

### **Charter School Authority**

Pioneer Technology & Arts Academy is governed under the governing structure described by its open-enrollment charter.

### **Responsibility for Pioneer Technology & Arts Academy**

**Primary Responsibilities.** The Board of Directors of Pioneer Technology & Arts Academy (“PTAA”) has the primary responsibility for:

- (1) Implementing the public school program authorized by the PTAA open-enrollment charter and
- (2) Ensuring the performance of students enrolled in PTAA in accordance with the Education Code.

**Alienation of Open-Enrollment Charter.** The Board of Directors derives its authority to operate the PTAA charter schools from the PTAA open-enrollment charter.

- (1) The Board of Directors shall, acting as a body corporate in meetings posted in compliance with Government Code, Chapter 551, oversee the management of the PTAA charter schools.
- (2) Except as provided below the PTAA Board of Directors’ powers and duties to operate the PTAA charter schools shall not be delegated, transferred, assigned, encumbered, pledged, subcontracted, or in any way alienated by the Board of Directors.
- (3) PTAA shall notify the Texas Education Agency in writing prior to initiating bankruptcy proceeding respecting the charter holder.
- (4) **Exclusive Method for Delegating Charter Powers and Duties.** Any power or duty of the Board of Directors delegated to an officer, employee, contractor, management company, creditor, or any other person shall either be specified in the PTAA open-enrollment charter or a charter delegation amendment approved by the Texas Education Agency division responsible for charter schools.

**Accountability for Delegated Powers and Duties.** The Board of Directors remains responsible for the management, operation, and accountability of the PTAA charter schools, regardless of whether the Board of Directors delegates any of its powers or duties.

### **Management by Board of Directors**

In accordance with applicable law, the Board of Directors (“Board”) shall manage the affairs of Pioneer Technology & Arts Academy (“School”).

### **Management Through Board Policy and Delegation**

The Board shall manage the day-to-day affairs of the School through authorized delegation and the adoption of policies conforming to applicable law and offering best practices.

### **Oversight of Daily Operations**

The Board’s daily oversight and management of the School shall be through a chief executive officer, titled Superintendent. As the Board’s representative, the Superintendent shall oversee and be responsible for the daily implementation of Board adopted policies, plans, budgets and other actions and resolutions.

### **Board Policy to Supplement Law and Rules**

The policies adopted by the Board shall not supersede and are not in lieu of the legal requirements set out in state and Federal law and rule. Instead, Board policy shall supplement existing legal requirements by providing direction to the Superintendent and School personnel, parents, students and other affected parties in the conduct of the affairs of the School and in facilitating the School’s compliance with state and Federal law and rule. In any instance in which Board policy conflicts with state and Federal law or rule, the pertinent legal requirement will govern and control.

### **Policy Development and Adoption**

In collaboration with Board members, School personnel, legal counsel, parents, and the public at large, the Superintendent may develop and propose to the Board policies that address legal requirements and/or best practices. In its sole discretion, the Board may consider and adopt the policy recommended by the Superintendent. A policy shall be adopted and become effective upon favorable approval by a majority of the Board members present and constituting a quorum at a regular or special meeting of the Board. The Board may adopt a policy with a later effective date if a majority of the Board designates a later adoption.

### **Non-Substantive Edits to Policies**

The Superintendent may make non-substantive and otherwise inconsequential changes to adopted Board policies to ensure consistency with existing laws and rules (e.g., to include valid legal citations) and the School’s organizational structure and operations (e.g., to reference appropriate titles and departments). Legal counsel shall review any

and all changes to Board policy by the Superintendent to identify edits that alter the intent of the Board. The Superintendent shall, at the first regular board meeting opportunity, inform the Board of any changes made to policies passed by the Board and shall provide the Board an opportunity through appropriate agenda item to override any changes made.

### **Implementation of Board Policy Through Administrative Procedures**

The Superintendent or designee shall implement Board policy through administrative procedures which may include, but are not limited to the development and adoption of forms, department guides, manuals and/or handbooks. The Superintendent or designee may consult with School personnel, legal counsel or other qualified professionals in the preparation of the administrative procedures.

Superintendent or designee may amend administrative procedures as needed in conformance with Board policy and law. Should administrative procedure and policy conflict, policy will prevail except in instances where an administrative procedure has been reviewed and adopted by the Board subsequent to the approval of the underlying and conflicting Board policy.

The Superintendent or designee shall provide instruction, training, and supervision to School personnel in the implementation of Board policy and corresponding administrative procedures and shall ensure that Board policy and administrative procedures are provided and available to School personnel, parents, students and other affected parties.

### **Official Board Policies and Administrative Procedures**

The Superintendent shall maintain the original and official policies and administrative procedures adopted by the Board and the corresponding administrative procedures approved by the Superintendent in the central administrative office. In the event that a conflict arises between copies of a Board policy or administrative procedure, the official copy shall prevail as the authoritative record.

### **Accessibility of Policies and Procedures**

Board policies shall be made accessible to the public at large on the School's website and at the School's central administrative office. Administrative procedures shall be made available to the public at large as required by Chapter 551 of the Texas Government Code. Board policies and the administrative procedures implementing Board policy shall be provided and otherwise made readily accessible to all School personnel.

### **Campus and Department Procedures**

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POLICY GROUP 1 – GOVERNANCE  
BOARD POLICY AND ADMINISTRATIVE PROCEDURES

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Individual School campuses and departments may develop campus or departmental procedures, guides or manuals implementing and not conflicting with Board policy or administrative procedures.

