



# TPCSA Model Board Policy Series

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## Module 1 – Governance

### Richard Milburn Academy

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*Adopted by Board of Directors*

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## **PG-1.101 BOARD POLICY AND ADMINISTRATIVE PROCEDURES**

### ***Sec.1. MANAGEMENT BY BOARD OF DIRECTORS***

In accordance with applicable law, the Board of Directors of Richard Milburn Academy/Texas, Inc. (the “Board”) shall manage the affairs of Richard Milburn Academy.

### ***Sec.2. MANAGEMENT THROUGH BOARD POLICY AND DELEGATION***

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

### ***Sec. 3. OVERSIGHT OF DAILY OPERATIONS***

The Board’s daily oversight and management of Richard Milburn Academy shall be through a chief executive officer, titled the 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.

### ***Sec. 4. 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 Richard Milburn Academy personnel, parents, students and other affected parties in the conduct of the affairs of Richard Milburn Academy and in facilitating Richard Milburn Academy’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.

### ***Sec. 5. POLICY DEVELOPMENT AND ADOPTION***

In collaboration with Board members, Richard Milburn Academy 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.

### ***Sec. 6. GENERAL POLICY DEFINITIONS***

The following definitions apply the individual policies contained in the Richard Milburn Academy Board Policy Manual:



***The Board:*** The Board refers to the Board of Directors of Richard Milburn Academy/Texas, Inc.

***Parent or Guardian:*** A “parent” or “guardian” includes a parent of a student and includes a natural parent, a guardian, a person standing in parental relation, or an individual acting as a parent in the absence of a parent or guardian. The term does not include a person as to whom the parent-child relationship has been terminated or a person not entitled to possession of or access to a child under a court order.

#### ***Sec. 7. 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 Richard Milburn Academy’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.

#### ***Sec. 8. 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 Richard Milburn Academy personnel, legal counsel or other qualified professionals in the preparation of the administrative procedures.

The 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 Richard Milburn Academy 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.

#### ***Sec. 9. 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.

***Sec. 10. ACCESSIBILITY OF POLICIES AND PROCEDURES***

Board policies shall be made accessible to the public at large on the Richard Milburn Academy’s website and at the Richard Milburn Academy’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 policies shall be provided and otherwise made readily accessible to all Richard Milburn Academy personnel.

***Sec. 11. CAMPUS AND DEPARTMENT PROCEDURES***

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

**PG-1.102 DISTRICT FOUNDATIONS**

***Sec.1. SCHOOL NAME***

The official name of the Charter Holder for the open-enrollment charter school is Richard Milburn Academy/Texas, Inc.

The official name of the Charter School is Richard Milburn Alternative High School (Killeen), which may be referred to throughout the Board Policy Manual as “Richard Milburn Academy” or “RMA”.

***Sec.2. RICHARD MILBURN ACADEMY/TEXAS INC. BOUNDARIES***

In accordance with the Richard Milburn Alternative High School (Killeen) charter on file with the Texas Education Agency, Richard Milburn Academy is authorized to serve students who reside within the geographical boundaries of the following independent school districts:

<b>KILLEEN – 014-801-001</b>
Belton ISD
Copperas Cove ISD
Killeen ISD

<b>ODESSA – 014-801-002</b>
Ector County ISD
Rankin ISD

<b>LUBBOCK – 014-801-004</b>
Albernathy ISD
Frenship ISD
Idalou ISD
Lorenzo ISD
Lubbock ISD
Lubbock-Cooper ISD
New Deal ISD
Roosevelt ISD
Shallowater ISD
Slaton ISD
Smyer ISD
Southland ISD

<b>HOUSTON – 014-801-005</b>
Aldine ISD
Alief ISD
Cypress-Fairbanks ISD
Houston ISD
Humble ISD
Klein ISD
Spring Branch ISD
Spring ISD

<b>FORT WORTH – 014-801-006</b>
Aledo ISD
Arlington ISD
Birdville ISD
Castleberry ISD
Crowley ISD
Eagle Mt-Saginaw ISD
Everman ISD
Fort Worth ISD
Highland Park ISD
Hurst-Euless-Bedford ISD
Kennedale ISD
Lake Worth ISD
White Settlement ISD

<b>CORPUS CHRISTI – 014-801-007</b>
Aransas County ISD
Aransas Pass ISD
Banquete ISD
Bishop CISD
Calallen ISD

Corpus Christi ISD
Flour Bluff ISD
Gregory-Portland ISD
Ingleside ISD
Orange Grove ISD
Port Aransas ISD
Robstown ISD
Tuloso-Midway ISD
West Oso ISD

<b>AMARILLO – 014-801-008</b>
Amarillo ISD
Bushland ISD
Canyon ISD
River Road ISD

<b>PASADENA – 014-801-009</b>
Goose Creek ISD
Pasadena ISD

<b>MIDLAND – 014-801-010</b>
Greenwood ISD
Midland ISD
Stanton ISD

*19 TAC § 100.1207(g).*

## **PG-1.103 BOARD AUTHORITY, ROLES AND RESPONSIBILITIES**

### ***Sec.1. CHARTER SCHOOL AUTHORITY***

Richard Milburn Academy is governed under the governing structure described by its open-enrollment charter.

## ***Sec.2. RESPONSIBILITY FOR SCHOOL OPERATIONS***

### ***a) Primary Responsibilities***

The Board of Directors of Richard Milburn Academy/Texas, Inc. (the “Board”) has the primary responsibility for:

- (1) Implementing the public school program authorized by the Richard Milburn Academy/Texas, Inc. open-enrollment charter; and
- (2) Ensuring the performance of students enrolled in Richard Milburn Academy in accordance with the Texas Education Code.

*19 TAC 100.1113(a).*

### ***b) Alienation of Open-Enrollment Charter***

The Board derives its authority to operate Richard Milburn Academy schools from the Richard Milburn Academy/Texas, Inc. open-enrollment charter.

- (1) The Board shall, acting as a body corporate in meetings posted in compliance with Government Code, Chapter 551, oversee the management of all Richard Milburn Academy/Texas, Inc. charter schools.
- (2) Except as provided below, the Board’s powers and duties to operate all Richard Milburn Academy/Texas, Inc. charter schools shall not be delegated, transferred, assigned, encumbered, pledged, subcontracted, or in any way alienated by the Board.
- (3) Richard Milburn Academy/Texas, Inc. shall notify the Texas Education Agency in writing prior to initiating bankruptcy proceeding respecting the charterholder.

*19 TAC 100.1113(b)(1)-(3).*

### ***c) Exclusive Method for Delegating Charter Powers and Duties***

Any power or duty of the Board delegated to an officer, employee, contractor, management company, creditor, or any other person shall either be specified in the Richard Milburn Academy open-enrollment charter or a charter delegation amendment approved by the Texas Education Agency division responsible for charter schools.

*19 TAC 100.1113(c).*

### ***d) Accountability for Delegated Powers and Duties***

The Board remains responsible for the management, operation, and accountability of all Richard Milburn Academy/Texas, Inc. charter schools, regardless of whether the Board delegates any of its powers or duties.

19 TAC 100.1113(d).

***e) Non-delegable Duties***

Absent specifically approved exceptions granted by the Commissioner of Education, the Board 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 Richard Milburn Academy/Texas, Inc. or Richard Milburn Academy's budget, 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 Richard Milburn Academy operations;
- (5) Final authority to approve audit reports under TEC, §44.008(d); and
- (6) Final authority to select, employ, direct, evaluate, renew, non-renew, terminate, or set compensation for the Superintendent or, as applicable, the administrator serving as the educational leader and chief executive officer.

19 TAC 100.1113(a)(1)(A-F).

***Sec. 3. IMMUNITY FROM LIABILITY***

***a) Statutory Immunity for the Charter Holder and Charter School***

In matters related to operation of an open-enrollment charter school, an open-enrollment charter school or charter holder is immune from liability and suit to the same extent as a school district.

- (1) An open-enrollment charter school is a governmental unit as defined by Section [101.001](#), Civil Practice and Remedies Code, and is subject to liability only as provided by Chapter [101](#), Civil Practice and Remedies Code, and only in the manner that liability is provided by that chapter for a school district.
- (2) An open-enrollment charter school is a local government as defined by Section [102.001](#), Civil Practice and Remedies Code, and a payment on a tort claim must comply with Chapter [102](#), Civil Practice and Remedies Code.
- (3) An open-enrollment charter school is a local governmental entity as defined by Section [271.151](#), Local Government Code, and is subject to liability on a contract as provided by Subchapter [I](#), Chapter [271](#), Local Government Code, and only in the manner that liability is provided by that subchapter for a school district.

***b) Statutory Immunity for Members of the Board of Directors***

A member of the governing body of an open-enrollment charter school or of a charter holder is immune from liability and suit to the same extent as a school district trustee.

*Tex. Educ. Code §12.1056*

***c) Statutory Immunity for Damages Arising from a Pandemic***

An educational institution is not liable for damages or equitable monetary relief arising from a cancellation or modification of a course, program, or activity of the institution if the cancellation or modification arose during a pandemic emergency and was caused, in whole or in part, by the emergency. An “educational institution” means an institution or program that facilitates learning or the acquisition of knowledge, skills, values, beliefs or habits. The term includes a public primary or secondary school. *Civil Practice & Remedies Code 148.004*.

**PG-1.104 ORIENTATION AND TRAINING**

***Sec. 1. BOARD MEMBER AND OFFICER TRAINING REQUIREMENTS***

***a) General Requirements***

All governing board members and officers of Richard Milburn Academy must complete all applicable training requirements under Division 6, Subchapter AA, Chapter 100, Title 19 of the Texas Administrative Code. *19 TAC 100.1115(a)*.

All training requirements are expressed in instructional hours, meaning they exclude time spent for breaks, administrative tasks, and other non-instructional tasks. *19 TAC 100.1115(b)*.

All training must be delivered by a training provider registered under 19 TAC 100.1125. Unless otherwise allowed by the Texas Administrative Code, training may be provided through online instruction by an authorized training provider, provided that the training offers an opportunity for interaction with the instructor in real time or incorporates interactive activities that assess learning and provide feedback to the learner. *19 TAC 100.1115(c)-(d)*.

***Sec. 2. Core Training for New Governing Board Members and Officers***

***b) Required Training Hours***

A new governing board member or officer—defined as any board member or officer who has not served in their position or similar position requiring the core program training with a Texas charter school in the last three years—must complete core training that consists of 10 instructional hours outlined in this policy. *19 TAC 100.1117(a)*.

***c) Timeline for Completion***



The core training must be completed within one calendar year of appointment or election to the Board or employment by Richard Milburn Academy as applicable, unless otherwise indicated in 19 TAC 100.1117(d) or as required by Texas law. *19 TAC 100.1117(b)*.

**d) *Required Course Content***

The core training shall cover, at minimum, the following topics:

(1) Charter Law, including:

- (A) history and purpose of charter schools;
- (B) charter holder contractual obligations to the Texas Education Agency (TEA);
- (C) charter holder bylaws, charter board governance policy, and charter district policies and procedures;
- (D) charter School Performance Framework;
- (E) charter contract renewal with TEA;
- (F) charter amendments;
- (G) contract revocation;
- (H) student enrollment and lotteries;
- (I) roles and responsibilities by officer type;
- (J) ensuring services to special populations;
- (K) student code of conduct, student discipline, and parental rights; and
- (L) other laws and rules that apply to charter holders;

(2) Accountability to the Public, including:

- (A) Texas Open Meetings Act, open meetings requirements under Texas Government Code, Chapter 551, with special emphasis on posting the agenda, executive sessions, accessibility of the meeting location to the public, employee board members, and civil and criminal sanctions, which must be completed by new governing board members within the first 90 days after joining the board;
- (B) Texas Public Information Act requirements under Texas Government Code, Chapter 552, which must be completed by new governing board members within the first 90 days after joining the board;
- (C) nepotism and conflicts of interest;
- (D) audits, investigations, and sanctions, with an emphasis on mandatory revocation for three consecutive unacceptable performance ratings required by Texas Education Code (TEC),
- (E) §12.115(c), and mandatory expiration for three out of five unacceptable performance ratings required by TEC, §12.1141(d);
- (F) student records and privacy; and
- (G) other accountability or transparency requirements that apply to charter holders;

(3) Evaluating and Improving Student Outcomes, including:

- (A) Texas Essential Knowledge and Skills;
- (B) State of Texas Assessments of Academic Readiness;
- (C) Texas A-F Accountability System;
- (D) setting school board required specific, quantifiable student outcome goals for all students and

- disaggregated student groups;
- (E) adopting plans to improve early literacy and numeracy and college, career, and military readiness;
- (F) Results Driven Accountability;
- (G) progress monitoring practices to improve student outcomes; and
- (H) other best practices for improving student outcomes;

(4) Accountability for Public Funds, including:

- (A) school finance in Texas, with an emphasis on charter finance;
- (B) Financial Integrity Rating System of Texas;
- (C) Annual Financial and Compliance Report;
- (D) Financial Accountability System Resource Guide;
- (E) financial controls and monitoring financial health;
- (F) annual budgets; and
- (G) other items related to school finance, risk management, related party transactions, or financial oversight; and

(5) School Safety, including:

- (A) school safety plans and audits;
- (B) school emergency and safety drills;
- (C) behavioral threat assessment;
- (D) school safety and security committee;
- (E) school security guard;
- (F) traumatic injury response;
- (G) identifying child abuse and human trafficking;
- (H) school safety facility standards; and
- (I) other items related to school safety or student health.

*19 TAC 100.1117(d).*

**Sec. 3. ADDITIONAL TRAINING FOR NEW GOVERNING BOARD MEMBERS AND OFFICERS**

A new Board member or officer who has completed the core training under Section 2(c) of this policy next must complete additional training as outlined below. Training that does not conform to the curriculum outline released by the commissioner does not satisfy the requirements required under this section.

These additional training requirements must be completed after the core training is completed and within one calendar year of appointment or election to the Board or employment by Richard Milburn Academy, as applicable.

The Commissioner of Education may approve and disseminate a curriculum outline that specifies all additional training content for this subsection. Training that does not conform to any curriculum outline released by the Commissioner of Education does not satisfy the requirements of this section.

*19 TAC 100.1119(a), (b), (c).*

**a) *Board Member Requirements***

A new Board member must complete two additional instructional hours on board governance requirements and best practices, including:

- (1) hiring and evaluating a superintendent;
- (2) required training and governance requirements;
- (3) non-delegable board governance duties;
- (4) board meeting protocols; and
- (5) other practices for effective governance and continuous improvement.

*19 TAC 100.1119(d)*

**b) *Officer Requirements***

A new officer must complete additional training hours specific to their role as follows:

- (1) Chief executive and central administrative officers must complete 20 additional instructional hours that further explore the core training topics outlined in §100.1117(d), including:
  - (A) two hours on Charter Law;
  - (B) two hours on Accountability to the Public;
  - (C) six hours on Evaluating and Improving Student Outcomes (EISO);
  - (D) three hours on Accountability for Public Funds;
  - (E) three hours on School Safety; and
  - (F) four hours on any other core training topic outlined in 19 TAC 100.1117(d).
- (2) Campus administrative officers are not required to complete additional instructional hours.
- (3) Business managers must complete 20 additional instructional hours that further explore the core training topics outlined in §100.1117(d), including:
  - (A) two hours on Charter Law;
  - (B) two hours on Accountability to the Public;
  - (C) three hours on EISO;
  - (D) nine hours on Accountability for Public Funds; and
  - (E) four hours on any other core training topic outlined in §100.1117(d).

*19 TAC 100.1119(e).*

**c) *Excess Hours Earned***

Twenty-five percent of instructional hours earned in excess of the requirements set forth in this section by a new governing board member or officer may be carried over to meet the following year's requirement under §100.1121 of this title (relating to Continuing Training for Governing Board Members and Officers).

*19 TAC 100.1119(f).*

#### **Sec. 4. CONTINUING TRAINING REQUIREMENTS**

Any Board member or officer who has completed the training requirements under Sections 2 and 3 of this policy must annually thereafter complete additional training. *19 TAC 100.1121(a).*

Continuing training shall fulfill training needs determined by Richard Milburn Academy/Texas, Inc. based on charter needs; address updated items identified in core topics or cover in greater depth than the curriculum outline indicates for initial training on those topics; or address applicable topics if Richard Milburn Academy/Texas, Inc. has lower than a C in the Texas A-F accountability System, lower than a C in the Financial Integrity System, or is rated in TIER 3 on the Charter School Performance Framework, or is being sanctioned, investigated, or is required by the TEA to take corrective action training. *19 TAC 100.1121(b).*

##### **a) *Board Member Requirements***

Board members must annually receive six instructional hours of training. *19 TAC 100.1121(c).*

##### **b) *Officer Requirements***

An officer must complete additional training hours specific to their role as follows.

- (1) Campus administrative officers must annually receive five instructional hours of training.
- (2) Business managers must annually receive 15 instructional hours of training.
- (3) Chief executive and central administrative officers must annually receive 15 instructional hours of training.

*19 TAC 100.1121(d).*

##### **c) *Excess Hours Earned***

Twenty-five percent of instructional hours earned in excess of the requirements set forth in this section by a governing board member or officer may be carried over to meet the following year's requirement under this section. *19 TAC 100.1121(e).*

##### **d) *Exemptions***

###### **i. Board Members**

A Board member who serves on the governing body of a governmental entity or an institution of higher education as defined under Texas Education Code § 61.003 is exempt from the training required by this policy if, by virtue of such service, the Board member is subject to other mandatory training and the remaining Board members comply with all applicable training requirements. *19 TAC 100.1115 (e)(1).*

###### **ii. Officers**

A central administrative officer is exempt from the training required by this policy if the person is the holder in good standing of a standard superintendent certificate, or its lifetime equivalent, issued by the State Board for Educator Certification and all other officers of Richard Milburn Academy comply with all applicable training requirements. *19 TAC 100.1115(e)(2)*.

