level possible.

**SECTION 1. Campus Principal Review of Complaint**

Where a(n) Pro-Vision Educational Services employee, student, guardian of a student, or a member of the public has a complaint or concern regarding Pro-Vision Educational Services, the individual shall first bring their complaint or concern in writing to the appropriate campus principal. The complaint must be brought within 15 school days of the date that the complainant knew or should have known of the alleged harm. The complaint must be specific, and where possible suggest a resolution. The principal must hear the complainant, attempt to remedy the complaint in the best interest of the affected parties, and document the outcome. The principal must respond to the complainant and issue a final decision in writing within 10 days of the principal’s receipt of the complaint.

**SECTION 2. Superintendent Review of Complaint**

If the individual bringing the complaint is not satisfied with the campus principal’s final decision, then the individual may file a written appeal to the Superintendent of Pro-Vision Educational Services. This written appeal shall be filed with the Superintendent’s office within 10 days of the individual’s receipt of the campus principal’s final decision. The complaint shall include a copy of the written complaint to the campus principal along with a copy of the campus principal’s final decision. A copy of the appeal shall also be delivered to the campus principal.

The appeal must be specific, and where possible suggest a resolution. The complaint shall not include any new issues or complaints unrelated in the original complaint expressed to the campus principal.

The Superintendent, or the Superintendent’s designee, shall respond to the complaint and issue a final decision in writing within 15 days of receipt of the written appeal.

**SECTION 3. Board of Directors Review of Complaint**

If the individual bringing the complaint is not satisfied with the Superintendent’s final decision, then the individual may appeal their complaint in writing to Pro-Vision Educational Services Board of Directors within 10 days of receiving the Superintendent’s final decision. The complaint shall be directed to the President of the Board, and shall include a copy of the written complaint to the Superintendent along with a copy of the Superintendent’s final decision. A copy of this appeal shall also be delivered to the Human Resource Coordinator.

The President of the Board, at the next regular meeting of the Board, shall provide a copy of the complaint record to all board members. The Board's decision shall be decided on a review of the record developed at the Superintendent's level. Any action of the Board of Directors regarding the complaint shall be taken in compliance with the Texas Open Meeting Act.

A complaint against a Superintendent shall begin at this level of review and shall follow the complaint process in accordance with this policy section and the Texas Open Meetings Act.

The failure of the Board to act on a complaint has the effect of upholding the Superintendent's decision.



# TCSA Model Board Policy Series

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300.140. Media Relations  
*for Pro-Vision Educational Services*

## 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.

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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

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For questions concerning the Model Board Policies for Charter Schools contact:

Lindsey Gordon, Texas Charter Schools Association  
lgordon@txcharterschools.org  
512.584.8272

### **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:

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Module 100: Financial Operations

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Module 200: Charter School Governance & Organization

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Module 400: Students

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Module 500: Open Government

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Module 600: Human Resources

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### **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

**300.140. MEDIA RELATIONS**

The governing body (“Board”) of Pro-Vision Educational Services 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 Pro-Vision Educational Services to be prepared to cooperate with media representatives and gain favorable media coverage.

**SECTION 1. COMPLIANCE**

Pro-Vision Educational Services shall comply with all laws and rules governing media relations.

**SECTION 2. Designation of Spokespersons for Pro-Vision Educational Services**

The Superintendent, or the Superintendent’s designee, will serve as the primary spokesperson with the media for Pro-Vision Educational Services on all matters of school interest, except that the President, or the President’s designee of the Board shall serve as the spokesperson for matters specifically involving the Board of Pro-Vision Educational Services.

**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 Superintendent, or the Superintendent’s designee. Whenever possible, the Superintendent or the Superintendent’s designee shall contact the school Principal before a media visit.



# TCSA Model Board Policy Series

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300.160. Asbestos Hazard Emergency Response Act  
*for Pro-Vision Educational Services*

## INTRODUCTION

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### Overall Policy Framework

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lgordon@txcharterschools.org  
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Atty. Gen. Op.

Attorney General Opinion

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C.F.R

Code of Federal Regulations

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Tex. Gov't Code

Texas Government Code

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Tex. Labor Code

Texas Labor Code

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Tex. Loc. Gov't Code

Texas Local Government Code

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U.S.C.A

United States Code Annotated

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**300.160. ASBESTOS HAZARD EMERGENCY RESPONSE ACT**

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

**SECTION 1. Compliance**

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

**SECTION 2. Annual Notice**

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

## MODEL 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, Pro-Vision Educational Services hereby notifies all parties of the availability of the Asbestos Management Plan for Pro-Vision Educational Services.

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 Pro-Vision Educational Services administrative building. If any interested parties would like to view the plan, contact the principal, assistant principal, or Pro-Vision Educational Services 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 Pro-Vision Educational Services 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.



# TCSA Model Board Policy Series

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300.180. Municipal Ordinances  
*for Pro-Vision Educational Services*

## 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.

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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.

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lgordon@txcharterschools.org  
512.584.8272

### **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:

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Module 100: Financial Operations

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Module 200: Charter School Governance & Organization

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Module 600: Human Resources

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Atty. Gen. Op.

Attorney General Opinion

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C.F.R

Code of Federal Regulations

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Tex. Admin. Code

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Tex. Labor Code

Texas Labor Code

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Tex. Loc. Gov't Code

Texas Local Government Code

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U.S.C.A

United States Code Annotated

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**300.180. MUNICIPAL ORDINANCES**

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

**SECTION 1. Compliance**

Pro-Vision Educational Services shall comply with all applicable municipal ordinances.

Pro-Vision Educational Services designates the Superintendent or the Superintendent’s designee, as the individual who will ensure such compliance.



# TCSA Model Board Policy Series

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300.200. Management Companies  
*for Pro-Vision Educational Services*

## 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

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### **Module 300: General School Operations**

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Tex. Labor Code	Texas Labor Code
Tex. Loc. Gov't Code	Texas Local Government Code
U.S.C.A	United States Code Annotated

**300.200. MANAGEMENT COMPANIES**

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

**SECTION 1. Delegation**

Pursuant to a delegation amendment approved by TEA, Pro-Vision Educational Services does not have not entered into management services contract.



# TCSA Model Board Policy Series

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300.220. Immunities & Waiver (Risk Management Policy)  
*for Pro-Vision Educational Services*

## INTRODUCTION

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### Overall Policy Framework

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lgordon@txcharterschools.org  
512.584.8272

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U.S.C.A	United States Code Annotated

**300.220. RISK MANAGEMENT POLICY**

Pro-Vision Educational Services strives to ensure that risks to Pro-Vision Educational Services are identified, analyzed, and managed so that they are maintained at acceptable levels. Pro-Vision Educational Services employees are responsible for ensuring Pro-Vision Educational Services programs, activities, and policies are conducted in a manner that considers the risk of loss or injury.

**SECTION 1. Risk Management Officer**

The Superintendent 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 Pro-Vision Educational Services.
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 Superintendent, who will present those recommendations to the Board.

**SECTION 2. General Liability Insurance**

Pro-Vision Educational Services 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 Pro-Vision Educational Services for acts or omissions committed by them in the good faith discharge of their official Pro-Vision Educational Services 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 Pro-Vision Educational Services 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.



# TCSA Model Board Policy Series

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400.020. Admissions & Enrollment

*Charter Board Policy for Pro-Vision Educational Services*

## INTRODUCTION

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### Overall Policy Framework

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For questions concerning the Model Board Policies for Charter Schools contact:

Christine Nishimura, Texas Charter Schools Association\_  
[cnishimura@txcharterschools.org](mailto:cnishimura@txcharterschools.org)  
512.584.8272

**Module 400: Students**

The Students Module 400, is the fourth module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to charter schools, as well as specific model board policies designed to comply with these legal requirements. Other policy modules in the series include:

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Module 100: Financial Operations

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Module 200: Charter School Governance & Organization

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Module 300: General School Operations

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Module 500: Open Government

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Module 600: Human Resources

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## 400.020. ADMISSIONS & ENROLLMENT

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

### SECTION 1. Admissions

Section 1.1. Non-Discrimination Policy. Pro-Vision Educational Services admissions and enrollment shall be free from discrimination based on race, color, or national origin; sex, gender, or gender identity; disability, or relationship or association with an individual with a disability; religion; academic, artistic, or athletic ability; or the district the child would otherwise attend under state law.

Section 1.2. Admission Application Deadline. Pro-Vision Educational Services admission application period is conducted during the current school year.

Section 1.3. Non-resident Transfer Students. Students who reside outside Pro-Vision Educational Services approved, geographic boundaries may be admitted once all eligible, resident students who submitted a timely application are enrolled.

Section 1.4. Exclusion from Admission. Pro-Vision Educational Services’ reserves the right to exclude from admission a student who has a documented history of a criminal offense, a juvenile court adjudication, or discipline problems under the Education Code, Chapter 37, Subchapter A.

### SECTION 2. Enrollment

Section 2.1. Eligibility. The Superintendent, or Superintendent’s designee, shall establish procedures that ensure that appropriate measures are taken to verify, on enrollment, that a student is entitled to enroll in Pro-Vision Educational Services’. Areas to be verified include, but are not limited to, a student’s residency and grade level.

Section 2.2. Enrollment Documentation. Upon a student’s enrollment, the Superintendent, or Superintendent’s designee, shall ensure that a bona fide effort is made to secure all records and required documentation pertaining to the student.

Section 2.3. Residency Qualifying for Enrollment. The Superintendent, or Superintendent’s designee shall ensure upon enrollment that:

- the student and either parent reside within the geographic boundary stated in the t charter;
- the student does not reside within the geographic boundary stated in the charter but has a parent who does and that parent is a joint or the sole managing conservator or possessory conservator of the student;
- the student and the student’s guardian or other person having lawful control of the person under a court order reside within the geographic boundary stated in the charter;
- the student has established a separate residence under the TEC, [§25.001\(d\)](#), the

- person's presence within the boundary is not for the primary purpose of participation in extracurricular activities, and the person has not engaged in conduct for which exclusion permitted and deemed warranted by the Superintendent, or Superintendent's designee;
- the student is homeless, regardless of the residence of the student, of either parent, or of the person's guardian or other person having lawful control of the person;
  - the student is a foreign exchange student placed with a family that resides within the geographic boundary stated in the charter by a nationally recognized foreign exchange program<sup>1</sup>;
  - the student resides at a residential facility that is located within the geographic boundary stated in the charter;
  - the student resides within the geographic boundary stated in the charter and either is 18 years old or older or has had the disabilities of minority removed;
  - the student does not reside within the geographic boundary stated in the charter but has a grandparent who does and who provides a substantial amount of after-school care for the student; or
  - the student is placed in foster care by an agency of the state or a political subdivision, and person's foster parents reside within the geographic boundary stated in the charter.

Section 2.4. Establishing Residency. The Superintendent, or Superintendent's designee may make reasonable inquiries to determine whether a student qualifies as a resident for purposes of enrollment. The Superintendent, or Superintendent's designee may request utility bill, receipts, lease information and other items verifying that the applicable residence is within the boundary stated in the charter.

### **SECTION 3. State Conservatorship Liaison**

Principal or Principal's Designee is appointed the liaison with the Department of Family and Protective Services to facilitate the enrollment in the school, or the transfer to another public school, of a child who is in the conservatorship of the state. The Principal or Principal's Designee shall cause for his or her name and contact information to be submitted to the Texas Education Agency in the time and manner and time required by agency rules.

Section 3.1. Continued Enrollment of Student in Conservatorship of State. A student who is placed in the conservatorship of the Department of Family and Protective Services and at a residence outside the geographic boundary served by shall be entitled to continue to attend Pro-Vision Educational Services.

### **SECTION 4. Equal Educational Opportunity**

The governing body ("Board") of Pro-Vision Educational Services adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

Section 4.1. Policy of Equal Opportunity. No person shall be excluded from participation in, denied the benefits of, or subjected to discrimination, harassment or retaliation in any Pro-

<sup>1</sup> Unless the governing board has applied for and been granted a waiver by the commissioner under the TEC, §25.001(e).

Vision Educational Services program on the basis of age; race, color, or national origin; sex, gender, or gender identity; or disability, or relationship or association with an individual with a disability; or any other basis protected by law.

Section 4.2. Discrimination Prohibited. Each employee, officer and Board member of Pro-Vision Educational Services shall comply with the Age Discrimination Act of 1975, 42 U.S.C. 6101 et seq. (“Age Act”); title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq. (“Title VI”); title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq. (Title IX”); section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (“Section 504”); and part B of the Individuals with Disabilities Education Act, 20 U.S.C. 1411 et seq. (“IDEA”).

Section 4.3. Special Education and Section 504. Pro-Vision Educational Services shall not deny services to any individual eligible to participate in a special education or Section 504 program as provided by IDEA or Section 504. Pro-Vision Educational Services shall provide individuals with disabilities special education or Section 504 services as authorized by law.

Section 4.4. Dissemination of Policy. Pro-Vision Educational Services shall require the Superintendent to take specific and continuing steps to notify applicants for admission, students and parents, sources of referral of applicants for admission, and all professional organizations holding professional agreements with Pro-Vision Educational Services that it does not discriminate and that it is required by the Age Act, Title IX, IDEA and Section 504 not to discriminate in such manner. Such notification shall contain such information as required by federal regulations implementing these laws.

- a. Pro-Vision Educational Services shall require the Superintendent to prominently include a statement of the policy in each announcement, bulletin, catalog, or application form which made available to any person in connection with the recruitment of students.
- b. Pro-Vision Educational Services shall require the Superintendent to distribute without discrimination each publication described in Section 4.4(a), and shall apprise each of its admission and recruitment representatives of the policy of nondiscrimination described in paragraph 4.1 of this section, and require such representatives to adhere to such policy.

Section 4.5. Coordinator. Pro-Vision Educational Services has designated a Title IX coordinator for students to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended. Contact information for the Title IX coordinator can be found in Pro-Vision Educational Services’ Student Handbook.

This coordinator shall also be responsible for coordinating efforts to comply with the ADA, Section 504, the Age Act, and this school’s anti-discrimination and anti-bullying policy.

- a. This coordinator, and any other counselors or staff who are responsible for receiving and responding to complaints of sexual violence, including investigators and hearing board members, will receive appropriate training about working with LGBT and gender nonconforming students and same-sex sexual violence

#### Section 4.6. Investigation of Complaints:

- a. Complaints. The Title IX Coordinator is responsible for the investigation of discrimination complaints filed by students or others. Complaints regarding any type of alleged discrimination shall be made in accordance with Pro-Vision Educational Services' complaint policy in Section 300.120.
- b. Investigation and Discipline. Any allegation of discrimination, harassment or retaliation of students in violation of the Age Act, Title VI, Title IX, Section 504 or IDEA by an employee, another student, or a third party shall be investigated and addressed. Acts of discrimination, bullying, harassment or retaliation may result in disciplinary action up to and including expulsion, termination or similar action.
- c. Conduct. For more information regarding prohibited behavior, see Pro-Vision Educational Services' Student Code of Conduct.

### **SECTION 5. Sex Discrimination in Education Programs**

The governing body ("Board") of Pro-Vision Educational Services, Inc. DBA Pro-Vision Educational Services adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

It is the policy of Pro-Vision Educational Services that all students are treated equally. Pro-Vision Educational Services does not discriminate in its admission decisions on the basis of age; race, color, or national origin; sex, gender, or gender identity; or disability, or relationship or association with an individual with a disability; or any other basis protected by law in the educational program or activity which it operates.

#### Section 5.1 Dissemination of Nondiscrimination Policy

Pro-Vision Educational Services will include the following nondiscrimination policy on the school's webpage; all application and recruitment materials, including newspaper ads and flyers; and in the student, and parent handbooks:

- a. Nondiscrimination Policy: Pro-Vision Educational Services does not discriminate in its admission decisions on the basis of age; race, color, or national origin; sex, gender, or gender identity; or disability, or relationship or association with an individual with a disability; or any other basis protected by law in the educational program or activity which it operates. Pro-Vision Educational Services' Title IX Coordinator can be contacted at Pro-Vision Educational Services by phone 713.748.0030.

#### Section 5.2. Recruitment Training

All members of Pro-Vision Educational Services recruitment team, hiring staff, and Principal will be trained on the nondiscrimination policy.

Section 5.3. No Separate Education Programs. Except as expressly provided below, Pro-Vision Educational Services does not provide any course or otherwise carry out any of its educational programs or activities separately on the basis of sex, or require or refuse

participation therein on the basis of sex, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses.

Section 5.4. Single-Sex Classes and Extracurricular Activities. Pro-Vision Educational Services does not, on the basis of sex, exclude any student from admission to a school or program unless it otherwise makes available to the student, pursuant to the same policies and criteria of admission, comparable courses, services, and facilities.

Section 5.5. Specific Circumstances.

- a. Pro-Vision Educational Services will treat all students equally in all areas of education programming, including students that do not conform to stereotypes, treating transgender students consistent with their gender identity in all aspects of the student's education, not considering marital or pregnancy status of a student, as required by Title IX.
- b. Gender Specific Programs and Classes. Pro-Vision Educational Services may separate students by sex or gender for portions of classes that deal exclusively with human sexuality.



# TCSA Model Board Policy Series

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400.030. Student Transportation

*Charter Board Policy for Pro-Vision Educational Services*

## INTRODUCTION

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### Overall Policy Framework

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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.

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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

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For questions concerning the Model Board Policies for Charter Schools contact:

Christine Nishimura, Texas Charter Schools Association\_  
[cnishimura@txcharterschools.org](mailto:cnishimura@txcharterschools.org)  
512.584.8272

**Module 400: Students**

The Students Module 400, is the fourth module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to charter schools, as well as specific model board policies designed to comply with these legal requirements. Other policy modules in the series include:

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Module 100: Financial Operations

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Module 200: Charter School Governance & Organization

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Module 300: General School Operations

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Module 500: Open Government

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Module 600: Human Resources

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

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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

#### **400.030 Student Transportation**

The governing body (“Board”) of Pro-Vision Educational Services adopts the following policy which shall be effective on the date approved by the Board.

##### **Section 1. Transportation to and from School**

It is the policy of Pro-Vision Educational Services to provide direct transportation services to and from school for all students (students who live two or more miles from the campus at which they are enrolled). It is the responsibility of the Superintendent or designee to seek reimbursement from the State of Texas for the provision of direct transportation services.

##### **Section 2. Transportation of Homeless Students and Students Receiving Special Education Services**

Pro-Vision Educational Services shall provide appropriate transportation services to any eligible homeless student and to any student with a disability whose ARD committee determines that the student needs transportation as a related service.

##### **Section 3. Transportation of Students in Foster Care.**

Pro-Vision Educational Services’ State Conservatorship Liaison or Foster Care Liaison will be the point of contact to arrange and implement an individual transportation plan for a student placed in Conservatorship of the Department of Family and Protective Services.

If DFPS determines the student’s school of origin is in the best interest, the State Conservatorship Liaison or Foster Care Liaison of Pro-Vision Educational Services will collaborate with DFPS staff and caregiver to determine how transportation will be arranged and provided. The State Conservatorship Liaison or Foster Care Liaison will create a communication plan between Pro-Vision Educational Services and DFPS to develop an individual transportation plan. Student’s safety will be the first priority in determining appropriate transportation, followed by cost effectiveness, reliability, and time and distance of commute. The following transportation options will be considered to provide transportation to the school of origin, school bus stop, or public transportation route:

- Arrange transportation by the foster parent or caregiver;
- Arrange transportation by a relative or adult approved by DFPS;
- Use existing transportation options, such as special education or homeless student transportation routes and services;
- Coordinate with the district the student is located in to provide transportation to a bus stop or district boundary;
- Determine whether a student needs transportation as part of an IEP;
- Contracting with a transportation service; or
- Arrange public transportation with a pass or voucher.