### **Orientation**

Newly elected or appointed members to the Board of Directors (“Board”) shall participate in a local orientation session to familiarize the new Board member with the Pioneer Technology & Arts Academy’s organization, the Articles of Incorporation, Bylaws, Board policy, the Texas Education Code and the Texas Administrative Code.

### **Training**

Unless exempted pursuant to applicable law, each new member of the Board must complete an introductory required training course consisting of 12 instructional hours, excluding breaks, administrative tasks, and other non-instructional time, delivered by a registered course. The training course may not use self-instructional materials, unless as otherwise provided.

### **Timeline for Completion**

Each new member of the Board must complete the required training within one calendar year of election or appointment to the Board.

### **Required Course Content**

The required training shall include nine hours of instruction provided by a Texas Education Agency trainer or other trainer authorized in law, and consist of instruction in:

- (a) Basic school law;
- (b) Basic school finance;
- (c) Health and safety issues;
- (d) Accountability requirements related to the use of public funds;
- (e) Other requirements relating to accountability to the public;
- (f) Open meetings requirements under Government Code, Chapter 551; and
- (g) Requirements relating to public records.

### **Additional Required Training**

Each new Board member must also receive an additional three hours of training from any of the modules identified above.

### **Continuing Training**

Each Board member who has completed the 12 hours of required training shall annually thereafter receive six hours of training, excluding breaks, administrative tasks, and other non-instructional time, delivered by a registered course provider delivered by an authorized trainer. Self-instructional continuing training materials may be used in no more than one hour of the required continuing training. A Board member may carry over as much as 25 percent of annual continuing training hours earned in excess of the required amount to meet the following year's training requirements.

### **Exceptions and Exemptions**

The Board may adopt a resolution permitting individual members to meet the prescribed training through an alternate training program as permitted in law.

**Nondelegable Duties.** Absent specifically approved exceptions granted by the Commissioner of Education, the Board of Directors (“Board”) of Pioneer Technology & Arts Academy (“School”) shall not delegate the following duties:

- (1) Final authority to hear or decide employee grievances, citizen complaints, or parental concerns;
- (2) Final authority to adopt or amend the budget of the School, or to authorize the expenditure or obligation of state funds or the use of public property;
- (3) Final authority to direct the disposition or safekeeping of public records, except that the Board may delegate this function to any person, subject to the Board's superior right of immediate access to, control over, and possession of such records;
- (4) Final authority to adopt policies governing School operations;
- (5) Final authority to approve audit reports under TEC, §44.008(d); and
- (6) Initial or final authority to select, employ, direct, evaluate, renew, non-renew, terminate, or set compensation for the School's superintendent.

# CHARTER SCHOOL BOARD POLICY MANUAL

## POLICY GROUP 1 – GOVERNANCE

### BOARD OF DIRECTORS CODE OF CONDUCT AND ETHICS

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#### **Status and Use of State Funds**

Pioneer Technology & Arts Academy (“School”) is entitled to receive funding under Chapter 42, Education Code and in accordance with state law.

- (a) State funds received by the School are public funds for all purposes under state law, and may be used only for a purpose for which a school district may use local funds under Education Code 45.105(c), to wit:
  - (1) Purchasing appliances and supplies;
  - (2) Paying insurance premiums;
  - (3) Paying janitors and other employees;
  - (4) Buying school sites;
  - (5) Buying, building, repairing, and renting school buildings, including acquiring school buildings and sites by leasing through annual payments with an ultimate option to purchase; and
  - (6) For other purposes necessary and approved in the conduct of the public schools determined by the Board of Directors.

Any other use or application of such funds constitutes misuse and misapplication of public funds and is subject to the civil and criminal laws governing misuse or misapplication of Texas public funds.

- (b) State funds received by the School are held by the School in trust for the benefit of the students of the open-enrollment charter school. In their use of public funds, the Board of Directors, and the governing body and officer of a charter school, shall be held to the standard of care and fiduciary duties that a trustee owes a beneficiary under Texas law.
- (c) Pending their use, state funds received by the School must be deposited into a bank with which the School has entered into a depository contract. No later than November 1 of each year, the School shall file a copy of the depository contract with the Texas Education Agency division responsible for school financial audits, or, if there has been no change since the last filing, a statement to that effect in lieu of the depository contract.
  - (1) State funds received by the School must be deposited into an account owned and controlled by the School pending their use. Once properly deposited, the



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School may immediately use the funds for any purpose described in section (a)(1) above, subject to the standard of care and fiduciary duties that a trustee owes a beneficiary under Texas law.

- (2) For purposes of this policy, the term “bank” means a bank, a savings and loan association, or a savings bank organized under the laws of Texas, another state, or federal law that has its main office or a branch office in this state. The term does not include any bank the deposits of which are not insured by the Federal Deposit Insurance Corporation (FDIC). Although the term excludes a bank the deposits of which are not insured by the FDIC, deposits exceeding FDIC-insured amounts need not be collateralized for the institution to constitute a “bank” under this policy.
- (3) Notwithstanding the requirements of this policy listed above, if required by a contract executed prior to September 1, 2001, state funds may be deposited into an account managed by a bond trustee acting on behalf of the School for the sole purpose of complying with debt service obligations of the School on a bond issued under Chapter 53, Education Code.

### **Investment of State Funds**

The following provisions apply unless alternative requirements for investing state funds have been approved by the State Board of Education under 19 TAC § 100.103 (relating to Optional Open-Enrollment Charter Provisions for Contracting and Purchasing), and the open-enrollment charter has been amended by the Commissioner of Education to adopt the approved procedures.