A campus administrative officer is exempt from the training required by this policy if the person is the holder in good standing of a standard principal certificate, or its lifetime equivalent, issued by the State Board for Educator Certification, and all other officers of Richard Milburn Academy comply with all applicable training requirements. *19 TAC 100.1115(e)(3)*.

A business manager is exempt from:

- (1) the training required by this policy if the person is the holder in good standing of one or more of the following credentials issued by the Texas Association of School Business Officials, and all other officers of Richard Milburn Academy comply with all applicable training requirements:

- (A) Registered Texas School Business Administrator;
- (B) Certified Texas School Business Official;
- (C) Certified Texas School Business Specialist;
- (D) Certified Texas School Business Administrator; or
- (E) Charter School Business Officer Certification; and

- (2) any single part of required training, if:

- (A) the business manager is a certified public accountant (CPA) registered in good standing with the Texas State Board of Public Accountancy; and
- (B) the subject matter of the module of required training is covered by the Uniform CPA Examination administered by the Texas State Board of Public Accountancy.

*19 TAC 100.1115(e)(4)*.

iii. Participation in Shared Services Cooperative

A Richard Milburn Academy officer is exempt from a module of required training on a specific duty or responsibility if:

- (1) Richard Milburn Academy/Texas, Inc. is a member of a shared services cooperative;
- (2) the written contract establishing the cooperative assigns to the cooperative the specific duty or responsibility, and assigns to the cooperative the requirement to complete that module of training, by:
  - (A) ensuring that all relevant employees attend that module of required training and receive a certificate of course completion for that module from a regional education service center or training provider registered under 19 TAC 100.1125; or
  - (B) if the cooperative is a registered training provider, ensuring that all relevant employees attend that

module of training and receive a certificate of course completion for that module from the cooperative; and

- (3) all relevant employees of the cooperative actually attend that module of training and receive a certificate of completion for that module.

*19 TAC 100.1123(a).*

#### **Sec. 5. RECORD OF COMPLIANCE**

Each Board member and each officer of Richard Milburn Academy must comply with the core, annual, and additional training requirements required by law. Richard Milburn Academy shall document its compliance with these requirements. *19 TAC 100.1127(1).*

#### **Sec. 6. CONTINUED SERVICE**

Continued service as a Board member or as an officer of Richard Milburn Academy/Texas, Inc. is conditioned on satisfaction of applicable training requirements. *19 TAC 100.1127(2).*

#### **Sec. 7. AUDIT DISCLOSURE**

Richard Milburn Academy shall separately disclose, in its annual audit report of its financial and programmatic operations, any Board member or officer of Richard Milburn Academy/Texas, Inc. who fails to complete applicable training requirements and who continues to serve in such capacity as of the date of the audit report. *19 TAC 100.1127(3).*

### **PG-1.105 ETHICS, CONFLICT OF INTEREST, AND NEPOTISM**

#### ***PART I: PREAMBLE***

The Board of Directors (collectively, the “Board” or the “Directors,” and individually a “Director”) of Richard Milburn Academy/Texas, Inc. is committed to maintaining the highest legal and ethical standards in the conduct of the business of Richard Milburn Academy/Texas, Inc. and to protecting the integrity and reputation of Richard Milburn Academy/Texas, Inc., Richard Milburn Academy, the Board, and all Richard Milburn Academy employees, volunteers, and programs.

The Directors and Officers (as defined below) shall exercise their duties honestly, in good faith, and with a high standard of diligence and care. Accordingly, the Directors and Officers shall ensure that they (1) do not compromise their independence of judgment, (2) preserve confidence and trust in the organization and the Board, and (3) protect and fulfill the mission of Richard Milburn Academy/Texas, Inc. As such, this Policy will assist Directors and Officers as they identify actual or potential conflicts of interest, and with a procedure to address conflicts which may arise.

#### ***PART II: DEFINITIONS***

The following terms shall have the following meaning in this policy:

- (1) **Director or Officer.** A member of the governing body of a charter holder, a member of the governing body of a charter school, or an officer of a charter school. An officer or director means a person charged with the duties of, or acting as, a Chief Executive Officer, a Central Administration Officer, a Campus Administration Officer, or a Business Manager, regardless of whether the person is an employee or contractor of a charter holder, charter school, management company, or any other person; or a volunteer working under the direction of a charter holder, charter school, or management company. A charter holder employee or independent contractor engaged solely in non-charter activities for the charter holder is not an “officer of a charter school.” *19 TAC §100.1001(20)*.
- (2) **Business entity.** A sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, agency, political subdivision, or any other entity recognized by law.
- (3) **Substantial interest in business entity.** A person has a substantial interest in a business entity if:  
(1) the person owns 10% or more of the voting stock or shares of the business entity or owns either 10% or more or \$15,000 or more of the fair market value of the business entity; or (2) funds received by the person from the business entity exceed 10% of the person’s gross income for the previous year.
- (4) **Substantial interest in real estate.** A person has a substantial interest in real estate, if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.
- (5) **Substantial interest through a relative or family member.** A Director or Officer is considered to have a substantial interest if a person related to the Director or Officer within the third degree by consanguinity or the third degree by affinity (as defined below) has a substantial interest through a relative. *19 TAC § 100.1145(d)*.
- (6) **Family.** Family means a disqualified person’s spouse, siblings, spouses of siblings, ancestors, children, grandchildren, great grandchildren, and spouses of children, grandchildren, and great grandchildren.
- (7) **Disqualified person.** A disqualified person is any person who was in a position to exercise substantial influence over the affairs of Richard Milburn Academy/Texas, Inc. at any time during the lookback period as further defined in IRS regulations. It is not necessary that the person actually exercise substantial influence, only that the person be in a position to do so.

### ***PART III: ETHICAL PRINCIPLES***

#### ***Sec. 1. PERSONAL AND PROFESSIONAL INTEGRITY***

Directors and Officers shall conduct themselves in an honest and ethical manner, including the ethical handling of actual or apparent conflicts of interest, as set forth below.

## ***Sec. 2. FINANCIAL STEWARDSHIP***

As a tax-exempt public charity, Richard Milburn Academy/Texas, Inc. shall expend funds and record those expenditures in a manner that advances the charitable and educational mission and objectives of Richard Milburn Academy/Texas, Inc., and not the private interests of Directors or Officers.

## ***Sec. 3. PUBLIC ACCOUNTABILITY***

Richard Milburn Academy/Texas, Inc. shall provide comprehensive and timely information in accordance with applicable state and federal law, and shall be responsive to reasonable requests for information about its activities. Additionally, informational data about Richard Milburn Academy/Texas, Inc., such as IRS Form 990, audited financial statements and Annual Financial and Compliance Report, shall be made available to the public in accordance with applicable state and federal law.

## ***Sec. 4. ACCURACY AND RETENTION OF RECORDS***

Richard Milburn Academy/Texas, Inc. will create and maintain records that satisfy operational and legal requirements, including federal, state and local laws.

## ***Sec. 5. POLITICAL ACTIVITIES***

As a 501(c)(3) tax-exempt public charity, Richard Milburn Academy/Texas, Inc. shall not engage in political activities. Directors and Officers shall not use their relationship with Richard Milburn Academy/Texas, Inc. to promote or oppose political candidates or parties, or to create the appearance that Richard Milburn Academy/Texas, Inc. endorses or opposes a political candidate or party for elected office.

## ***Sec. 6. ENDORSEMENTS AND USE OF THE RICHARD MILBURN ACADEMY/TEXAS, INC.***

The Richard Milburn Academy/Texas, Inc. and Richard Milburn Academy name, logo, letterhead, or other intellectual property may not be used by any person to endorse or gain support for a cause without prior authorization in writing from the Directors.

## ***Sec. 7. QUESTIONS, CONCERNS OR REPORTS OF VIOLATIONS***

Should a Director or Officer believe a colleague is violating the obligations or expectations of this Policy, or is otherwise acting in an illegal or unethical manner, it is his or her duty to report the matter to the President of the Board, or the Chief Executive Officer/Superintendent, as appropriate.

# ***PART IV: CONFLICTS OF INTEREST***

## ***Sec. 1. COMPLIANCE WITH STATE LAW***



Richard Milburn Academy and its Officers and Directors shall comply with state law governing conflicts of interest among charter school and charter holder board members and officers, as described in Chapter 12 of the Texas Education Code and 19 TAC §§ 100.1143-100.1151 including, but not limited to the following:

***a) Employees Serving on the Board***

- (1) Directors and Officers of Richard Milburn Academy shall comply with Local Government Code, Chapter 171 in the manner provided by the conflict of interest provisions described in 19 TAC §§ 100.1143-100.1151.
- (2) Officers of Richard Milburn Academy are defined by the Commissioner of Education to be persons charged with the duties of, or acting as a Chief Executive Officer, a Central Administration Officer, a Campus Administration Officer, or a Business Manager, regardless of whether the person is an employee or contractor of the charter holder, the school, a management company, or any other person; or a volunteer working under the direction of the charter holder, the school, or a management company. A charter holder employee or independent contractor engaged solely in non-charter activities for the charter holder is not an “officer” of Richard Milburn Academy.
- (3) The Richard Milburn Academy Chief Executive Officer is a person (or persons) directly responsible to the governing body of the charter holder for supervising one or more Central Administration Officers, Campus Administration Officers, and/or Business Managers.
- (4) A Central Administration Officer for Richard Milburn Academy is a person charged with the duties of, or acting as, a Chief Operating Officer, director, or assistant director of the charter holder for Richard Milburn Academy, including one or more of the following functions:
  - (A) assuming administrative responsibility and leadership for the planning, operation, supervision, or evaluation of the education programs, services, or facilities of the Board, for appraising the performance of the Board’s or Richard Milburn Academy’s staff;
  - (B) assuming administrative authority or responsibility for the assignment or evaluation of any of the personnel of the Board, including those employed by a management company;
  - (C) making recommendations to the Board or Richard Milburn Academy regarding the selection of personnel of the Board, including those employed by a management company;
  - (D) recommending the termination, non-renewal, or suspension of an employee or officer of the Board, including those employed by a management company; or recommending the termination, non-renewal, suspension, or other action affecting a management contract;

- (E) managing the day-to-day operations of the Board, as its administrative manager;
  - (F) preparing or submitting a proposed budget to the charter holder Board or Richard Milburn Academy (except for developing budgets for a Richard Milburn Academy campus, if this is a function performed by a Campus Administration Officer under the terms of the open-enrollment charter);
  - (G) preparing recommendations for policies to be adopted by the Board, or overseeing the implementation of adopted policies, except for legal services provided by an attorney licensed to practice law in this state, or public accountancy services provided by a certified public accountant licensed to practice public accountancy in this state;
  - (H) developing, or causing to be developed, appropriate administrative regulations to implement policies established by the Board, except for legal services provided by an attorney licensed to practice law in this state, or public accountancy services provided by a certified public accountant licensed to practice public accountancy in this state;
  - (I) providing leadership for the attainment of student performance in Richard Milburn Academy, based on the indicators adopted under TEC §§ 39.053–39.054, or other indicators in the Richard Milburn Academy/Texas, Inc. charter; or
  - (J) organizing the central administration of the Board.
- (5) A Campus Administration Officer for Richard Milburn Academy is a person charged with the duties of, or acting as, a principal or assistant principal of a Richard Milburn Academy campus, including one or more of the following functions:
- (A) approving teacher or staff appointments for a Richard Milburn Academy campus, unless this function is performed by a Central Administration Officer under the terms of the open-enrollment charter;
  - (B) setting specific education objectives for a Richard Milburn Academy campus, unless this function is performed by a Central Administration Officer under the terms of the open-enrollment charter;
  - (C) developing budgets for a Richard Milburn Academy campus, unless this function is performed by a Central Administration Officer under the terms of the open-enrollment charter;
  - (D) assuming the administrative responsibility or instructional leadership, under the supervision of a Central Administration Officer, for discipline at a Richard Milburn Academy campus;
  - (E) assigning, evaluating, or promoting personnel assigned to a Richard Milburn Academy campus, unless this function is performed by a Central Administration Officer under the terms of the open-enrollment charter; or

(F) recommending to a Central Administration Officer the termination or suspension of an employee assigned to a Richard Milburn Academy campus, or recommending the non-renewal of the term contract of such an employee.

(6) A Business Manager is a person charged with managing the finances of Richard Milburn Academy/Texas, Inc. or Richard Milburn Academy.

(7) **Also Excluded from the Board.** Except as otherwise provided by law, a person who receives “compensation or remuneration” (as defined by law and herein) from the nonprofit corporation holding Richard Milburn Academy/Texas, Inc.’s open-enrollment charter may not serve on the Board, with the following exceptions:

(A) If each charter school operated by the Board as charter holder has received a satisfactory accountability rating, as defined by applicable law, for at least two of the preceding three school years, Richard Milburn Academy/Texas, Inc. employees may serve on the Board, as described below, and as provided by law.

(B) If the charter holder has operated at least one charter school which reported attendance that occurred prior to September 2, 2001, but no charter school operated by the charter holder has received a sufficient number of substantive ratings to determine whether it has received a satisfactory rating for at least two of the preceding three school years, then Richard Milburn Academy/Texas, Inc. employees may serve on the governing body of the charter holder, as provided by law.

(C) An employee of Richard Milburn Academy/Texas, Inc. may serve as a Director if: (i) only employees of Richard Milburn Academy/Texas, Inc. and not employees of the Board, serve on the Board; (ii) the compensation or remuneration received by that Director is limited to salary, bonuses, benefits, or other compensation received pursuant to the employment relationship with Richard Milburn Academy/Texas, Inc., (iii) Richard Milburn Academy/Texas, Inc. employees do not constitute a quorum of the Board or any committee of the Board; and (iv) all Richard Milburn Academy/Texas, Inc. employees serving on the Board comply with all applicable conflict of interest provisions required by law.

***b) Conflicts Requiring an Affidavit and Abstention from Voting***

The following circumstances shall be deemed a Conflict of Interest (as defined below), and the Director or Officer shall, in addition to the procedures set forth in Part III, Section 3 (Conflict of Interest Procedures), take the following action:

(1) If a Director or Officer has a substantial interest in a business entity or in real property, the Director or Officer shall file, before a vote, decision, or other action on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest, and shall abstain from further participation in the matter if:

(A) In the case of a substantial interest in a business entity, the vote, decision, or other

action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or

(B) In the case of a substantial interest in real property, it is reasonably foreseeable that a 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.

(2) The affidavit described above is filed with the Secretary of the Board.

(3) The Director or Officer filing the affidavit shall abstain from further participation in the matter requiring the affidavit. A Director or Officer filing the affidavit shall abstain from further participation in the matter requiring the affidavit unless a majority of the Board is composed of persons who are likewise required to file, and who do file affidavits of similar interests on the same official action.

*c) Separate Vote on Budget Item*

The Directors shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a Director has a substantial interest. Abstention is required, except as provided above and in 19 TAC § 100.1147(c), otherwise the affected Director may not participate in that separate vote. The affected Director may vote on a final budget if: (1) the affected Director has complied with the above-stated requirements; and (2) the matter in which the affected Director is concerned has been resolved.

***Sec. 2. STATEMENT ON FEDERAL LAW***

**Richard Milburn Academy/Texas, Inc.** and its Officers and Directors shall comply with the federal regulations regarding private benefit and excess benefit transactions as described in Section 4958 of the Internal Revenue Code and 26 CFR § 53.4958 (the “federal tax rules”) when it is contemplating entering into a transaction or arrangement that may benefit the private interest of a Director or Officer or other individual deemed to be a disqualified person under the federal tax rules. A “disqualified person” includes Directors and Officers, and any person who is in a position to exercise substantial influence over the affairs of the corporation. A “disqualified person” includes Family (as defined in Section II of this policy) of the disqualified person.

*a) Interested Person*

Any Director or Officer, employee, or member of a committee with powers delegated by the Board who has a direct or indirect interest, as defined below, is an “Interested Person.”

(1) A person has an “Interest” if the person has, directly or indirectly, through business, investment, or Family:

(A) an ownership or investment interest, directly or indirectly, in any entity with which Richard Milburn Academy/Texas, Inc. has a transaction or arrangement;

(B) a compensation arrangement with Richard Milburn Academy/Texas, Inc., or with any entity or individual with which Richard Milburn Academy/Texas, Inc. has a transaction or arrangement; or

(C) a potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which Richard Milburn Academy/Texas, Inc. is negotiating a transaction or arrangement.

(2) “Compensation” is defined to include direct and indirect remuneration, as well as gifts or favors that are not insubstantial.

(3) A person has an “Interest” if the person has a substantial interest in a business entity or a substantial interest in real property as described in Part III, Section 2-a-1 above.

***b) Interested Person with Conflict of Interest***

An Interested Person shall have a Conflict of Interest (as defined in this policy) only if the Board or the appropriate committee determines that a Conflict of Interest exists in accordance with the procedures set forth below.

***Sec. 3. CONFLICT OF INTEREST PROCEDURES***

***a) Duty of Prior Disclosure***

In connection with any actual or potential conflict of interest, an Interested Person shall disclose the existence of the Interest in writing to the Board as soon as he or she has knowledge of it, and the Board shall give such Interested Person the opportunity to disclose all material facts related thereto to the Board or designated committee considering the proposed transaction or arrangement. Such written disclosure shall be made part of and set forth in the Board minutes. In any event, the disclosure of any actual or potential conflict of interest by an Interested Person should occur prior to any consideration of the proposed transaction by the Board.

(1) **Transaction Not Subject to Board Action.** An Interested Person with any actual or potential conflict of interest with respect to a transaction or arrangement that is not the subject of Board action shall disclose to the President of the Board or Superintendent, any such Interest. Such disclosure shall be made as soon as the Interest is known to the Interested Person.

(2) **Untimely Disclosure.** If an Interested Person fails to disclose the Interest before the Board acts on a transaction as to which a Director has an Interest, then the Interested Person shall promptly submit a written statement to the Board setting forth all material facts regarding the Interest, along with an explanation concerning the untimely nature of the notice.