Pro-Vision Educational Services will also work with DFPS to determine how transportation will be funded. The State Conservatorship Liaison or Foster Care Liaison will work with the Assistant Principal or Designee to calculate the cost of transportation. To offset the cost of transportation, Pro-Vision Educational Services will consider the following funding options:

- Cost sharing agreement between DFPS and Pro-Vision Educational Services;
- Offset of costs by DFPS;

- Cost sharing between Pro-Vision Educational Services and local school district student is living;
- Use of Title I funds;
- Use of Medicaid reimbursement if an IEP provides transportation;
- Available grant funds;
- Other:



# TCSA Model Board Policy Series

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400.040. Tuition, Attendance & Fees

*Charter Board Policy for Pro-Vision Educational Services*

## INTRODUCTION

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For questions concerning the Model Board Policies for Charter Schools contact:

Lindsey Gordon, Texas Charter Schools Association  
lgordon@txcharterschools.org  
512.584.8272

### **Module 400: Students**

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**400.040. ATTENDANCE**

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

**Section 1. Compliance**

The Compliance Manager or designee shall ensure Pro-Vision Educational Services’ student attendance accounting system is in compliance with all laws, regulations, and Texas Education Agency rules governing attendance. The Compliance Manager, or designee, shall ensure that attendance policies are distributed to staff, students, and parents/guardians.

**Section 2. Documented Absences**

Section 2.1. Leaving Campus During School Hours. A student younger than 18 years old must have prior, written parent or guardian approval, before that student may leave the school campus during school hours.

Section 2.2. Absences. A student absent from school for any portion of the day, upon his or her return, must provide a written note to the school that explains the absence. The note must either be signed by a parent, guardian, or the student if the student is 18 years old or emancipated.

Section 2.3. Absences for College Visits. Students may be excused up to two absences in their junior year and two absences in their senior year when visiting an accredited institution of higher education for the purpose of determining their interest in attending that institution. Upon return to school, a student shall provide a note similar to the note provided in Section 2.2 of this policy, along with documentation indicating that the student indeed visited the institution.

**Section 3. Warning Notice**

The Compliance Manager, or designee, shall ensure that at the beginning of each school year the parents of students of Pro-Vision Educational Services receive notice that they are subject to prosecution and the student is subject to referral to truancy court for violation of attendance laws.

**Section 4. School Attendance Officer**

Pro-Vision Educational Services shall have a school attendance officer (SAO). The Compliance Manager, or designee, shall determine the duties and responsibilities of the SAO, all of which should be in line with the maintenance of student attendance.



# TCSA Model Board Policy Series

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400.050. Parent and Community Involvement

*Charter Board Policy for Pro-Vision Educational Services*

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## **400.050 Parent and Community Involvement**

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

### **Section 1. Parental Involvement**

#### **DISTRICT WIDE PARENTAL INVOLVEMENT POLICY**

*LEAs, in consultation with parents, may use the sample template below as a framework for the information to be included in their parental involvement policy. LEAs are not required to follow this sample template or framework, but if they establish the district’s expectations for parental involvement and include all of the components listed under “Description of How District Will Implement Required District wide Parental Involvement Policy Components” below, they will have incorporated the information that Title I, Part A requires be in the LEA’s wide parental involvement policy. LEAs, in consultation with parents, are encouraged to include other relevant and agreed upon activities and actions as well that will support effective parental involvement and strengthen student academic achievement.*

#### **PART I. GENERAL EXPECTATIONS**

[NOTE: Each LEA in its District-wide Parental Involvement Policy must establish the LEA’s expectations for parental involvement. [Section 1118(a)(2), ESEA.]

Pro-Vision Educational Services agrees to implement the following statutory requirements:

- **Pro-Vision Educational Services** will put into operation programs, activities and procedures for the involvement of parents in all of its schools with Title I, Part A programs, consistent with section 1118 of the Elementary and Secondary

Education Act (ESEA). Those programs, activities and procedures will be planned and operated with meaningful consultation with parents of participating children.

- Consistent with section 1118, Pro-Vision Educational Services will work with its schools to ensure that the required school-level parental involvement policies meet the requirements of section 1118(b) of the ESEA, and each include, as a component, a school-parent compact consistent with section 1118(d) of the ESEA.
- 
- Pro-Vision Educational Services will incorporate this district wide parental involvement policy into its LEA plan developed under section 1112 of the ESEA.
- In carrying out the Title I, Part A parental involvement requirements, to the extent practicable, Pro-Vision Educational Services and its schools will provide full opportunities for the participation of parents with limited English proficiency, parents with disabilities, and parents of migratory children, including providing information and school reports required under section 1111 of the ESEA in an understandable and uniform format and, including alternative formats upon request, and, to the extent practicable, in a language parents understand.
- If the Pro-Vision Educational Services plan for Title I, Part A, developed under section 1112 of the ESEA, is not satisfactory to the parents of participating children, Pro-Vision Educational Services will submit any parent comments with the plan when Pro-Vision Educational Services submits the plan to the Texas Education Agency.
- Pro-Vision Educational Services will involve the parents of children served in Title I, Part A schools in decisions about how the 1 percent of Title I, Part A funds reserved for parental involvement is spent, and will ensure that not less than 95 percent of the one percent reserved goes directly to the schools.
- Pro-Vision Educational Services will be governed by the following statutory definition of parental involvement, and expects that its Title I schools will carry out programs, activities and procedures in accordance with this definition:

*Parental involvement means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring—*

- i. that parents play an integral role in assisting their child's learning;
- ii. that parents are encouraged to be actively involved in their child's education at school;
- iii. that parents are full partners in their child's education and are included, as appropriate, in decision-making and on advisory committees to assist in the education of their child;

- iv. the carrying out of other activities, such as those described in section 1118 of the ESEA.

- .

**PART II. DESCRIPTION OF HOW NAME OF CHARTER SCHOOL WILL IMPLEMENT REQUIRED DISTRICT WIDE PARENTAL INVOLVEMENT POLICY COMPONENTS**

1. Pro-Vision Educational Services will take the following actions to involve parents in the joint development of its district wide parental involvement plan under section 1112 of the ESEA:

Parent University which equates to a Parent Teacher Organization.

2. Pro-Vision Educational Services will take the following actions to involve parents in the process of school review and improvement under section 1116 of the ESEA:

Parental Education Seminars, Financial literacy, parental technology training, social injustice forums.

3. Pro-Vision Educational Services will provide the following necessary coordination, technical assistance, and other support to assist Title I, Part A schools in planning and implementing effective parental involvement activities to improve student academic achievement and school performance:

Parent surveys are distributed during the 1<sup>st</sup> and 2<sup>nd</sup> semesters to assist in the school improvement process.

4. Pro-Vision Educational Services will coordinate and integrate parental involvement strategies in Part A with parental involvement strategies under the following other programs: [Insert programs, such as: Head Start, Reading First, Early Reading First, Even Start, Parents As Teachers, Home Instruction Program for Preschool Youngsters, and State-operated preschool programs], by:

Not Applicable

5. Pro-Vision Educational Services will take the following actions to conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of this parental involvement policy in improving the quality of its Title I, Part A schools. The evaluation will include identifying barriers to greater participation by parents in parental involvement activities (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background). Pro-Vision Educational Services will use the findings of the evaluation about its parental involvement policy and activities to design strategies for more effective parental involvement, and to revise, if necessary (and with the involvement of parents) its parental involvement policies.

Parent surveys on academic and community improvement.

6. Pro-Vision Educational Services will build the schools' and parent's capacity for strong parental involvement, in order to ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community to improve student academic achievement, through the following activities specifically described below:
- a. Pro-Vision Educational Services will, with the assistance of its Title I, Part A schools, provide assistance to parents of children served by Pro-Vision Educational Services, as appropriate, in understanding topics such as the following, by undertaking the actions described in this paragraph:
- the State's academic content standards,
  - the State's student academic achievement standards,
  - the State and local academic assessments including alternate assessments,
  - the requirements of Part A,
  - how to monitor their child's progress, and
  - how to work with educators:

## Training Activities:

- Technology training,
  - restorative training,
  - anti-bullying ,
  - social and emotional as well as
  - Health and Wellness
- b. Pro-Vision Educational Services will, with the assistance of its schools, provide materials and training to help parents work with their children to improve their children’s academic achievement, such as literacy training, and using technology, as appropriate, to foster parental involvement, by:
- I.T. workshops  
Financial Literacy  
Restorative Practices
- c. Pro-Vision Educational Services will, with the assistance of its schools and parents, educate its teachers, pupil services personnel, principals and other staff, in how to reach out to, communicate with, and work with parents as equal partners, in the value and utility of contributions of parents, and in how to implement and coordinate parent programs and build ties between parents and schools, by:
- Academic Workshops  
Career Readiness
- d. Pro-Vision Educational Services will, to the extent feasible and appropriate, coordinate and integrate parental involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, Home Instruction Programs for Preschool Youngsters, the Parents as Teachers Program, and public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children, by:
- Parent University  
School Ambassadors
- e. Pro-Vision Educational Services will take the following actions to ensure that information related to the school and parent- programs, meetings, and other activities, is sent to the parents of participating children in an understandable

and uniform format, including alternative formats upon request, and, to the extent practicable, in a language the parents can understand:

Not Applicable

### **PART III. DISCRETIONARY DISTRICT WIDE PARENTAL INVOLVEMENT POLICY COMPONENTS**

- involving parents in the development of training for teachers, principals, and other educators to improve the effectiveness of that training;
- providing necessary literacy training for parents from Title I, Part A funds, if the school district has exhausted all other reasonably available sources of funding for that training;
- paying reasonable and necessary expenses associated with parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;
- training parents to enhance the involvement of other parents;
- in order to maximize parental involvement and participation in their children's education, arranging school meetings at a variety of times, or conducting in-home conferences between teachers or other educators, who work directly with participating children, with parents who are unable to attend those conferences at school;
- adopting and implementing model approaches to improving parental involvement;
- establishing a district wide parent advisory council to provide advice on all matters related to parental involvement in Title I, Part A programs;
- developing appropriate roles for community-based organizations and businesses, including faith-based organizations, in parental involvement activities; and
- providing other reasonable support for parental involvement activities under section 1118 as parents may request.]

### **PART IV. ADOPTION**

This District wide Parental Involvement Policy has been developed jointly with, and agreed on with, parents of children participating in Title I, Part A programs, as evidenced by Parent Compact which is located in the Student Code of Conduct.

This policy was adopted by Pro-Vision Educational Services on January 28, 2020 and will be in effect for the period of one year. Pro-Vision Educational Services will distribute this policy to all parents of participating Title I, Part A children on or before March 1<sup>st</sup>.

**Section 2. Telephone Communication**

As part of Pro-Vision Educational Services’ communication with parents, adult students, employees, and community members, Pro-Vision Educational Services may use an automated calling system such on the School Messenger to share important information. These calls may include information about upcoming events, attendance, or disciplinary responses. In regards to automated phone calls and text messages, Pro-Vision Educational Services shall comply with the Telephone Consumer Protection Act (“TCPA”).

Section 2.1. Written Consent. Written consent will be obtained before Pro-Vision Educational Services sends any automated phone calls or texts of a non-emergency manner. Written consent forms will include

- a. clear disclosure of what messages are permitted
- b. notification that participation is voluntary
- c. a signature of the person consenting

Section 2.2. Opt-out of Automated Calls. Consent for automated calls can be revoked in writing at any time. In order to revoke consent, parent, adult student, or employee must provide written notice to the school principal. Consent will automatically end one year after written consent is provided.

Section 2.3. Updating Contact Information. Pro-Vision Educational Services will send notice to parents, adult students, and employees at the beginning of the year and after the winter break to update contact information, including cell phone numbers. Parents are expected to update Pro-Vision Educational Services any time a cell phone number is changed or no longer used by the parent.

Section 2.4. Consent Form

Pro-Vision Educational Services uses an automated phone system to call and/or text parents/guardians/adult students/employees via home phones and/or cell phones to inform you of emergencies and general information, including:

- weather closures/delays
- unverified absences
- school events
- emergency, safety and security events and updates

Under Federal law, the school may not send automated messages for non-emergency purposes without prior consent.

Please complete this form to indicate your approval to receive non-emergency messages. This form is only for the 2019-2020 school year and will need to be completed every year.

\*\*\*\*\*

Student Name:

Parent/Guardian Name:

Preferred Contact Number: (    )

Landline or  Mobile/Cell

Secondary Contact Number: (    )

Landline or  Mobile/Cell

***If any of this contact information changes, please notify the school immediately***

\_\_\_\_\_ I give permission to send non-emergency messages to the phone numbers listed above via call or text by way of an automated system. I understand that I may opt out at any time by contacting the school in writing to have my number(s) removed. I am providing my current phone number(s) and will update the school if there are any changes.

\_\_\_\_\_ I do not give permission to send non-emergency messages to the phone numbers listed above.

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### **Section 3 Electronic Signatures**

Pro-Vision Educational Services may request a digital or electronic signature from a parent, guardian, or adult student. However, a parent, guardian, or adult student must have the option to provide a handwritten signature if preferred.



# TCSA Model Board Policy Series

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400.060. FERPA

*Charter Board Policy for Pro-Vision Educational Services*

## INTRODUCTION

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For questions concerning the Model Board Policies for Charter Schools contact:

Lindsey Gordon, Texas Charter Schools Association  
lgordon@txcharterschools.org  
512.584.8272

**Module 400: Students**

The Students Module 400, is the fourth module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to charter schools, as well as specific model board policies designed to comply with these legal requirements. Other policy modules in the series include:

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Tex. Loc. Gov't Code	Texas Local Government Code
U.S.C.A	United States Code Annotated

**400.060. FERPA**

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

**Section 1. Compliance**

In regards to student records, Pro-Vision Educational Services shall comply with the Family Educational Rights and Privacy Act (“FERPA”).

**Section 2. Custodian of Records**

The Registrar is designated the custodian of all student records. The Principal of each school is designated as an agent of the Executive Director for the purposes of the receipt of requests concerning the disclosure of student records.

**Section 3. Annual Notice**

The Registrar shall ensure that all parents of students currently in attendance and current students who have reached 18 years of age annually receive a notice of their rights under FERPA.

**Section 4. Directory Information**

Section 4.1. Definition. Directory information is the following: (1) student’s name, (2) address, (3) telephone number, (4) date and place of birth, (5) photograph, (6) electronic mail address, (7) participation in officially recognized activities and sports, (8) weight and height of members of athletic teams, (9) dates of attendance, (10) awards received, (11) the most recent school attended by the student, (12) grade level, (13) enrollment status, (14) and other similar information.

Section 4.2. Disclosure. Directory information will be released to the public at the discretion of Pro-Vision Educational Services, in compliance with FERPA, unless a parent or student over 17 years old objects to part or all of its release in writing within 10 school days after receiving the annual notice described in Section 3 of this policy. Written objections shall be collected and maintained by the principal.

TCSA's Model Notice based on the [U.S. Department of Education Model Notice](#)

### **NOTIFICATION OF RIGHTS UNDER FERPA FOR ELEMENTARY AND SECONDARY SCHOOLS**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. These rights are:

1. The right to inspect and review the student's education records within 45 days after the day the [Name of school ("School")] receives a request for access.

Parents or eligible students should submit to the school principal [or appropriate school official] a written request that identifies the records they wish to inspect. The school official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

2. The right to request the amendment of the student's education records that the parent, or eligible student, believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

Parents or eligible students who wish to ask the [School] to amend a record should write the school principal [or appropriate school official], clearly identify the part of the record they want changed, and specify why it should be changed. If the school decides not to amend the record as requested by the parent or eligible student, the school will notify the parent or eligible student of the decision and of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

3. The right to provide written consent before the school discloses personally identifiable information (PII) from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the school as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel) or a person serving on the school board. A school official also may include a volunteer or contractor outside of the school who performs an institutional service or function for which the school would otherwise use its own employees and who is under the direct control of the school with respect to the use and maintenance of PII from education records, such as an attorney, auditor, medical consultant, or therapist; a parent or student volunteering to serve on an official committee, such as a disciplinary or grievance committee; or a parent, student, or other volunteer assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

[Optional] Upon request, the school discloses education records without consent to officials of another school district in which a student seeks or intends to enroll, or is already enrolled if the disclosure is for purposes of the student's enrollment or transfer. [NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.]

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the [School] to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Family Policy Compliance Office

U.S. Department of Education

400 Maryland Avenue, SW

Washington, DC 20202

The following is directory information: (1) student's name, (2) address, (3) telephone number, (4) date and place of birth, (5) photograph, (6) electronic mail address, (7) participation in officially recognized activities and sports, (8) weight and height of members of athletic teams, (9) dates of attendance, (10) awards received, (11) the most recent school attended by the student, (12) grade level, (13) enrollment status, (14) and other similar information.

FERPA permits the disclosure of personally identifiable information (PII) from students' education records, without consent of the parent or eligible student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the parent or eligible student, §99.32 of the FERPA regulations requires the school to record the disclosure. Parents and eligible students have a right to inspect and review the record of disclosures. A school may disclose PII from the education records of a student without obtaining prior written consent of the parents or the eligible student –

- To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. This includes contractors, consultants, volunteers, or other parties to whom the school has outsourced institutional services or functions, provided that the conditions listed in §99.31(a)(1)(i)(B)(1) - (a)(1)(i)(B)(2) are met. (§99.31(a)(1))
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(a)(2))
- To authorized representatives of the U. S. Comptroller General, the U. S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities,

such as the State educational agency in the parent or eligible student's State (SEA). Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§99.31(a)(3) and 99.35)

- In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(a)(4))
- To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a State statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released, subject to §99.38. (§99.31(a)(5))
- To organizations conducting studies for, or on behalf of, the school, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§99.31(a)(6))
- To accrediting organizations to carry out their accrediting functions. (§99.31(a)(7))
- To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(a)(8))
- To comply with a judicial order or lawfully issued subpoena. (§99.31(a)(9))
- To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(a)(10))
- Information the school has designated as "directory information" under §99.37. (§99.31(a)(11))



# TCSA Model Board Policy Series

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400.070. Adoption of a Major Curriculum Initiative  
*Charter Board Policy for Pro-Vision Educational Services*

## INTRODUCTION

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**400.70 ADOPTION OF A MAJOR CURRICULUM INITIATIVE**

Before the adoption of a major curriculum initiative, including the use of a curriculum management system, the Board of Directors of Pro-Vision Educational Services shall, in accordance with the Texas Open Meetings Law, hold a meeting during which

1. Members of the public and employees of the school shall be given an opportunity to comment on the proposed initiative; and
2. Information regarding the initiative is presented to the Board of Directors, including the cost of the curriculum initiative and any alternatives that were considered.

Prior to the adoption of the curriculum initiative by the Board of Directors of Pro-Vision Educational Services, the Superintendent or Superintendent's designee, shall provide teachers and employees of the school an opportunity to express opinions regarding the initiative. Any opinions received by the Superintendent or Superintendent's designee shall be provided to the Board of Directors for their review and consideration.



# TCSA Model Board Policy Series

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400.080 Required Instruction and Graduation  
*Charter Board Policy for Pro-Vision Educational Services*

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## **400.080. REQUIRED INSTRUCTION AND GRADUATION**

The governing body (“Board”) of Pro-Vision Educational Services adopts the following policy, which shall be effective on the date that the policy is adopted by the Board.

### **Section 1. Compliance**

The Compliance Manager shall ensure that Pro-Vision Educational Services maintains compliance with all state laws and regulations governing curriculum and graduation requirements.

#### Section 1.2. Pledge of Allegiance.

The Principal, or designee, of each campus of Pro-Vision Educational Services shall ensure that Pro-Vision Educational Services maintains compliance with all state laws and regulations governing recitation of the Pledge of Allegiance to the United States and Texas flags and the regulations governing proper flag display in each classroom in which the pledges of allegiance are recited.

#### Section 1.3 Observance of Moment of Silence.

The Principal, or designee, of each campus of Pro-Vision Educational Services shall ensure that Pro-Vision Educational Services maintains compliance with state law governing the observance of one minute of silence following the recitation of the pledges of allegiance to the United States and Texas flags.

#### Section 1.4. Commemoration of the Events of September 11, 2001.

The Principal, or designee, of each campus of Pro-Vision Educational Services shall ensure that Pro-Vision Educational Services maintains compliance with state law governing the commemoration of the events of September 11, 2001.

#### Section 1.5. Instruction in Cardiopulmonary Resuscitation (CPR).

The Principal, or designee, of each campus of Pro-Vision Educational Services that serves grades 7 through 12 shall ensure that Pro-Vision Educational Services maintains compliance with the state law and regulations governing instruction in cardiopulmonary resuscitation (CPR) and that each student receives CPR instruction at least once prior to graduation.