- a. The School shall invest state funds in accordance with a requirement in the Texas Public Funds Investment Act (Government Code §§ 2256.009–2256.016) that applies to a school district or the board of trustees of a school district
- b. State funds invested by the School shall be maintained in a discrete charter investment account, separate and distinct from the operating accounts for the charter school and separate and distinct from any investment accounts related to non-charter activities.
- c. The School shall invest state funds in accordance with any applicable provision or covenant contained in a debt instrument, bond indenture, or similar agreement.
- d. The School shall not invest state or federal grant funds, unless investment of such funds is expressly authorized under the terms of the grant.

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- e. Investment of state funds shall be governed by the following investment objectives, in order of priority:
  - (1) Preservation and safety of principal;
  - (2) Liquidity; and
  - (3) Yield.
  
- f. In determining whether the School, or its employees or agents, have exercised prudence with respect to an investment decision respecting state funds, the determination shall be made taking into consideration:
  - (1) The investment of all funds, or funds under the School's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and
  - (2) Whether the investment decision was consistent with the written investment policy of the School.

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RECORD OF COMPLIANCE AND DISCLOSURE  
OF NON-COMPLIANCE

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**Record of Compliance**

All Members of Governing Bodies of Charter Holders and Schools, Chief Executive and Central Administrative Officers, Campus Administrative Officers, and Business Managers shall comply with initial and annual training requirements established in law. Pioneer Technology & Arts Academy (“School”) shall document compliance with these requirements.

**Continued Service**

Continued service as a member of the School’s Board of Directors or as an Officer of the School, is conditioned on satisfaction of the training requirements set forth in 19 T.A.C. §§ 100.1102–.1105.

**Audit Disclosure**

The School shall separately disclose, in its annual audit report of its financial and programmatic operations, a member of the Board of Directors or officer of the School, who fails to complete the training requirements set forth in 19 T.A.C. §§ 100.1102–.1105 and who continues to serve in such capacity as of the date of the audit report.

## **Purpose**

The purpose of this Policy is to govern the acceptance of gifts by Pioneer Technology & Arts Academy (“School”) and to provide guidance to the Board of Directors of the School (“Board”), the Chief Executive Officer and Superintendent of Schools (“CEO”), and prospective donors when making gifts to the School. The provisions of this Policy shall apply to all gifts received by the School for any of its campuses, programs or services. This Policy governs the acceptance of gifts made to the School or for the benefit of any of its campuses or programs.

As a not-for-profit organization organized under the laws of the State of Texas and exempt as a public charity under Section 501(c)(3) of the Internal Revenue Code, the School encourages the solicitation and acceptance of gifts for purposes that will assist the School to further and fulfill its mission. This Policy governs the acceptance of gifts made to the School or for the benefit of any of its schools or programs.

## **Restrictions on Gifts**

The School will accept unrestricted gifts, and gifts for specific campuses, programs and purposes, provided that such gifts are consistent with the School’s mission, purposes, and priorities. The School will not accept gifts that are too restrictive in purpose. Gifts that are too restrictive are those that violate the charitable and educational trust of the School, or that are accompanied by an improper economic benefit to the donor, or that vest the donor with inappropriate control or influence. The Board shall make all final decisions on the restrictive nature of a gift and its acceptance or refusal.

## **Gift Acceptance Committee**

The Board may establish a Gift Acceptance Committee of the Board to review gifts made to the School and to carry out certain terms of this Policy. The Gift Acceptance Committee may be charged with the responsibility of reviewing all gifts made or proposed to be made to the School, properly reviewing those gifts, and making recommendations to the Board on gift acceptance and related issues.

## **Use of Legal Counsel and Other Professional Assistance**

The School shall seek the advice of legal counsel or other professional advisors (such as an accountant, financial advisor or professional money manager) when appropriate and as recommended in this Policy relating to the acceptance of certain types of gifts. Generally, the School shall seek the advice of legal counsel in all matters pertaining to the acceptance of any gift which may have adverse legal, ethical (including a potential conflict of interest),

or other consequence of concern to the School.

All prospective donors shall be urged and encouraged by the School to seek and secure the assistance of independent legal, tax and financial advisors in matters relating to their gifts and the resulting tax and estate planning implications. The School shall not pay the legal fees or any professional fees of the donor in connection with a gift to the School. The School shall not provide any opinion, statement or recommendation to the donor as to the tax deductibility of the gift or as to any tax consequences or tax implications of the gift that may affect the donor.

It shall be the responsibility of the donor to secure an appraisal of property where required. The donor shall pay any fees associated with securing such appraisal.

### **Types of Gifts**

The following types of gifts are generally acceptable:

1. Cash Donations
2. Testamentary Bequests
3. Charitable Remainder Trusts
4. Charitable Lead Trusts
5. Tangible Personal Property
6. Oil, Gas and Mineral Interests
7. Life Insurance/Life Insurance Beneficiary Designations
8. Retirement Plan Beneficiary Designations
9. Securities
10. Real Estate

The following types of gifts are generally not acceptable:

1. Charitable gift annuities
2. Pooled income funds

### **Criteria for Certain Types of Gifts**

The criteria below govern the acceptance of each type of gift. Unless indicated otherwise, each type of gift is subject to prior review by the Board or the Gift Acceptance Committee.