(3) **Failure to Disclose.** If the Board has reasonable cause to believe that an Interested Person failed to disclose an Interest, the Board shall inform the Interested Person of the basis for

such belief and afford the Interested Person an opportunity to explain the alleged failure to disclose. After hearing the Interested Person's explanation, and conducting such investigation as may be warranted under the circumstances, the Board may determine that the Interested Person failed to disclose an actual Conflict of Interest. In such event, the Board shall vote on the appropriate corrective action.

***b) Determining Whether a Conflict of Interest Exists***

After disclosure of the Interest and all material facts related thereto, the Interested Person *shall leave the meeting of the Board or designated committee while a determination is made by disinterested Directors as to whether a conflict of interest ("Conflict of Interest") exists.* No Director shall vote on any matter in which he or she has a Conflict of Interest.

***c) Vote by Disinterested Directors***

- (1) **Nonparticipation of Directors with Conflict.** A Director who has a Conflict of Interest shall neither vote nor participate in, nor be permitted to hear the Board's discussion of the matter, except to disclose material facts and to respond to questions. Such Director shall not attempt to exert his or her influence with respect to the matter, either before, during, or outside of the Board meeting.
- (2) **Action by Disinterested Directors.** If the Board concludes that a Conflict of Interest exists, the Board shall determine by voting whether the transaction should be authorized, approved or ratified. The vote shall be conducted as follows:
  - (A) Except as otherwise permitted by law, Directors with a Conflict of Interest shall leave the room in which the meeting is conducted.
  - (B) Except as otherwise allowed by law, and as set forth in Part III, Section 1-b-3 (Conflicts Requiring an Affidavit and Abstention from Voting), a majority of the disinterested Directors, without regard to any quorum requirement, must vote affirmatively for the transaction to be authorized, approved or ratified. However, a transaction cannot be authorized, approved or ratified by a single Director.
- (3) **Vote Not Disallowed by Presence of Directors with a Conflict.** The presence of, or a vote cast by, a Director with a Conflict of Interest in a transaction does not affect the validity of a vote regarding the transaction if the transaction is otherwise authorized, approved or ratified, as prescribed herein.
- (4) **Circumstances in Which Comparability Data is Necessary.** If the transaction involves compensation for services of a Director, an Officer, or other individual deemed to be a disqualified person (as defined above at page 6(B)) under the federal tax rules, or if the transaction involves the transfer of property or other benefit to a Director, Officer, or other individual deemed to be a disqualified person under the federal tax rules, the disinterested Directors or committee must determine that the value of the economic benefit provided by Richard Milburn Academy/Texas, Inc. to the Interested Person or Persons does not exceed the value of the consideration received in exchange by obtaining and reviewing appropriate comparable data ("Comparability Data").

- (A) When considering the comparability of compensation for example, the relevant data which the Board or committee may consider includes, but is not limited to, the following: (i) compensation levels paid by similarly-situated schools; (ii) the availability of similar services within the same geographic area; (iii) current compensation surveys compiled by independent firms; and (iv) written offers from similar institutions competing for the same person's services. When the transaction involves the transfer of real property as compensation, the relevant factors include, but are not limited to: (i) current independent appraisals of the property, and (ii) offers received in a competitive bidding process.
- (B) Based on the Comparability Data, the Board or committee shall determine, by a majority vote of the disinterested Directors or committee members, whether the transaction or arrangement is fair and reasonable to Richard Milburn Academy/Texas, Inc. In conformity with the above determination, the Board or committee shall make its decision as to whether to enter into the transaction or arrangement.
- (C) If such transaction or arrangement is approved by the Board or committee, the Comparability Data and the approval shall be made part of the Board minutes in accordance with Part III, Section 3-d (Documentation) below.

***d) Documentation***

The Board Secretary shall keep accurate minutes reporting:

- (1) **Interest Disclosed; Determination of Conflict of Interest.** That the Interested Person(s) disclosed the Interest and the Board determined whether a Conflict of Interest exists. The minutes should include:
  - (A) The name(s) of the person(s) who disclosed or otherwise were found to have an Interest in connection with an actual or possible Conflict of Interest, the nature of the Interest, any action taken to determine whether a Conflict of Interest was present, and the Board's or committee's decision as to whether a Conflict of Interest in fact existed.
  - (B) The names of the persons who were present for discussions and votes relating to the Conflict of Interest, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.
  - (C) A completed Affidavit of Abstention complying with Local Government Code Chapter 171 and 19 TAC §§ 100.1143-1149 (*see* Affidavit [Exhibit A](#)).
- (2) **Nonparticipation of Directors with Conflict.** That the Director or Directors with an Interest or a Conflict of Interest left the room and did not participate in the determination of whether a Conflict of Interest exists or the vote regarding the transaction or arrangement;

- (3) **Comparability Data.** The Comparability Data considered and relied upon by the Board in its consideration of the transaction or arrangement; and
- (4) **Vote of Disinterested Directors.** That the remaining disinterested Directors reviewed the Transaction and voted upon it, and the result of their vote.

#### ***Sec. 4. COMPENSATION***

- (1) A Director who receives compensation, directly or indirectly, from Richard Milburn Academy/Texas, Inc. for services is precluded from voting on matters pertaining to that Director's compensation.
- (2) A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from Richard Milburn Academy/Texas, Inc. for services is precluded from voting on matters pertaining to that member's compensation.
- (3) No voting member of the Board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from Richard Milburn Academy/Texas, Inc., either individually or collectively, is prohibited from providing information to any committee regarding compensation.
- (4) Except with respect to Board decisions regarding a *bona fide* class or category of employees pursuant to Government Code § 573.062(b), a voting member of the Board or any committee whose jurisdiction includes compensation matters is precluded from voting on personnel matters (including matters related to compensation) concerning a person related within the third degree by consanguinity or within the second degree by affinity (as defined below and as specified by Government Code § 573.002).

#### ***Sec. 5. ADDITIONAL PROHIBITION***

No administrator, officer, or employee of Richard Milburn Academy and no member of the governing body of the charter school or its charter holder may derive any personal financial benefit from a real estate transaction with Richard Milburn Academy

#### ***Sec. 6. DISCLOSING VENDOR RELATIONSHIPS***

Richard Milburn Academy/Texas, Inc. and its Officers and Directors shall comply with the state law disclosure requirements regarding relationships between vendors who conduct business with Richard Milburn Academy/Texas, Inc. as described in Chapter 176 of the Local Government Code.

##### ***a) Conflict Disclosure Statements by School Directors, the Superintendent, and Purchasing Agents***

- (1) The Richard Milburn Academy/Texas, Inc. Directors, Superintendent, or any other agent of Richard Milburn Academy/Texas, Inc. who exercises discretion in the planning, recommending, selecting, or contracting of a



vendor for the Charter School (hereinafter “Covered Individuals”) must file a Conflicts Disclosure Statement with respect to a vendor if:

- a. The vendor enters into a contract with Richard Milburn Academy/Texas, Inc. or Richard Milburn Academy/Texas, Inc. is considering entering a contract with the vendor, and the vendor has an employment or other business relationship with a Covered Individual or with a family member of a Covered Individual that will result in the Covered Individual or the family member of the Covered Individual receiving taxable income that exceeds \$2,500 during the 12-month period preceding the date that the Covered Individual became aware that a contract between Richard Milburn Academy/Texas, Inc. and the vendor has been executed or Richard Milburn Academy/Texas, Inc. is considering entering into a contract with the vendor.
  - b. The vendor has given to a Covered Individual or a family member of a Covered Individual one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the Covered Individual becomes aware that a contract between Richard Milburn Academy/Texas, Inc. and the vendor has been executed or Richard Milburn Academy/Texas, Inc. is considering entering into a contract with the vendor.
  - c. The vendor has a family relationship with a Covered Individual.
- (2) A Covered Individual is not required to file a Conflicts Disclosure Statement in relation to a gift accepted by the Covered Individual or a family member of the Covered Individual if the gift is a political campaign contribution, officeholder contribution, or food accepted as a guest. A Covered Individual is not required to file a Conflicts Disclosure Statement if the vendor is an administrative agency.
  - (3) A Covered Individual must file the Conflicts Disclosure Statement with the person responsible for maintaining Richard Milburn Academy/Texas, Inc. records or the designated Richard Milburn Academy/Texas, Inc. representative who maintains the statements and questionnaires filed under this policy by 5:00 p.m. on the seventh business day after the date on which the Covered Individual becomes aware of the facts that require the filing of the Conflicts Disclosure Statement.
  - (4) The Texas Ethics Commission provides the required Conflicts Disclosure Statement Form online at: [\(FORM CIS\)](#).

**b) *Vendor Submission of Conflict of Interest Questionnaires***

- (1) A vendor must complete and file a Conflict of Interest Questionnaire if the vendor has a business relationship with Richard Milburn Academy/Texas, Inc. and:
  - a. Has an employment or other business relationship with a Covered Individual or with a family member of a Covered Individual; or
  - b. Has given a Covered Individual or a family member of a Covered Individual one or more gifts with the aggregate value of more than \$100; or
  - c. Has a family relationship with a Covered Individual.
- (2) A vendor must file the completed Conflict of Interest Questionnaire with the appropriate person responsible for maintaining Richard Milburn Academy/Texas, Inc. records or the designated representative who

maintains the statements and questionnaires filed under this policy by the seventh business day after the later of the date of:

- a. The date that the vendor begins discussions or negotiations to enter into a contract with Richard Milburn Academy/Texas, Inc. or submits to Richard Milburn Academy/Texas, Inc. an application, response to a request for proposals or bids, correspondence or another writing related to a potential contract with Richard Milburn Academy/Texas, Inc.; or
  - b. The date that the vendor becomes aware of an employment or other business relationship with a Richard Milburn Academy/Texas, Inc. Officer or Director or a family member of a Richard Milburn Academy/Texas, Inc. Officer or Director; that the vendor has given one or more gifts as described above; or of a family relationship with a Richard Milburn Academy/Texas, Inc. Officer or Director.
- (3) A vendor must file an updated completed Conflict of Interest Questionnaire with the appropriate person responsible for maintaining Richard Milburn Academy/Texas, Inc. records or the designated representative who maintains the statements and questionnaires filed under this policy by the seventh business day after the date on which the vendor becomes aware of an event that would make a statement in the questionnaire incomplete or inaccurate.
  - (4) A Covered Individual who also serves as a Richard Milburn Academy/Texas, Inc. vendor is required to file the questionnaire if the Covered Individual enters or seeks to enter into a contract with Richard Milburn Academy/Texas, Inc. or is an agent of a person who enters or seeks to enter into a contract with Richard Milburn Academy/Texas, Inc.
  - (5) The Texas Ethics Commission provides the required Conflict of Interest Questionnaire form online at: [\(FORM CIQ\)](#).

**c) *Additional Requirements***

- (1) **Maintaining Records.** The person responsible for maintaining Richard Milburn Academy/Texas, Inc. records or the designated representative who maintains the statements and questionnaires filed under this policy must maintain a list of Covered Individuals and make the list available to the public and any vendor who may be required to file a Conflict of Interest Questionnaire. This person must also maintain the statements and questionnaires that are required to be filed under these policies in accordance with Richard Milburn Academy/Texas, Inc.'s records retention schedule.
- (2) **Electronic Filing.** The filing requirements of Chapter 176 of the Local Government Code, including signature requirements, may be satisfied by electronic filing in a form approved by the Texas Ethics Commission.
- (3) **Internet Posting.** If Richard Milburn Academy/Texas, Inc. maintains an Internet website, the school must provide access to the statements and to questionnaires required to be filed under these policies on that website.
- (4) **Requirements Cumulative.** The disclosure requirements under Chapter 176 of the Local Government Code are in addition to any other disclosure required by law.

**d) *Enforcement***

- (1) A Covered Individual commits an offense under Chapter 176 of the Local Government Code if the Officer or Director is required to file a Conflicts Disclosure Statement and knowingly fails to timely file the statement.
- (2) A vendor commits an offense under Chapter 176 of the Local Government Code if the vendor is required to file a Conflict of Interest Questionnaire and knowingly fails to timely file the questionnaire or knowingly fails to file an updated questionnaire after becoming aware of an event that would make the previously filed questionnaire incomplete or inaccurate.
- (3) Offenses under Chapter 176 of the Local Government Code are classified as Class A-C misdemeanors depending on the contract price.
- (4) Richard Milburn Academy/Texas, Inc. may reprimand, suspend, or terminate the employment of an employee who knowingly fails to comply with a requirement under these policies.
- (5) The Board may, at its discretion, declare a contract void if the governing body determines that a vendor failed to file a Conflict of Interest Questionnaire.

## ***PART V: NEPOTISM***

### ***Sec. 1. NEPOTISM GENERALLY PROHIBITED***

A Director or Officer may not hire, select, appoint, confirm the appointment of, or vote for the hiring, selection, appointment, or confirmation of an individual who is to be directly or indirectly compensated from public funds or fees of office, if:

- (1) The person is related to the Director or Officer by consanguinity (blood) within the third degree or by affinity (marriage) within the second degree (as defined below); or
- (2) The Director or Officer holds the appointment or confirmation authority as a member of a local board and the person is related to another member of the Board by blood or marriage within a prohibited degree. Government Code §§ 573.002, 573.041.
- (3) Refer to attached diagram, [Exhibit B](#)

### ***Sec. 2. INDEPENDENT CONTRACTORS***

The nepotism law governs the hiring of an individual, whether the individual is hired as an employee or as an independent contractor.

### ***Sec. 3. PAYMENT TO PROHIBITED PERSON***

A Director or Officer may not approve an account or draw or authorize the drawing of a warrant or order to pay the compensation of an ineligible person if the Director or Officer knows the person is ineligible. Government Code § 573.083; 19 TAC § 100.1141.

#### ***Sec. 4. RELATION BY CONSANGUINITY***

Two persons are related to each other by consanguinity (blood) if one is a descendant of the other or if they share a common ancestor. An adopted child is considered to be a child of the adoptive parents for this purpose. Government Code § 573.022.

##### ***a) Third Degree of Consanguinity***

An individual's relatives within the third degree by consanguinity are the individual's:

- (1) Parent or child (first degree);
- (2) Brother, sister, grandparent, or grandchild (second degree); and
- (3) Great-grandparent, great-grandchild, aunt or uncle (who is a sibling of a parent of the person), nephew or niece (who is a child of a brother or sister of the person) (third degree). Government Code 573.023.

***Note:*** There is no distinction under the nepotism statute between half-blood and full-blood relations. Thus, half-blood relationships fall within the same degree as those of the full blood. See [Exhibit B](#).

#### ***Sec. 5. RELATION BY AFFINITY***

Two persons are related to each other by affinity (marriage) if they are married to each other, or if the spouse of one of the persons is related by consanguinity to the other person. The ending of a marriage by divorce, or the death of a spouse ends relationships by affinity created by that marriage unless a child of the marriage is living, in which case the marriage is considered to continue as long as a child of that marriage lives. This provision applies to a Board member or Officer only until the youngest child of the marriage reaches the age of 21 years. Government Code § 573.024.

##### ***a) First Degree of Affinity***

A husband and wife are related to each other in the first degree by affinity. For other relationships, the degree of affinity is the same as the degree of the underlying relationship by consanguinity. For example, if two persons are related to each other in the second degree by consanguinity, the spouse of one of the persons is related to the other person in the second degree by affinity.

##### ***b) Second Degree of Affinity***

If two individuals are related to each other in the second degree by consanguinity, the spouse of one of the individuals is related to the other individual in the second degree by affinity.

##### ***c) Third Degree of Affinity***

An individual's relatives within the third degree of affinity are:

- (1) Anyone related by consanguinity to the person's spouse within the first or second degree; and
- (2) The spouse of anyone related to the person by consanguinity within the first or second degree. Government Code § 573.025.

#### ***Sec. 6. EXISTING EMPLOYEES/CONTINUOUS EMPLOYMENT***

The nepotism prohibitions do not apply to the appointment of a person to a position if the person is employed in the position immediately before the election or appointment of the Director or Officer to whom the person is related in a prohibited degree, and that prior employment is continuous for at least:

- (1) Thirty days, if the Director or Officer is appointed;
- (2) Six months, if the Director or Officer is elected. Government Code § 573.062(a); or
- (3) A person who was not restricted or prohibited under Education Code 12.1055 as it existed before September 1, 2013, from being employed by Richard Milburn Academy/Texas, Inc. and who was employed by Richard Milburn Academy/Texas, Inc. before September 1, 2013, is considered to have been in continuous employment as provided by Government Code § 573.062(a), and is not prohibited from continuing employment with Richard Milburn Academy/Texas, Inc. Education Code § 12.1055(d).

##### ***a) Continuous Employment Exception***

For purposes of calculating the appropriate date for the applicability of the continuous-employment exception, a superintendent with final authority to select personnel is an appointed Director or Officer. *Atty. Gen. Op. GA-177 (2004)*. If an employee continues in a position under this exception, the Director or Officer to whom the employee is related in a prohibited degree may not participate in any deliberation or voting on the appointment, reappointment, employment, reemployment, change in status, compensation, or dismissal of the employee, if the action applies only to the employee and is not taken regarding a *bona fide* class or category of employees.

Government Code § 573.062(b). A "change in status" includes a reassignment within an organization, whether or not a change in salary level accompanies the reassignment. *Atty. Gen. Op. JC-193 (2000)*. For an action to be "taken with respect to a *bona fide* category of employees," the officeholder's action must be based on objective criteria, which do not allow for the preference or discretion of the officeholder. *Atty. Gen. Op. DM-46 (1991)*. The nepotism prohibitions do not apply to appointment or employment of a substitute teacher. Government Code § 573.061.

***b) Retired Teachers***

A teacher who has retired from a full-time, certified teacher position has broken his or her employment with Richard Milburn Academy, and does not qualify for the continuous employment exception to the nepotism laws. *Atty. Gen. Op. JC-442 (2001)*.

***Sec. 7. OTHER NEPOTISM EXCEPTIONS***

The nepotism exceptions described in 19 TAC § 100.1139 also apply.