### **Section 2. Graduation**

The Principal shall ensure that Pro-Vision Educational Services maintains compliance with all state laws and regulations governing graduation requirements.

#### Section 2.1 Endorsements.

Pro-Vision Educational Services shall offer the following endorsements:

1. [business and industry]
2. [arts and humanities]
3. [multidisciplinary students]

The Principal, or designee, of Pro-Vision Educational Services, shall implement procedures to ensure that each student of Pro-Vision Educational Services indicates in writing the endorsement the student intends to earn.

### Section 2.2 Distinguished Level of Achievement.

The Principal, or designee, of Pro-Vision Educational Services, shall ensure that Pro-Vision Educational Services offers the curriculum requirements for a student to earn a distinguished level of achievement.

### Section 2.3 Performance Acknowledgements.

The Principal, or designee, of Pro-Vision Educational Services, shall ensure that Pro-Vision Educational Services offers the requirements adopted by the SBOE for a student to earn a performance acknowledgment on his or her diploma.

### Section 2.4 High School Graduation Plan.

The Principal of each high school campus of Pro-Vision Educational Services shall designate a school counselor or school administrator responsible for developing and reviewing personal graduation plans with each 9th grade student and his or her parent or guardian in accordance with state law and regulations. The designee shall ensure that the student and the student's parent or guardian conform and sign the personal graduation plan.

The Principal of Pro-Vision Educational Services shall ensure that the information provided by the Texas Education Agency explaining the advantages of the distinguished level of achievement and each endorsement is posted on the school's website.

### Section 2.5 Individual Graduation Committee

The Principal, or designee, of Pro-Vision Educational Services shall establish an Individual Graduation Committee (IGC) for each student who has failed not more than two end-of-course (EOC) assessments, is in their 12<sup>th</sup> grade year, and has successfully completed at least the Foundation High School Program.

The IGC shall be composed of the following persons:

1. Principal or principal's designee,
2. The teacher of the course for each EOC the student failed;
3. The department chair or lead teacher supervising the teacher described above;
4. The student's parent or guardian; or
5. A designated advocate if the parent or guardian is unable to serve; or
6. The student (at the student's option) if the student is 18 years of age or is emancipated.

The Superintendent shall ensure that Pro-Vision Educational Services maintains compliance with all state laws and regulations governing graduation of a student by means of an individual graduation committee (IGC). The Executive Director shall implement procedures for the establishment of, and graduation determinations made by, an IGC. Such procedures shall include the following:

1. The process by which Pro-Vision Educational Services shall appoint a designated advocate if the parent or guardian of a student is unable to serve on the IGC;
2. The method by which Pro-Vision Educational Services shall provide notice to the parent

or guardian of the student or designated advocate, if applicable, of the time, place, and purpose of the IGC;

3. The method by which Pro-Vision Educational Services documents the student's satisfaction of the additional remediation requirements and demonstration of proficiency in the subject matter of the EOC exam failed by the student;
4. The academic criteria considered by the IGC to determine if a student is qualified to graduate;
5. The vote of the IGC on the graduation decision of an individual student; and
6. A timeline for the IGC's determination of the graduation decision.

In addition to criteria required by law to be considered by the IGC, the IGC shall also consider the following academic criteria to determine whether a student is qualified to graduate:

1. *Projects*
2. *Teacher Base Assignments*

### Section 2.6 Valedictorian and Salutatorian

The Valedictorian and the Salutatorian shall be the two graduating seniors with the highest ranks in the class. To be eligible, students shall have been enrolled in Pro-Vision Academy for **four** consecutive semesters and be **enrolled on the first day of their junior year.**"

## Section 3. End-of-Course Assessments

### Section 3.1. End-of-Course Exams.

Students shall take end-of-course (EOC) exams for secondary-level courses in Algebra I, Biology, English I, English II and United States History.

A student's performance on such assessments shall not be used in determining class ranking or to account for a percentage of the student's final grade for the course.

1. Pro-Vision Educational Services shall not administer more than two benchmark assessment instruments to prepare a student for an end-of-course exam.
2. The Principal, or designee, of each campus of , Pro-Vision Educational Services shall implement procedures to ensure that each teacher receives the results of the end-of-course exam administered to students taught by that teacher in the subject for which the exam is administered.
3. The Principal, or designee, of each campus of Pro-Vision Educational Services, shall ensure that each student who fails to perform satisfactorily on an end-of-course exam receives accelerated instruction in the applicable subject area.

### Section 3.2. Texas Success Initiative (TSI).

A student enrolled in a college preparatory Mathematics or English language arts course that satisfies the Texas Success Initiative (TSI) college readiness benchmarks is exempt from the Algebra I or English I and English II end-of-course exams, even if the student did not perform satisfactorily on a previous administration of the applicable end-of-course assessment instrument.

### Section 3.3. Retakes.

A student who fails to achieve the requisite score on an end of course exam may retake the

exam.

#### Section 3.4. Students with Disabilities.

The admission, review, and dismissal committee shall determine the type of assessment to be administered to a student receiving special education services. A parent or guardian of a student with special needs may request administration of additional benchmark assessments.

#### Section 3.4 Postsecondary Readiness Assessments.

Pro-Vision Educational Services shall administer postsecondary readiness assessments in Algebra II and English III for students enrolled in those courses. The results of such assessments shall not be used to determine the student's final course grade, class rank, or for any purpose other than as a measure of the student's readiness for post- secondary education.

### **Section 4. Preliminary College Preparation Assessment**

Pro-Vision Educational Services will administer a preliminary college preparation assessment to 8<sup>th</sup> and/or 10<sup>th</sup> grade students in the spring of each year. Results of the assessment will be used to determine student progress, strengths, and deficiencies.

### **Section 5. Local Graduation Requirements**

A student shall complete the following local requirements before graduating from Pro-Vision Educational Services. These requirements are additional to the graduation requirements in state law and rule: Not Applicable

### **Section 6. Notification Regarding Automatic College Admission and Financial Aid**

The Principal, or designee of Pro-Vision Educational Services, shall ensure that each high school campus operated by Pro-Vision Educational Services, posts signs in the counselor's office, in each principal's office and in each administrative building, the requirements for automatic admission to a Texas public college or university and the curriculum requirements for federal financial aid.

The Principal of each high school campus operated by Pro-Vision Educational Services, shall ensure that each student, at the time the student registers for one or more classes required for high school graduation, receives a notice regarding the requirements for automatic admission to a Texas public college or university and the curriculum requirements for federal financial aid, and shall ensure that the notice is signed by the student's counselor, the student and the student's parent or guardian.

### **Section 7. Vocational Aptitude Assessment**

Pro-Vision Educational Services will administer the Armed Services Vocational Aptitude Battery Test (ASVAB) to all 10<sup>th</sup> and 12<sup>th</sup> grade students. Notice will be sent to the student and the student's parents/guardians prior to the assessment. The notice to parents/guardians will include date, time and location of assessment.

### **Section 8. School Counselor**

The School Counselor, or designee of Pro-Vision Educational Services, shall ensure that each student enrolled at the high school level, beginning in the first year and each year enrolled at the high school level, receives the following information from a school counselor:

1. the importance of postsecondary education;
2. the advantages of earning an endorsement and a performance acknowledgment and completing the distinguished level of achievement under the foundation high school program under Texas Education Code Section 28.025;
3. the disadvantages of taking courses to prepare for a high school equivalency examination relative to the benefits of taking courses leading to a high school diploma;
4. financial aid eligibility;
5. instruction on how to apply for federal financial aid;
6. the center for financial aid information established under Texas Education Code Section 61.0776;
7. the automatic admission of certain students to general academic teaching institutions as provided by Texas Education Code Section 51.803;
8. the eligibility and academic performance requirements for the TEXAS Grant as provided by Subchapter M, Chapter 56 of the Texas Education Code;
9. the availability of programs in the district under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs; and
10. the availability of education and training vouchers and tuition and fee waivers to attend an institution of higher education as provided by Texas Education Code Section 54.366 for a student who is or was previously in the conservatorship of the Department of Family and Protective Services.



# TCSA Model Board Policy Series

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400.090. Bilingual Education - ESL

*Charter Board Policy for Pro-Vision Educational Services*

## INTRODUCTION

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For questions concerning the Model Board Policies for Charter Schools contact:

Lindsey Gordon, Texas Charter Schools Association  
lgordon@txcharterschools.org  
512.584.8272

**Module 400: Students**

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## BILINGUAL / ESL EDUCATION PROGRAM

### 400.90. Section 1. Program Principles

SECTION 1.1. Board Commitment. The Board of Pro-Vision Educational Services is committed to meeting the needs of non-English speaking students who are English Language Learners (ELL) or students of limited English proficiency (LEP) and to providing every ELL student with a full opportunity to participate in a bilingual education or English as a Second Language (ESL) program. Throughout this Policy ELL students and LEP students shall have the same meaning.

SECTION 1.2. Compliance with State and Federal Requirements. The Compliance, or designee, shall ensure that the bilingual and/or ESL programs of Pro-Vision Educational Services operate in compliance with federal and state law.

### Section 2. Program Responsibilities

The Principal will ensure that Pro-Vision Educational Services shall:

1. Identify ELL students based on criteria established by the state;
2. Provide bilingual education and/or ESL programs as integral parts of Pro-Vision Educational Services regular program;
3. Assess achievement for essential knowledge and skills in accordance with Education Code Chapter 39 to ensure accountability for ELL students.

### Section 3. Establishment of Language Proficiency Assessment Committee (LPAC)

Pro-Vision Educational Services shall establish and operate Language Proficiency Assessment Committee(s) in accordance with this policy and the LPAC procedures established by the Principal. It is the policy of Pro-Vision Educational Services to follow the LPAC Legal Framework developed by the Region 20 Education Service Center for Pro-Vision Educational Services LPAC procedures.

The Principal or designee shall ensure that a sufficient number of LPACs are established at The Pro-Vision Academy to discharge LPAC duties within 20 school days of enrollment of an ELL student. The Principal shall ensure that this policy and all LPAC procedures are on file in the records of Pro-Vision Educational Services.

Section 3.1 Selection of LPAC Members. The Principal shall establish procedures for the selection, appointment and training of members of the LPAC for the special language program(s) operated by Pro-Vision Educational Services. Selection of parent members of LPAC(s) shall be made after soliciting volunteers and upon the recommendation of professionals involved in the bilingual/ESL programs. No parent serving on the LPAC shall be an employee of Pro-Vision Educational Services. Professional staff members of the LPAC(s) shall be assigned those duties by the ED or designee in accordance with the LPAC procedures.

Section 3.2. General Responsibilities of LPAC. The Principal shall establish procedures governing Pro-Vision Educational Services LPAC for fulfilling LPAC responsibilities and duties. Pro-Vision Educational Services LPAC shall accomplish the following general responsibilities:

1. Review of all pertinent information on ELL students upon initial enrollment and at the end of the school year;
2. Make recommendations concerning the most appropriate placement for the advancement of an ELL student;
3. Review each ELL student's progress at the end of the school year in order to determine future appropriate placement;
4. Monitor the progress of former ELL students who have transferred out of the special language program and designate the most appropriate placement for such student;
5. Determine the appropriateness of a program that extends beyond the school year based on the needs of each ELL student.

#### **Section 4. Training**

Pro-Vision Educational Services shall provide orientation and training for all members of the LPAC, which shall include a discussion of the committee's duties and a thorough explanation and review of all laws and rules governing the confidentiality of information regarding individual students. In performing their duties, committee members shall be acting for Pro-Vision Educational Services and shall observe requirements regarding confidentiality of student records. The Principal or designee shall ensure that each LPAC member receives a Certificate of Training and that such certificates are retained on file by Pro-Vision Educational Services.

#### **Section 5. Home Language Survey**

SECTION 5.1 Administration of Survey. Pro-Vision Educational Services shall include a Home Language Survey as part of the student enrollment documentation to determine the language normally used in the home and the language normally used by the student. The home language survey shall be conducted in English and in the home language, and signed by the student's parents if the student is in pre-kindergarten through grade 8, or by the student if the student is in grades 9 through 12. The Principal or designee shall ensure that an original copy of the survey is retained in the student's permanent record.

SECTION 5.2 Language Classification. Pro-Vision Educational Services LPAC shall use the home language survey to establish the student's language classification for determining whether the school is required to provide a bilingual education or ESL program. If a student is identified through the home language survey as normally speaking a language other than English, the LPAC will ensure that the student is tested in accordance with 19 Administrative Code §89.1225 and additionally for students with disabilities, 19 Administrative Code §89.1230, within 20 school days of the student's enrollment in Pro-Vision Educational Services.

## Section 6. ELL Classification and Instructional Placement

SECTION 6.1. ELL Classification. Pro-Vision Educational Services LPAC may classify a student as an ELL student if:

1. The student's ability in English is so limited or the student's disabilities are so severe that assessment procedures cannot be administered;
2. The student's score or relative degree of achievement on the Texas Education Agency (TEA)-approved English proficiency test is below the levels established by TEA as indicative of reasonable proficiency;
3. The student's primary language proficiency score as measured by a TEA-approved test is greater than the student's proficiency in English; or
4. The LPAC determines, based on other information, including a teacher evaluation, parental viewpoint, or student interview, that the student's primary language proficiency is greater than the student's proficiency in English or that the student is not reasonably proficient in English.

SECTION 6.2 Report to Board. Within the first four weeks of the first day of school, the Pro-Vision Academy LPAC shall determine and report to the Pro-Vision Educational Services, Inc. Board of Directors the number of ELL students on each campus and shall classify each student according to the language in which the student possesses primary proficiency. The ED or designee shall report this information on behalf of the Board of Directors to TEA before November 1st of each year.

SECTION 6.3. Instructional Placement. Students shall be identified as ELL students and enrolled in the required bilingual or ESL program of Pro-Vision Educational Services within 20 days of their initial enrollment. Students enrolled in bilingual or ESL programs shall be placed in classes with other students of approximately the same age and level of education. The LPAC is responsible for ensuring that instruction given to each student is appropriate to the student's level of educational attainment.

Section 6.4 Program Evaluation. Pro-Vision Educational Services LPAC shall conduct periodic assessments of the special language programs of Pro-Vision Educational Services to determine program impact and student outcomes in all subject areas. The LPAC shall make annual reports of the educational performance of ELL students that shall be retained in the records of Pro-Vision Educational Services addressing:

1. the academic progress in either language of the ELL students and the extent to which they are becoming English proficient;
2. the number of students who have been exited from the bilingual education and ESL program; and
3. the number of teachers and aides trained in the frequency, scope, and results of the training.

## **Section 7. PARENTAL NOTICE AND CONSENT**

SECTION 7.1. Parental Notice. Within ten days of the LPAC's classification of a student as ELL, the LPAC shall provide written notice to the student's parent or legal guardian. The notice must be in English and in the parent's primary language. The notice shall inform the parents/legal guardian of the benefits of the program for which the student is recommended and that it is an integral part of the school program.

SECTION 7.2. Parental Consent Of Entry Or Placement. A student shall not be placed in the bilingual education or ESL program of Pro-Vision Educational Services without approval in writing by the student's parent or legal guardian. If the parent or guardian denies permission to enroll the student in the bilingual education or ESL program, the LPAC will ensure that a conference is held with an administrator, the parent or guardian, and another member of the LPAC. The conference will address, and strive to ensure that parents/guardians understand the purpose and content of the bilingual education or ESL program. If the parents/guardians continue to deny enrollment in the program, the Principal shall notify parents of a student's reclassification as English proficient and his or her exit from the bilingual or ESL program.

SECTION 7.2. Parental Request for Exit. The LPAC shall facilitate the exit of the student from bilingual education or an ESL program if the student's parent or guardian makes such request in writing.

SECTION 7.3. Parental Notice of Exit. Pro-Vision Educational Services LPAC is responsible for informing parents in writing when their student meets the exit criteria and exits from a bilingual education or ESL program. The notice shall be made in English and the home language of the student.

Section 7.4 Annual Progress Report. Pro-Vision Educational Services LPAC is responsible for providing parents with an annual report on the progress of their ELL child in the bilingual or ESL program. The report shall be made in English and the home language of the student.

## **Section 8. Documentation**

The LPAC shall be responsible for ensuring that the ELL student's permanent record contains documentation of all actions impacting the ELL student, including adequate records of the educational level and progress of each ELL student enrolled in Pro-Vision Educational Services.

## **Section 9. Personnel**

The Principal of Pro-Vision Educational Services will ensure that teachers assigned to bilingual education and ESL programs are appropriately certified in bilingual education or ESL, respectively.

## **Section 10. Bilingual/ESL Program**

Pro-Vision Educational Services shall offer a bilingual / ESL program if Pro-Vision Educational Services has an enrollment of 20 or more students classified as ELL students in any language classification in the same grade level. The Principal shall ensure that the bilingual /ESL program offered by Pro-Vision Educational Services complies with applicable regulations.

Section 10.1(a) Bilingual Education Program. Pro-Vision Educational Services shall offer a bilingual program for students in Grades K-6 and Grades 7-8 by offering dual language instruction using the Transitional bilingual/early exit.

[Section 10.1(b) ESL Program. Pro-Vision Educational Services shall offer an ESL program for students in Grades 9-12 using the ESL/content-based / ESL/pull-out program model.

Section 10.2 Summer Programs.

Pro-Vision Educational Services shall offer a voluntary summer school program for ELL students who will be eligible for admission to kindergarten or first grade at the beginning of the next school year. Enrollment of a child in the program is optional with the parent of the child. The program shall be an intensive bilingual education or special language program that meets the standards set by TEA, and the student/teacher ratio may not exceed 18:1.



# TCSA Model Board Policy Series

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400.100. Idea Policies & Procedures

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## 400.100. IDEA POLICIES & PROCEDURES

### Section 1. Legal Framework

It is the policy of Pro-Vision Educational Services to follow the Legal Framework for the child Centered Process developed through the Region 18 Education Service Center. Additional policies may be adopted by the governing board to evidence Pro-Vision Educational Services commitment to the framework and uploaded to Region 18's Legal Framework website.

### Section 2. Regular Education Teacher IEP Review Request

The Special Education Director, or the Special Education Director's designee, shall develop a process to be used by a teacher who instructs a student with a disability in a regular classroom setting: (1) to request a review of the student's individualized education program; (2) that provides for a timely response from Pro-Vision Educational Services to the teacher's request; and (3) that provides for notification to the student's parent or legal guardian of that response.

### Section 3. Special Education Video Surveillance

In an effort to promote student safety in certain self-contained classrooms and other special education settings, it is the policy of Pro-Vision Educational Services to install, maintain, and operate video equipment in the required classrooms upon request of a parent, staff member, or board of directors.

Section 3.1. Classrooms. Any self-contained classroom or other special education setting where the majority of the students spend more than 50 percent of their instructional time is eligible for the installation of video/audio surveillance equipment.

Section 3.2. Requesting Video/Audio Surveillance. A parent of a student in an eligible classroom, a teacher or paraprofessional in an eligible classroom, or an administrator at a campus with an eligible classroom, or the board of directors may request video/audio surveillance equipment be installed in an eligible classroom.

A parent, a staff member in a self-contained or special education classroom, or assistant principal must submit a written request for installation and operation of video/audio recording equipment in a specified self-contained or special education setting to the campus principal. A request submitted to the campus principal or a request by a campus principal must be submitted to the Technology Coordinator.

A parent of a student whose ARD committee determines that a student's placement the following year will be in an eligible classroom has until the later of the date on which the current school year ends, or the 10<sup>th</sup> school business day after the placement determination to request the installation of video equipment.

The board of directors may submit a written request for installation and operation of video/audio recording equipment in a specified self-contained or special education setting by submitting a written request to the designated Technology Coordinator.

All written requests must identify the self-contained or other special education setting where equipment is being requested. A request for installation and operation of video equipment will be valid until the end of the school year or if the request is withdrawn by the requestor.

Section 3.3. Responding to Requests. Upon receipt of the request, the designated central office administrator will determine if the classroom requested meets the definition of a self-contained classroom or other special education setting.

Pro-Vision Educational Services will provide the requestor with a written response within 7 business days after receipt of the request informing the requestor whether the request has been approved or denied.

The approval will identify the classroom that will receive equipment. The notice will indicate the deadline for the operation of the video/audio equipment.