1. Cash or Cash Equivalents: Cash is acceptable in any form. Checks shall be made payable to the School and shall be delivered to the Accounting Desk in the Business Office at the 3100 Oates Dr., Mesquite, TX location.

2. Charitable Pledge Agreements: Acceptable if payable only in acceptable form as set forth in this Policy. Pledges payable over more than 1 year shall generally not be acceptable unless at least \$1000.

3. Securities: Both publicly traded securities and marketable closely held securities are acceptable upon review by the Gift Acceptance Committee and legal counsel. Review and recommendation by an outside financial professional or money manager may be sought prior to acceptance of the gift. Marketable securities may be transferred to an account maintained at one or more brokerage firms or delivered physically with the transferor's signature or stock power attached. As a general rule, the School shall promptly sell all securities upon receipt.

4. Closely Held Securities; Other Intangibles: The School shall not accept securities and other intangible assets (such as interests in LLPs and LLCs or other ownership forms) that may not be sold or transferred, that have no value, are not marketable, or that may generate additional liability or undesirable tax or other consequences for the School. Review and recommendation by legal counsel and/or a financial professional should be sought before making a final decision on acceptance of closely held securities or other intangibles as a gift.

5. Tangible Personal Property: Gifts of tangible personal property are often called "in-kind" gifts and include gifts such as supplies, equipment, furniture, printed materials, books, food, software, motor vehicles and artwork. Gifts of tangible personal property will be examined as follows:

- a) Will the property be used by the School in furtherance of its mission?
- b) Is the property marketable?
- c) Are there restrictions on the use, display or disposition of the property?
- d) Are there carrying costs of the property?

The School shall not value or offer to value the property. The donor shall sign a statement of ownership and disclose any liens on the property. The School shall not accept any property subject to a restriction on its ability to use, sell or otherwise dispose of the property as it deems necessary.

6. Life Insurance Policy/Beneficiary Designation: The School may accept the gift of a life insurance policy, provided the School is named as both the owner of the policy and irrevocable beneficiary of the policy prior to acceptance of the gift. Beneficiary designations shall not be recorded as gifts to the School, unless and until the gift is irrevocable. Where the gift is irrevocable, but is not due until a future date, the present value of that gift may be recorded at the time the gift becomes irrevocable. If the policy is not fully paid-up and the donor does not

continue to make gifts to cover premium payments on the policy, the School shall have the right to continue to pay the premiums, convert the policy to paid-up insurance, surrender the policy for its current cash value, or otherwise make use of its value.

7. Real Estate. The School will not accept any real estate subject to a restriction on the School's ability to use, sell or otherwise dispose of or deal with the property as it deems necessary. Prior to the acceptance of real estate, the School shall require an initial environmental review of the property by a qualified environmental review firm to ensure that the property has no environmental damage or liabilities. In the event that the initial review reveals a potential problem or concern, the organization may retain a qualified environmental review firm to conduct an environmental audit. The cost of the environmental review and any environmental audit shall be the expense of the donor. Appraisal costs are the responsibility of the donor.

A title report or abstract of title shall be obtained by the School prior to the acceptance of the real property gift. Criteria for acceptance of the property shall include:

- a) A review of a complete profile of the property, including the title report and environmental review or audit, inspection reports, the deed, any encumbrances, leases, and tax bills.
- b) A review of the carrying costs, sale and holding costs of the property, such as insurance, property taxes, mortgages, notes, etc.
- c) A review of the restrictions, reservations, easements or other limitations on the property.
- d) A review of the use of the property for the School's purposes.
- e) A review of a recent appraisal of the property and consultation with a real estate advisor as to marketability of the property.

8. Oil, Gas and Mineral Interests: The School may accept oil and gas property interests upon review by the Gift Acceptance Committee and legal counsel. The property shall undergo an environmental review by an environmental firm. The property should be reviewed for liabilities or other considerations (such as undesirable tax consequences or valuation issues for working interests) that might make receipt of the gift inappropriate.

9. Charitable Remainder Trusts: The School may accept designation as remainder beneficiary of a charitable remainder trust upon the review by the Gift Acceptance Committee and legal counsel. The School will not accept appointment as a trustee of a charitable remainder trust.

10. Charitable Lead Trusts: The School may accept designation as income beneficiary of a charitable lead trust upon review by the Gift Acceptance Committee and legal counsel. The School will not accept appointment as trustee of a charitable remainder trust.

11. Retirement Plan Beneficiary Designations: Donors and supporters of the School are encouraged to name the School as a beneficiary of a retirement plan. Such designations shall not be recorded as gifts unless and until the gift is irrevocable. When the gift is irrevocable, but is not due until a future date, the present value of that gift may be recorded at the time the gift becomes irrevocable.

12. Bequests: Donors and supporters of the School are encouraged to make bequests to the School under their wills and trusts. Such bequests will not be recorded as gifts unless and until the gift is irrevocable. When the gift is irrevocable, but is not due until a future date, the present value of that gift may be recorded at the time the gift becomes irrevocable.

### **Valuation of Gifts**

The School shall record a gift received by the School at its valuation for gift purposes on the date of gift and accordance with GAAP.

### **IRS Filing Upon Sale of Gift**

The School is responsible for filing IRS Form 8282 upon the sale or disposition of any asset sold by the School within two years of receipt where the charitable deduction value of the item was \$5,000 or greater. The School must file such form within 125 days of the date of sale or disposition of the asset. The Business Office at the School shall be responsible for the recordation and filing of this form to the IRS.