Notwithstanding an exception, a Director or Officer related in a prohibited degree may not participate in any deliberation or voting on the appointment, reappointment, or confirmation of same, employment, reemployment, change in status, compensation, or dismissal of an individual, unless the action is taken regarding a *bona fide* class or category of employees.

***Sec. 8. TRADING PROHIBITED***

A Director or Officer may not hire, select, appoint, confirm the appointment of, or vote for the hiring, selection, appointment, or confirmation of an individual to a charter position in which the individual's services are under the Director or Officer's direction or control if:

- (1) The person is related to another Director or Officer within the prohibited degree; and
- (2) The appointment would be carried out, in whole or in partial consideration for the other Director or Officer's hiring, selecting, appointing, confirming, or voting for an individual who is related to the first Director or Officer within a prohibited degree. Government Code § 573.044.

***Sec. 9. SOURCE OF FUNDING IRRELEVANT***

The rules against nepotism apply to employees paid with public funds, regardless of the source of those funds. Thus, the rules apply in the case of a teacher paid with funds from a federal grant. *Atty. Gen. L.A. No. 80 (1974)*.

***Sec. 10. ENFORCEMENT OF NEPOTISM PROHIBITIONS***

In accordance with state law, a Director or Officer who violates the nepotism regulations shall be removed from office by the Board. A failure to thus remove is a material charter violation.

- (1) Removal must be in accordance with the Articles and Bylaws of Richard Milburn Academy/Texas, Inc. and in accordance with the terms of the charter and other state and

federal law.

- (2) A Director or Officer violating the nepotism laws may also be removed by the Attorney General and may be subject to criminal and other penalties.

### ***Sec. 11. DELEGATION OF HIRING AUTHORITY***

The Board may delegate final authority to select Richard Milburn Academy personnel to the Superintendent, Human Resources Director, or other designated Officer.

If such authority is designated to the Superintendent, the Superintendent is a “public official” for purposes of Chapter 573, Government Code, with respect to a decision made under that delegation of authority. Education Code § 11.1513(f). As such, if the Chief Executive Officer/Superintendent has been delegated final authority to select Richard Milburn Academy personnel, the Chief Executive Officer/Superintendent may not hire, select, appoint, confirm the appointment of, or vote for the hiring, selection, appointment, or confirmation of an individual who is to be directly or indirectly compensated from public funds or fees of office, if:

- (1) The person is related to the Chief Executive Officer/Superintendent by consanguinity (blood) within the third degree or by affinity (marriage) within the second degree; or
- (2) The person is related to a Board member by blood or marriage within a prohibited degree. Government Code §§ 573.002, 573.041.

An individual who is related to the Chief Executive Officer/Superintendent within the relevant level or consanguinity (blood) or by affinity (marriage) and was employed by Richard Milburn Academy before September 1, 1993 is considered to have been in continuous employment as provided by Government Code § 573.062(a), and is not prohibited from continuing employment with Richard Milburn Academy.

Notwithstanding the above, each Director remains subject to Chapter 573, Government Code with respect to all Richard Milburn Academy employees. Education Code §§ 11.1513(f), 12.1055.

## ***PART VI: RELATED PARTY TRANSACTIONS***

### ***Sec. 1. COMPLIANCE WITH COMMISSIONER RULE***

Richard Milburn Academy/Texas, Inc. shall comply with all rules issued by the Commissioner of Education concerning related party transactions under Education Code §§ 12.1166–.1167. This includes any rule concerning notification to the Commissioner if Richard Milburn Academy/Texas, Inc. intends to enter into a transaction with a related party and provide an appraisal from a certified appraiser to the Texas Education Agency.

### ***Sec. 2. DEFINITIONS***

For purposes of this policy, the term “related party” includes:

- (1) a person who is:
  - a. a current or former (within the last five years) board member for Richard Milburn Academy/Texas, Inc. or the charter school;
  - b. a current or former (within the last five years) administrator for Richard Milburn Academy/Texas, Inc. or the charter school;
  - c. a current or former officer of a charter school;
  - d. a person who is related to a person described in clauses (a)-(c) of this subparagraph within the third degree of consanguinity or second degree of affinity, as determined under Texas Government Code, Chapter 573;
  - e. a person who within the last five years ending on the date of the transaction was in a position to exercise substantial influence over Richard Milburn Academy/Texas, Inc. including any “disqualified person” as defined under Internal Revenue Code (“IRC”), § 4958, or Treasury Regulation 26 CFR § 53.4958-3;
  - f. a family member of a person described in clause (e) of this subparagraph, which includes: (i) the person’s spouse or ancestor; or (ii) the person’s children, grandchildren, great grandchildren, siblings, half-siblings, and their spouses;
  - g. any person described in clause (e) or (f) of this subparagraph with respect to an organization described in IRC, § 509(a)(3), that was organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of Richard Milburn Academy/Texas, Inc.; or
  - h. any person who is a donor or donor advisor;
- (2) an entity that:
  - a. is related to Richard Milburn Academy/Texas, Inc.;
  - b. is participating in a joint venture with Richard Milburn Academy/Texas, Inc.;
  - c. is jointly governed with Richard Milburn Academy/Texas, Inc.;
  - d. has a current or former (within last five years) board member, administrator, or officer who is either: (i) a current board member, administrator, or officer of Richard Milburn Academy/Texas, Inc. or Richard Milburn Academy; or (ii) related to within the third degree of consanguinity or second degree of affinity of a person described in clause (i) of this subparagraph as determined under Texas Government Code, Chapter 573;
  - e. is more than 35% controlled by individuals described in part 1(e) and (f) of this section, including: (i) a corporation in which such persons own more than 35% of the total combined voting power; (ii) a partnership in which such persons own more than 35% of the profits interest; (iii) a trust or estate in which such persons own more than 35% of the beneficial interest; or (iv) an entity for which the constructive ownership rules of IRC § 4946(a)(3) and (a)(4) apply; or
  - f. Any private foundation as described in IRC § 509(a)(3) that: (i) is organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of Richard Milburn Academy/Texas, Inc.; and (ii) meets the control test in section 2(e);
- (3) a donor-advised fund if a donor (or any person appointed or designated by such donor) has, or reasonably expects to have, advisory privileges with respect to the distribution or investment of amounts held in such fund or account by reason of the donor’s status as a donor;
- (4) any person or entity associated with the section regarding sponsoring entity;
- (5) a lender providing secured or unsecured debt to Richard Milburn Academy/Texas, Inc. or Richard Milburn Academy other than bonds or tax-exempt facility financing, for any transaction other than the loan or note agreement; or
- (6) a major donor to Richard Milburn Academy/Texas, Inc. or Richard Milburn Academy under a written grant agreement or other contract, for any transaction with the donor other than the written grant agreement.



### ***Sec. 3. AUDIT BY COMMISSIONER***

If the aggregate amount of all transactions between Richard Milburn Academy/Texas, Inc. and a related party exceeds \$5,000.00, the Commissioner may conduct an audit of such transaction. If the Commissioner determines a transaction with a related party using funds received under Education Code § 12.106 was structured in a manner that did not benefit Richard Milburn Academy/Texas, Inc. or that the transaction was in excess of fair market value, the Commissioner may order that the transaction be reclassified or that other action be taken as necessary to protect Richard Milburn Academy/Texas, Inc.'s interests. Failure to comply with the Commissioner's order is a material charter violation.

### ***Sec. 4. ANNUAL AUDIT DISCLOSURE***

Richard Milburn Academy/Texas, Inc. must include in its annual audit a list of all transactions with a related party. Additionally, the annual audit must separately disclose:

1. All financial transactions between Richard Milburn Academy/Texas, Inc. and any related party, separately stating the principal, interest, and lease payments; and
2. The total compensation and benefits provided by Richard Milburn Academy/Texas, Inc. and any related party for each member of the Board and each officer and administrator of Richard Milburn Academy and the related party.

*Education Code § 12.1168; 19 TAC 100.1069(c).*

## ***PART VII: CONFIDENTIALITY***

A Director and Officer shall exercise care not to disclose Confidential Information. Confidential Information is information deemed confidential by law, and any information not generally known or publicly available, or that Richard Milburn Academy maintains as confidential, proprietary, restricted, or otherwise as not to be disclosed generally, and any information that the Board or Richard Milburn Academy otherwise determines or deems as Confidential Information.

A Director shall not use Richard Milburn Academy/Texas, Inc. property, Confidential Information, or the status of his or her position to solicit business for others, or in any other manner obtain a private financial, social or political benefit.

## ***PART VIII: DISCLOSURE AND ANNUAL REVIEW***

### ***Sec. 1. NEW DIRECTORS AND OFFICERS***

Each new Director and Officer shall review a copy of this Policy and shall complete the Annual Statement of Disclosure and Compliance attached hereto as [Exhibit C](#). The Board shall treat completed Annual Statements of Disclosure and Compliance as Confidential Information.

***Sec. 2. PERIODIC REVIEW***

To ensure that Richard Milburn Academy/Texas, Inc. operates in a manner consistent with charitable purposes, and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects: (i) whether compensation arrangements and benefits are reasonable based on competent survey information, and are the result of arm's length bargaining; (ii) whether partnerships, joint ventures, and arrangements with management organizations conform to Richard Milburn Academy/Texas, Inc.'s written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes, and do not result in inurement, impermissible private benefit or in an excess benefit transaction.

***Sec. 3. ANNUAL REVIEW***

Each current Director and Officer shall complete the Annual Statement of Disclosure and Compliance attached hereto as Exhibit C. The Board shall treat completed Annual Statements of Disclosure and Compliance as Confidential Information.

***Sec. 4. APPLICABLE LAW***

This Policy is supplemental to and does not replace federal, state or local laws governing conflicts of interest applicable to charter schools and charitable organizations. When in conflict, the applicable law shall control.

Adopted the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
President

\_\_\_\_\_  
Member

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Member

\_\_\_\_\_  
Treasurer

**EXHIBIT A**

**AFFIDAVIT OF ABSTENTION**

STATE OF TEXAS        §  
§  
COUNTY OF \_\_\_\_\_ §

I, \_\_\_\_\_, a local public official, make this affidavit and hereby under oath state the following:

I have a substantial interest in a business entity or real property that may receive a special economic effect that is distinguishable from the effect on the public by an action contemplated by Richard Milburn Academy/Texas, Inc.

The business entity or real property in which I have a substantial interest is: *[name and address of business and/or description of property]*:

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I or a person that is related to me within the first degree of consanguinity (blood) or affinity (marriage) as defined by state law has a substantial interest in this business entity or real property for the following reasons *[check all that apply]*:

- ☐ an ownership interest of 10 percent or more of the voting stock or shares of the business entity;
- ☐ an ownership interest of 10 percent or more or \$15,000 or more of the fair market value of the business entity;

☐ funds received from the business entity exceed 10 percent of \_\_\_\_\_(my, his, her) gross income for the previous year;

☐ real property is involved and \_\_\_\_\_(I, he, she) have/has an equitable or legal ownership with a fair market value of at least \$2,500;

Upon filing of this affidavit with the official record keeper of Richard Milburn Academy/Texas, Inc., I affirm that I shall abstain from voting or further participating in any matter involving the business entity or real property, unless allowed by law.

SIGNED this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Title

Before me, the undersigned authority, this day personally appeared \_\_\_\_\_  
\_\_\_\_\_ (Affiant Name) and by oath swore that the facts herein above stated  
are true and correct to the best of his/her knowledge or belief.

SWORN TO and SUBSCRIBED before me on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

(seal)

My commission expires: \_\_\_\_\_

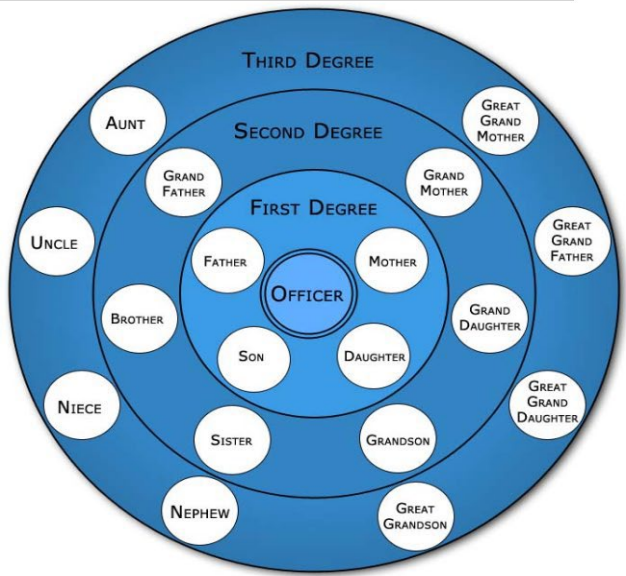
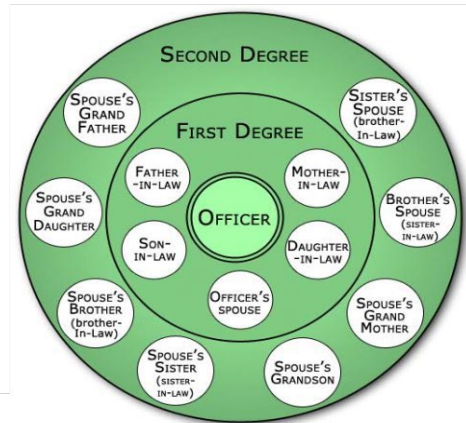
## EXHIBIT B

### NEPOTISM CHART

#### NEPOTISM CHART

The chart below shows

- ☐ **Affinity Kinship** (relationship by marriage)
- ☐ **Consanguinity Kinship** (relationship by blood) for purposes of interpreting nepotism as defined in VTCA Government Code, Chapter 573, §§573.021 - .025



**CONSANGUINITY KINSHIP**  
Relationship by Blood

**AFFINITY KINSHIP**  
Relationship by Marriage

***EXHIBIT C***

**ANNUAL STATEMENT OF DISCLOSURE AND COMPLIANCE**

Name: \_\_\_\_\_

Position: \_\_\_\_\_

- ☐ Please describe below any relationships, positions, or circumstances in which you are involved that you believe could be considered an Interest or that might be perceived as an actual or possible Conflict of Interest, as defined in the Richard Milburn Academy/Texas, Inc. Ethics, Conflict of Interest and Nepotism Policy. Please also describe any familial relationships that would qualify as relationships within the prohibited degree as defined in the Richard Milburn Academy/Texas, Inc. Ethics, Conflict of Interest and Nepotism Policy.

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- ☐ I am involved in no activity, relationship, position or circumstance that could be considered an Interest or might be perceived as an actual or possible Conflict of Interest, as defined in the Richard Milburn Academy/Texas, Inc. Ethics, Conflict of Interest and Nepotism Policy. I do not have any familial relationships that would qualify as relationships within the prohibited degree as defined in the Richard Milburn Academy/Texas, Inc. Ethics, Conflict of Interest and Nepotism Policy.

I hereby certify that the information as set forth above is true and complete to the best of my knowledge. I have reviewed and agree to abide by the Richard Milburn Academy/Texas, Inc. Ethics, Conflict of Interest and Nepotism Policy that is currently in effect.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## **PG-1.106 DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

### ***Sec. 1. SCOPE OF POLICY***

The requirements in this policy shall apply to:

- a. The members of the governing body of Richard Milburn Academy/Texas, Inc. and Richard Milburn Academy/Texas, Inc.;
- b. The employees and agents of Richard Milburn Academy/Texas, Inc. and Richard Milburn Academy/Texas, Inc.; and
- c. Any management company under contract with Richard Milburn Academy/Texas, Inc. or Richard Milburn Academy/Texas, Inc.

*19 TAC § 100.1071(a).*

### ***Sec. 2. DEFINITIONS***

#### **a) “Person, corporation, or other legal entity”**

This term includes:

- a. Any individual who would have a substantial interest in the person, corporation, or other legal entity as that term is defined in Texas Government Code § 572.005(1)-(6);
- b. An attorney, representative, registered lobbyist, employee, or other agent who receives payment for representing the interests of the person, firm, or corporation before the school board or its members, or whose duties are directly related to the contract, grant, or charter; or
- c. An individual related within the first degree by affinity or consanguinity, as determined under Chapter 573, Government Code, to the person covered by item 2(a) above.

#### **b) “Contract, grant, or charter”**

This term means any application to enter into a contractual relationship with or otherwise receive funding from the State Board of Education, including without limitation contracts for investment advisors, consultants, or investment managers for the Permanent School Fund and applicants for charters to operate open-enrollment charter schools.

#### **c) “Campaign contribution”**

This term means a contribution to a candidate or political committee that is offered or given with the intent that it be used in connection with a campaign for elective office or on a measure. Whether a contribution is made before, during, or after an election does not affect its status as a campaign contribution.

#### **d) “Benefit”**

This term means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

**e) “Candidate for or a member of the State Board of Education”**

This term includes a person related within the first degree of affinity or consanguinity, as determined under Chapter 573, Government Code, to a candidate for or a member of the State Board of Education.

*State Board of Education Operating Rule § 4.3.*

**f) “Political advertising”**

This term means a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure that:

1. In return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or
2. Appears (i) in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication, or (ii) on an Internet website.

*Elections Code § 251.001(16).*

***SEC. 3. REQUIRED DISCLOSURES***

***a) Disclosing Campaign Contributions***

Any person, corporation, or other legal entity associated with Richard Milburn Academy/Texas, Inc. which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose whether, at any time in the preceding four years, the person, corporation, or other legal entity has made a campaign contribution to a candidate for or member of the State Board of Education. This disclosure shall be made in writing to the Commissioner of Education at least 14 days prior to consideration by the applicable board or committee of a contract, grant, or charter.

***b) Disclosing Gifts***

A person, corporation, or other legal entity associated with Richard Milburn Academy/Texas, Inc. which proposes to enter into a contract with or applies for a grant, contract, or charter which may be granted by the State Board of Education shall disclose in the same manner any benefit conferred on a candidate for or member of the State Board of Education during the preceding four years. A benefit need not be disclosed if the aggregate value of benefits conferred on a candidate for or a member of the State Board of Education during the preceding four years does not exceed \$250, or a different limit set by Texas Government Code § 572.023(b)(7). This requirement applies whether or not the person, corporation, or other legal entity is required to report the expenditure to the Texas Ethics Commission.