A denial of the request will provide a reason for denial and provide the requestor with information on how to appeal this decision.

Section 3.4. Notification. After a request for video equipment installation is approved, the Special Education Director or Designee will provide written notice, at least 5 days prior to installation of video equipment, to the parents of all students receiving special education services in a self-contained or other special education setting that will receive video equipment.

Ten (10) days prior to the end of the school year, Pro-Vision Educational Services will provide notice to the parents of each student in the classroom or setting with a video camera that the video camera operation will not continue the next school year, unless a person makes a written request.

A notice will be placed outside of each classroom with video surveillance reading: "This classroom is subject to ongoing and continuous video and audio recording."

Section 3.5. Installation of Video. Upon approval of a written request for installation of video equipment, the video equipment will be purchased by Pro-Vision Educational Services.

Installation and operation will take place within 45 school days after the request has been approved. For a student whose ARD committee determines that a student's placement the following year will be in an eligible classroom and the parent requests a camera placed in the classroom by the last day of the school year or the 10<sup>th</sup> school business day after the placement determination, whichever is later, then the camera will be installed by the 10<sup>th</sup> school day after the fall semester begins or the 45<sup>th</sup> school day after the request is made, whichever is later.

Video equipment will cover all areas in the classroom, except the inside of bathrooms or

areas used for toileting or diapering a student, or removing or changing a student's clothes. Incidental recording of a small portion of a changing room or bathroom is permitted. Audio recordings will cover all areas in the classroom including the bathroom and changing area.

Following installation, Pro-Vision Educational Services will ensure the video equipment is properly operating, and then disable all live monitoring capabilities.

Section 3.6. Operation of Video Equipment and Maintaining Recordings. Video and audio equipment will operate at all times during the instructional day, during the regular school year and during extended school year (ESY) services. Recording will begin approximately 15 minutes before students arrive in the classroom, and end once all students are off campus.

Pro-Vision Educational Services will continue to operate the video equipment in a classroom for as long as the classroom or setting continues to meet the definition of self-contained classroom or other special education setting, or if the request for video equipment has been withdrawn. If a classroom no longer meets the definition, or the request is withdrawn, Pro-Vision Educational Services will send written notice to all parents of the students in that classroom that the video equipment will be discontinued 5 days prior to the discontinuing of the recording.

All recordings will be stored and kept for at least 3 months. If a person requests to see the video, the video will be kept until the person views the recording and a determination as to whether an incident occurred is made.

If an alleged incident is documented, the recording must be kept until the incident has been resolved, and the exhaustion of an appeal is complete.

Section 3.7. Reporting an Incident. A person can notify a campus administrator of an alleged incident by providing written notice to the campus administrator. All written notices must include:

- a. Date or timeframe of alleged incident
- b. Location of alleged incident
- c. Teacher, personnel, or alleged student involved
- d. Student name

The campus administrator will provide written notice of receipt of the report within 48 hours to the person reporting. The campus administrator will review the video and audio recording within 5 school days of receiving the report and determine if the incident occurred. During those 5 days, and during any subsequent investigation, the campus administrator will take any necessary measures to protect the student from possible harm. These steps may include:

- a. Changing classroom instructors or classroom assignment
- b. Provide counseling to student
- c. Add additional staff support to classroom

After reviewing the video recording, the campus administrator will provide written notice to the person reporting the incident of whether the alleged incident is recorded. Written notice

will be sent within 10 school days after receipt of report.

Written notice does not suffice to meet the required reporting of abuse or neglect by the campus administrator or other personnel who views the recording. Any alleged abuse or neglect must be reported to the Texas Department of Family and Protective services immediately, or not later than 48 hours of becoming aware of the incident.

If an alleged incident is recorded, the campus administrator shall notify Pro-Vision Educational Services' Special Education Director or Designee and a formal investigation in accordance with school policy will begin.

Section 3.8. Access and Review of Video. All recordings made under this section are confidential and are not subject to regular or continual monitoring. Only campus administrators will have access to the recordings, and will grant access as outlined in this section.

Recordings will not be used for teacher evaluations or monitoring. Recordings will only be used for the promotion of student safety.

Following the receipt of an incident report, filed in accordance with Section 3.7, only the following will have access to view the recordings:

- a. Campus administrator trained in de-escalation and restraint techniques;
- b. A peace officer;
- c. A school nurse;
- d. A human resources staff member assigned to investigate;
- e. An employee who is involved in an incident documented by the recording and who requested to view the recording;
- f. A parent/guardian of a student involved in an incident documented by the recording and who requested to view the recording;
- g. Texas Department of Family and Protective Services personnel as part of an investigation under Texas Family Code §261.406;
- h. Appropriate TEA or SBOE Certificate personnel or agents, as part of an investigation

This section does not limit a parent's rights under FERPA if a student is involved in a significant incident recorded by the video equipment. If Pro-Vision Educational Services receives a request to view a recording under FERPA, Pro-Vision Educational Services will provide notice to parents within 10 school days of whether the video is a student record defined by FERPA and will be available for viewing.

Section 3.9. Grievance Process. If a person believes that Pro-Vision Educational Services is not implementing TEC §29.022 or is in violation of TEC §29.022, the person may file a local grievance in accordance with Pro-Vision Educational Services' grievance policy. The grievance policy can be found ***Grievance Policy can be found in section 300.120.***

The board of directors, a parent, staff member, or administrator at Pro-Vision Educational

Services may appeal a decision made by Pro-Vision Educational Services through the Texas Education Agency (TEA) appeals process. Information regarding an appeal under Section 7.058 of the Texas Education Code can be found on the TEA website.

The board of directors, a parent, staff member, or administrator at Pro-Vision Educational Services may request an expedited review to the TEA if Pro-Vision Educational Services:

- a. denies a request for the installation of video/audio equipment;
- b. a request for an extension of time to begin operation; or
- c. a determination not to release the video recording to a person that requested it.

If the TEA determines that it is likely that Pro-Vision Educational Services will not prevail, Pro-Vision Educational Services will comply with the request, even if Pro-Vision Educational Services appeals the decision.

The special education dispute resolution procedures in 34 Code of Federal Regulations do not apply to complaints alleging Pro-Vision Educational Services is not in compliance with TEC §29.022.



# TCSA Model Board Policy Series

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400.110. Section 504 of the Rehabilitation Act of 1973

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## **400.110 SECTION 504**

### **Section 1. Policy of Nondiscrimination**

It is a policy of Pro-Vision Educational Services not to discriminate based on disability in its educational programs as required by Section 504 of the Rehabilitation Act of 1973 (Section 504).

### **Section 2. Section 504 Coordinator**

The following position is designated as Section 504 compliance coordinator:

Special Education Director  
 Pro-Vision Educational Services  
 4590 Wilmington Street, Houston, Texas 77051  
 713.748.0030

### **Section 3. Section 504 Committee**

The Section 504 committee shall be composed of at least two persons, including persons knowledgeable about the student, the meaning of the evaluation data, the placement options, and the legal requirements regarding least restrictive environment and comparable facilities for students with disabilities.

### **Section 4. Training**

The Section 504 coordinator and members of the Section 504 committee shall receive training in the procedures and requirements for identifying and providing educational and related services to those students who have disabilities but who are not in need of special education in accordance with IDEA.

### **Section 5. Notice of Nondiscrimination Policy**

SECTION 5.1. Notification of Nondiscrimination. Pro-Vision Educational Services shall take appropriate steps to notify the parents or guardian of students and students seeking enrollment, and employees of Pro-Vision Educational Services, including those with impaired vision or hearing, that it does not discriminate on the basis of disability.

SECTION 5.2. Contents of Notice. The notice shall state that the school does not discriminate in its educational programs and activities and the identity of the school's 504 coordinator.

SECTION 5.3. Methods of Notification. Methods of initial and continuing notification shall include:

1. Posting of notices;
2. Publication in newspapers and magazines;
3. Placing notices in school publications; and
4. Distributing memoranda or other written communications.

If the school publishes or uses recruitment materials containing general information that it makes available to applicants or employees, it shall include in those materials a statement of its nondiscrimination policy.

### **Section 6. Identification of Students with Disabilities under Section 504 (Child Find)**

SECTION 6.1. School Responsibility. Pro-Vision Educational Services will undertake to annually identify every student with a disability qualifying under Section 504 who is enrolled in the school or has contacted the school about enrollment. Identification will occur through routine and periodic screening as well as other means. The school will take appropriate steps to notify the parents or guardians of such students of the school's duty under Section 504.

SECTION 6.2. Referrals. A student may be referred by parents, teachers, counselors, administrators, or any other school employee for evaluation to determine if the student has disabilities and is in need of special instruction or services. In accordance with SECTION 10.1, parents shall be given written notice of the school's refusal to evaluate a student or to provide specific aids and services the parents have requested.

### **Section 7. Free and Appropriate Public Education**

SECTION 7.1. School Responsibility. Pro-Vision Educational Services shall provide a free appropriate public education to each student with a disability who enrolls in the school or program regardless of the nature or severity of the student's disability.

SECTION 7.2. Appropriate Education.

1. For the purpose of compliance with this policy, the provision of an appropriate education is the provision of regular or special education and related aids and services that are:
  - a. Designed to meet individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met; and
  - b. Based upon adherence to procedures that satisfy the requirements of Section 9.
2. Pro-Vision Educational Services may implement an Individualized Education Program or Individualized Section 504 Plan developed in accordance with Section 504 as a means of meeting the standard established in SECTION 7.2(a).
3. Pro-Vision Educational Services may place a student with a disability or refer such a student for aid, benefits, or services other than those that it operates or provides as its means of carrying out the requirements of Section 504.
4. The Special Education Director or designee shall facilitate accommodations for a Section 504 student taking the state-mandated assessments when the accommodations have been determined not to destroy the validity of the test, are necessary for the student to take the test, are consistent with modifications provided the student in the classroom, and are approved by TEA.

SECTION 7.3. Free Education. For the purpose of compliance with this policy, the provision of a free education means the provision of educational and related services without cost to the student with a disability or to his or her parents or guardian, except for those fees that are imposed on students without disabilities or their parents or guardians.

## **Section 8. Education Setting**

SECTION 8.1. Academic Setting. Pro-Vision Educational Services shall provide for the education of each enrolled disabled student, within the meaning Section 504, in the same setting with students who are not disabled to the maximum extent appropriate to the needs of the disabled student. A disabled student shall be placed in the regular educational environment operated by the school unless it is demonstrated by the school that the education of the student in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever the school places a student in a setting other than the regular educational environment pursuant to this paragraph, the Special Education Director or designee shall take into account the proximity of the alternate setting to the student's home.

SECTION 8.2. Nonacademic Settings. Pro-Vision Educational Services shall ensure that students with disabilities participate with students who are not disabled in nonacademic activities and services to the maximum extent appropriate to the needs of the handicapped person in question.

SECTION 8.3. Comparable Facilities. If Pro-Vision Educational Services, in compliance with SECTION 8.1, operates a facility that is identifiable as being for handicapped persons, the school shall ensure that the facility and the services and activities provided therein are comparable to the other facilities, services, and activities of the school.

## **Section 9. Evaluation and Placement**

SECTION 9.1. Preplacement Evaluation. Pro-Vision Educational Services shall conduct an evaluation in accordance with the requirements of SECTION 9.2 and SECTION 9.3 of any student who, because of disability, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the student in regular or special education and any subsequent significant change in placement.

SECTION 9.2. Parental Consent. In accordance with SECTION 10.1, the Section 504 Committee chairperson shall notify parents prior to any individual evaluation conducted to determine if their child has disabilities or to determine what educational or related services should be provided to the student. Parental consent shall be obtained before the initial student evaluation procedures for the identification, diagnosis, and prescription of specific education services.

SECTION 9.3. Evaluation Procedures. The Special Education Director or designee shall establish standards and procedures for the evaluation and placement of students who, because of disability need or are believed to need special education or related services that ensure that:

1. Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;

2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and
3. Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

SECTION 9.4. Placement Procedures. In interpreting evaluation data and in making placement decisions, the Section 504 Committee shall:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior;
2. Establish procedures to ensure that information obtained from all such sources is documented and carefully considered;
3. Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
4. Ensure that the placement decision is made in conformity with specifications for educational settings in Section 8.

SECTION 9.5. Reevaluation. The Special Education Director or designee shall establish procedures, in accordance with SECTION 9.3, for periodic reevaluation of students who have been provided special education and related services. Periodic reevaluation for a student eligible for services under Section 504 may be conducted in accordance with the IDEA regulations.

## **Section 10. Procedural Safeguards**

SECTION 10.1. Notification Requirements.

1. **Prior to Evaluation.** The Section 504 Committee chairperson shall notify parents in writing prior to any individual evaluation conducted to determine if their child has disabilities or to determine what educational or related services should be provided to the student.
2. **Determination of Eligibility/Ineligibility.** The Section 504 Committee chairperson shall notify parents in writing when a student has been determined to be eligible or ineligible for services under Section 504.
3. **Significant Change in Services.** The Section 504 Committee chairperson shall notify parents in writing prior to a significant change in a student's status or services.

4. Refusal of Parental Request. The Section 504 Committee chairperson shall notify parents in writing if the school has determined that it will not evaluate a student or to provide specific aids and services the parents have requested.
5. Right to Impartial Hearing. The Section 504 Committee chairperson shall notify in writing parents of all students with disabilities of their right to an impartial hearing under SECTION 10.3.

SECTION 10.2. Parental Review of Records. The Section 504 Coordinator or designee shall ensure that a parent or guardian is able to examine relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement upon request.

SECTION 10.3. Impartial Hearing.

1. Right to a Hearing. The Special Education Director or designee shall establish a process that ensures that a parent or guardian has the opportunity for an impartial hearing if they have a concern or complaint about the school's actions regarding the identification, evaluation, or educational placement of a student with disabilities.
2. Impartial Hearing Officer. The impartial hearing shall be conducted by a person who is knowledgeable about the issues involved in Section 504 and who is not employed by the school or related to a member of the Board in a degree that would be prohibited under state laws and rules relating to nepotism. The impartial hearing officer is not required to be an attorney.
3. Timeline. Pro-Vision Educational Services shall conduct hearings within twenty (20) instructional days after it receives the request, unless the hearing officer grants an extension, and at a time and place reasonably convenient to you.
4. Appeal. If a parent or guardian is dissatisfied with the outcome of the hearing and requests an appeal, the parent or guardian must specify the objections in writing and file them with the Special Education Director and the opposing party within twenty (20) instructional days of the date the hearing officer's decision is received. The Special Education Director shall appoint an independent appeals officer to conduct a review of the record as a whole. The officer may, at his/her election, conduct the review with or without oral argument. Such review shall be conducted within twenty (20) instructional days of the receipt of the petition to review, unless either party requests an extension of time.

SECTION 10.4. Complaint to Office of Civil Rights. Nothing in this policy shall be construed to deny the right of a parent or guardian to file a formal complaint with the Office of Civil Rights at the U.S. Department of Education.

## Section 11 Students with Diabetes

To meet the needs of students with diabetes, Pro-Vision Educational Services adopts the following policy.

Section 11.1. Diabetes Management and Treatment Plan (DMNT): If a student needs diabetic care while at school, Pro-Vision Educational Services must have a Diabetes Management and Treatment Plan (DMTP) on file at school. The DMTP must:

1. Identify the health-care services the student may receive at school;
2. Evaluate the student's ability to manage and level of understanding of the student's diabetes; and
3. Be signed by the parent or guardian and the physician. The parent or guardian must submit the DMTP to the school.

Once a DMTP is received by the school, Pro-Vision Educational Services must review and update the plan prior to the beginning of the school year, upon enrollment, or as soon as practicable following a diagnosis of diabetes for the student.

Section 11.2. Individual Health Plan (IHP): An individual health plan (IHP) for the student will be developed by Principal, or Principal designee, etc.)). The IHP must be developed in collaboration with the student's parent or guardian and, to the extent practicable, the physician responsible for the student's diabetes treatment and one or more of the student's teachers. A student's IHP will incorporate components of the student's DMTP.

In accordance with the student's IHP, student is permitted to attend to the management and care of the student's diabetes, which may include:

1. Performing blood glucose level checks;
2. Administering insulin through the insulin delivery system the student uses;
3. Treating hypoglycemia and hyperglycemia;
4. Possessing on the student's person at any time any supplies or equipment necessary to monitor and care for the student's diabetes; and
5. Otherwise attending to the management and care of the student's diabetes in the classroom, in any area of the school or school grounds, or at any school-related activity.

Section 11.3. Trained personnel: Pro-Vision Educational Services will ensure that a Special Education Director or designate appropriate personnel present and available to provide the required care to a student with diabetes during the regular school day.

Section 11.4. Placement: Pro-Vision Educational Services may not restrict the placement of a student with diabetes to a particular setting on the basis that the campus does not have the required personnel.

Section 11. 5. Extracurricular Activities: Students with diabetes may not be excluded from extracurricular activities or school programs because of their diagnosis. Additionally, a

student with diabetes may attend field trips and Pro-Vision Educational Services cannot require the student's parent to attend.

## Section 12 Website Accessibility

It is the policy of Pro-Vision Educational Services to provide access to all programs, benefits, and services to all members of the community.

Section 12.1. Website Guidelines: Pro-Vision Educational Services requires all website content to follow the Section 508 of the Rehabilitation Act guidelines, including but not limited to:

1. A text equivalent for every non-text element shall be provided (e.g., via "alt", "longdesc", or in element content)
2. Equivalent alternatives for any multimedia presentation shall be synchronized with the presentation.
3. Web pages shall be designed so that all information conveyed with color is also available without color, for example from context or markup.
4. Documents shall be organized so they are readable without requiring an associated style sheet.
5. A text-only page, with equivalent information or functionality, shall be provided to make a web site comply with the provisions of these standards, when compliance cannot be accomplished in any other way. The content of the text-only page shall be updated whenever the primary page changes.

Section 12.2. Assistance: If a member of the community is having difficulty accessing information on the website, inquiries and requests should go to Special Education Director. This information will also be posted on the homepage of Pro-Vision Educational Services' website or contact the school office.

Section 12.3. Annual Review: Pro-Vision Educational Services will complete a technology review each year using wave.webaim.org or similar program to ensure the school's website and internet programs are accessible and in compliance with Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act.



# TCSA Model Board Policy Series

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400.120. Health

*Charter Board Policy for Pro-Vision Educational Services*

## 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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For questions concerning the Model Board Policies for Charter Schools contact:  
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512.584.8272

**Module 400: Students**

The Students Module 400, is the fourth module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to charter schools, as well as specific model board policies designed to comply with these legal requirements. Other policy modules in the series include:

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Module 100: Financial Operations

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Module 200: Charter School Governance & Organization

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Module 300: General School Operations

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Module 500: Open Government

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Module 600: Human Resources

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**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

**400.120. HEALTH**

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

**Section 1. Immunizations & Reportable Diseases**

The Principal, or designee, of Pro-Vision Educational Services shall ensure compliance with immunization laws and regulations and that Pro-Vision Educational Services complies with laws and regulations regarding reportable diseases.

Section 1.2. HIV/AIDS STATUS.

- a. Equitable Treatment. Students with HIV/AIDS have the right to attend school and expect equitable treatment. HIV/AIDS is not a communicable condition for which a child must be excluded from school. A student may not be excluded child from attendance at school or school-related activities solely because of the child’s known or suspected HIV status.
- b. Confidentiality. Disclosure of a student’s HIV status is a violation of federal and state law. Knowledge of the HIV status of a child shall be kept confidential by school personnel and shall not be released without the consent of the parent or legal guardian of the child except where release is required or authorized by law. A school teacher does not have a right to know the HIV/AIDS status of a student and may not ask the HIV/AIDS status of a student. Administrators and nurses should help teachers to understand the district’s policy regarding students with HIV/AIDS.
- c. Reporting. The school superintendent or school’s designee shall determine if the school has an obligation to report a student’s HIV status. The school superintendent or school’s designee must make a report to the Department of State Health Services or other local health authority if he or she determines that the school has an obligation to report a student’s HIV status.