### **Written Acknowledgment of Gifts and Contributions**

Written Acknowledgement of all gifts made to the School and compliance with the current IRS requirements in acknowledgement of such gifts shall be the ultimate responsibility of the Board. The Chairman shall be responsible for ensuring compliance with IRS requirements regarding acknowledgments.



### **Confidentiality**

The School shall hold all information concerning donors or potential donors in strict confidence, subject to requests for information that the School is required by law or court order to provide. The School shall not release information about donors or the gift that is not otherwise public information unless permission from the donor is obtained. The School will respect the confidentiality of donors who do not wish to be recognized.

### **Review of Policy; Changes to Policy**

The Board shall review this Policy on a periodic basis (but no less than five years) or, if applicable, the Gift Acceptance Committee shall periodically review and recommend changes to this Policy for approval and adoption by the Board.

### **General Policy Regarding Public Information Requests**

This policy shall be construed and applied in a manner that is consistent with the provisions of the Texas Public Information Act.

All requests for information must be in writing.

It is the policy of Pioneer Technology & Arts Academy (School) to generally respond to all requests for public information as promptly as reasonably possible, without delay, and without unreasonable interference to PTAA's immediate business.

#### **Inability to Produce Public Information**

If the School cannot produce public information within ten business days of receipt of the request because of the voluminous nature of the request, due to other necessary operations, or otherwise, then the School shall provide notice to the requestor specifying the date and hour within a reasonable time the information will be available.

If the requested information is not available because it is in immediate active use or storage, then the Superintendent shall provide notice to the requestor specifying the date and hour within a reasonable time the information will be available.

#### **Limitations on Personnel Time**

After School personnel collectively have spent 36 hours of time producing public information for the same requestor during a fiscal year, the School shall charge the requestor for any additional personnel time spent producing information for the requestor, in accordance with law.

If, in connection with a request for public information, the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds the 36-hour limit, the School shall, within ten days of the date of the request, provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses, necessary to comply with the request. The amount of this charge shall be established in accordance with the applicable rules prescribed by the Attorney General of the State of Texas.

The limitation on response time and recovery of cost provisions set forth in this section do not apply if the requestor:

- a) is a representative of a radio or television station that holds a license issued by the Federal Communications Commission; or

- b) is a representative of a newspaper that is qualified to publish legal notices or is a free newspaper of general circulation and that is published at least once a week and available and of interest to the general public in connection with the dissemination of news; or
- c) is an elected official of the United States, this state, or a political subdivision of this state; or
- d) is a representative of a publicly funded legal services organization that is an exempt entity under Section 5012(c)(3) of the Internal Revenue Code of 1986, as amended.

Except as specifically authorized by law, all requests for public information shall be treated uniformly without regard to the position or occupation of the requestor or the person on whose behalf the request is made.

### **Reasonable Fees & Copy Charges**

The charges herein are intended to recover costs associated with providing copies of public information, and are based on estimated average costs to governmental bodies across the state. When actual costs are 25 percent higher than those used in these rules, governmental bodies other than agencies of the state may request an exemption in accordance with 1 TAC 70.4.

Copy charges are as follows:

1. Standard-paper copy. The charge for standard-paper copies reproduced by means of an office machine copier or a computer printer is \$.10 per page or part of a page. Each side that has recorded information is considered a separate page.
2. Nonstandard copy. The charges for nonstandard copies are:
  - a. Diskette — \$1.00
  - b. Magnetic tape — actual cost
  - c. Data cartridge — actual cost
  - d. Tape cartridge — actual cost
  - e. Rewritable CD (CD-RW) — \$1.00
  - f. Non-rewritable CD (CD-R) — \$1.00
  - g. Digital video disc (DVD) — \$3.00
  - h. JAZ drive — actual cost
  - i. Other electronic media — actual cost
  - j. VHS video cassette — \$2.50

- k. Audio cassette — \$1.00
- l. Oversize paper copy (e.g., 11" x 17", greenbar, bluebar, not including maps and photographs using specialty paper) — \$.50
- m. Specialty paper (e.g., Mylar, blueprint, blueline, map, photographic) — actual cost

Personnel charges are as follows:

1. If a particular request requires the services of a programmer in order to execute an existing program or to create a new program so that requested information may be accessed and copied, the School may charge for the programmer's time. The hourly charge for a programmer is \$28.50 an hour. Only programming services shall be charged at this hourly rate.
2. The charge for labor costs incurred in processing a request for public information is \$15.00 an hour. The labor charge includes the actual time to locate, compile, manipulate data, and reproduce the requested information.
3. A labor charge shall not be billed in connection with complying with requests that are for 50 or fewer pages of paper records, unless the documents to be copied are located in two or more separate buildings that are not physically connected to each other or a remote storage facility. For purposes of this provision, two buildings connected by a covered or open sidewalk, an elevated or underground passageway, or a similar facility, are not considered to be separate buildings.
4. A labor charge shall not be recovered for any time spent by an attorney, legal assistant, or any other person who reviews the requested information:
  - a. To determine whether the School will raise any exceptions to disclosure of the requested information under Government Code, Subchapter C, Chapter 552; or
  - b. To research or prepare a request for a ruling by the attorney general's office pursuant to section 552.301 of the Government Code.
5. When confidential information pursuant to a mandatory exception of the Act is mixed with public information in the same page, a labor charge may be recovered for time spent to redact, blackout, or otherwise obscure confidential information in order to release the public information. A labor charge shall not be made for redacting confidential information for requests of 50 or fewer pages, unless the request also qualifies as a labor charge pursuant to Government Code 552.261(a)(1) or (2).