For purposes of this section, a benefit is not conferred if the candidate for or a member of the State Board of Education has paid for the member's own participation, as well as any participation by other persons for the direct benefit of any business in which the member has a substantial interest as defined under Texas Government Code § 572.005 (1) - (7).

***c) Continued Duty of Reporting***

A person, corporation, or other legal entity 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 and Richard Milburn Academy/Texas, Inc. board chair upon making a contribution or expenditure covered by this policy.

*State Board of Education Operating Rule § 4.3.*

***SEC. 4. PROHIBITION OF POLITICAL ADVERTISING***

Richard Milburn Academy/Texas, Inc. prohibits the expenditure by the charter holder, charter school, or its management company (if any) for any political advertising as defined above, and as interpreted by the advisory opinions of the Texas Ethics Commission. *19 TAC § 100.1071(b).*

**PG-1.107 GIFT ACCEPTANCE**

***Sec. 1. PURPOSE***

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, Richard Milburn Academy/Texas, Inc. encourages the solicitation and acceptance of gifts for purposes that will assist Richard Milburn Academy/Texas, Inc. to further and fulfill its mission.

The purpose of this Policy is to govern the acceptance of gifts by Richard Milburn Academy/Texas, Inc. and to provide guidance to the Board, the Superintendent, and prospective donors when making gifts to Richard Milburn Academy/ Texas, Inc. The provisions of this Policy shall apply to all gifts received by Richard Milburn Academy/ Texas, Inc. for any of its schools, programs or services, and to the acceptance of gifts made to Richard Milburn Academy/ Texas, Inc. or for the benefit of any of its schools or programs.

***Sec. 2. RESTRICTIONS ON GIFTS***

Richard Milburn Academy/ Texas, Inc. will accept unrestricted gifts, and gifts for specific schools, programs and purposes, provided that such gifts are consistent with Richard Milburn Academy/ Texas, Inc.'s mission, purposes, and priorities. Richard Milburn Academy/ Texas, Inc. 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 Richard Milburn Academy/ Texas, Inc., or that are accompanied by an improper economic benefit to the donor or 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.

### ***Sec. 3. GIFT ACCEPTANCE COMMITTEE***

The Board may establish a Gift Acceptance Committee of the Board to review gifts made to Richard Milburn Academy/ Texas, Inc. 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 Richard Milburn Academy/ Texas, Inc., properly reviewing those gifts, and making recommendations to the Board on gift acceptance and related issues.

### ***Sec. 4. USE OF LEGAL COUNSEL AND OTHER PROFESSIONAL ASSISTANCE***

Richard Milburn Academy/ Texas, Inc. 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, Richard Milburn Academy/Texas, Inc., 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 Richard Milburn Academy/ Texas, Inc.

All prospective donors shall be urged and encouraged by Richard Milburn Academy/ Texas, Inc. 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. Richard Milburn Academy/ Texas, Inc. shall not pay the legal fees or any professional fees of the donor in connection with a gift to Richard Milburn Academy/ Texas, Inc. Richard Milburn Academy/ Texas, Inc., 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.

### ***Sec. 5. 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

### ***Sec. 6. 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 and/or the Gift Acceptance Committee.

1. Cash or Cash Equivalents: Cash is acceptable in any form. Checks shall be made payable to “Richard Milburn Academy/ Texas, Inc.” or “Richard Milburn Academy” and shall be delivered to the Superintendent at the Richard Milburn Academy administrative office.
2. Charitable Pledge Agreements: Acceptable if payable only in acceptable form as set forth in this Policy. Pledges payable over more than one year shall generally not be acceptable unless at least \$1,000.00.
3. Securities: Both publicly traded securities and marketable closely held securities are acceptable upon review by Board and/or 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, Richard Milburn Academy/ Texas, Inc. shall promptly sell all securities upon receipt.
4. Closely Held Securities; Other Intangibles: Richard Milburn Academy/ Texas, Inc. 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 Richard Milburn Academy/ Texas, Inc. 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 Richard Milburn Academy/ Texas, Inc. 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?

Richard Milburn Academy/ Texas, Inc. shall not value or offer to value the property. The donor shall sign a statement of ownership and disclose any liens on the property. Richard Milburn Academy/ Texas, Inc. 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: Richard Milburn Academy/ Texas, Inc. may accept the gift of a life insurance policy, provided Richard Milburn Academy/ Texas, Inc. 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 Richard Milburn Academy/ Texas, Inc. 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, Richard Milburn Academy/ Texas, Inc. 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. Richard Milburn Academy/ Texas, Inc. will not accept any real estate subject to a restriction on Richard Milburn Academy/ Texas, Inc.'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, Richard Milburn Academy/ Texas, Inc., 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 Richard Milburn Academy/ Texas, Inc. 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 Richard Milburn Academy/ Texas, Inc.'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: Richard Milburn Academy/ Texas, Inc. may accept oil and gas property interests upon review by Board and/or 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: Richard Milburn Academy/ Texas, Inc. may accept designation as remainder beneficiary of a charitable remainder trust upon the review by the Board and/or the Gift Acceptance Committee and legal counsel. Richard Milburn Academy/ Texas, Inc. will not accept appointment as a trustee of a charitable remainder trust.
10. Charitable Lead Trusts: Richard Milburn Academy/ Texas, Inc. may accept designation as income beneficiary of a charitable lead trust upon review by the Board and/or the Gift Acceptance Committee and legal counsel. Richard Milburn Academy/ Texas, Inc. will not accept appointment as trustee of a charitable remainder trust.
11. Retirement Plan Beneficiary Designations: Donors and supporters of Richard Milburn Academy/ Texas, Inc. are encouraged to name Richard Milburn Academy/ Texas, Inc. 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 Richard Milburn Academy/ Texas, Inc. are encouraged to make bequests to Richard Milburn Academy/ Texas, Inc. 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.

#### ***Sec. 7. ACCEPTANCE OF GIFT BY THE SUPERINTENDENT***

Subject to the terms of this Policy, the Superintendent shall have discretion and authority to accept (i) unrestricted gifts of a value up to \$1,000.00 and (ii) restricted gifts of a value up to \$5,000.00. Only the Board may accept gifts above those amounts.

#### ***Sec. 8. VALUATION OF GIFTS***

Richard Milburn Academy/ Texas, Inc. shall record a gift received by Richard Milburn Academy/ Texas, Inc. at its valuation for gift purposes on the date of gift and accordance with Generally Accepted Accounting Principles (“GAAP”).

#### ***Sec. 9. IRS FILING UPON SALE OF GIFT***

Richard Milburn Academy/ Texas, Inc. is responsible for filing IRS Form 8282 upon the sale or

disposition of any asset sold by Richard Milburn Academy/ Texas, Inc. within two years of receipt where the charitable deduction value of the item was \$5,000.00 or greater. Richard Milburn Academy/ Texas, Inc. must file such form within 125 days of the date of sale or disposition of the asset. The Chief Financial Officer shall be responsible for the recordation and filing of this form to the IRS.

#### ***Sec. 10. WRITTEN ACKNOWLEDGMENT OF GIFTS AND CONTRIBUTIONS***

Written Acknowledgement of all gifts made to Richard Milburn Academy/ Texas, Inc. and compliance with the current IRS requirements in acknowledgement of such gifts shall be the responsibility of the Board. The Chief Financial Officer shall be responsible for ensuring compliance with IRS requirements regarding acknowledgments.

#### ***Sec. 11. CONFIDENTIALITY***

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

#### ***Sec. 12. 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.

### **PG-1.201 BOARD MEETINGS**

#### ***PART I: BOARD MEETINGS IN GENERAL***

##### ***Sec. 1. DEFINITIONS***

###### ***a) Deliberation***

“Deliberation” means a verbal or written exchange between a quorum of the Board, or between a quorum of the Board and another person, concerning an issue within the jurisdiction of the Board. *Gov’t Code 551.001(2)*.

###### ***b) Meeting***

“Meeting” means a deliberation among a quorum of the Board, or between a quorum of the Board and another person, during which public business or public policy over which the Board has supervision or control is discussed or considered, or during which the Board takes formal action. “Meeting” also means a gathering:

1. That is conducted by the Board or for which the Board is responsible;
2. At which a quorum of members of the Board is present;
3. That has been called by the Board; and
4. At which Board members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee of Richard Milburn Academy, about the public business or public policy over which the Board has supervision or control.

*Gov't Code 551.001(4)*

A communication or exchange of information between Board members about public business or public policy over which the Board has supervision or control does not constitute a meeting or deliberation for purposes of the Texas Open Meetings Act if the communication is posted to an online message board or similar Internet application in compliance with Government Code 551.006. *Gov't Code 551.006.*

The term “meeting” does not include:

1. The gathering of a quorum of the Board at a social function unrelated to the public business that is conducted by the Board;
2. The attendance by a quorum of the Board at a regional, state, or national convention or workshop, ceremonial event, or press conference; or
3. The attendance by a quorum of the Board at a candidate forum, appearance, or debate to inform the electorate, if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event, press conference, forum, appearance, or debate.

*Gov't Code 551.001(4).*

The attendance by a quorum of the Board at a meeting of a committee or agency of the legislature is not considered to be a meeting if the deliberations at the meeting by the Board members consist only of publicly testifying, publicly commenting, and publicly responding to a question asked by a member of the legislative committee or agency. *Gov't Code 551.0035(b).*

**c)     *Recording***

“Recording” means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed. *Gov't Code 551.001(7).*

**d)     *Videoconference Call***

“Videoconference call” means a communication conducted between two or more persons in which one or more of the participants communicates with the other participants through duplex audio and video signals transmitted over a telephone network, a data network, or the Internet. *Gov't Code 551.001(8).*

## ***Sec. 2. SUPERINTENDENT PARTICIPATION***

The Board shall provide the Superintendent an opportunity to present at a meeting an oral or written recommendation to the Board on any item that is voted on by the Board at the meeting.

## ***Sec. 3. MEETINGS OPEN TO THE PUBLIC***

Every Board meeting shall be open to the public. The Board may, however, exclude a witness from a hearing during the examination of another witness in a matter being investigated and may enter into a closed meeting, as provided by law. *Gov't Code 551.002, .084.*

## ***Sec. 4. PROHIBITED COMMUNICATIONS BETWEEN BOARD MEMBERS***

A Board member commits an offense if the member:

1. Knowingly engages in at least one communication among a series of communications that each occur outside of a meeting authorized by the Open Meetings Act and that concern an issue within the jurisdiction of the Board in which the members engaging in the individual communications constitute fewer than a quorum of members, but the members engaging in the series of communications constitute a quorum of members; and
2. Knew at the time the member engaged in the communication that the series of communications:
  - a. Involved or would involve a quorum; and
  - b. Would constitute a deliberation once a quorum of members engaged in the series of communications.

*Gov't Code 551.143.*

## ***Sec. 5. RECORDING OPEN MEETINGS***

All or any part of an open meeting may be recorded by any person in attendance by means of a recorder, video camera, or other means of aural or visual reproduction. The Board may adopt reasonable rules to maintain order at a meeting, including rules relating to the location of recording equipment and the manner in which the recording is conducted. These rules may not prevent or unreasonably impair a person from exercising the right to record a meeting that is open to the public. *Gov't Code 551.023.*

## ***Sec. 6. MEETING MINUTES***

The Board shall keep minutes or make a recording of each open meeting. The minutes shall state the subject matter of each deliberation and indicate each vote, order, decision, or other action taken. *Gov't Code 551.021.*

The minutes and recording are public records and shall be available for public inspection and



copying on request to the Superintendent or designee. *Gov't Code 551.022.*

### ***Sec. 7. NOTICE REQUIRED***

The Board shall give written notice of the date, hour, place, and subject(s) of each Board meeting. *Gov't Code 551.041.*

If the Board recesses an open meeting to the following regular business day, the Board is not required to post notice of the continued meeting if the action is taken in good faith and not to circumvent Government Code Chapter 551. If an open meeting is continued to the following regular business day and, on that following day, the Board continues the meeting to another day, the Board must give the required written notice of the meeting continued to that other day. *Gov't Code 551.0411(a).*

#### ***a) Questions from the Public During Meeting***

If a member of the public or the Board inquires at a meeting about a subject for which notice has not been given, the notice provisions do not apply to a statement of specific factual information given in response to the inquiry or a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda of a subsequent meeting. *Gov't Code 551.042.*

#### ***b) Time of Notice and Accessibility***

Notice of a Board meeting shall be posted on a bulletin board at a place convenient to the public in the Central Administration Office for at least 72 hours before the scheduled time of the meeting. That notice or a notice posted at another Board-designated place shall at all times be readily accessible to the public for at least 72 hours before the scheduled time of the meeting. *Gov't Code 551.043(a), .051.*

If Richard Milburn Academy is required to post notice of a meeting on the Internet, Richard Milburn Academy satisfies the requirement that the notice must be posted in a place readily accessible to the general public at all times by making a good-faith attempt to continuously post the notice on the Internet during the prescribed period.

Richard Milburn Academy must still comply with the duty to physically post the notice in the Central Administration Office, and if Richard Milburn Academy makes a good-faith attempt to continuously post the notice on the Internet during the prescribed period, the physically posted notice must be readily accessible to the general public during normal business hours. *Gov't. Code 551.043(b).*

#### ***c) Internet Posting of Agenda/Notice***

If Richard Milburn Academy maintains an Internet website, in addition to the other place at which notice is required to be posted, the Board must also concurrently post notice of a meeting on the Internet website.

The Board must also, concurrently with the notice, post on the Richard Milburn Academy Internet website the agenda for a Board meeting, if the agenda differs from the posted notice.

The validity of a posting by Richard Milburn Academy in a good-faith attempt to comply with the Internet posting requirements is not affected by a failure to comply that is due to a technical problem beyond Richard Milburn Academy's control. *Gov't Code 551.056.*

***d) Specificity of Agenda/Notice***

Agendas for all meetings shall be sufficiently specific to inform the public of the subjects to be deliberated at the meeting, setting out any special or unusual matters to be considered or any matter in which the public has a particular interest. Deliberations or actions pertaining to the Superintendent and principals are of particular public interest, and notice of those subjects must be worded with such clarity that the public will understand what the Board proposes to discuss or accomplish.

The terms "employee briefing" or "staff briefing" do not give adequate notice of the subject matter to be presented to the Board by employees or staff members.

The subject of a report or update by Richard Milburn Academy staff or a Board member must be set out in the notice in a manner that informs a reader about the subjects to be addressed.

***e) Emergency Meeting or Emergency Agenda Additions***

In an emergency or when there is an urgent public necessity, the notice of a meeting to deliberate or take action on the emergency or urgent public necessity, or the supplemental notice to add the deliberation or taking action on the emergency or urgent public necessity as an item to the agenda for a meeting for which notice has been posted in accordance with the Open Meetings Act is sufficient if the notice or supplemental notice is posted for at least one hour before the meeting is convened.

The Board may not deliberate or take action on a matter at a meeting for which notice or supplemental notice is posted other than:

1. A matter directly related to responding to the emergency or urgent public necessity identified in the notice or supplemental notice of the meeting; or
2. An agenda item listed on a notice of the meeting before the supplemental notice was posted.

An emergency or urgent public necessity exists only if immediate action is required because of:

1. An imminent threat to public health and safety, including a threat described in item 2 below, if imminent; or
2. A reasonably unforeseeable situation, including:
  - a. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
  - b. Power failure, transportation failure, or interruption of communication facilities;
  - c. Epidemic; or
  - d. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

The Board shall clearly identify the emergency or urgent public necessity in the notice of an emergency meeting or supplemental notice.

The sudden relocation of a large number of residents from the area of a declared disaster within Richard Milburn Academy's geographic boundaries is considered a reasonably unforeseeable situation for a reasonable period immediately following the relocation.

*Gov't Code 551.045.*

#### ***f) Catastrophe***

If the Board is prevented from convening an open meeting that was otherwise properly posted under Government Code Section 551.041 because of a catastrophe, the Board may convene the meeting in a convenient location within 72 hours pursuant to Government Code Section 551.045 if the action is taken in good faith and not to circumvent Government Code Chapter 551. If the Board is unable to convene the open meeting within those 72 hours, the Board may subsequently convene the meeting only if the board gives the required written notice of the meeting.

"Catastrophe" means a condition or occurrence that interferes physically with the ability of the Board to conduct a meeting, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
2. Power failure, transportation failure, or interruption of communication facilities;
3. Epidemic; or
4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

*Gov't Code 551.0411(b), (c).*

#### ***g) Notice to News Media***

Richard Milburn Academy shall provide special notice of each meeting by telephone, facsimile transmission, or electronic mail to any news media that has requested special notice and agreed to reimburse Richard Milburn Academy for the cost of providing the special notice. *Gov't Code 551.052.*

The Board President or other Board member who calls an emergency meeting or adds an

emergency item to the agenda of a Board meeting shall notify the news media of the emergency meeting or emergency item. The Board President or other Board member is required to notify only those members of the news media that have previously filed a request containing all pertinent information for the special notice and agreed to reimburse Richard Milburn Academy for the cost of providing the special notice. The Board President or other Board member shall give the notice by telephone, fax transmission, or electronic mail at least one hour before the meeting is convened. *Gov't Code 551.047.*

### ***Sec. 8. QUORUM***

A majority of the Board constitutes a quorum for meetings. *Gov't Code 551.001(6).*

### ***Sec. 9. SECRET BALLOT***

No vote shall be taken by secret ballot.

### ***Sec. 10. MEETING BY TELEPHONE CONFERENCE CALL***

The Board may hold a meeting by telephone conference call if an emergency or public necessity exists within the meaning of Government Code 551.045 and the convening at one location of a quorum of the Board is difficult or impossible, or if the meeting is held by an advisory board.

Each part of the telephone conference call meeting that is required to be open shall be audible to the public at the location specified in the notice of the meeting. The location designated in the notice as the location of the meeting shall provide two-way communication during the entire telephone conference call meeting and the identification of each party to the telephone conference shall be clearly stated prior to speaking.