**Section 2. Care for Students At-Risk for Anaphylaxis**Section 2.1. Food Allergy Management in the School Setting.

- a. Food Allergy Management Team. The Principal, or designee shall create a food allergy management team to implement, coordinate, and monitor food allergy management at each Pro-Vision Educational Services campus. Members of the team may include: a school nurse, the principal, food service staff, custodial staff, a counselor, classroom teacher, and bus driver. The food allergy management team will work with parents in supporting students with food allergies on the campus as well as assist campus staff in implementing procedures and student specific strategies.

- b. Point of Contact. The Principal shall designate an employee, which is knowledgeable about food allergies, to serve as the point of contact for parents, healthcare providers, and the campus food allergy management team. The designee shall receive ongoing training in the management of food allergies in the school setting, including the provision of administration of epinephrine. The Principal's designee shall ensure that moderate to severe allergic reactions known to Pro-Vision Educational Services shall be documented and submitted in an annual report to the Principal; the Principal shall present this report to the Board during the annual review of the policies and procedures concerning food allergies and anaphylaxis
- c. Storage of Medications. The Principal, or designee, shall develop procedures, in accordance with applicable laws, for the storage of medications that are relevant to food allergies and anaphylaxis.

### Section 2.2. Identification of Students with Food Allergy At-Risk for Anaphylaxis.

- a. Food Allergy Information Upon Enrollment & After Diagnosis. The Principal, or designee, shall develop, implement, and monitor standardized procedures that will be utilized in obtaining information from a parent/legal guardian, as well as the child's healthcare provider, upon registration and as soon as possible after a child is diagnosed with a food allergy that places them at risk for anaphylaxis. Enrollment procedures shall include a request that a parent, or legal guardian, disclose whether their child has a food allergy or a severe food allergy that, in the judgment of the parent, or legal guardian, should be disclosed to Pro-Vision Educational Services to enable Pro-Vision Educational Services to take any necessary precautions regarding the child's safety. Such information shall be kept confidential according to law and maintained in accordance with law.
- b. Parent Consent. Pro-Vision Educational Services' designee shall ensure Pro-Vision Educational Services documents and keep current parent consent for medication administration (e.g. epinephrine).
- c. Students Who's Disabilities Restrict Their Diets. The Principal, or designee, shall develop procedures to ensure that a student receives substitutions or modifications in school meals whenever Pro-Vision Educational Services receives a licensed physician's assessment indicating that food substitutions or modifications must be made for a student because of food allergies that may result in severe, life-threatening (anaphylaxis) reactions. Pro-Vision Educational Services must receive a signed statement by a license physician that identifies: (1) the child's disability; (2) an explanation of why the disability restricts the child's diet; (3) the major life activity affected by the disability; and (3) the food or foods to be omitted from the child's diet and the food or choice of foods that must be substituted.

### Section 2.3. Food Allergy Action Plan, Emergency Care Plans, and Individualized Health Care Plans.

- a. Food Allergy Action Plan (FAAP)/Emergency Action Plan (EAP): The FAAP/EAP, developed by the healthcare provider in collaboration with the parents or legal guardians, provides information about the child's food allergy, outlines the care that the child will need in managing the food allergy, and outlines actions to be taken in case of an allergic reaction.

The Principal, or designee, shall ensure that the parents and the student (when age appropriate) meet with the campus food allergy management team to review the FAAP/EAP. This meeting should occur prior to the child attending school, after returning to school after an absence related to the diagnosis, and anytime there are changes to the student's FAAP/EAP.

- b. Individualized Healthcare Plan ("IHP") & 504 Plans. The school nurse will utilize the FAAP/EAP to develop and monitor an IHP which outlines day to day care for managing the student's food allergy. The school nurse may facilitate the process of implementing the FAAP/EAP in coordination with the campus food allergy management team and the parents. Where legally required, the school will also develop a 504 Plan to address the health and learning needs of the student. The ED, or ED's designee, shall ensure compliance with relevant disability laws.

### Section 2.4. Reducing the Risk of Exposure in the School Setting.

- a. Procedures. The food allergy management team shall develop procedures that outline district-wide, campus-wide, classroom-wide, and individual strategies that are to be utilized for managing students with food allergies at-risk for anaphylaxis. In developing these procedures, consideration shall be given in promoting safety in the following areas, including, but not limited to: the cafeteria, all classrooms, hallways, common areas in the school, on the bus, and during all school-sponsored activities, including field trips, athletic events, on-campus, off-campus, and before and after school activities. The Principal's designee, serving as the point of contact, working in collaboration with the campus food allergy management team, and parents may help in developing individual campus strategies to support students with food allergies at-risk for anaphylaxis.
- b. Environmental Controls. The food allergy management team shall develop and implement appropriate environmental controls to help minimize the risk of exposure to a food allergen. Environmental controls include, but are not limited to, consideration of the following:
- i. Identifying high-risk areas in the school and implementing strategies to limit exposure to food allergens and implementing general risk reduction strategies throughout the school and at school-sponsored activities. Students at-risk for anaphylaxis should not be excluded from the classroom activities based on their food allergies.

- ii. Limiting, reducing, and/or eliminating food from the classroom(s) and other learning environments used by children with food allergies at-risk for anaphylaxis.
- iii. Notifying and educating school staff and parents of the need to limit foods as needed on the campus, in the classroom, or at school sponsored activities.
- iv. Developing procedures for the management of parent-provided classroom snacks as allowed by Texas statute, with consideration given to students with food allergies at-risk of anaphylaxis.
- v. Implementing appropriate cleaning protocols in the school, with special attention to identified high-risk areas.
- vi. Providing training to the school food service departments to reduce the risk of cross-contamination during food preparation and food service, as well as minimizing foods served in the cafeteria that may contain food allergens.
- vii. Providing training on food allergy awareness to teachers, staff, and parents
- viii. Posting of visual reminders promoting food allergy awareness
- ix. Educating children about not trading or sharing food, snacks, drinks, or utensils
- x. Implementing hand washing protocols before and after meals. Hand washing should be done with soap and water, as hand sanitizers are not sufficient for removing allergens.
- xi. Assign staff trained in the administration of epinephrine as monitors in the food service area, as appropriate.
- xii. Provide ready access to epinephrine in an accessible, secure but unlocked area.
- xiii. Consider risk reduction strategies for the school bus, during extracurricular activities, on field trips, during before-and after school activities, and at sporting events.
- xiv. Reinforce rules and expectations about bullying, including bullying of students with food allergies.

Section 2.5. Training for School Staff on Anaphylaxis and Emergency Response.

- a. Training Schedule. The Principal, or designee, shall establish a training schedule that ensures that, at a minimum annually, all school staff is trained to recognize and manage a life threatening anaphylactic reaction. The training schedule may implement a tiered approach including an “awareness training” for all staff and a more “comprehensive training” for the campus food allergy management team and school staff members that will be responsible for the care of individual students.

- b. Awareness training. Awareness training is intended to give an overview of food allergies and anaphylaxis including the signs and symptoms of an allergic reaction, as well as treatment of anaphylaxis. At a minimum the training must include information about the most common food allergens, the hazards related to the use of food for instructional purposes, and the importance of environmental controls in protecting the health of students at risk for food allergy related to anaphylaxis. Additionally, the training must provide information about how to respond when a child exhibits the signs and symptoms of an allergic reaction to food, provide information on implementing the FAAP/EAP, including the skills needed in administration of epinephrine, and notifying the local EMS utilizing the school's emergency response policy and procedures.
  
- c. Comprehensive training. Comprehensive training, at a minimum, should include training on: identifying students at-risk for anaphylaxis and planning for students that do not have epinephrine at school; the signs and symptoms of anaphylaxis; implementing FAAPs/EAPs; the administration and storage of epinephrine; development and implementation of IHPs/504 Plans; communication procedures for initiating emergency protocols, including substitute staff; environmental control measures, to reduce the risk of exposure to a food allergen, including safe food handling, hand washing, and cleaning procedures; working with local EMS; and post anaphylaxis debriefing and monitoring of the food allergy management plans on the campus.

#### Section 2.6. Post-Anaphylaxis Reaction Review

In the event that a student has a moderate to severe reaction, to prepare for the child's return to school, the Principal's designee and the campus food allergy management team shall collaborate with the student's parents in collecting and reviewing information and implementing the following activities in order to prepare for the child's return to the classroom:

- a. Identify, if possible, the source of allergen exposure and take steps to prevent future reactions.
  
- b. Review accurate and updated information on the allergic reaction including any new medication(s) which would require new consent forms to be signed by the parents.
  
- c. Identify and interview those who were involved in the emergency care of the student and those that witnessed the event.
  
- d. Meet with school staff to review the implementation of procedures.
  
- e. If the allergic reaction is thought to be from food provided by the school food service, work with the school food service department to ascertain what potential food item was served/consumed, how to reduce risk in the cafeteria by reviewing food labels, minimizing cross-contamination and other strategies.
  
- f. Review of the FAAP/EAP, IHP, and/or 504 Plan and amend to address any changes that were made by the student's healthcare provider.

- g. If an epinephrine auto-injector was utilized during the reaction, ensure that the parent/guardian replaces it with a new one.

#### Section 2.7. Review of Policies & Procedures

Policies and procedures associated with food allergies and anaphylaxis shall be reviewed and updated, when necessary, at least annually. The review shall include, but is not limited to, looking at the following information: the current science on management of food allergies in the school setting; a review of the school district's annual incident report summaries; a review of current policies and procedures; and recommendations brought forth by the campus food allergy management team.

### **Section 3. Administration of Epinephrine Auto-injector**

#### Section 3.1 . Written Notice.

Pro-Vision Educational Services will provide written notice to all parents prior to the implementation of the policy and at the beginning of each school year.

#### Section 3.2. Authorized Personnel.

The Principal will designate which school personnel or volunteers are authorized to administer an epinephrine auto-injector. Only school personnel or school volunteers that are authorized and trained can administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis on a Pro-Vision Educational Services campus.

Each campus will have one or more authorized and trained persons present during all hours Pro-Vision Educational Services' campus is open.

#### Section 3.3. Training for Authorized Personnel.

The Principal shall ensure that all authorized persons complete mandatory training on an annual basis.

Pro-Vision Educational Services campus will maintain a record of completed trainings.

#### Section 3.4. Maintenance and Storage of Epinephrine Auto-Injectors.

All epinephrine auto-injectors must be maintained in accordance with the Commissioner's rules. All epinephrine auto-injectors must be stored in accordance with the Commissioner's rules and stored in a secure location and be easily accessible to those authorized and trained to administer an epinephrine auto-injector.

#### Section 3.5. Reporting.

The Principal shall develop procedures for how an authorized person reports the administration of an epinephrine auto-injector within 10 business days of the administration to the following:

- a. The Board of Directors;
- b. The physician or person who prescribed the auto-injector;
- c. The Commissioner of Education; and

- d. The Commissioner of state health services

The report must include:

- a. the age of the person who received the epinephrine auto-injector;
- b. whether that person was a student, school personnel, volunteer, or visitor;
- c. the physical location of where the auto-injector was administered;
- d. the number of doses administered;
- e. the title of the person who administered the epinephrine auto-injector; and
- f. any other information required by the Commissioner of Education.

#### **Section 4. Administration of Prescription Medication**

##### Section 4.1. Written Request Required.

Unless otherwise authorized by this policy, employees, agents, and volunteers are prohibited from administering any medication to students, including vitamins and food supplements.

The principal of each Pro-Vision Educational Services campus shall ensure that a written request to administer prescription medication to a student is received from the student's parent, legal guardian, or person having legal control of the student before prescription medication may be administered by an Pro-Vision Educational Services employee.

##### Section 4.2. Authorized Employees.

Employees authorized by Pro-Vision Educational Services to administer prescription medication include:

- a. Principal or Principal's designee;

##### Section 4.3. Prescription Medication Dispenser.

Employees authorized to administer prescription medication to a student shall ensure that the medication is administered from either:

- a. A container that appears to be in the original container and properly labeled; or
- b. From a properly labeled unit dosage container filled by an authorized employee from a container described by Section 2.3(a).

##### Section 4.4. Self-Administration of Prescription Asthma or Anaphylaxis Medicine.

The principal of each campus shall ensure that a student with asthma or anaphylaxis may possess and self-administer prescription asthma or anaphylaxis medicine in accordance with legal requirements.

Section 4.5. Non-Prescription Medication. A licensed physician or registered nurse who provides volunteer services to Pro-Vision Educational Services may administer to a student:

- a. Nonprescription medication; or
- b. Medication currently prescribed for the student by the student's personal physician.

Section 4.6. Sunscreen.

A student may use and possess sun-screen for the protection of overexposure to the sun.

## **Section 5. Psychotropic Medication**

Section 5.1. Employee Prohibition: An employee may not:

- a. Recommend that a student use a psychotropic drug;
- b. Suggest any particular diagnosis; or
- c. Preclude a student from attending class or participating in a school related activity if the parent refuses to consent to the administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of the student.

Section 5.2. Exceptions to Prohibition: Section 3.1 does not prevent an employee from:

- a. Making an appropriate referral under the Individuals with Disabilities Education Act;
- b. Recommending that a child be evaluated by an appropriate medical practitioner if the employee is a registered nurse, advance nurse practitioner, physician, or certified/credentialed mental health professional
- c. Discussing any aspect of a student's behavior or academic progress with the student's parent/guardian or another charter school employee.

## **Section 6. Prohibition of Tobacco and Alcohol**

Smoking, using e-cigarettes, using tobacco products, and the use of alcoholic beverages at school-related or school-sanctioned activities, on or off school property, is strictly prohibited.

Pro-Vision Educational Services students are also prohibited from possessing e-cigarettes or tobacco products at a school-related or school-sanctioned activity, on or off school property. The Principal shall ensure that this prohibition is enforced by school personnel.

### **Section 7. Posting of Steroid Notice**

The Principal shall ensure that the legally required steroid notice shall be posted in a conspicuous location in the school gym or in each other place in a building where physical education classes are conducted.

### **Section 8. Notice of Lice**

Pro-Vision Educational Services' [nurse, health aide, administrator or designee] at each elementary campus will send a written notice to the parent of a child determined to have lice within 48 hours of the school becoming aware that the student has lice.

Pro-Vision Educational Services' [nurse, health aide, administrator or designee] at each elementary campus will send a written notice to the parents of each child that shares a class with a child that has been determined to have lice within 5 school days of the school becoming aware that a student has lice.

Notices will not include any identifying information and will include recommendations for the treatment and prevention of lice from the Center of Disease Control.

Dear Parent,

Pro-Vision Educational Services determined on [INSERT DATE] that your child [may have/ may have been exposed to] head lice. Please examine your child's hair and scalp for evidence of live lice, lice eggs, or nits (egg casings left behind after lice have hatched). Children with head lice should be treated as soon as possible to minimize the spread to other individuals.

### **What You Need To Know About Head Lice in School**

#### **What Are Head Lice?**

- Head lice are tiny grey to brown insects about the size of a sesame seed that live in human hair and must feed on human blood to survive.
- They lay tiny white oval-shaped eggs about the size of a knot in a thread, called nits that attach to strands of hair close to the scalp. Although it is hard to see head lice, you can see the nits if you look closely.
- Nits are most often found in the hair behind the ears and at the back of the head and neck. The first sign of lice is itching of the head, which is caused by the bite of the head lice.
- Head lice do not spread disease.

#### **How Do You Get Head Lice?**

- Any child can get head lice.
- Head lice happen mostly with elementary school-aged children.
- Children get lice from other children through head to head contact during play or sports or nap time, and most often in school settings.
- Sharing combs, brushes, hair accessories, hats, or lockers can spread head lice.

- You can't spread nits...only live lice.

#### How Do You Get Rid of Head Lice?

- Use an over-the-counter FDA-approved shampoo treatment found at drug and grocery stores. Follow directions on package exactly.
- Soak all combs and brushes in very hot water for about 1 hour.
- Wash sheets, blankets and other bedding in hot water.
- Seal stuffed animals in a plastic bag for 1 week.
- Vacuum carpets, furniture and mattresses thoroughly.
- Re-treat hair again in 7 days.

#### If You Suspect a Child in Your Classroom Has Lice

- Have the child checked by the school nurse
- Follow your school/district policies regarding head lice
- Educate children on avoiding activities that may spread head lice...remind them not to share combs, brushes, hair accessories, headphones, hats, clothing, bedding, etc.

#### How to Prevent Lice

- Avoid head-to-head (hair-to-hair) contact during play and other activities at home, school, and elsewhere (sports activities, playground, slumber parties, camp)
- Do not share clothing such as hats, scarves, coats, sports uniforms, hair ribbons, or barrettes
- Do not share combs, brushes, or towels. Disinfect combs and brushes used by an infested person by soaking them in hot water (at least 130 °F) for 5–10 minutes
- Do not lie on beds, couches, pillows, carpets, or stuffed animals that have recently been in contact with an infested person
- Machine wash and dry clothing, bed linens, and other items that an infested person wore or used during the 2 days before treatment using the hot water (130 °F) laundry cycle and the high heat drying cycle. Clothing and items that are not washable can be dry-cleaned OR sealed in a plastic bag and stored for 2 weeks
- Vacuum the floor and furniture, particularly where the infested person sat or lay. However, spending much time and money on housecleaning activities is not necessary to avoid reinfestation by lice or nits that may have fallen off the head or crawled onto furniture or clothing
- Do not use fumigant sprays or fogs; they are not necessary to control head lice and can be toxic if inhaled or absorbed through the skin

You can find more resources and information regarding treatment and prevention on the Center for Disease Control's Website: <https://www.cdc.gov/parasites/lice/head/>

Sincerely,

Pro-Vision Educational Services

**Section 9. Donating Food**

Pro-Vision Educational Services does not partner with an affiliated nonprofit organization, in order to donate surplus food that may be redistributed to students.



# TCSA Model Board Policy Series

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400.140. Student Safety

*Charter Board Policy for Pro-Vision Educational Services*

## 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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For questions concerning the Model Board Policies for Charter Schools contact:

Legal Department, Texas Charter Schools Association

[legal@txcharterschools.org](mailto:legal@txcharterschools.org)

512.584.8272

**Module 400: Students**

The Students Module 400, is the fourth module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to charter schools, as well as specific model board policies designed to comply with these legal requirements. Other policy modules in the series include:

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Module 100: Financial Operations

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Module 200: Charter School Governance & Organization

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Module 300: General School Operations

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Module 500: Open Government

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Module 600: Human Resources

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**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

**400.140. STUDENT SAFETY**

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

**Section 1. Discipline**

Section 1.1. Student Code of Conduct. The Board shall adopt a student code of conduct in accordance with law. Annually, the Board shall review the student code of conduct and make changes as necessary.

Section 1.2. Distribution of Code of Conduct. The principal of each Pro-Vision Educational Services campus shall ensure that the student code of conduct is distributed to each student at the beginning of the school year. Transfer students shall receive a student code of conduct upon enrollment.

Section 1.3. Students with Disabilities. The change in placement and/or any disciplinary action regarding a student with a disability, who needs or is believed to need special education and related services under the Individuals with Disabilities and Education Act, shall be in compliance with applicable federal and state laws and regulations.

**Section 2. Transfer Option for Victims of Violent Acts**

The Superintendent, or designee, shall develop local procedures allowing for the transfer of a student to attend a safe school if the student becomes a victim of a violent criminal offense while on a school campus or on any school property, or while attending a school-sponsored or school-related activity.

**Section 3. Child Abuse, Maltreatment and Neglect**

Section 3.1. Sexual Abuse of Children, Neglect, Sex Trafficking, and Maltreatment of Children.

- a. The Superintendent, or Designee, shall develop and implement procedures detailing methods to increase staff, student, and parent awareness of the sexual abuse, neglect, sex trafficking, and other maltreatment of children, including prevention techniques and knowledge of likely warning signs.
- b. The Superintendent, or Designee, shall be responsible for having a safety plan developed that details action that a child who is a victim of sexual abuse, neglect, sex trafficking or other maltreatment should take to obtain assistance and intervention. This plan shall also provide for available counseling options.
- c. Resources used to implement this policy will include those developed by the Texas Education A.
- d. The procedures shall include how a child that is a victim of sexual abuse,

neglect, sex trafficking, and other maltreatment may obtain assistance and intervention and counseling options available to the child.