Overhead charges are as follows:

1. Whenever any labor charge is applicable to a request, the School may include in the charges direct and indirect costs, in addition to the specific labor charge. This overhead charge would cover such costs as depreciation of capital assets, rent, maintenance and repair, utilities, and administrative overhead. If the School chooses to recover such costs, a charge shall be made in accordance with the methodology

described in item 3 below. Although an exact calculation of costs will vary, the use of a standard charge will avoid complication in calculating such costs and will provide uniformity for charges made statewide.

2. An overhead charge shall not be made for requests for copies of 50 or fewer pages of standard paper records unless the request also qualifies for a labor charge pursuant to Government Code 552.261(a)(1) or (2).
3. The overhead charge shall be computed at 20 percent of the charge made to cover any labor costs associated with a particular request. For example, if one hour of labor is used for a particular request, the formula would be as follows: Labor charge for locating, compiling, and reproducing,  $\$15.00 \times .20 = \$3.00$ ; or programming labor charge,  $\$28.50 \times .20 = \$5.70$ . If a request requires one hour of labor charge for locating, compiling, and reproducing information ( $\$15.00$  per hour); and one hour of programming labor charge ( $\$28.50$  per hour), the combined overhead would be:  $\$15.00 + \$28.50 = \$43.50 \times .20 = \$8.70$ .

Microfiche and microfilm charges are as follows:

1. If the School already has information that exists on microfiche or microfilm and has copies available for sale or distribution, the charge for a copy must not exceed the cost of its reproduction. If no copies of the requested microfiche or microfilm are available and the information on the fiche or film can be released in its entirety, the School should make a copy of the fiche or film. The charge for a copy shall not exceed the cost of reproduction.
2. If only a master copy of information in microform is maintained, the charge is \$.10 per page for standard-size paper copies plus any applicable labor and overhead charge for more than 50 copies.

Remote document retrieval charges are as follows:

1. Due to limited on-site capacity of storage of documents, it is frequently necessary to store information that is not in current use in remote storage locations. Every effort should be made by the School to store current records on-site. To the extent that the retrieval of documents results in a charge to comply with a request, it is permissible to recover costs of such services for requests that qualify for labor charges under current law.
2. If the School has a contract with a commercial records storage company, whereby the private company charges a fee to locate, retrieve, deliver, and return to storage the needed record(s), no additional labor charge shall be factored in for time spent locating documents at the storage location by the private company's personnel. If after delivery to the School, the boxes must still be searched for records that are responsive to the request, a labor charge is allowed in accordance with item 2 under personnel charges, above.

Computer resource charges are as follows:

1. The computer resource charge is a utilization charge for computers based on the amortized cost of acquisition, lease, operation, and maintenance of computer resources, which might include, but is not limited to, some or all of the following: central processing units (CPUs), servers, disk drives, local area networks (LANs), printers, tape drives, other peripheral devices, communications devices, software, and system utilities.
2. These computer resource charges are not intended to substitute for cost recovery methodologies or charges made for purposes other than responding to public information requests.
3. The charges in this section are averages based on a survey of governmental bodies with a broad range of computer capabilities. The school has determined the following category(ies) of computer system(s) used by governmental bodies to fulfill the public information request most closely fits its existing system(s) and set its charge accordingly:

<u>Type of System</u>	<u>Rate</u>
Mainframe	\$10.00 per CPU minute
Midsized	\$ 1.50 per CPU minute
Client/Server	\$ 2.20 per clock hour
PC or LAN	\$ 1.00 per clock hour

4. The charge made to recover the computer utilization cost is the actual time the computer takes to execute a particular program times the applicable rate. The CPU charge is not meant to apply to programming or printing time; rather, it is solely to recover costs associated with the actual time required by the computer to execute a program. This time, called CPU time, can be read directly from the CPU clock, and most frequently will be a matter of seconds. If programming is required to comply with a particular request, the appropriate charge that may be recovered for programming time is described above, at Personnel Charges. No charge should be made for computer print-out time. For example, if a mainframe computer is used, and the processing time is 20 seconds, the charges would be as follows:  $\$10.00 / 3 = \$3.33$ ; or  $\$10.00 / (60 / 20) = \$3.33$ .

The actual cost of miscellaneous supplies, such as labels, boxes, and other supplies used to produce the requested information, may be added to the total charge for public information.

Governmental bodies may add any related postal or shipping expenses that are necessary to transmit the reproduced information to the requesting party.

Pursuant to Office of the Comptroller of Public Accounts' rules, sales tax shall not be added on charges for public information. (34 TAC, Part 1, Chapter 3, Subchapter O, Sections 3.341 and 3.342).

If the School ever accepts payment by credit card for copies of public information and the School is charged a transaction fee by the credit card company, the School may recover that fee from the requestor.

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**A. COMPREHENSIVE SYSTEM**

The Superintendent or Sonya Gracy shall develop and maintain a comprehensive system of student records and reports dealing with all facets of the school program and shall ensure through reasonable procedures that records are accessed by authorized persons only, as allowed by this policy. These data and records shall be stored in a safe and secure manner and shall be conveniently retrievable for use by authorized school officials.

**B. CUMULATIVE RECORD**

A cumulative record shall be maintained for each student from entrance into PIONEER TECHNOLOGY & ARTS ACADEMY (PTAA) (“the School”) until withdrawal or a student’s graduation from the School.