#### ***a) Notice***

The telephone conference call meeting is subject to the notice requirements applicable to other meetings. The notice must specify as the location of the meeting the location where Board meetings are usually held.

#### ***b) Recording***

The conference call meeting shall be recorded and made available to the public.

*Gov't Code 551.125.*

### ***Sec. 11. MEETING BY VIDEOCONFERENCE CALL***

A Board member or Richard Milburn Academy employee may participate remotely in a Board

meeting by means of a videoconference call if the video and audio feed of the Board member's or employee's participation, as applicable, is broadcast live at the meeting and complies with the provisions below. A Board member who participates by videoconference call shall be counted as present at the meeting for all purposes. A Board member who participates in a meeting by videoconference call shall be considered absent from any portion of the meeting during which audio or video communication with the Board member is lost or disconnected. The Board may continue the meeting only if a quorum remains present at the meeting location or, if applicable, continues to participate in a meeting conducted as specified in **Multiple Counties**, below. *Gov't Code 551.001(8), .127(a-1) -(a-3).*

***a) Requirement for Quorum***

A Board meeting may be held by videoconference call only if a quorum of the board is physically present at one location of the meeting, except as provided at **Multiple Counties**, below.

***b) Multiple Counties***

If Richard Milburn Academy extends into three or more counties, a Board meeting may be held by videoconference call only if the Board member presiding over the meeting is physically present at one location of the meeting that is open to the public during the open portions of the meeting.

***c) Notice of Videoconference Meeting***

A meeting held by videoconference call is subject to the notice requirements applicable to other meetings in addition to the notice requirements applicable to meetings by videoconference call.

The notice of a meeting to be held by videoconference call must specify as a location of the meeting the location where a quorum of the Board will be physically present and specify the intent to have a quorum present at that location; the notice of a meeting held by videoconference call described above at "Multiple Counties" must specify as a location of the meeting the location where the Board member presiding over the meeting will be physically present and specify the intent to have the presiding officer present at that location.

*Gov't Code 551.127(b)-(e).*

***d) Quality of Audio and Video Signals During Videoconference Meetings***

Each portion of a meeting held by videoconference call that is required to be open to the public shall be visible and audible to the public at the location specified in the notice. If a problem occurs that causes a meeting to no longer be visible and audible to the public at that location, the meeting must be recessed until the problem is resolved. If the problem is not resolved in six hours or less, the meeting must be adjourned.

The location specified in the notice, and each remote location from which a member of the board participates, shall have two-way audio and video communication with each other location during

the entire meeting. The face of each participant in the videoconference call, while that participant is speaking, shall be clearly visible, and the voice audible, to each other participant and, during the open portion of the meeting, to the members of the public in attendance at the physical location described by the notice and at any other location of the meeting that is open to the public.

The quality of the audio and video signals perceptible at each location of the meeting must meet or exceed standards specified by the Texas Department of Information Resources. The audio and video signals perceptible by members of the public at the location of the meeting described by the notice and each remote location from which a Board member participates must be of sufficient quality so that members of the public at each location can observe the demeanor and hear the voice of each participant in the open portion of the meeting.

*Gov't Code 551.127(f), (h)-(j).*

***e) Recording Meetings by Videoconference***

The Board shall make at least an audio recording of the meeting; the recording shall be made available to the public.

***f) Public Participation During Meetings by Videoconference***

The Board may allow a member of the public to testify at a meeting from a remote location by videoconference call even if a Board member is not participating in the meeting from a remote location.

*Gov't Code 551.127(g), (k).*

***Sec. 12. VIDEO AND AUDIO RECORDING OF MEETING***

If Richard Milburn Academy has a student enrollment of 10,000 or more, the Board shall make a video and audio recording of reasonable quality of each:

1. Regularly scheduled open meeting that is not a work session or a special called meeting;  
and
2. Open meeting that is a work session or special called meeting at which the Board votes on any matter or allows public comment or testimony.

The Board shall make available an archived copy of the video and audio recording of each meeting on the Internet not later than seven days after the date the recording was made. The Board shall maintain the archived recording on the Internet for not less than two years after the date the recording was first made available. The Board is exempt from the requirements in this paragraph if the Board's failure to make the required recording of a meeting available is the result of a catastrophe, as defined by Government Code 551.0411 (see **Catastrophe**, Part 1, Section 7-f), or a technical breakdown. Following a catastrophe or breakdown, the Board must make all reasonable efforts to make the required recording available in a timely manner.

The Board may make the archived recording available on an existing Internet site, including a publicly accessible video-sharing or social networking site. The Board is not required to establish a separate Internet site and provide access to archived recordings of meetings from that site.

If Richard Milburn Academy maintains an Internet site, Richard Milburn Academy shall make available on that site, in a conspicuous manner, the archived recording of each meeting or an accessible link to the archived recording of each such meeting.

*Gov't Code 551.128(b-1)–(b-6).*

### ***Sec. 13. INTERNET BROADCAST***

If Richard Milburn Academy and the Board are not subject to the provisions above at **Video and Audio Recording of Meeting** (Part I, Section 12), the Board may broadcast an open meeting over the Internet. If the Board broadcasts a meeting over the Internet, it shall establish an Internet site and provide access to the broadcast from that site. The Board shall provide on the Internet site the same notice of the meeting, within the time required for posting that notice, that the Board is required to post under the Open Meetings Act. *Gov't Code 551.128(b), (c).*

### ***Sec. 14. ATTORNEY CONSULTATION***

The Board may use a telephone conference call, videoconference call, or communications over the Internet to conduct a public consultation with its attorney in an open meeting of the Board or a private consultation with its attorney in a closed meeting.

Each part of a public consultation by the Board with its attorney in an open meeting must be audible to the public at the location specified in the notice of the meeting as the location of the meeting.

This does not apply to a consultation with an attorney who is an employee of Richard Milburn Academy. An attorney who receives compensation for legal services performed, from which employment taxes are deducted by Richard Milburn Academy, is an employee of the Richard Milburn Academy.

*Gov't Code 551.129.*

### ***Sec. 15. HEARING-IMPAIRED PERSONS***

In a proceeding before the Board in which the legal rights, duties, or privileges of a party are to be determined by the Board after an adjudicative hearing, the Board shall supply for a party who is deaf or hearing impaired an interpreter who has qualifications approved by the Texas Department of Assistive and Rehabilitative Services.

For purposes of this requirement, “deaf or hearing impaired” means having a hearing impairment, regardless of the existence of a speech impairment, that inhibits comprehension of a proceeding or inhibits communication with others.

## ***PART II: CLOSED MEETINGS***

### ***Sec. 1. AUTHORIZATION TO CONVENE IN CLOSED/EXECUTIVE SESSION***

The Board may conduct a closed meeting for the purposes described in Subchapter D, Chapter 551, Texas Government Code, including but not limited to:

1. Consultation with the Board's attorney in accordance with Gov't Code § 551.071;
2. Deliberations regarding the purchase, exchange, lease, or value of real property in accordance with Gov't Code § 551.072;
3. Deliberations regarding a negotiated contract for a prospective gift or donation to Richard Milburn Academy/Texas, Inc. in accordance with Gov't Code § 551.073;
4. Deliberations regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a Richard Milburn Academy officer or employee or to hear a complaint against a Richard Milburn Academy officer or employee, in accordance with Gov't Code § 551.074;
5. Deliberations regarding the deployment, or specific occasions for implementation, of security personnel or devices or a security audit, in accordance with Gov't Code § 551.076;
6. Deliberations in matters involving certain information regarding insurance, health, or retirement plans, in accordance with Gov't Code 551.0785;
7. Deliberations in a case in which a complaint or charge is brought against a Richard Milburn Academy employee by another Richard Milburn Academy employee and the complaint or charge directly results in the need for a hearing in accordance with Gov't Code § 551.082;
8. Deliberations in a case involving discipline of a Richard Milburn Academy student in accordance with Gov't Code § 551.082;
9. Deliberations in a matter regarding a student if personally identifiable information about the student will necessarily be revealed by the deliberation in accordance with Gov't Code § 551.0821;
10. Excluding a witness from a hearing during the examination of another witness in an investigation in accordance with Gov't Code § 551.084;
11. Deliberations to discuss or deliberate regarding economic development negotiations in accordance with Gov't Code § 551.087;
12. Deliberations regarding security assessments or deployment relating to information resources technology; network security information as described by Gov't Code 2059.055(b); or the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices, in accordance with Gov't Code § 551.089; and
13. Deliberations to discuss or adopt individual assessment instruments or assessment instrument items in accordance with Education Code 39.030(a).

### ***Sec. 2. PROCEDURES FOR CLOSED MEETINGS***



If a closed meeting is allowed, the Board shall not conduct the closed meeting unless a quorum of the Board first convenes in an open meeting for which proper notice has been given and the presiding officer has publicly announced that a closed meeting will be held and has identified the section or sections of the Open Meetings Act or other applicable law under which the closed meeting is held. *Gov't Code 551.101.*

### ***Sec. 3. VOTE OR FINAL ACTION IN OPEN SESSION***

A final action, decision, or vote on a matter deliberated in a closed meeting shall be made only in an open meeting for which proper notice has been given. *Gov't Code 551.102.*

### ***Sec. 4. CERTIFIED AGENDA OR RECORDING***

The Board shall either keep a certified agenda or make a recording of the proceedings of each closed meeting, except for private consultation with the Board and/or Richard Milburn Academy's attorney. The certified agenda must include a statement of the subject matter of each deliberation, a record of any further action taken, and an announcement by the presiding officer at the beginning and end of the closed meeting indicating the date and time. A presiding officer shall certify that a certified agenda is a true and correct record of the proceedings. If a recording is made, it must include announcements by the presiding officer at the beginning and end of the meeting indicating the date and time. *Gov't Code 551.103.*

"Recording" means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed. *Gov't Code 551.001(7).*

Closed meetings may not be recorded by an individual Board member against the wishes of a majority of the Board.

#### ***a) Preservation***

The Board shall preserve the certified agenda or recording of a closed meeting for at least two years after the date of the meeting. If a legal action involving the meeting is brought within that period, the Board shall preserve the certified agenda or recording while the action is pending. *Gov't Code 551.104(a).*

#### ***b) Public Access***

A certified agenda or recording of a closed meeting is available for public inspection and copying only under a court order issued as a result of litigation involving an alleged violation of the Open Meetings Act. *Gov't Code 551.104(b), (c).*

### ***Sec. 5. PROHIBITIONS***

No Board member shall participate in a closed meeting knowing that neither a certified agenda nor a recording of the closed meeting is being made. *Gov't Code 551.145.*

No individual, corporation, or partnership shall, without lawful authority, disclose to a member of the public the certified agenda or recording of a meeting that was lawfully closed to the public. *Gov't Code 551.146.*

No Board member shall knowingly call or aid in calling or organizing a closed meeting that is not permitted under the Open Meetings Act, close or aid in closing a regular meeting to the public except as permitted under the Open Meetings Act, or participate in a closed meeting that is not permitted under the Open Meetings Act. *Gov't Code 551.144(a).*

It is an affirmative defense to prosecution under Government Code 551.144(a) that a Board member acted in reasonable reliance on a court order or a written interpretation of the open meetings law contained in an opinion of a court of record, the attorney general, or the Board's attorney. *Gov't Code 551.144(c).*

### ***PART III: PUBLIC PARTICIPATION IN BOARD MEETINGS***

#### ***Sec. 1. RIGHT TO PUBLIC PARTICIPATION***

Richard Milburn Academy/Texas, Inc. shall take no action abridging the freedom of speech or the right of people to petition the Board for redress of grievances. *U.S. Const. Amend. I, XIV.* Additionally, citizens shall have the right, in a peaceable manner, to assemble together for their common good and to apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address, or remonstrance. *Tex. Const. Art. I, Sec. 27.*

The Board may confine its meetings to specified subject matter, and may hold non-public sessions to transact business. When the Board sits in public meetings to conduct public business and hear the views of citizens, it may not discriminate between speakers on the basis of the content of their speech or the message it conveys. *Rosenberger v. Rector & Visitors of Univ. of Virginia, 515 U.S. 819 (1995); City of Madison v. Wis. Emp. Rel. Comm'n, 429 U.S. 167 (1976); Pickering v. Bd. of Educ., 391 U.S. 563 (1968).*

The Board may create a limited public forum for the purpose of hearing comments from the public, so long as:

1. The Board does not discriminate against speech on the basis of viewpoint;
2. Any restrictions are reasonable in light of the purpose served by the forum; and
3. The Board provides alternative paths for expressing categories of protected speech that are excluded from the forum.

*Fairchild v. Liberty Indep. Sch. Dist., 597 F.3d 747 (5th Cir. 2010).*

## ***Sec. 2. PUBLIC COMMENT***

The Board shall allow each member of the public who desires to address the Board regarding an item on an agenda for an open meeting of the Board to address the Board regarding the item at the meeting before or during the Board's consideration of the item. At all other times during a Board meeting, the audience shall not enter into discussion or debate on matters being considered by the Board, unless requested by the presiding officer.

Richard Milburn Academy's local policy is stated in the subsection below:

### **SECTION 2.1. Speaker Sign Up**

Individuals who wish to provide public comment or testimony to the Board at the designated time during a Board meeting must sign up in advance of the Board meeting by submitting the Public Comment Sign Up Form located on the District's website. When an individual signs up, the individual must indicate whether the comment pertains to an item on the Board agenda and, if so, which item or items. An individual who will be accompanied by a translator must notify the District at the time of signup. If an agenda item is continued or posted again for a meeting on a later date, individuals who wish to address the Board on the item must sign up separately for that later date.

Should the individual not have an electronic method available, the Superintendent's Office should be contacted for additional options.

Written submissions to the Board are subject to public disclosure in accordance with the law.

#### ***a) Time Limits***

The Board may adopt reasonable rules regarding the public's right to address the Board under this policy, including rules that limit the total amount of time that a member of the public may address the Board on a given item.

Richard Milburn Academy's local policy is stated in the subsection below:

### **SECTION 2.2 Per-Speaker Time Limit**

A speaker will be given up to 3 minutes to address the Board. If, however, the total number of speakers seeking to address the Board at a meeting exceeds 10, the per-speaker time limit may be reduced. In no event will a speaker be given less than one minute to address the Board. A speaker who wishes to address multiple agenda items may be given an increased time limit as additional time to address the Board.

#### ***b) Additional Time for Translation***

A member of the public who addresses the Board through a translator must be given at least twice the amount of time as a member of the public who does not require the assistance of a translator

in order to ensure that non-English speakers receive the same opportunity to address the Board. This requirement applies only if the Board does not use simultaneous translation equipment in a manner that allows the Board to hear the translated public testimony simultaneously.

***c) Public Criticism***

The Board may not prohibit public criticism of the Board, including criticism of any act, omission, policy, procedure, program, or service. This does not apply to public criticism that is otherwise prohibited by law.

*Gov't Code § 551.007.*

***d) Board's Response***

Specific factual information or recitation of existing policy may be furnished in response to inquiries during public comment, but the Board shall not deliberate or decide regarding any subject that is not included on the agenda posted with notice of the meeting.

***Sec. 3. COMPLAINTS AND CONCERNS***

The presiding officer or designee shall determine whether a person addressing the Board has attempted to solve a matter administratively through resolution channels established by policy. If not, the person shall be referred to the appropriate policy (see list below) to seek resolution:

Employee complaints: Board Policy Module 4 – Human Resources and Personnel Handbook (Employee Complaints and Grievances – General).

Student or parent complaint: Board Policy Module 3 – Students PG-3.5 (Parent and Student Complaints and Grievances – General).

Complaints alleging discrimination, harassment, and/or retaliation: Board Policy Module 4 – Human Resources (Freedom from Discrimination, Harassment, and Retaliation); Board Policy Module 3 - Students PG-3.1 (Freedom from Discrimination, Harassment, and Retaliation); Board Policy Module 3 PG-3.2 (Sexual Harassment).

Complaints concerning identification, evaluation, or educational placement of a student with a disability within the scope of Section 504: Board Policy PG-3.5 §4 (Parent and Student Complaints and Grievances), subject to the time limitations referenced in Board Policy PG-3.1 §1 (Equal Educational Opportunity).

Complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability within the scope of the Individuals with Disabilities Education Act. Board Policy PG-3.1 §1 (Equal Educational Opportunity) and Board Policy PG-3.5 §9 (Parent and

Student Complaints and Grievances).

Public complaints: Board Policy Module 1 – Governance PG- 1.205 (Public Complaints).

#### ***Sec. 4. DISRUPTION***

The Board shall not tolerate disruption of the meeting by members of the audience. If, after at least one warning from the presiding officer, any person continues to disrupt the meeting by his or her words or actions, the presiding officer may request assistance from law enforcement officials to have the person removed from the meeting.

### **PG-1.202 PUBLIC INFORMATION REQUESTS**

#### ***Sec. 1. GENERAL PROVISIONS***

##### ***a) Public Information Defined***

For purposes of the Texas Public Information Act (“TPIA”), “public information” means information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

1. By the Board;
2. For the Board and the Board:
  - a. Owns the information;
  - b. Has a right of access to the information; or
  - c. Spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or
3. By an individual officer or employee of Richard Milburn Academy in the officer’s or employee’s official capacity and the information pertains to official business of Richard Milburn Academy.

“Official business” means any matter over which Richard Milburn Academy has any authority, administrative duties, or advisory duties.

Information is “in connection with the transaction of official business” if the information is created by, transmitted to, received by, or maintained by an officer or employee of Richard Milburn Academy in the officer’s or employee’s official capacity, or a person or entity performing official business or a governmental function on behalf of Richard Milburn Academy, and pertains to official business of Richard Milburn Academy.

The definition of “public information” applies to and includes any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business.

***b) Forms of Public Information***

The general forms in which the media containing public information exist include a book, paper, letter, document, e-mail, Internet posting, text message, instant message, other electronic communication, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map, and drawing and a voice, data, or video representation held in computer memory.