Section 3.2. Required Training. As part of new employee orientation, new open-enrollment charter school employees and those existing charter school employees who have not yet received such training, shall receive training concerning prevention techniques for, and recognition of, sexual abuse, neglect, sex trafficking and all other maltreatment of children. At the discretion of the Superintendent, or Designee any charter school staff member may annually receive training in these areas.

- a. The Superintendent, or Designee, shall ensure that training under this section shall comport with legally mandated criteria, including training that concerns:
  - i. Factors indicating a child is at risk for sexual abuse, neglect, sex trafficking, and all other maltreatment of children;
  - ii. Likely warning signs indicating a child may be a victim of sexual abuse, neglect, sex trafficking, and all other maltreatment of children;
  - iii. Internal procedures for seeking assistance for a child who is at risk for sexual abuse, neglect, sex trafficking, and all other maltreatment of children, including referral to a school counselor, social worker, or another mental health professional;
  - iv. Techniques for reducing a child's risk of sexual abuse, neglect, sex trafficking, and all other maltreatment of children; and
  - v. Community organizations that have relevant existing research-based programs that are able to provide training or other education for charter school staff members, students, and parents.
  
- b. Pro-Vision Educational Services will be using sexual abuse and sex trafficking prevention modules created by the Texas Education Agency as part of the school's health curriculum. Prior to the beginning of each school year Pro-Vision Educational Services will provide written notice to the parents of each student enrolled in a health course that will be using these training modules. The notification will include:
  - i. A statement that Pro-Vision Educational Services will provide instruction relating to sexual abuse and sex trafficking awareness to students;
  - ii. A description of the material that will be used to provide this instruction; and
  - iii. A statement informing each parent that the parent has the right to review the material and remove the parent's child from the instruction.

Section 3.3. Reporting Child Abuse. A(n) Pro-Vision Educational Services' employee, volunteer, or agent that believes a child has been adversely affected by physical or mental abuse or neglect shall make a report within 48 hours of first suspecting such abuse or neglect. The report shall be made to law enforcement or the Department of Family and Protective Services, Child Protective Services.

The Superintendent, or Designee, shall ensure notice of this requirement is disseminated to all employees, volunteers, and agents.

The Superintendent, or Designee, shall ensure that Pro-Vision Educational Services posts a sign in English and in Spanish that contains the toll-free number operated by the Department of Family and Protective Services to receive reports of child abuse or neglect in a clearly visible location in a public area of the school that is readily accessible to students.

#### **Section 4. School Visitors**

Section 4.1. Visitors. The Superintendent, or Designee, shall ensure conspicuous signs are posted at each campus entrance requiring all visitors to sign-in at the school campus administrative office. All visitors must present a form of identification or at a minimum their name and date of birth. Pro-Vision Educational Services personnel shall process each visitor through the Texas Department of Public Safety's Sex Offender Registry Search or other database system which checks for sex offender status. All visitors will be issued a badge that is to be worn at all times while visiting the school campus. Upon their departure they must sign-out at the central administrative office and return the visitor's badge.

Visitors who do not submit a form of identification or their name and date of birth for the purpose of checking sex offender status shall not be allowed on school grounds. However, a parent/legal guardian of a student enrolled at Pro-Vision Educational Services, who has previously established with the school that they are the parent/guardian of the student, but does not provide identification or their name and date of birth at the time of the school visit, shall follow the policy outlined in Section 4.3(a) and (b).

Section 4.2. Unauthorized Persons: Refusal of Entry, Ejection, Identification, and Appeal. A school administrator, school resource officer, or school peace officer of Pro-Vision Educational Services may refuse to allow a person to enter on or may eject a person from property under the school's control if the person refuses to leave peaceably on request and:

- a. the person poses a substantial risk of harm to any person; or
- b. the person behaves in a manner that is inappropriate for a school setting; and
  - i. the administrator, resource officer, or peace officer issues a verbal warning to the person that the person's behavior is inappropriate and may result in the person's refusal of entry or ejection; and
  - ii. the person persists in that behavior.

Pro-Vision Educational Services will maintain a written record of each verbal warning issued as described above in this section, including the name of the person to whom the warning was issued and the date of issuance.

At the time a person is refused entry to or ejected from Pro-Vision Educational Services' property under this section, the school will provide to the person written information explaining the appeal process set forth below in this section.

If a parent or guardian of a child enrolled in Pro-Vision Educational Services is refused entry to the school's property under this section, the school shall accommodate the parent or guardian to ensure that the parent or guardian may participate in

- a. the child's admission, review, and dismissal committee,
- b. the child's 504 meeting,
- c. due process hearings, or
- d. parent teacher conferences.

The term of a person's refusal of entry to or ejection from a Pro-Vision Educational Services' property under this section may be up to two years.

Pro-Vision Educational Services will post on its Internet website and each campus will post on any Internet website of the campus a notice regarding the provisions of this section, including the appeal process set forth below in this section.

A person refused entry or ejected under this section may appeal this decision using the school grievance policy. See *Grievance Policy can be found in section 300.120*.

A decision of the board of directors to grant or deny an appeal under this section is final.

Section 4.3. Registered Sex Offenders. Registered sex offenders are prohibited from entering school grounds.

- a. Exceptions
  - i. A student enrolled in the school, or a student visiting from another school participating in any event at the school;
  - ii. A parent/guardian registered sex offender may enter school grounds for the following limited purposes:
    1. To attend a conference at the school with school personnel to discuss the academic and/or social progress of the parent/guardian's child;
    2. When the principal has requested the parent/guardian's presence for any other reason concerning the parent/guardian's child; or
    3. To pick up their child from school.
- b. Requirements for the Exception to Apply:
  - i. The parent/guardian must notify the principal of the purpose of the visit and when the visit will occur, including date and time, before the parent/guardian enters the school grounds.

- ii. The principal shall notify the administrative offices of the parent/guardian's intent to visit.
- iii. The parent/guardian must check in at the campus administrative office upon arrival and departure from the school.
- iv. The parent/guardian must remain under the direct supervision of staff at all times.

Section 4.4. Protective Orders. Pro-Vision Educational Services personnel shall comply with all legal restraining and protective orders pertaining to students enrolled in Pro-Vision Educational Services.

## **SECTION 5. Weapon and Handgun Prohibition**

Section 5.1. Weapons Prohibited. Pro-Vision Educational Services prohibits the use or possession of any firearm, illegal knife, club, or other weapon while on the premises of the school or any school grounds or building in which a school-sponsored activity is being conducted. Use or possession of any firearm is also prohibited while school-sponsored activities are taking place in the parking lots, sidewalks, or driveways.

This policy does not prohibit a handgun license holder from storing a firearm or ammunition in the license holder's personal vehicle, so long as the firearm or ammunition is in a locked vehicle and cannot be seen.

Section 5.2. Handgun Prohibition. Pro-Vision Educational Services prohibits the use or possession of a handgun on all Pro-Vision Educational Services campuses and property, even if the handgun is carried by a licensed handgun holder. The Executive Director shall ensure signs, containing the following language are conspicuously placed on school campuses and property: "Pursuant to Section 30.06, Penal Code (trespass by holder of a license to carry a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law), may not enter this property with a handgun." Or: "Pursuant to Section 30.07, Penal Code (trespass by holder of a license to carry a handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun law), may not enter this property with a handgun."

## **SECTION 6. Protective Eye Devices**

Industrial-quality, eye-protective devices, meeting the recommended guidelines adopted by the Texas Department of Health, shall be worn by all employees, students, and visitors participating in activities and programs that involve:

- a. the use of hazardous chemicals;
- b. the use of hot liquids or solids;
- c. the use of molten materials;

- d. performing grinding, chipping, or other hazardous activities where there is danger of flying particles;
- e. milling, sawing, turning, shaping, cutting, or stamping of any solid materials'
- f. heat treatment, tempering, or kiln firing of any metal or other materials;
- g. cutting, welding, or brazing operations;
- h. the use of hazardous radiation, including the use of infrared and ultraviolet light or lasers;
- i. repair or servicing of any vehicle; or
- j. any process or activity in a vocational, art, industrial arts or science course or laboratory that might have a tendency to cause damage to the eyes.

## **SECTION 7. Concussion Oversight of Student Athletes**

Section 7.1. Approval of Concussion Oversight Team. In accordance with laws and regulations, the Board approves of the following individuals to serve as members of Pro-Vision Educational Services' concussion oversight team: **THESE INDIVIDUALS ARE TO BE ANNOUNCED.**

- a. ***Name at least one physician***
- b. ***If the charter school employs an athletic trainer, name this person here.***
- c. ***To the greatest extent possible name at least one of the following: advanced practice nurse, neuropsychologist, chiropractor or a physician assistant.***

Section 7.2. Return-to-Play Protocol. The concussion oversight team shall establish a return- to-play protocol, based on peer-reviewed scientific evidence, for a student's return to inter- scholastic athletics practice or competition following the force or impact believed to have caused a concussion.

Section 7.3. Training. The Superintendent shall ensure that affected school employees take a concussion training course as provided by law.

## **SECTION 8. Internet Use**

SECTION 8.1. Computer System Access. Access to all of Pro-Vision Educational Services computers, computer networks, electronic mail, and the Internet is for educational and administrative purposes. The Superintendent, or Designee, shall require all users to agree in writing to comply with Pro-Vision Educational Services' policies and procedures in regards to such access. Failure to comply may result in disciplinary action.

SECTION 8.2. Protection Measure. The Superintendent, or Designee, shall ensure that Pro-Vision Educational Services utilizes a filtering device or software that prevents any Pro-Vision Educational Services computer, and prevents Pro-Vision Educational Services' Internet service, from accessing material that is obscene, child pornography, or harmful to minors.

SECTION 8.3. Internet Safety. The Superintendent, or Designee, shall implement a safety plan that ensures:

- a. Online activities of minors are monitored at the discretion of the Superintendent, or Designee;
- b. Students' Internet access to inappropriate material is controlled;
- c. Students' safety is ensured when using electronic communication, including, but not limited to electronic mail, social networking sites, and chat rooms;
- d. The prevention of unauthorized access, including hacking, and other unlawful activities
- e. The prevention of the unauthorized disclosure, use, and dissemination of personal information regarding minors; and
- f. Students are educated about appropriate online behavior including interacting with other individuals on social networking websites and chat rooms, and cyber-bullying awareness and response.

SECTION 8.4. Monitored Computer Use. The use of Pro-Vision Educational Services' computers and/or Internet system is not confidential and may be monitored by designated Pro-Vision Educational Services personnel to ensure appropriate use.

### **Section 9. Prohibition Against Discrimination, Harassment, Intimidation, or Bullying**

Pro-Vision Educational Services strives to provide students and staff with a school environment free from discrimination, harassment, intimidation and bullying. The Principal shall take appropriate actions to ensure Pro-Vision Educational Services' Harassment, Intimidation and Bullying Policy and procedures are enforced.

Section 9.1. Dissemination of Policy. At the beginning of each school year, Pro-Vision Educational Services' Prohibition Against Harassment, Intimidation, or Bullying Policy will be disseminated to all students, parents, employees and volunteers. Pro-Vision Educational Services' will also make information available to students about recognizing and preventing harassment, intimidation, or bullying.

Staff will receive the policy annually during new employee orientation or the first staff development of the year. Staff will receive training in harassment, intimidation, and bullying prevention, awareness, and reporting.

Section 9.2. Prohibition. Pro-Vision Educational Services explicitly prohibits discrimination, harassment, intimidation, and/or bullying on the basis of race, color, national origin, sex,

gender, gender identity, disability, age, sexual orientation, and/or religion, or any other basis protected by law. Pro-Vision Educational Services prohibits discrimination, harassment, intimidation, or bullying in any form, including:

- a. occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
- b. occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; or
- c. is considered cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity, *if* the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

### Section 9.3. Definitions.

- a. Discrimination against a student is defined as conduct directed at the student on the basis of race, color, national origin, sex/gender, gender identity, disability, age, sexual orientation, religion, or any other basis prohibited by law, that adversely affects the student.
- b. Sexual harassment by an employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when
  - i. A District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
  - ii. The conduct is so severe, persistent, or pervasive that it:
    1. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
    2. Creates an intimidating, threatening, hostile, or abusive educational environment
  - iii. Romantic or inappropriate social relationships between students and District employees are prohibited. Any sexual relationship between a student and a District employee is always prohibited, even if consensual.
- c. Sexual harassment by others includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when

the conduct is so severe, persistent, or pervasive that it:

- i. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
  - ii. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
  - iii. Otherwise adversely affects the student's educational opportunities.
- d. Bullying includes a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:
- i. has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
  - ii. is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
  - iii. materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
  - iv. infringes on the rights of the victim at school. Bullying includes cyberbullying.
- e. Cyberbullying is bullying that is done through the use of any electronic communication device, including a cell phone or other phone, a computer, a camera, e-mail, an Internet website, or any other Internet-based communication tool. Cyberbullying includes conduct that occurs off school property or outside of a school-sponsored or school-related activity if it:
- i. interferes with a student's educational opportunities, or
  - ii. substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Section 9.4. Reporting. Pro-Vision Educational Services encourages students who believe they are being subjected to discrimination, harassment, intimidation, or bullying and students who have first-hand knowledge of such harassment, to report the matter promptly to any Pro-Vision Educational Services employee, adult volunteer, contractor, or agent who is not involved in the alleged discrimination, harassment, intimidation or bullying. Reports

may be made orally or in writing, and reports may be made anonymously. Students or parents may contact Principal to obtain a form that may be used to submit the report, but use of a form is not required to make a report.

Any Pro-Vision Educational Services employee, adult volunteer, contractor or agent who witnesses, overhears or receives a report, formal or informal, written or oral, of discrimination, harassment, intimidation, or bullying shall immediately report the incident to the campus administrator responsible for discipline or the principal.

Section 9.5. Notification. The principal or principal's designee will provide notice of an incident of bullying:

- a. to the parent or guardian of the alleged victim within three (3) business days after the incident is reported; and
- b. to the parent or guardian of the alleged bully within a reasonable amount of time after the reported incident.

Section 9.6. Investigation. Once a campus administrator receives a report of intimidation, harassment, and/or bullying of a student, the campus administrator must begin an immediate, appropriate, and impartial investigation of the incident. An investigation will include:

- a. Conducting interviews of students involved;
- b. Conducting interviews of witnesses; and
- c. Reviewing any video surveillance available;

If a report of bullying gives the school reasonable belief that a student may have evidence of bullying or cyberbullying, Pro-Vision Educational Services may conduct a search in accordance with school policy and in compliance with state and federal law.

Pro-Vision Educational Services may report an incident of bullying to local law enforcement, if a campus administrator believes that the type of bullying or cyberbullying necessitates the involvement of law enforcement.

If an investigation reveals that harassment, intimidation, or bullying has occurred, the campus administrator, must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent harassment from recurring. Any steps taken to remediate the situation should not penalize the student who was harassed, intimidated, and/or bullied. Steps may include, but are not limited to:

- a. Discipline in accordance with the Student Code of Conduct;
- b. Change of classroom placement;

- c. Change of campus placement;
- d. Mediation between students;
- e. Social and behavioral skills training for students;

The campus administrator will also ensure that a student who is a victim of intimidation, harassment, or bullying, a witness to intimidation, harassment, or bullying, and for a student who engages in intimidation, harassment, or bullying is provided with information regarding school counseling options.

Section 9.7. Consequences. Any student found to have engaged in harassment, intimidation, and/or bullying in violation of this policy may be subject to disciplinary action up to and including expulsion. A student who is a victim of bullying, that has been found to have acted in self-defense, may not be disciplined. Students who qualify for special education services will be disciplined in accordance with the Individuals with Disabilities Education Act. Students and parents can review the Student Code of Conduct for the full disciplinary policy of Pro-Vision Educational Services.

Any staff member who permits harassment, intimidation, or bullying of a student may be subject to disciplinary action up to and including termination of employment. Any staff member who receives complaints of harassment, intimidation, and bullying and does not act promptly or does not forward the complaint to the staff member's supervisor shall be subject to disciplinary action up to and including termination of employment. Staff members may review the personnel handbook/employee handbook regarding staff discipline.

Section 9.8. Compensatory Services. Pro-Vision Educational Services may be required to provide additional services to a student who is harassed in order to address the effects of the harassment. The need for compensatory services and the services provided will be determined on an individual basis.

Section 9.9. Retaliation Prohibited. Pro-Vision Educational Services prohibits retaliation against any person who in good faith reports an act of harassment, intimidation, or bullying. The consequence and appropriate remedial action for a person who engages in retaliation shall be determined by the administrator after consideration of the nature and circumstances of the act, in accordance with Pro-Vision Educational Services policies and procedures. Individuals who intentionally fabricate allegations of harassment, intimidation or bullying may be subject to disciplinary action in accordance with Pro-Vision Educational Services policies and procedures.

## **Section 10: Notice of Events that Significantly Impact the Education of Foster Children**

Pro-Vision Educational Services welcomes all students and works to maintain open communication between our schools and families. The Superintendent or Designee will develop procedures to ensure that a child's educational decision-maker and caseworker are notified of:

- a. A request or referral for an evaluation under section 504 or special education;
- b. An admission, review, and dismissal (ARD) committee meeting;
- c. A manifestation determination review is scheduled;
- d. Any disciplinary actions under Chapter 37 and parent notice is required;
- e. Class C misdemeanor citations for offenses on school property or at school sponsored events;
- f. Reports of restraint and seclusion; and
- g. Use of corporal punishment

### **Section 11. Truancy Prevention and Referral**

The Superintendent or Designee of Pro-Vision Educational Services shall adopt truancy prevention measures designed to address student conduct related to truancy. Those measures shall include one or more of the following: behavior intervention plans, school-based services, or refer student to other services aimed at addressing the student's truancy.

The Superintendent or Designee of Pro-Vision Educational Services shall develop procedures for providing notice to parents and referring a student to truancy court or referring parent to a county, justice, or municipal court.



# TCSA Model Board Policy Series

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400.150. Appointment of School Marshall  
*Charter Board Policy for Pro-Vision Educational Services*

## 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.

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For questions concerning the Model Board Policies for Charter Schools contact:

Christine Nishimura, Texas Charter Schools Association  
cnishimura@txcharterschools.org  
512.584.8272

**Module 400: Students**

The Students Module 400, is the fourth module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to charter schools, as well as specific model board policies designed to comply with these legal requirements. Other policy modules in the series include:

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Module 100: Financial Operations

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Module 200: Charter School Governance & Organization

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Module 300: General School Operations

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Module 500: Open Government

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Module 600: Human Resources

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

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**400.150.****APPOINTMENT OF SCHOOL MARSHAL****Section 1. Appointment of Employee as School Marshal**

The Board of Directors of Pro-Vision Educational Services, shall, at a duly called meeting for such purpose, appoint one school marshal to serve at Pro-Vision Educational Services or at each campus of Pro-Vision Educational Services

1. With at least 200 students in average daily attendance at that campus; or
2. for each campus, one school marshal per building of the campus where students regularly receive instruction.

**Section 2. Eligibility**

Upon adoption of this policy by the Board of Directors of Pro-Vision Educational Services, the Superintendent or Superintendent's designee, shall establish an application and procedure for soliciting employees interested in serving as a school marshal. To be eligible to serve as a school marshal, an applicant must

1. be currently employed at Pro-Vision Educational Services;
2. hold the appropriate license and certification by the Texas Commission on Law Enforcement Standards and Education (TCLEOSE).

**Section 3. Identity of School Marshal and Confidentiality**

The identity of applicants interested in serving as a school marshal, and the identity of the school marshal appointed by the Board of Directors, shall remain confidential at all times.

The identity of applicants interested in serving as school marshal and the school marshal appointed by the Board of Directors is not subject to disclosure under the Texas Public Information Act.

**Section 4. Reimbursement**

The Board of Directors SHALL NOT reimburse the amount paid by the applicant to serve as school marshal to participate in the training program for licensing and certification required by TCLEOSE.

**Section 5. School Marshal Regulations**

The school marshal is subject to and shall abide by the following regulations of Pro-Vision Educational Services:

1. A school marshal may act only as necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or school visitors on school premises.
2. A school marshal may make arrests and exercise all authority given peace officers under the Texas Code of Criminal Procedure as is necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or school visitors on school premises.