This record shall move with the student from school to school and be maintained at the school where currently enrolled until graduation or withdrawal. Records for nonenrolled students shall be retained for the period of time required by law. No permanent records may be destroyed without explicit permission from the Superintendent.

**C. CUSTODIAN OF RECORDS**

The Sonya Gracy is the custodian of all records for currently enrolled students, and for students who have withdrawn or graduated.

**D. TYPES OF EDUCATION RECORDS**

For the purposes of this policy, the term “education records” means those records, files, documents, and other materials that contain information directly related to a student and are maintained by the School or by a person acting for the School, including:

1. Admissions data, personal and family data, including certification of date of birth.
2. Standardized test data, including intelligence, aptitude, interest, personality, and social adjustment ratings.
3. All achievement records, as determined by tests, recorded grades, and teacher evaluations.
4. All documentation regarding a student’s testing history and any accelerated instruction he or she has received, including any documentation of discussion or action by a grade placement committee convened for the student.
5. Health services record, including:
  - a. The results of any tuberculin tests required by the School.
  - b. The findings of screening or health appraisal programs conducted or provided by the School.



- c. Immunization records.
6. Attendance records.
7. Student questionnaires.
8. Records of teacher, counselor, or administrative conferences with the student or pertaining to the student.
9. Verified reports of serious or recurrent behavior patterns.
10. Copies of correspondence with parents and others concerned with the student.
11. Records transferred from other districts in which the student was enrolled.
12. Records pertaining to participation in extracurricular activities.
13. Information relating to student participation in special programs.
14. Records of fees assessed and paid.
15. Records pertaining to student and parent complaints.
16. Other records that may contribute to an understanding of the student.

The term “education records” does not include:

1. Records that are created or received by the School after an individual is no longer a student in attendance, and that are not directly related to the individual’s attendance as a student.
2. Records made by school personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.
3. Records maintained by a law enforcement unit of the school that were created by that law enforcement unit for the purpose of law enforcement.
4. Records on a student who is eighteen years of age or older, or who is attending an institution of postsecondary education, that are:
  - a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
  - b. Made, maintained, or used only in connection with treatment of the student; and
  - c. Disclosed only to individuals providing the treatment. For the purpose of this definition, “treatment” does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.
5. Grades on peer-graded papers before they are collected and recorded by a teacher.

**E. ACCESS BY PARENTS AND ELIGIBLE STUDENTS**

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The School shall make a student's records available to the student's parent(s) and the eligible student, as permitted by law. The records custodian or Sonya Gracy shall use reasonable procedures to verify the requestor's identity before disclosing student records containing personally identifiable information.

Records may be reviewed in person during regular school hours without charge upon written request to the records custodian. For in-person viewing, the records custodian or Sonya Gracy shall be available to explain the record and to answer questions. The confidential nature of the student's records shall be maintained at all times, and records to be viewed shall be restricted to use only in the Superintendent's, principal's, or counselor's office, or other restricted area designated by the records custodian. The original copy of the record or any document contained in the cumulative record shall not be removed from the school.

If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's educational records, the school shall provide the parent or eligible student with a copy of the records requested.

The School may not destroy any educational records if there is an outstanding request to inspect and review the records. The School may charge a fee for a copy of an education record that is made for the parent or eligible student, unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review the student's education records. The School will not charge a fee to retrieve the educational records of a student.

If the educational records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student.

A parent may continue to have access to his or her child's records under specific circumstances after the student has attained 18 years of age or is attending an institution of postsecondary education.

#### **F. ACCESS BY SCHOOL OFFICIALS**

A school official shall be allowed access to student records if he or she has a legitimate educational interest in the records.

For the purposes of this policy, "school officials" shall include:

1. An employee, director, trustee, or agent of the School, including an attorney, a consultant, a contractor, a volunteer, and any outside service provider used by the School to perform institutional services.
2. An employee of a cooperative of which the School is a member or of a facility with which the School contracts for placement of students with disabilities.

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3. A contractor retained by a cooperative of which the School is a member or by a facility with which the School contracts for placement of students with disabilities.
4. A parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

All contractors provided with student records shall follow the same rules as employees concerning privacy of the records and shall return the records upon completion of the assignment.

A school official has a “legitimate educational interest” in a student’s records when he or she is:

1. Working with the student;
2. Considering disciplinary or academic actions, the student’s case, or an individualized education program for a student with disabilities;
3. Compiling statistical data;
4. Reviewing an education record to fulfill the official’s professional responsibility; or
5. Investigating or evaluating programs.

#### **G. TRANSCRIPTS AND TRANSFERS OF RECORDS**

The School may request transcripts from previously attended schools for students transferring into the School; however, the ultimate responsibility for obtaining transcripts from sending schools rests with the parent or student, if 18 or older.

For purposes of a student’s enrollment or transfer, the School shall promptly forward in accordance with the time line provided in law education records upon request to officials of other schools or school systems in which the student intends to enroll or enrolls. The School may return an education record to the school identified as the source of the record.

#### **H. RECORDS RESPONSIBILITY FOR STUDENTS IN SPECIAL EDUCATION**

The **Sonya Gracy, i.e. PEIMS Coordinator** shall be responsible for ensuring the confidentiality of any personally identifiable information in records of students in special education.

A current listing of names and positions of persons who have access to records of students in special education is maintained at the School’s Administrative Office.