The media on which public information is recorded include:

1. Paper;
2. Film;
3. A magnetic, optical, solid state, or other device that can store an electronic signal;
4. Tape;
5. Mylar; and
6. Any physical material on which information may be recorded, including linen, silk, and vellum.

***c) Business Day Defined***

For purposes of Richard Milburn Academy/ Texas, Inc. compliance with the TPIA, the term “business day” means a day other than:

1. a Saturday or Sunday;
2. a national holiday under the Government Code 66.003(a); or
3. a state holiday under the Government Code 662.003(b).

The fact that an employee works from an alternative work site does not affect whether a day is considered a business day under this policy.

If Richard Milburn Academy/ Texas, Inc. officer for public information observes the days on which Rosh Hashanah, Yom Kippur, or Good Friday fall, such day(s) shall not be considered a business day under this policy.

The Friday before or Monday after a national holiday or state holiday is not a business day if the holiday occurs on a Saturday or Sunday and Richard Milburn Academy/ Texas, Inc. observes the holiday on that Friday or Monday.

The Board may designate a day on which Richard Milburn Academy/ Texas, Inc. administrative offices are closed or operating with minimum staffing as a nonbusiness day for purposes of the TPIA. The Board may designate not more than 10 nonbusiness days under this section each calendar year.

*Gov't Code 552.0031.*

***Sec. 2. PRESERVATION OF INFORMATION***

The Board may determine a time for which information that is not currently in use will be preserved, subject to any applicable law or rule governing the destruction and other disposition of state and local government records or public information.

The provisions of Chapter 441, Government Code and Title 6, Local Government Code, governing the preservation, destruction, or other disposition of records or public information apply to records and public information held by a temporary custodian.

*Gov't Code 552.004(a), (c).*

***a) Temporary Custodians***

For purposes of the TPIA, a “temporary custodian” means an officer or employee of Richard Milburn Academy who, in the transaction of official business, creates or receives public information that the officer or employee has not provided to the officer for public information or the officer’s agent. The term includes a former officer or employee who created or received public information in the officer’s or employee’s official capacity that has not been provided to the officer for public information or the officer’s agent.

A current or former Board member, officer, or employee of Richard Milburn Academy does not have, by virtue of the individual’s position or former position, a personal or property right to public information the individual created or received while acting in an official capacity.

A temporary custodian with possession, custody, or control of public information shall surrender or return the information to Richard Milburn Academy not later than the 10th day after the date the officer for public information requests the temporary custodian to surrender or return the information.

A temporary custodian’s failure to surrender or return public information as requested by the officer for public information is grounds for disciplinary action by Richard Milburn Academy, or any other applicable penalties authorized by the TPIA or other law.

*Gov't Code § 552.003(7).*

***b) Calculating Timelines***

For purposes of requesting an Attorney General determination related to surrendered or returned to Richard Milburn Academy by a temporary custodian, Richard Milburn Academy is considered to have received the request for that information on the date the information is surrendered or returned to Richard Milburn Academy. *Gov't Code 552.233.*

***Sec. 3. ONLINE MESSAGE BOARD***

If the Board maintains an online message board or similar Internet application under Government Code 551.006, and the Board removes from the online message board or similar Internet

application a communication that has been posted for at least 30 days, the Board shall maintain the posting for a period of six years. This communication is public information and must be disclosed in accordance with the TPIA. *Gov't Code § 551.006(d)*.

#### ***Sec. 4. AVAILABILITY OF PUBLIC INFORMATION***

Public information is available to the public, at a minimum, during Richard Milburn Academy's normal business hours.

#### ***Sec. 5. OFFICER FOR PUBLIC INFORMATION AND REQUIRED NOTICES***

##### ***a) Officer for Public Information***

The Superintendent or designee shall be Richard Milburn Academy's officer for public information. Each department head shall be an agent of the officer for purposes of complying with the TPIA.

The officer for public information is responsible for the release of public information as required by the TPIA, Government Code Chapter 552. The officer for public information shall:

1. Make public information available for public inspection and copying.
2. Carefully protect public information from deterioration, alteration, mutilation, loss, or unlawful removal.
3. Repair, renovate, or rebind public information when necessary to maintain it properly.
4. Make reasonable efforts to obtain public information from a temporary custodian if:
  - a. The information has been requested from Richard Milburn Academy;
  - b. The officer for public information is aware of facts sufficient to warrant a reasonable belief that the temporary custodian has possession, custody, or control of the information;
  - c. The officer for public information is unable to comply with the duties imposed by the TPIA without obtaining the information from the temporary custodian; and
  - d. The temporary custodian has not provided the information to the officer for public information or the officer's agent.

The officer for public information is not responsible for the use made of the information by the requestor or the release of information after it is removed from a record as a result of an update, correction, or change of status of the person to whom the information pertains.

*Gov't Code § 552.201(a)–.204.*

##### ***b) Sign***

The officer for public information shall prominently display a sign in the form prescribed by the Attorney General that contains basic information about the rights of a requestor, the responsibilities of Richard Milburn Academy, and the procedures for inspecting or obtaining a copy of public information under the TPIA. The officer for public information shall display the sign at one or



more places in the Richard Milburn Academy administrative offices where it is plainly visible to:

1. Members of the public who request public information in person; and
2. Richard Milburn Academy employees whose duties include receiving or responding to public information requests.

## ***Sec. 6. ACCESS TO PUBLIC INFORMATION***

### ***a) Rules of Access***

Richard Milburn Academy may promulgate reasonable rules of procedure by which public information may be inspected and copied efficiently, safely, and without delay. These rules may not be inconsistent with any provision of the TPIA. *Gov't Code § 552.230.*

It shall be the policy of Richard Milburn Academy to provide a suitable copy of public information within a reasonable time after the date on which the copy is requested. *Gov't Code § 552.228.*

### ***b) Method of Making Written Request for Public Information***

A person may make a written request for public information only by delivering the request by one of the following methods to the designated officer for public information:

1. United States mail;
2. Electronic mail;
3. Hand delivery; or
4. Any other appropriate method approved by Richard Milburn Academy, including facsimile transmission and electronic submission through the Richard Milburn Academy website.

Richard Milburn Academy may designate one mailing address and one electronic mail address for receiving written requests for public information and shall provide the designated mailing address and electronic mail address to any person on request.

Mailing Address: 401 E. Sonterra Boulevard, San Antonio, TX 78258

Email address: [info@rma-tx.org](mailto:info@rma-tx.org)

If Richard Milburn Academy posts a designated mailing address or electronic mail address on the Richard Milburn Academy's website, or if Richard Milburn Academy prints those addresses on the TPIA sign noted in Section 5(b), Richard Milburn Academy is not required to respond to a written request for public information unless the request is received:

1. At one of those addresses;
2. By hand delivery; or
3. By a method that has been approved by Richard Milburn Academy.

*Gov't Code § 552.234.*

**c) *Inquiry of Requestors***

The officer for public information and agent shall not make an inquiry of a requestor, except to establish proper identification or to ask the requestor to narrow or clarify the request. The officer for public information or agent shall treat all requests for information uniformly without regard to the position or occupation of the requestor, the person on whose behalf the request is made, or the status of the individual as a member of the media. The officer for public information or agent shall give the requestor all reasonable comfort and facility for the full exercise of the right granted by the TPIA. *Gov't Code §§552.222(a)-(b), .223-.224.*

**d) *Location of Access***

Richard Milburn Academy complies with a request for public information by:

1. Providing the information for inspection or duplication in Richard Milburn Academy's offices (see TIME FOR EXAMINATION, section 6-g below); or
2. Sending copies of the information by first class mail, if the requestor requests that copies be provided and pays the postage and any other applicable charges that the requestor has accrued under Subchapter F of the TPIA (see COSTS AND CHARGES, below).
3. By referring a requestor to an exact Internet location or uniform resource locator ("URL") address on a website maintained by Richard Milburn Academy and accessible to the public if the requested information is identifiable and readily available on that website. If the requestor prefers a manner other than access through the URL, Richard Milburn Academy must supply the information by sending copies to the requestor, as described above. If the officer for public information provides by e-mail an Internet location or URL address, the e-mail must contain a statement in a conspicuous font clearly indicating that the requestor may nonetheless access the requested information by inspection or duplication or by receipt through the United States mail, as described above.

The TPIA does not authorize a requestor to remove an original copy of a public record from Richard Milburn Academy.

*Gov't Code § 552.221(b)-(b-2), .226.*

**e) *Time for Response***

Richard Milburn Academy shall promptly produce public information for inspection, duplication, or both, on application by any person. "Promptly" means as soon as possible under the circumstances, that is, within a reasonable time, without delay.

If Richard Milburn Academy cannot produce the public information for inspection or duplication within 10 business days after the date the information is requested, the officer for public information or designee shall certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

If the requested information is unavailable because it is in storage or active use, the officer for

public information or designee shall certify this fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

*Gov't Code § 552.221.*

***f) Requests to Clarify or Narrow***

If a large amount of information has been requested, Richard Milburn Academy may discuss with the requestor how the scope of the request might be narrowed, but Richard Milburn Academy may not inquire into the purpose for which the information will be used. If what information is requested is unclear to Richard Milburn Academy, Richard Milburn Academy may ask the requestor to clarify the request.

If the request included the requestor's physical or mailing address, Richard Milburn Academy must send the request for discussion or clarification to that address by certified mail. The written request for discussion or clarification must include a statement as to the consequences of failure by the requestor to timely respond. If Richard Milburn Academy does not receive a written response by the 61st day after Richard Milburn Academy sends the written request, the underlying request for public information is considered to have been withdrawn by the requestor.

***g) Time for Examination***

A requestor shall complete the examination of the information not later than the 10th business day after the date the custodian of the information makes it available. If the requestor does not complete the examination within 10 business days and does not file a request for additional time, the requestor is considered to have withdrawn the request.

Richard Milburn Academy shall extend the initial examination period by an additional 10 business days if, within the initial period, the requestor files with the officer for public information or designee a written request for additional time. The officer or designee shall extend an additional examination period by another 10 business days if, within the first additional period, the requestor files with the officer a written request for more additional time.

The time during which a person may examine information may be interrupted by Richard Milburn Academy if the information is needed for use by Richard Milburn Academy. The period of interruption is not considered to be a part of the time during which the person may examine the information.

A request is considered to have been withdrawn if the requestor fails to inspect or duplicate the public information in the offices of Richard Milburn Academy on or before the 60th day after the date the information is made available or fails to pay the postage and any other applicable charges

accrued under Government Code, Chapter 552, Subchapter F on or before the 60th day after the date the requestor is informed of the charges.

*Gov't Code § 552.221(e), .225.*

***h) Electronic Data***

If public information exists in an electronic or magnetic medium, the requestor may request a copy in an electronic medium, such as on diskette or on magnetic tape. Richard Milburn Academy shall provide a copy in the requested medium:

1. If Richard Milburn Academy has the technological ability to produce the information in the requested medium;
2. If Richard Milburn Academy is not required to purchase any software or hardware to accommodate the request; and
3. Providing the copy will not violate any copyright agreement between Richard Milburn Academy and a third party.

If Richard Milburn Academy is unable to comply with a request to produce a copy of information in a requested medium for any of these reasons Richard Milburn Academy shall provide a copy in another medium that is acceptable to the requestor. Richard Milburn Academy is not required to copy information onto a diskette or other material provided by the requestor but may use Richard Milburn Academy supplies.

*Gov't Code § 552.228.*

***i) Requests Requiring Programming or Manipulation of Data***

Richard Milburn Academy shall provide the requestor a written statement, described below, if Richard Milburn Academy determines:

1. That responding to a request for information will require programming or manipulation of data; and
2. That:
  - a. Compliance with the request is not feasible or will result in substantial interference with operations; or
  - b. The information could be made available in the requested form only at a cost that covers the programming and manipulation of data.

The written statement shall include:

1. A statement that the information is not available in the requested form;
2. A description of the form in which the information is available;
3. A description of any contract or services that would be required to provide the information in the requested form;
4. A statement of the estimated cost of providing the information in the requested form, as

- determined in accordance with rules established by the Attorney General; and
5. A statement of the anticipated time required to provide the information in the requested form.

Richard Milburn Academy shall provide the written statement to the requestor within 20 days after the date Richard Milburn Academy receives the request. Richard Milburn Academy has an additional 10 days to provide the statement if Richard Milburn Academy gives written notice to the requestor, within 20 days after receiving the request, that additional time is needed.

After providing the written statement described above, Richard Milburn Academy has no further obligation to provide the information in the requested form or in the form in which it is available, unless within 30 days the requestor states in writing that the requestor:

1. Wants the information in the requested form according to the time and cost parameters set out in the written statement, or according to other terms to which the requestor and Richard Milburn Academy agree; or
2. Wants the information in the form in which it is available.

If a requestor does not make a timely written statement, the requestor is considered to have withdrawn the request for information.

The officer for public information shall establish policies that assure the expeditious and accurate processing of requests for information that require programming or manipulation of data. Richard Milburn Academy shall maintain a readily accessible file containing all written statements issued concerning requests for information that require programming or manipulation of data.

*Gov't Code § 552.231.*

***j) Repetitious or Redundant Requests***

If Richard Milburn Academy determines that a requestor has made a request for information for which Richard Milburn Academy has previously furnished or made copies available to the requestor, Richard Milburn Academy may:

1. Respond to the request for information as set forth below, at PROCEDURES, section 6-k below; or
2. Furnish the information, or make the information available to the requestor again in accordance with the request. If Richard Milburn Academy selects this option, Richard Milburn Academy is not required to comply with the procedures described below.

These provisions do not apply to information not previously furnished to a requestor. Richard Milburn Academy shall treat a request for information for which copies have not been previously furnished or made available to the requestor, including information that was not furnished or made available because the information was redacted or because the information did not exist at the time of an earlier request, in the same manner as any other request for public information.

*Gov't Code § 552.232(a), (d).*

***k) Procedures***

Richard Milburn Academy shall, free of charge, certify to the requestor that copies of all or part of the requested information were previously furnished or made available to the requestor. The certification must include:

1. A description of the information for which copies have been previously furnished or made available to the requestor;
2. The date Richard Milburn Academy received the requestor's original request for that information;
3. The date Richard Milburn Academy previously furnished copies or made available copies of the information to the requestor;
4. A certification that no subsequent additions, deletions, or corrections have been made to that information; and
5. The name, title, and signature of the officer for public information or agent making the certification.

*Gov't Code § 552.232(b), (c).*

***l) Requests for Contracting Information Not Maintained by Richard Milburn Academy***

Richard Milburn Academy shall comply with the requirements of Government Code 552.371 with respect to requests for public information related to certain contracts involving at least \$1 million in public funds when information related to the contract is in the custody or possession of the contracting entity and is not maintained by Richard Milburn Academy. *Gov't Code § 552.371.*

***Sec. 7. ATTORNEY GENERAL DECISIONS***

***a) Request for Attorney General Decision***

If Richard Milburn Academy receives a written request for information that Richard Milburn Academy reasonably considers to be within one of the exceptions to required disclosure and that Richard Milburn Academy wishes to withhold from public disclosure, Richard Milburn Academy shall request a decision from the Attorney General about whether the information is within the exception (see SUBMISSION TO ATTORNEY GENERAL, section 7-f below). For these purposes, the term "written request" includes a request sent by electronic mail or facsimile transmission to the officer or designee. *Gov't Code § 552.301(a).*

Richard Milburn Academy shall submit any requests for an Attorney General decision through the Attorney General's designated electronic filing system, unless the request is hand delivered to the office of the Attorney General, the format of responsive at issue makes using the Attorney General's electronic filing system impossible or impractical, Richard Milburn Academy has fewer than 16 full time employees, or Richard Milburn Academy is in a county with a population of less than 150,000. *Gov't Code § 552.3031.*

***b) Time for Request***

Richard Milburn Academy must submit the request to the Attorney General not later than the 10th business day after receiving the written request. If Richard Milburn Academy does not timely request a decision from the Attorney General and comply with the requirements at STATEMENT TO REQUESTOR, section 7-e below, the information is presumed to be subject to public disclosure and must be released unless there is a compelling reason to withhold it. *Gov't Code* §§ 552.301(b), .302.

***c) Calculating Timelines***

For the purposes of requesting an Attorney General decision, if Richard Milburn Academy receives a written request by United States mail and cannot adequately establish the actual date of receipt, the request is considered to have been received by Richard Milburn Academy on the third business day after the date of the postmark on a properly addressed request. *Gov't Code* § 552.301(a-1).

For information surrendered or returned to Richard Milburn Academy by a temporary custodian, Richard Milburn Academy is considered to have received the request for that information on the date the information is returned or surrendered to Richard Milburn Academy. *Gov't Code* § 552.233(d).

***d) Previous Determinations***

Except as set forth at Government Code section 552.301(g), Richard Milburn Academy may not request an Attorney General decision if Richard Milburn Academy has previously requested and received a determination from the Attorney General concerning the precise information at issue in a pending request and the Attorney General or a court determined that the information is not within one of the exceptions. This exception applies to specific information that is again requested from Richard Milburn Academy after the Attorney General has previously issued a decision regarding the precise information or records at issue.

Richard Milburn Academy may rely on a previous determination by the Attorney General regarding a specific, clearly delineated category of information if:

1. The previous decision is applicable to a school district or charter school;
2. The previous decision concludes that the category of information is or is not excepted from public disclosure;
3. The elements of law, fact, and circumstances are met to support the previous decision's conclusion that the requested records and information at issue are not excepted from public disclosure; and
4. The previous decision explicitly provides that the governmental body or bodies to which the decision applies may withhold the information without the necessity of seeking a decision from the Attorney General.

Richard Milburn Academy shall notify the requestor in writing of the decision or ruling upon which it is relying if it relies on any previous determination to withhold information from disclosure.

Richard Milburn Academy may withhold from public disclosure the categories of records listed at Texas Attorney General Open Records Decision 684 (2009).

Richard Milburn Academy may withhold from public disclosure personally identifiable, non-directory information in “education records” as defined in the Family Educational Rights and Privacy Act of 1974 (“FERPA”).