3. A school marshal may not issue traffic citations.
4. A school marshal may carry a concealed handgun on his or her person.
5. If the primary duty of a school marshal involves regular, direct contact with students, the school marshal may not carry a handgun on his or her person, but may possess a handgun on the physical premises of the school in a locked and secured safe within the marshal's immediate reach when conducting his or her primary duty at the school.
6. A school marshal may access the handgun only under circumstances that would justify the use of deadly force in accordance with state law.
7. A school marshal may only use frangible ammunition designed to disintegrate on impact for maximum safety to others.



# TCSA Model Board Policy Series

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400.160. Miscellaneous Provisions Relating to Students

*Charter Board Policy for Pro-Vision Educational Services*

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For questions concerning the Model Board Policies for Charter Schools contact:

Legal Department, Texas Charter Schools Association

[legal@txcharterschools.org](mailto:legal@txcharterschools.org)

512.584.8272

**Module 400: Students**

The Students Module 400, is the fourth module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to charter schools, as well as specific model board policies designed to comply with these legal requirements. Other policy modules in the series include:

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Module 100: Financial Operations

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Module 200: Charter School Governance & Organization

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Module 300: General School Operations

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Module 500: Open Government

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Module 600: Human Resources

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## **400.160. MISCELLANEOUS PROVISIONS RELATING TO STUDENTS**

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

### **Section 1. Religious Discrimination Prohibited**

Pro-Vision Educational Services prohibits discrimination, harassment, or retaliation on the basis of religion. A student enrolled at Pro-Vision Educational Services has the right to silently pray or meditate at Pro-Vision Educational Services so long as it does not disrupt the instructional or other activities of the school. Pro-Vision Educational Services shall not require, encourage, or coerce any student to engage in or to refrain from prayer or meditation during any school activity.

### **Section 2. Homeless Children**

Section 2.1. Homeless Liaison. The Principal is appointed the homeless liaison of Pro-Vision Educational Services.

Section 2.2. Compliance. The Superintendent shall ensure legal compliance with applicable federal and state laws and regulations regarding homeless children.

### **Section 3. The Texas Virtual School Network (VSN).**

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

Section 3.1. Enrollment in VSN Courses. Students of Pro-Vision Educational Services shall have the opportunity to enroll in courses through the Texas Virtual School Network (VSN) in accordance with this Policy. A student enrolled full-time in Pro-Vision Educational Services student shall not be denied enrollment in an electronic course through the VSN unless Pro-Vision Educational Services determines:

- a. The student requests to enroll in a VSN course(s) that is inconsistent with the student’s graduation plan, the requirements for college admission or the requirements for earning an industry certification (as applicable to the student);
- b. The student seeks to enroll in a VSN course prior to, or after the expiration of, the course enrollment period of Pro-Vision Educational Services;
- c. Pro-Vision Educational Services offers a substantially similar course;
- d. The student seeks to enroll in more than three electronic courses through the VSN is not to exceed \$400.00 per course cost to the student.

Section 3.2. Inducements Prohibited. No employee, board member or other representative of Pro-Vision Educational Services shall promise or provide equipment or any other thing of value to a student or a student’s parent as an inducement for the student to enroll in an electronic course offered through the Texas VSN.

Section 3.3 Fees for Enrollment in Additional VSN Courses. Pro-Vision Educational Services shall charge a fee for a student seeking to enroll in a course through the VSN if the Executive Director, or designee, determines;

- a. the student seeks to enroll in a course through the VSN that is beyond the normal course load taken by students in the equivalent grade level; or
- b. the student is currently enrolled in three (3) full-time courses through the VSN and the student seeks to enroll in an additional course through the VSN.
- c. The fee charged by Pro-Vision Educational Services for enrollment in a course through the VSN under this policy shall not exceed the lesser of the cost of providing the course or \$400.

Section 3.4 Parental Notification. The principal, or designee of each Pro-Vision Educational Services middle school or high school campus shall be responsible for annually distributing a copy of this policy to a parent of each student enrolled in the school.

#### **Section 4. Multi-tiered Intervention Services**

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

Section 4.1. Parent Rights. Parents of children at Pro-Vision Educational Services have the right to access any records related to assistance provided for learning difficulties, including information collected while the student receives intervention services through Response to Intervention.

Parents also have the right to request an evaluation for special education or Section 504 services at any time if the parent believes the student is in need of aids, accommodations, or specialized instruction. An explanation of these rights, in accordance with the Texas Education Code §26.0081, may be found [AT WEBSITE/ IN HANDBOOK/ OFFICE].

Section 4.2. Notice of Intervention. Pro-Vision Educational Services shall provide each parent of a student receiving intervention services above the general intervention services offered to all students written notice 3 schools Days prior to a child beginning to receive intervention. The notice will include:

- a. A description of the intervention that may be provided;
- b. A description of the interventions the student has already received under the base level of intervention;
- c. An estimated time frame for the duration of the intervention services;
- d. An estimated time frame for when progress reports will be provided; and
- e. An explanation of the parent’s right to request aids, accommodations, or a special

education or Section 504 evaluation.

### **Section 5. School Field Trips**

The governing body (“Board”) of Pro-Vision Educational Services adopts the following form to be used for all school sponsored field trips.

**Parent/Guardian Permission for Field Trip**  
**NAME OF TRIP**  
**Date of Trip**

This form must be completed and submitted by Insert Date Here or student may not attend.

#### Description of Trip

- Leave time, return time
- Who will attend
- How will students be transported
- How will students be supervised on outing
- Cost of trip

#### Other Information Relevant to Field Trip

- Will lunch be provided, or do students need to pack one
- Sunscreen?
- Money needed?
- Appropriate attire?

#### Rules and Regulations Specific to this Trip

- Rules that must be followed above and beyond regular school rules
- Example Rules:
- Student must have passing grades in all subjects to attend
- Each student is under the jurisdiction of, and subject to the directions given by the group sponsor at all times during the trip.
- Each student is to remain with the group at all times, except when granted permission to leave by the sponsor.
- Each person is to refrain from damaging any property not his or her own. Property damage, either intentionally or unintentionally, will be paid for by the person or persons responsible.
- All members of the trip are expected to conduct themselves in such a manner as not to bring discredit, upon themselves, the group, or their school.

All special field trip regulations, local school rules, and rules outlined in the Student/Parent Handbook will be enforced.

Please retain this page for your records and sign and return the next page by Insert Date Here for your student to attend.

<<insert page break here>>

**Parent/Guardian Permission for Field Trip**  
**NAME OF TRIP**  
**Date of Trip**

\_\_\_\_\_  
Student's Name

\_\_\_\_\_  
Parent/Guardian Name

Emergency Contacts:

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Is there any medical condition of which we should be made aware? Does your student have any serious allergies or allergic reactions to any medications? \_\_\_\_\_  
\_\_\_\_\_

Medications your student is currently taking: \_\_\_\_\_  
\_\_\_\_\_

Any other information, medical or otherwise, of which we should be made aware? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Initial here:

\_\_\_\_\_ I hereby allow my student to attend the TITLE OF TRIP Field Trip.

\_\_\_\_\_ I hereby authorize a representative of Pro-Vision Educational Services to consent to medical treatment for my student in the event of an emergency on the trip.

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date

Student's Certificate of Agreement

This is to certify that I am willing to abide by the rules and regulations outlined above, that I will accept cheerfully all directions and suggestions given by any of the sponsors while on the trip; that I will abide by any other rules which the sponsors may find necessary to make during the trip. I promise that I will conduct myself in such a manner that I will not discredit or embarrass myself, the group, or my school.

\_\_\_\_\_  
Signature of Student

\_\_\_\_\_  
Date



# TCSA Model Board Policy Series

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500.020. Texas Open Meetings Act  
*Charter Board Policy for Pro-Vision Educational Services*



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512.584.8272

### **Module 500: Open Government**

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**500.020. TEXAS OPEN MEETINGS ACT**

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

**SECTION 1. Compliance**

Pro-Vision Educational Services shall comply with the Texas Open Meetings Act.

**SECTION 2. Meetings**

Section 2.1. Location. Unless otherwise provided in the notice for a meeting, regular board meetings shall be held at 2656 South Loop West, Ste. 650 B, Houston, Texas 77054

Section 2.2. Time. Regular meetings of the Board shall be held on Fourth Wednesday of each month at 3:00 pm. The Board President may change the date or time of a regular meeting. The notice for that meeting shall reflect the change in date or time.

Section 2.3. Special or Emergency Meetings. Notice shall be sent out establishing the time and place of special and emergency meetings.

The Board President shall call special meetings at the Board President’s discretion.

The Board President may call an emergency meeting only when the Board President determines that an emergency or public necessity, as defined by the Texas Open Meetings Act, warrants the meeting.

Section 2.4. Closed Meeting. The Board may conduct a closed meeting when the agenda includes a subject that by law may be discussed in a closed meeting.

Section 2.5 Participation by Videoconference.

A member of the board may fully participate remotely in a board meeting by videoconference if the member’s participation is broadcast live at the meeting, the presiding officer is present at the physical location of the meeting, and the meeting otherwise complies with the requirements of the Texas Open Meetings Act.

Members of the board will count towards the quorum, so long as the video and audio remain active. At any time the video or audio becomes disconnected, that board member will be considered absent until the video or audio is reconnected.

Pro-Vision Educational Services will include a statement indicating video conference will be used on each applicable agenda posted prior to the meeting.

A member of the board may fully participate remotely in a board meeting via videoconference if the member’s participation is broadcast live at the meeting, a quorum is present at the physical location of the meeting, and the meeting otherwise complies with the requirements of the Texas Open Meetings Act.

Members of the board will be considered present, so long as the video and audio remain active. At any time the video or audio becomes disconnected, that board member will be considered absent until the video or audio is reconnected.

Pro-Vision Educational Services will include a statement indicating video conference will be used on each applicable agenda posted prior to the meeting.

### **Section 3. Agenda**

Section 3.1. Preparation. In consultation with the Board President, the Superintendent] shall prepare the agenda for all board meetings. Any board member may request a subject be included on the agenda for a meeting and the Superintendent shall include on the draft agenda proposed to the Board President all topics that have been requested by the board members that have been timely submitted.

Before the agenda is finalized, the Superintendent shall consult with the Board President to secure his or her approval of the final agenda. The Board President shall approve the draft agenda as presented unless, in the Board President's discretion, compelling reasons exist to add or delete an agenda item from the draft agenda.

Section 3.2. Deadline for Submitting Agenda Items. The deadline for submitting items for inclusion on the agenda is a week prior to the scheduled board meeting.

but it should be at least four calendar days before a regular meeting.]

### **Section 4. Voting**

Voting shall be by voice vote or show of hands, as directed by the Board President. Any member may abstain from voting, and a member's vote or failure to vote shall be recorded in the minutes. Proxy voting is not allowed.

### **Section 5. Minutes**

The Board Secretary shall record all board action. The written minutes of all meetings shall be approved by vote of the Board and signed by the Board Secretary.

### **Section 6. Recording**

Pro-Vision Educational Services will record all open meetings, as well as special called meetings and work sessions where the board will vote on any item or public comment or testimony is received.

All recordings will be posted on the school's website within 7 business days and remain on the site for a minimum of 2 years.

**Section 7. Board Meeting Discussions**

Discussions at board meetings shall be limited to the items on the board agenda. The Board President shall halt any discussion that does not apply to an agenda item. If a member of the public begins discussing an item not on the posted agenda, the Board shall only listen to the citizen's concern. The item may be posted for discussion at a future board meeting.



# TCSA Model Board Policy Series

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500.040. Texas Public Information Act  
*Charter Board Policy for Pro-Vision Educational Services*

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Lindsey Gordon, Texas Charter Schools Association  
lgordon@txcharterschools.org  
512.584.8272

### **Module 500: Open Government**

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U.S.C.A	United States Code Annotated

**500.040. TEXAS PUBLIC INFORMATION ACT**

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

**SECTION 1. Compliance**

Pro-Vision Educational Services shall comply with the Texas Public Information Act (PIA) and it shall be the policy of Pro-Vision Educational Services to provide a suitable copy of public information within a reasonable time after the date on which the copy is requested.

**SECTION 2. Officer for Public Information**

Section 2.1. Designation. The Board designates the Superintendent as the Officer for Public Information. Each department head is an agent of the officer for public information for purposes of complying with the PIA. The Officer for Public Information is responsible for the release of public information in compliance with the PIA.

Section 2.2. Duties. The duty of the Officer for Public Information is to ensure compliance with the PIA.

Section 2.3. Sign Display. In accordance with the PIA, the Officer for Public Information shall prominently display a sign(s) regarding rights, responsibilities, and procedures under the PIA. Such signs may be found on the Attorney General of Texas’ website:

<https://www.oag.state.tx.us/open/pia/piasign120110.pdf>

[https://www.oag.state.tx.us/open/pia/piasign120110\\_span.pdf](https://www.oag.state.tx.us/open/pia/piasign120110_span.pdf)

**SECTION 3. Charges for Public Information**

The Officer for Public Information may charge requestors for public information as permitted by the PIA.

**SECTION 4. Electronic Communications Policy**

Section 4.1. Electronic Communications as Public Information. Absent any applicable exception established under Texas law, electronic communications that pertain to official business of the school that are created by, transmitted to, received by, or maintained by a board member, officer, or employee of the school, are presumed to be public information under the Public Information Act, regardless of whether the device used to create, transmit, maintain or receive the electronic communication is a personal electronic communication device or an electronic device provided by the school to the board member, officer or employee to use in his or her official capacity, and regardless of the form of the electronic communication. Electronic communications in the form of e-mail, Internet postings, text messages, and instant message pertaining to official business of the school are considered Public Information under Texas law and under this Policy. Nothing in this Policy waives any applicable exception to disclosure under the Public Information Act of such electronic communications.

Section 4.2 School Accounts. Only school email accounts should be used to create, transmit or receive school business. If a board member, officer or employee conducts school business

on a non-school account, he or she shall promptly forward the electronic communication to his or her school email account. Board members, officers and employees of the school shall not communicate regarding official business of the school using text messages, instant messages, or posting on the Internet.

If the board has established an online message board or similar Internet application purposed to allow an electronic communication exchange between board members, officers and employees, then board members, officers, and employees shall use the online message board or similar Internet application in a manner consistent with school policy and state law.

If a board member, officer or employee creates, transmits or receives an electronic communication that pertains to the official business of the school, whether in the form of a text, instant message, Internet posting or other form of electronic communication, he or she shall promptly forward the electronic communication to Superintendent or Superintendent's Designee. All electronic communications pertaining to official business of the school shall be maintained and disposed of in accordance with the Records Management Policy of the school.



# TCSA Model Board Policy Series

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500.060. Records Management

*Charter Board Policy for Pro-Vision Educational Services*

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For questions concerning the Model Board Policies for Charter Schools contact:

Lindsey Gordon, Texas Charter Schools Association  
lgordon@txcharterschools.org  
512.584.8272

## Module 500: Open Government

The Open Government Module 500, is the fifth module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to charter schools, as well as specific model board policies designed to comply with these legal requirements. Other policy modules in the series include:

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Module 100: Financial Operations

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Module 200: Charter School Governance & Organization

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Module 300: General School Operations

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Module 400: Students

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Module 600: Human Resources

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

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C.F.R	Code of Federal Regulations
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## **500.060. RECORDS MANAGEMENT**

### **RECORD MANAGEMENT POLICY**

WHEREAS, Title 6, Subtitle C, Local Government Code (Local Government Records Act), provides that each local government must establish an active and continuing records management program; and

WHEREAS, Pro-Vision Educational Services desires to adopt a plan for that purpose and to prescribe policies and procedures consistent with the Local Government Records Act and in the interests of cost-effective and efficient recordkeeping; NOW THEREFORE:

#### **SECTION 1. DEFINITION OF RECORDS OF Pro-Vision Educational Services.**

All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by Pro-Vision Educational Services or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of Pro-Vision Educational Services and shall be created, maintained, and disposed of in accordance with the provisions of this ordinance or procedures authorized by it and in no other manner.

#### **SECTION 2. RECORDS DECLARED PUBLIC PROPERTY.**

All records as defined in Sec. 1 of this plan are hereby declared to be the property of Pro-Vision Educational Services. No official or employee of Pro-Vision Educational Services has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

#### **SECTION 3. POLICY.**

It is hereby declared to be the policy of Pro-Vision Educational Services to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all records of this office through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Local Government Records Act and accepted records management practice.

#### **SECTION 4. RECORDS MANAGEMENT OFFICER.**

The Compliance Manager who will serve as records management officer will serve as records management officer for Pro-Vision Educational Services as provided by law and will ensure that the maintenance, destruction, electronic storage, or other disposition of the records of this office are carried out in accordance with the requirements of the Local Government Records Act.

**SECTION 5. RECORDS CONTROL SCHEDULES.**

Appropriate records control schedules issued by the Texas State Library and Archives Commission shall be adopted by the records management officer for use in Pro-Vision Educational Services, as provided by law. Any destruction of records of Pro-Vision Educational Services will be in accordance with these schedules and the Local Government Records Act.

**RECORDS MANAGEMENT OFFICER APPOINTMENT**

The Compliance Manager, or the Compliance Manager's designee, shall ensure that an appointment form ([SLR 504](#)) or letter is on file with the Texas State Library and Archives Commission (TSLAC) specifying the person currently holding the Records Management Officer position.

**RECORDS CONTROL SCHEDULE**

The Records Management Officer shall ensure that Pro-Vision Educational Services has a record control schedule approved by the Texas State Libraries and Archives Commission.

Pro-Vision Educational Services adopts the TSLAC schedules and the Records Management Officer shall complete and submit form [SLR 508: Declaration of Compliance](#). Pro-Vision Educational Services is subject to the local schedules [GR \(Records Common to All Local Governments\)](#) and [SD \(Records of Public School Districts\)](#).



# TCSA Model Board Policy Series

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600.020. Equal Opportunity

*Charter Board Policy for Pro-Vision Educational Services*

## INTRODUCTION

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## Module 600: Human Resources

The Human Resources Module 600, is the sixth and final module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to charter schools, as well as specific model board policies designed to comply with these legal requirements. Other policy modules currently available include:

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Module 100: Financial Operations

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Module 400: Students

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**600.020. EQUAL OPPORTUNITY**

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

**SECTION 1. Anti-Discrimination Policy**

Pro-Vision Educational Services employees shall not engage in discrimination or harassment motivated by race, color, religion, sex, disability, military service, or age directed toward other Pro-Vision Educational Services employees or students. A substantiated charge of discrimination and/or harassment shall result in disciplinary action. Retaliation against employees or students who report discrimination and/or harassment is strictly prohibited. Acts of retaliation may result in disciplinary action up to and including termination.

**SECTION 2. Investigation**

Any allegations of discrimination or harassment of students or employees shall be investigated and addressed.

**SECTION 3. Coordinator**

Pro-Vision Educational Services designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Age Discrimination Act of 1975, and this anti-discrimination policy:

**Name:** LS Spencer

**Position:** Human Resources Coordinator

**Address:** 4590 Wilmington/Houston, TX 77090

**Telephone:** 713-748-0030

**SECTION 4. Complaints**

The Coordinator shall be responsible for the investigation of discrimination complaints filed by employees and citizens. Complaints regarding any type of alleged discrimination shall be made in accordance with Pro-Vision Educational Services’ complaint policy in Section 300.120.



# TCSA Model Board Policy Series

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600.040. Drug Free Work Place  
*Charter Board Policy for Pro-Vision Educational Services*

## INTRODUCTION

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**600.40. DRUG-FREE WORKPLACE**

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

**SECTION 1. Drug-Free Policy**

Pro-Vision Educational Services is committed to maintaining a drug-free workplace and shall make a good faith effort to maintain such an environment. The unlawful manufacture, distribution, possession, or use of a controlled substance in the workplace is strictly prohibited. In addition to any consequences established by law, violation of this policy may lead to disciplinary consequences up to and including termination.

**SECTION 2. Drug-Free Awareness Program**

The Superintendent, or designee, shall establish a drug-free awareness program in accordance with federal law.

**SECTION 3. Notification.**

Employees shall notify the Superintendent or designee of any conviction based on a drug statute violation that occurred in the workplace within five days of such a conviction. Within 10 days of such notification, or otherwise being notified, the Superintendent, or designee, shall notify applicable relevant federal granting agencies of the conviction. Within 30 days of such notification the Superintendent, or designee, shall take appropriate personnel action or require the employee participate in a drug abuse assistance or rehabilitation program.