#### **I. PROCEDURE TO AMEND RECORDS**

Parents or eligible students may ask the School to amend a record that they believe is inaccurate or misleading. They should write the **Sonya Gracy, i.e. PEIMS Coordinator**, clearly identify the part of the record sought to be changed, and specify why the record is inaccurate or misleading. The School will decide whether to amend the record as requested within a reasonable time after receipt of the request. If the School decides not to amend the record as requested by the parent or

eligible student, the **Sonya Gracy, i.e. PEIMS Coordinator** or Sonya Gracy will notify the parent or eligible student of the decision and advise them of their right to a hearing to challenge the decision.

**J. CONSENT TO DISCLOSE PERSONALLY IDENTIFIABLE INFORMATION**

A parent or eligible student has the right to consent to disclosures of personally identifiable information, except to the extent that the Family Educational Rights and Privacy Act (“FERPA”) authorizes disclosure without consent.

“Personally identifiable information” includes, but is not limited to:

1. The student’s name;
2. The name of the student’s parent or other family members;
3. The address of the student or student’s family;
4. A personal identifier, such as the student’s biometric record, as defined by 34 CFR 99.3, social security number, or student number;
5. Other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name;
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the School community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty;  
or
7. Information requested by a person who the School reasonably believes knows the identity of the student to whom the education record relates.

Parents and/or eligible students have the right to consent to disclosures of personally identifiable information contained in the student’s educational records, except to the extent that FERPA authorizes disclosure without consent. Upon request, the School will disclose educational records without consent to officials of another school in which a student seeks or intends to enroll.

**K. NOTICE OF FERPA RIGHTS**

The Superintendent or Sonya Gracy shall see that the School provides parents and eligible students annual notification of their rights under FERPA.

The notice must inform parents or eligible students that they have the right to:

1. Inspect and review the student’s education record;

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2. Seek amendment of the student’s education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student’s privacy rights;
3. Consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA and 34 CFR 99.31 authorize disclosure without consent; and
4. File with the United States Department of Education a complaint under 34 CFR 99.63 and 99.64 concerning alleged failures by the School to comply with the requirements of the Act and 34 CFR Part 99.

The notice must include all of the following:

1. The procedures for exercising the right to inspect and review education records;
2. The procedure for requesting amendment of records under 34 CFR 99.20; and
3. A specification of criteria for determining who constitutes a school official, and what constitutes a legitimate educational interest.

The Superintendent or Sonya Gracy may provide this notice by any means that is reasonably likely to inform the parents or eligible students of their rights. The notice shall also be effectively communicated to parents of students who are disabled and parents of students who have a primary or home language other than English.

#### **L. DIRECTORY INFORMATION**

Certain information about students is considered “directory information” and will be released to anyone who follows procedures for requesting it unless the parent or eligible student objects in writing to its release within ten calendar days of receiving notice of FERPA rights. A parent or eligible student may also choose to opt out the release of directory information at any time during the school year. At any time after restricting the release of directory information, a parent or eligible student may in writing authorize the School to release directory information.

The School has designated the following categories of information as directory information for the purpose of disclosure relating to school-sponsored/school-affiliated purposes:

1. Student name;
2. Address;
3. Telephone listing;
4. Electronic mail address;
5. Photographs (including video image);
6. Date and place of birth;

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7. Major field of study;
8. Degrees, honors, and awards received;
9. Dates of attendance;
10. Grade level;
11. Most recent educational institution attended;
12. Participation in officially recognized activities and sports; and
13. Weight and height of members of athletic teams.

School-sponsored/school-affiliated purposes are those events or activities that the School conducts and/or sponsors to support the educational mission of the School. Examples include, but are not limited to:

1. Extracurricular programs or events (e.g., school plays, concerts, athletic events, graduation ceremony);
2. Publications (e.g., newsletters, yearbook, etc.);
3. Honor roll and other student recognition lists;
4. Marketing materials of the School (e.g., print media, website, videos, newspaper, etc.).

The School has designated the following categories of information as directory information for the purpose of disclosure to military recruiters and institutions of higher education, but only for secondary students:

1. Student's name;
2. Address; and
3. Telephone listing.

The School shall not release directory information except for the purposes indicated above, namely:

1. Disclosure relating to school-sponsored/school-affiliated purposes; and
2. Disclosure to military recruiters and institutions of higher education, but only for secondary students.

**M. RELEASE TO MILITARY RECRUITERS AND INSTITUTES OF HIGHER EDUCATION**

The School will comply with a request by a military recruiter or an institution of higher education for students' names, addresses, and telephone listings, unless a parent or eligible student has advised the School not to release the student's information without prior written consent.

**N. INSTRUCTIONAL RESOURCES AND SURVEYS**

All instructional materials, including teacher’s manuals, films, tapes, or other supplementary material that will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the U. S. Department of Education shall be available for inspection by the parents or guardians of students.

No student shall be required, as part of any program funded in whole or in part by the U. S. Department of Education, to submit to a survey, analysis, or evaluation that reveals information concerning the following topics without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent. Topics covered by this include:

1. Political affiliations or beliefs of the student or the student’s parent(s);
2. Mental or psychological problems of the student or the student’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of other individuals with whom respondents have close family relationships;
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
7. Religious practices, affiliations, or beliefs of the student or student’s parent; or
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

**O. OPT-OUT NOTICE**

The Superintendent shall ensure that parents are provided reasonable notice of the contents of this policy. Such notice shall be provided directly to the parents of the students in attendance at the School. At a minimum, the Superintendent shall:

1. Provide notice at least annually, at the beginning of the school year and within a reasonable time after any substantive change in policy; and
2. Offer an opportunity for the parent to opt the student out of participation in an activity described above.