**SECTION 4. Alcohol & Drug Testing**

Section 4.1. Establishment of Testing Program & Procedures. In an effort to promote safety and help prevent accidents resulting from alcohol and/or drug misuse, the Superintendent, or Superintendent’s designee, shall establish an alcohol and drug and controlled substance testing program and procedures for the following:

1. Employees who are drivers of charter school-owned or rented vehicles;
2. Employees who perform safety-sensitive functions;
3. Applicants for positions in the above-referenced categories; and
4. Any employee when there is reasonable suspicion of use of alcohol or controlled substances in the workplace.

The Superintendent shall designate a charter school official who shall be responsible for ensuring that information is provided to all employees regarding prohibited driver conduct, alcohol and controlled substances tests, and the consequences that follow positive test results.

Section 4.2. Reasonable Suspicion Testing. Only supervisors trained in accordance with federal regulations may, based upon reasonable suspicion, remove an employee and require testing for alcohol and/or controlled substances. The determination of reasonable suspicion shall be based on specific observations of the appearance, behavior, speech, or body

odors of the employee whose motor ability, emotional equilibrium, or mental acuity appears impaired. Such observations must take place just preceding, during, or just after the period of the workday that the employee is on duty.

The observations may include indication of the chronic and withdrawal effects of controlled substances. Within 24 hours of the observed behavior, the supervisor shall provide a signed, written record documenting the observations leading to a controlled substance reasonable suspicion test.

Section 4.3. Required Procedures. The procedures established under Section 4.1 shall require the termination of an employee's employment for refusal to submit to a required test for alcohol or controlled substances.

Section 4.4. Supervisor Training. The Human Resource Representative or designee, shall ensure that supervisors are properly trained in accordance with the terms of the applicable law and this policy.



# TCSA Model Board Policy Series

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600.060. Hiring Practices &  
Criminal Administrative Officers  
& Business Managers

*Charter Board Policy for Pro-Vision Educational Services*

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Christine Nishimura, Texas Charter Schools Association\_  
[cnishimura@txcharterschools.org](mailto:cnishimura@txcharterschools.org)  
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## **Module 600: Human Resources**

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**600.060. HIRING PRACTICES & CRIMINAL BACKGROUND CHECKS**

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

**SECTION 1. New Hires**Section 1.1. Compliance.

The Human Resource Department Representative, or designee, shall ensure compliance with applicable laws and regulations regarding hiring practices of new employees.

Section 1.2. Posting Job Vacancies.

The Human Resource Department Representative, or designee, shall ensure that job vacancies are posted with ample time and in various venues so that a broad pool of potentially strong applicants may apply for available positions.

Section 1.3. Pre-employment Affidavits.

The Human Resource Department Representative, or designee, shall ensure all applicants for a position at Pro-Vision Educational Services must submit a pre-employment affidavit. An applicant that answers affirmatively as to having an improper relationship with a minor must disclose all relevant facts regarding the charge, adjudication, or conviction, and whether the charge was determined to be false. An applicant is not precluded from being employed with Pro-Vision Educational Services if the charges were determined to be false.

**SECTION 2. Criminal Background Checks**

The Human Resource Department Representative, or designee, shall ensure compliance with applicable laws and regulations regarding criminal background checks. Upon notification that an employee or prospective employee has engaged in an offense which legally prohibits that individual from employment at an open-enrollment charter school, the Superintendent, or designee, shall terminate, or not hire as applicable, that individual.

**SECTION 3. SBEC Reporting Requirements**

Section 3.1 Principal Reporting Requirements. The principal at a Pro-Vision Educational Services campus must notify the Superintendent of Pro-Vision Educational Services no later than 7 business days of:

- a. Learning an educator’s termination of employment or resignation following an alleged incident of misconduct, including an improper relationship with a student; or
- b. Learning about an educator’s criminal record by means other than the criminal history clearinghouse.

Section 3.2. Superintendent Reporting Requirements. The Superintendent, or designee, shall ensure compliance with reporting laws and regulations regarding employee termination and background checks.

- a. If the Superintendent, or designee, learns of criminal history outside of the

clearinghouse background check, the Superintendent, or designee, must notify SBEC within 7 business days.

- b. Additionally, if an educator is terminated for or resigned due to inappropriate behavior, including being involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor, the Superintendent, or designee, shall notify SBEC within 7 business days.
- c. If the Superintendent, or designee, receives a report from a Principal of Pro-Vision Educational Services campus, the Superintendent, or designee, must report to SBEC within 7 business days.

Section 3.3. Written Report. A report to SBEC must be in writing and should include the following:

- a. Name of employee
- b. State certification status
- c. Description of incident or description of criminal history
- d. Disciplinary steps taken

#### **Section 4. Improper Relationships with Students**

It is the policy of Pro-Vision Educational Services that all employees maintain a professional relationship and exhibit a professional demeanor in their interactions with students. Employees shall not form personally intimate or romantic relationships with students, regardless of whether the student is 18 years old. Employees found to have engaged in an improper or inappropriate relationship with a student is subject to immediate disciplinary action, including termination.

Section 4.1. Electronic Communication. In order to prevent improper relationships with students, Pro-Vision Educational Services adopts the following:

- a. Text messages and email communications are prohibited between employees and students unless the communication is for educational purposes.
- b. Employees may not be friends or connect with students on any social media platform such as Facebook, Twitter, Snapchat, Instagram and others. Also, employees are prohibited from engaging in electronic dating applications with students such as Tinder.

Section 4.2. Personal Phone Numbers and Emails. Employees at Pro-Vision Educational Services are not required to provide personal emails or personal phone numbers with students, parents, or families of students. Employees may elect not to disclose their personal telephone number or e-mail address to students.

### Section 4.3. Reporting Inappropriate Behavior.

#### a. Employee Reporting.

Employees at Pro-Vision Educational Services must report any behavior that is observed at school or at any school-related or school-sponsored activity that might violate this policy. Additionally, if employees receive any inappropriate communication from a student, the employee must immediately report the incident to the Principal or designated campus administrator. Reports may be submitted directly to the Principal via email or verbally in person. A report should include:

- i. Name of the employee involved;
- ii. Name of the student involved;
- iii. Location of incident; and
- iv. Description of incident.
- v. If possible, a report should include any copies of communication between the employee and the student.

#### b. Parent Notification

Pro-Vision Educational Services will notify a parent or guardian of a student when an alleged incident of educator misconduct involving an inappropriate relationship with a student as soon as feasibly possible after learning of the alleged incident, but no later than 24 hours.

Following an investigation into an incident of alleged misconduct involving an inappropriate relationship with a student, Pro-Vision Educational Services will notify the parent or guardian of the student involved as to whether:

- i. The educator was terminated following the investigation or if the educator resigned before the completion of the investigation; and
- ii. A report was submitted to the SBEC for the alleged misconduct.



# TCSA Model Board Policy Series

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600.080. Compensation

*Charter Board Policy for Pro-Vision Educational Services*

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**600.080. COMPENSATION**

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

**SECTION 1. Fair Labor Standards Act (FLSA) Compliance**

Section 1.1. Designation of Work Week. For purposes of the FLSA, the board generally designates the 40 hour work-week for employees as Monday at 7:30 am through Friday at 4:30 pm. The Board authorizes the Superintendent to designate separate work weeks for specific school personnel such as, but not limited to, the school maintenance staff.

Section 1.2. Classification of Employees. The Human Resource Department Representative shall determine the classification of employees as “exempt” or “nonexempt” for purposes of FLSA compliance.

Section 1.3. Permission Required to Work Overtime. Nonexempt employees may only work over 40 hours per week if they have received prior approval from their supervisor.

**SECTION 2. COMPENSATION PLANS FOR SCHOOL EMPLOYEES**

The Superintendent shall recommend for Board approval compensation plans for all categories of charter school employees including salary schedules, stipends, benefits, incentives or other components determined appropriate by the Superintendent. The Superintendent shall administer the compensation plan in a manner consistent with the annual budget adopted by the Board.

**SECTION 3. Wage Overpayment / Underpayment**

Pro-Vision Educational Services strives to take all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled paydays. In the unlikely event that there is an error in the amount of pay, the employee shall promptly bring the discrepancy to the attention of his or her supervisor so that corrections can be made as quickly as possible. If the employee has been paid in excess of what he or she has earned, the employee shall return the overpayment to Pro-Vision Educational Services as soon as possible. No employee is entitled to retain any pay in excess of the amount he or she has earned according to the agree-upon rate of pay. If a wage overpayment occurs, the overpayment will be regarded as an advance of future wages payable and will be deducted in whole or in part from the next available paycheck(s) until the overpaid amount has been fully repaid. Each employee will be expected to sign a wage deduction authorization agreement authorizing such a deduction either soon after employed with Pro-Vision Educational Services or as soon as practicable. Such authorization agreement is valid for the duration of the employment relationship.

**SECTION 4. Expense Reimbursement**

The Superintendent shall designate allowable expenses for expense reimbursement when employees incur expenses that are pre-approved and related to their work assignments. Employees shall be required to submit accurate documentation of the expenses for which reimbursement is sought.

## SECTION 5. Stipend Payments

Pro-Vision Educational Services provides every employee with base compensation. However, there are circumstances when additional payment, bonus pay, may be appropriate to provide a reward for exceptional performance. An employee may earn a bonus only if he or she is employed on the bonus payment day and has not indicated his or her intent to resign.

A stipend is defined as an after-the-fact discretionary, lump sum, non-cumulative cash award that may be granted to an employee in recognition of an extraordinary contribution which substantially benefits the students at Pro-Vision Educational Services because stipends are for extraordinary contributions, it is not expected that stipends will be awarded annually or on any other regular basis. No property interest exists in the possibility of an award of a stipends.

Pro-Vision Educational Services may award a stipend to an employee in its sole discretion. General factors that Pro-Vision Educational Services might consider in exercising its discretion to award a Stipends include, but are not limited to:

1. Department Head
2. Athletic Coaches
3. Band Sponsors

By August 31<sup>st</sup>, the SUPERINTENDENT shall notify the Board whether funds exist to award employee stipends payments. The Board will determine whether or not to allocate these funds for use as employee stipends. If the Board determines to use these funds as employee stipends, the SUPERINTENDENT, along with Human Resource and Finance Coordinator shall comprise a committee which shall determine which employees receive a stipend and the amount.



# TCSA Model Board Policy Series

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600.100. Training: Campus Administrative Officers  
& Business Managers

*Charter Board Policy for Pro-Vision Educational Services*

## INTRODUCTION

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### Overall Policy Framework

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For questions concerning the Model Board Policies for Charter Schools contact:

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lgordon@txcharterschools.org  
512.584.8272

## Module 600: Human Resources

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Module 100: Financial Operations

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Module 200: Charter School Governance & Organization

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Module 300: General School Operations

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Module 400: Students

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Module 500: Open Government

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

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U.S.C.A	United States Code Annotated

## **600.100. TRAINING: CAMPUS ADMINISTRATIVE OFFICERS & BUSINESS MANAGERS**

### **Section 1: Documenting Compliance**

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

Each campus administrative officer and business manager shall comply with and keep accurate records concerning his or her compliance with the commissioner of education rules governing training requirements.

### **Section 2: Staff Development**

The Campus Principal or designee will adopt a policy to provide annual training on suicide prevention for all new staff and a schedule for returning staff to renew their training in line with rules adopted by TEA.



# TCSA Model Board Policy Series

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600.120. Immunities

*Charter Board Policy for Pro-Vision Educational Services*

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**600.120. IMMUNITIES**

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

**Section 1. Exhaustion of Administrative Claims**

Prior to filing a lawsuit against a professional employee hired by Pro-Vision Educational Services, potential claimants shall exhaust administrative remedies in accordance with state law. Administrative remedies must be pursued through the Board’s grievance process set forth in Board Policy 300.120.

**Section 2. Written Notice of Legal Claims**

Written notice of a potential legal claim against a professional employee of Pro-Vision Educational Services shall be provided in accordance with state law and shall be mailed or hand-delivered to the employee’s attention at the charter school’s administrative office at the following address: 2656 South Loop West, Ste. 650, Houston, Texas 77054



# TCSA Model Board Policy Series

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600.140. Retirement & Health Benefits  
*Charter Board Policy for Pro-Vision Educational Services*

## INTRODUCTION

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For questions concerning the Model Board Policies for Charter Schools contact:

Christine Nishimura, Texas Charter Schools Association\_  
[cnishimura@txcharterschools.org](mailto:cnishimura@txcharterschools.org)  
512.584.8272

## Module 600: *Human Resources*

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Tex. Labor Code	Texas Labor Code
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Tex. Loc. Gov't Code	Texas Local Government Code
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**600.140. RETIREMENT AND HEALTH BENEFITS**

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

**SECTION 1. Compliance**

The Superintendent shall administer this policy in compliance with all applicable laws and shall ensure that school records pertaining to each employee’s retirement and health benefits are current and accurate.

**SECTION 2. Health Benefits**

Pro-Vision Educational Services elects to provide health benefits through a private carrier. All health claims and coverage decisions are final as determined by the school’s selected carrier.

For more information, see Pro-Vision Educational Services’ Personnel Handbook/Employee Handbook.

**SECTION 3. COBRA Notification**

The Superintendent, or designee, shall notify employees of their potential rights under COBRA upon separation from employment with the school, whether for voluntary or involuntary reasons.

**SECTION 4. Local Benefits**

Local Benefits – Pro-Vision Educational Services employees should see the Human Resources Department for information regarding any local benefits.

**SECTION 5. Workers Compensation Benefits**

It is the policy of Pro-Vision Educational Services to provide workers’ compensation insurance. The Human Resources Coordinator shall notify employees of its coverage decisions in accordance with state law.

**SECTION 6. Teacher Retirement System**

Section 6.1. TRS Eligibility. Pro-Vision Educational Services participates in the Teacher Retirement System (TRS). An employee is eligible for membership in TRS when the employee has:

- a. Regular employment with a single public, state-supported education institution in Texas that is expected to last for a period of 4 ½ months or more;
- b. For one-half or more of the full-time workload; and
- c. With compensation paid at a rate comparable to the rate of compensation for other persons employed in similar positions.

An employee at Pro-Vision Educational Services is considered to meet these requirements if the employee’s customary employment is for 20 hours or more each week at a single employer and for 4 ½ months or more in one school year.

Section 6.2 Loss of TRS Eligibility. An employee at Pro-Vision Educational Services is no longer eligible to receive retirement annuity from TRS if the person is convicted of a qualifying felony

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against a student. A qualifying felony includes the continuous sexual abuse of a young child or children, an improper relationship between an educator and student, sexual assault, or aggravated sexual assault.



# TCSA Model Board Policy Series

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600.160. Teacher Credentials & Qualifications  
*Charter Board Policy for Pro-Vision Educational Services*

## INTRODUCTION

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## Module 600: Human Resources

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**600. 160. TEACHER CREDENTIALS & QUALIFICATIONS**

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

**SECTION 1. Compliance.**

The Human Resource Department Representative shall ensure that each teacher employed by Pro-Vision Educational Services is properly credentialed and qualified as required by state and federal law. Further, Pro-Vision Educational Services shall ensure that the appropriate notices are sent to parents concerning the credentials and qualifications of the student’s teachers.

---- Section 2 is Optional ----

**SECTION 2. Local Requirements for Teaching Credentials and Qualifications**

In addition to the federal and state requirements, the Board directs the Superintendent to hire/make a good faith effort to hire teachers with the following credentials and qualifications:

- a. State certification appropriate for the subject areas being taught by the teacher.
- b. List here any ongoing professional development standards that the board requires of its teaching staff.



# TCSA Model Board Policy Series

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600.180. Employee Leaves & Absences  
*Charter Board Policy for Pro-Vision Educational Services*

## INTRODUCTION

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## 600. 180. EMPLOYEE LEAVES AND ABSENCES

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

### Section 1. Definition

For purposes of this policy, “instructional staff” includes full time employees who work as campus principals, classroom teachers, teacher aides, counselors, and providers of special education services.

### Section 2. Administration and Compliance

The Human Resource Director shall administer this policy in compliance with all applicable laws and shall ensure that school records pertaining to each employee’s leaves and absences are current and accurate.

### Section 3. Family Medical Leave

Section 3.1. 12-Month Period. For purposes of FMLA leave, the 12-month period for leave is determined as the the fiscal year the 12-month period measured forward from the date an employee’s first FMLA period begins

Section 3.2. Concurrent Use of Leave. It is the policy of Pro-Vision Educational Services for an employee’s paid leave, and/or workers’ compensation leave to run concurrently with FMLA leave.

### Section 4. Local Leaves and Absences

Section 4.1. Local Personal Leave.

**Employees** working a ten-month instructional calendar (187 days) will receive five (5) paid local leave days each year.

**Employees** working an eleven-month calendar (207 days) will receive five and a half (5.5) paid local leave days each year.

**Employees** working a twelve-month calendar (227 days) will receive six (6) paid local leave days each year.

No more than five (5) days local leave days will be granted as pay at the employee’s daily rate upon separation. Payment is contingent upon the employee’s completing the entire employment contract agreement for the current school term. Unused local leave days will be forfeited and unpaid in the event that the employee is terminated or fails to complete the current school term.

**Please note: Your payroll will be affected once you have used your paid leave days. Pro-Vision Educational Services will deduct each day you are off duty at your hourly or daily rate.**

Personal leave may be used for illness, illness of an employee’s family member, personal and family medical appointments, and other personal reasons as determined by the employee.

Personal leave does not accumulate.

Section 4.2. Other Leave. The charter school offers additional types of leave for its employees. (See the Pro-Vision Educational Services Employee Handbook for additional details.)

### Section 5. Extended Absences from Duty

Section 5.1. Abandoning Work. An employee who misses three days of work without directly notifying the employee’s supervisor is considered to have abandoned the employee’s position and will be terminated from employment unless extenuating circumstances exist as

determined by the Superintendent or their designee.

Section 5.2. Returning to Work from Extended Leave.

Section 5.2.1. Reinstatement. The reinstatement of an employee returning from extended leave such as family medical leave, military leave, or workers' compensation leave is a high priority for Pro-Vision Educational Services. Reinstatement to an equivalent position will be determined on a case-by-case basis by the Superintendent, or designee, based on the following factors relating to the best interests of the school and its students:

- a. the applicable laws, policies, and practices governing the employee's absence from duty;
- b. for instructional positions, the time of year, the students' academic and behavior progress, the proximity of school and/or student holidays, the proximity of student testing, and additional similar factors relating to the academic and behavioral success of the students;
- c. whether the employee is a key employee;
- d. the school's legal obligations to other employees;
- e. the employee's ability to perform the essential functions of the job with or without reasonable accommodation;
- f. the impact of reinstatement on the academic, fiscal, or other operations of the school.

Section 5.3. Pay Increases. Employees returning to their prior employment positions from extended leave such as family medical leave or workers' compensation leave are entitled to any cost of living increases that were awarded during the employee's absence from duty. Unless legally required otherwise, returning employees will not be entitled to any pay increases that were awarded based on seniority, length of service or work performance.



# TCSA Model Board Policy Series

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600.200. Complaints by School Employees  
*Charter Board Policy for Pro-Vision Educational Services*

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**600. 200. COMPLAINTS BY SCHOOL EMPLOYEES**

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

**SECTION 1. Process for Employee Complaints**

Employees of Pro-Vision Educational Services who have a complaint about their terms or conditions of work are encouraged to resolve their concerns informally with their co-workers and/or supervisors at the lowest level possible. If the employee is not satisfied with the outcome the informal resolution, then the employee may file a formal complaint in accordance with the grievance process set forth in Board Policy Section 300.120.

**SECTION 2. Exception for Sexual Harassment Complaints**

All formal complaints by charter employees must be pursued in accordance with the process set forth in Board Policy 300.120 unless the complaint is a sexual harassment complaint filed by an employee against the employee’s supervisor. Under these circumstances, the employee shall present his or her Level 1 complaint to the school’s Superintendent who will designate another supervisory level employee to hear and respond to the Level1 grievance. If the Superintendent’s designee does not reach a decision that is satisfactory to the employee, then the employee may appeal the decision to Levels 2 and 3 as delineated in Board Policy Section 300.120.