***e) Statement to Requestor***

If Richard Milburn Academy requests an Attorney General decision, it shall provide to the requestor within a reasonable time, but not later than the 10th business day after the date of receiving the requestor’s written request:

1. A written statement that Richard Milburn Academy wishes to withhold the requested information and has asked for a decision from the Attorney General about whether the information is within an exception to public disclosure; and
2. A copy of Richard Milburn Academy’s written communication to the Attorney General asking for the decision. If Richard Milburn Academy’s written communication to the

Attorney General discloses the requested information; Richard Milburn Academy shall provide a redacted copy of that written communication.

*Gov’t Code § 552.301(d).*

***f) Submission to Attorney General***

When Richard Milburn Academy requests an Attorney General decision, it shall, within a reasonable time but not later than the 15th business day after receiving the request for information, submit to the Attorney General all of the following:

1. Written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld;
2. A copy of the written request for information;
3. A signed statement as to the date on which the written request for information was received by Richard Milburn Academy or evidence sufficient to establish that date; and
4. A copy of the specific information requested, or representative samples of the information if a voluminous amount of information was requested. Richard Milburn Academy shall label the copies or representative samples to indicate which exceptions apply to which parts of the copy.

Richard Milburn Academy shall send a copy of the comments to the requestor not later than the 15th business day after Richard Milburn Academy receives the written request. If the written



comments disclose or contain the substance of the information requested, the copy of the comments provided to the requestor shall be redacted.

*Gov't Code § 552.301(e), (e-1).*

Unless the information is confidential by law, Richard Milburn Academy may disclose the requested information to the public or the requestor before a final determination that the information is public has been made by the Attorney General or a court with jurisdiction. *Gov't Code § 552.303(a).*

***g) Information to Requestor after Attorney General Decision***

Within a reasonable period of time, not to exceed 30 days, after the date the Attorney General issues an opinion letter, Richard Milburn Academy shall:

1. Provide the requestor an itemized estimate of charges for production if estimate is required under Government Code 552.2615,
2. If the requested information is able to be disclosed the information in a single batch:
  - a. provide a written certified notice to the requestor and the Attorney General that it is impractical or impossible for Richard Milburn Academy to produce the information within a reasonable period of time,
  - b. include in the notice the date and hour that Richard Milburn Academy will disclose the information to the requestor, which may not be later than the 15<sup>th</sup> business day after the date of the notice, and
  - c. produce the information at the date and time included in the notice.

If Richard Milburn Academy determines that that it is unable to disclose the information in a single batch:

- a. provide a written certified notice to the requestor and the Attorney General that it is impractical or impossible for Richard Milburn Academy to produce the information within a reasonable period of time,
  - b. include in the notice the date and hour that Richard Milburn Academy will disclose the first batch of information to requestor, which may not be later than the 15<sup>th</sup> business day after the date of the notice,
  - c. provide a written certified notice to the requestor and Attorney General when each subsequent batch of information when each subsequent batch of information is disclosed to the requestor of the date and hour that Richard Milburn Academy will disclose the next batch of information, which may not be later than the 15<sup>th</sup> business day after the date of the notice, and
  - d. produce the information at the date and time included in each notice.
3. Produce the information if it is required to be produced; and
4. Notify the requestor in writing that Richard Milburn Academy is withholding the information as authorized by the opinion or that Richard Milburn Academy has filed suit against the Attorney General regarding the information.

*Gov't Code § 552.306.*

#### ***h) Additional Information***

If the Attorney General determines that additional information is necessary to render a decision, the Attorney General shall give Richard Milburn Academy and the requestor written notice of that fact. Richard Milburn Academy shall submit the necessary additional information to the Attorney General not later than the seventh calendar day after the date the notice is received. If Richard Milburn Academy does not comply with the Attorney General's request, the information is presumed to be subject to required public disclosure and must be released unless there is a compelling reason to withhold the information. *Gov't Code § 552.303(c)-(e)*.

#### ***i) Privacy or Property Interests***

If information is requested and a person's privacy or property interests may be involved, including a case under Government Code 552.101 (information confidential by law), 552.110 (trade secrets), 552.1101 (proprietary information), 552.114 (student records), 552.131 (economic development information), or 552.143 (investment information), Richard Milburn Academy may decline to release the information for the purpose of requesting a decision from the Attorney General. A person whose interests may be involved, or any other person, may submit in writing to the Attorney General the person's reasons why the information should be withheld or released. Richard Milburn Academy may, but is not required to, submit its reasons why the information should be withheld or released. *Gov't Code § 552.305(a)-(c)*.

#### ***j) Notice to Owner of Proprietary Information***

If release of a person's proprietary information may be subject to exception under Government Code 552.101 (information confidential by law), 552.110 (trade secrets), 552.1101 (Proprietary Information), 552.113 (geological or geophysical information), 552.131 (economic development information), or 552.143 (investment information), Richard Milburn Academy shall, when requesting an Attorney General decision, make a good faith attempt to provide written notice to that person of its request. The notice must:

1. Be sent within a reasonable time not later than the 10th business day after Richard Milburn Academy receives the request for information; and
2. Include:
  - a. A copy of any written request Richard Milburn Academy received for the information; and
  - b. A statement, in the form prescribed by the Attorney General, that the person is entitled to submit to the Attorney General, not later than the 10th business day after the person receives the notice, a written statement of the reason(s) why the information should be withheld and a letter, memorandum, or brief supporting the reason(s).

*Gov't Code § 552.305(d)*.

### ***Sec. 8. CHARGES REGARDING TPIA REQUESTS***

*a) Costs and Charges*

The charge for providing a copy of public information shall be an amount that reasonably includes all costs related to reproducing the information, including costs of materials, labor, and overhead. The charges shall not be excessive and shall not exceed the actual cost of producing the information or for making public information that exists in a paper record available. Charges for providing a copy of public information are considered to accrue at the time Richard Milburn Academy advises the requestor that the copy is available on payment of the applicable charges.

*i. 50 Pages or Fewer*

If a request is for 50 or fewer pages of paper records, the charge for providing the copy of the information shall be limited to the charge for each page of the paper record that is photocopied, unless the pages to be photocopied are located in two or more separate buildings that are not physically connected with each other or a remote storage facility. The charge for providing a copy may not include costs of materials, labor, or overhead.

*ii. Statement of Labor Costs*

If the charge for providing a copy of public information includes costs of labor, the requestor may require the officer for public information or agent to provide the requestor with a written statement as to the amount of time that was required to produce and provide the copy. The statement must be signed by the officer or agent, and the officer or agent's name must be typed or legibly printed below the signature. A charge may not be imposed for providing the written statement to the requestor.

All requests received in one calendar day from an individual may be treated as a single request for purposes of calculating costs. Richard Milburn Academy may not combine multiple requests from separate individuals who submit requests on behalf of an organization.

*iii. Attorney General's Rules*

Richard Milburn Academy shall use the Attorney General's rules to determine the charges for providing copies of public information and to determine the charge, deposit, or bond required for making public information that exists in a paper record available for inspection, except to the extent that other law provides for charges for specific kinds of public information.

Richard Milburn Academy may determine its own charges for providing copies of public information and its own charge, deposit, or bond for making public information that exists in a paper record available for inspection. However, Richard Milburn Academy may not charge an amount that is greater than 25 percent more than the amount established by the Attorney General, unless Richard Milburn Academy requests an exemption.

*iv. Exemptions*

Richard Milburn Academy may request that it be exempt from part or all of the rules adopted by

the Attorney General for determining charges. The request must be made in writing to the Attorney General and must state the reason for the exemption. If Richard Milburn Academy receives notice from the Attorney General that an exemption has been granted, Richard Milburn Academy may amend its charges according to the Attorney General's determination.

v. Copies for Parents

Richard Milburn Academy may charge a reasonable fee in accordance with the above requirements for copies of materials provided to parents pursuant to Education Code 26.012.

vi. Statement of Estimated Charges

If a request for a copy of public information will result in the imposition of a charge that exceeds \$40, Richard Milburn Academy shall provide the requestor with a written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs. If an alternative less costly method of viewing the records is available, the statement must include a notice that the requestor may contact Richard Milburn Academy regarding the alternative method. Richard Milburn Academy must inform the requestor of the responsibilities imposed on the requestor by Government Code 552.2615 and the rights granted by that section and give the requestor the information needed to respond as detailed in Government Code 552.2615(a).

If, after Richard Milburn Academy provides the requestor the itemized statement but before it makes the copy or the paper record available, Richard Milburn Academy determines that the estimated charges will exceed the charges detailed in the original itemized statement by 20 percent or more, Richard Milburn Academy shall send to the requestor an updated written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs.

vii. Requestor's Response

A request for which Richard Milburn Academy is required to produce an (original or updated) itemized statement of estimated charges is considered to have been withdrawn if the requestor does not respond in writing to the itemized statement by informing Richard Milburn Academy within 10 business days after the date the statement is sent to the requestor that:

1. The requestor will accept the estimated charges;
2. The requestor is modifying the request in response to the itemized statement; or
3. The requestor has sent to the Attorney General a complaint alleging that the requestor has been overcharged for being provided with a copy of the public information.

viii. Actual Charges

If the actual charges exceed \$40, the charges may not exceed:

1. The amount estimated in the updated itemized statement; or
2. If an updated itemized statement is not sent to the requestor, an amount that exceeds by 20 percent or more the amount estimated in the original itemized statement.

*ix.     Timing of Deadlines*

An original or updated itemized statement is considered to have been sent by Richard Milburn Academy, and a requestor is considered to have responded to the statement, on the date that the statement or response is:

1. Delivered in person;
2. Deposited, properly addressed, in the U.S. mail; or
3. Transmitted by electronic mail or facsimile, provided the requestor agrees to receive the statement by those means.

The time deadlines for providing or responding to the required statement of estimated charges do not affect the application of a time deadline imposed on Richard Milburn Academy for requesting a decision by the Attorney General under Government Code 552, Subchapter G.

*Gov't Code § 552.2615.*

***b)     Deposit or Bond***

The officer for public information or agent may require a deposit or bond for payment of anticipated costs for the preparation of a copy of public information if:

1. The officer or agent has provided the requestor with the written itemized statement required by Government Code 552.2615 (see STATEMENT OF ESTIMATED CHARGES, section 8-a-vi above); and
2. The charge for providing the copy is estimated by Richard Milburn Academy to exceed \$100, if Richard Milburn Academy has more than 15 full-time employees, or \$50, if Richard Milburn Academy has fewer than 16 full-time employees.

The officer or agent may not require a deposit or bond as a down payment for copies of public information that the requestor may request in the future.

*Gov't Code § 552.263(a), (b).*

For the purposes of charging for providing copies of public information or for requesting an Attorney General's opinion, a request for a copy of public information is considered to have been received by Richard Milburn Academy on the date Richard Milburn Academy receives the deposit or bond. *Gov't Code § 552.263(e).*

A requestor who fails to make such a deposit or post such a bond before the 10th business day after the date the deposit or bond is required is considered to have withdrawn the request. *Gov't Code §*

552.263(f).

*i. Modified Request*

If a requestor modifies a request in response to the requirement of a deposit or bond, the modified request is considered a separate request and is considered received on the date Richard Milburn Academy receives the written modified request. *Gov't Code § 552.263(e-1)*.

*ii. Unpaid Amounts*

The officer for public information or agent may require a deposit or bond for payment of unpaid amounts the requestor owes Richard Milburn Academy in relation to previous public information requests before preparing a copy of public information in response to a new request, if those unpaid amounts exceed \$100. The officer for public information or agent may not seek payment of those unpaid amounts through any other means. *Gov't Code § 552.263(c)*.

If Richard Milburn Academy receives a request from a requestor who, within the preceding 180 days, has accepted but failed to pay written itemized statements of estimated charges from Richard Milburn Academy as provided under Government Code 552.261(b), Richard Milburn Academy may require the requestor to pay the estimated charges for the request before the request is fulfilled. *Gov't Code § 552.2661*.

*iii. Documentation of Unpaid Amounts*

Richard Milburn Academy must fully document the existence and amount of those unpaid amounts or the amount of any anticipated costs before requiring a deposit or bond. The documentation is subject to required public disclosure. *Gov't Code § 552.263(d)*.

*iv. Waivers*

Richard Milburn Academy shall provide a copy of public information without charge or at a reduced charge if Richard Milburn Academy determines that waiver or reduction of the charge is in the public interest because providing the information primarily benefits the public. If the cost to Richard Milburn Academy of processing the collection of a charge for providing a copy of public information will exceed the amount of the charge, Richard Milburn Academy may waive the charge. *Gov't Code § 552.267*.

**c) Government Publications**

The cost provisions described above do not apply to a publication that is compiled and printed by or for Richard Milburn Academy for public dissemination. If the cost of the publication is not determined by state law, Richard Milburn Academy may determine the charge for providing the publication, or Richard Milburn Academy may provide the publication free of charge, if state law does not require a certain charge. *Gov't Code § 552.270*.

## ***Sec. 9. INSPECTION OF PUBLIC INFORMATION***

### **a) Inspection of Public Information**

If the requestor does not request a copy of public information, Richard Milburn Academy may not impose a charge for making available for inspection any public information that exists in a paper record, except as set forth below. *Gov't Code § 552.271(a)*.

#### *i. Confidential Information*

If a page contains confidential information that must be edited from the record before the information can be made available for inspection, Richard Milburn Academy may charge for the cost of making a photocopy of the page from which the confidential information must be edited. No charge other than the cost of the photocopy may be imposed. *Gov't Code § 552.271(b)*.

#### *ii. Payment, Deposit, or Bond*

The officer for public information or agent may require a requestor to pay, or to make a deposit or post a bond for the payment of, anticipated personnel costs for making available for inspection public information that exists in paper records if:

1. The information specifically requested by the requestor is older than five years or completely fills, or when assembled will completely fill, six or more archival boxes; and
2. The officer for public information or agent estimates that more than five hours will be required to make the information available for inspection.

*Gov't Code § 552.271(c)*.

If Richard Milburn Academy has fewer than 16 full-time employees, the payment, deposit, or bond may be required only if:

1. The information specifically requested by the requestor is older than three years or completely fills, or when assembled will completely fill, three or more archival boxes; and
2. The officer for public information or agent estimates that more than two hours will be required to make the information available for inspection.

*Gov't Code § 552.271(d)*.

### **b) Electronic Records**

If Richard Milburn Academy receives a request to inspect information that exists in an electronic medium and that is not available directly online to the requestor, Richard Milburn Academy may not impose a charge for access to the information unless complying with the request will require programming or manipulation of data. If programming or manipulation of data is required, Richard Milburn Academy shall notify the requestor before assembling the information and provide the

requestor with an estimate of charges that will be imposed.

If public information exists in an electronic form on a computer owned or leased by Richard Milburn Academy and the public has direct access to that computer through a computer network or other means, the electronic form of the information may be electronically copied from that computer without charge if accessing the information does not require processing, programming, or manipulation on Richard Milburn Academy's computer before the information is copied. If such information does require processing, programming, or manipulation before it can be copied, Richard Milburn Academy may impose charges.

If Richard Milburn Academy creates or keeps information in an electronic form, Richard Milburn Academy is encouraged to explore options to separate confidential information from public information and make the public information available to the public through electronic access through a computer network or other means.

*Gov't Code § 552.272.*

#### ***Sec. 10. TEMPORARY SUSPENSION OF TEXAS PUBLIC INFORMATION ACT (TPIA) DUE TO CATASTROPHE***

The requirements of the TPIA do not apply if Richard Milburn Academy is currently significantly impacted by a catastrophe such that the catastrophe directly causes the inability of the school to comply with the TPIA and complies with the requirements below for declaring a suspension period.

"Catastrophe" means a condition or occurrence that directly interferes with the ability of Richard Milburn Academy to comply with the TPIA's requirements, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
2. Power failure, transportation failure, or interruption of communication facilities;
3. Epidemic; or
4. Riot, civil disturbance, enemy attack, or other actual or threatened acts of lawlessness or violence.

"Catastrophe" does not mean a period when staff is required to work remotely and can access information responsive to an application for information electronically, but the physical office of the school is closed.

"Suspension period" means the period of time during which Richard Milburn Academy may suspend the applicability of the TPIA's requirements.

##### ***a) Initial Suspension Period***

The Board may suspend the applicability of the TPIA to Richard Milburn Academy for an initial suspension period. The School may suspend the TPIA only once for each catastrophe. The initial suspension may not exceed seven consecutive days and must occur during the period that:



1. Begins not earlier than the second day before the date Richard Milburn Academy submits notice to the Attorney General; and
2. Ends not later than the seventh day after the date Richard Milburn Academy submits that notice.

***b) Extension of Initial Suspension Period***

The Board may extend an initial suspension period if the Board determines that Richard Milburn Academy is still impacted by the catastrophe on which the initial suspension period was based. The initial suspension period may be extended one time for not more than seven consecutive days that begin on the day following the day the initial suspension period ends. The combined suspension period may not exceed a total of 14 consecutive calendar days with respect to any single catastrophe.

***c) Informing the Attorney General***

If the Board elects to suspend the TPIA, Richard Milburn Academy must submit notice to the Attorney General that Richard Milburn Academy is currently impacted by a catastrophe and has elected to suspend the applicability of the TPIA during the initial suspension period. The notice must be on the form prescribed by the Attorney General, and must require Richard Milburn Academy to:

1. Identify and describe the catastrophe that Richard Milburn Academy is currently impacted by;
2. State the date the initial suspension period determined by the Board begins and the date that period ends;
3. If the Board has determined to extend the initial suspension period:
  - a. State that Richard Milburn Academy continues to be impacted by the catastrophe; and
  - b. State the date the extension to the initial suspension period begins and the date the period ends; and
4. Provide any other information the Attorney General determines necessary.

***d) Informing the Public***

If the Board elects to suspend the TPIA, Richard Milburn Academy must provide notice to the public of the suspension in a place readily accessible to the public and in each other location Richard Milburn Academy is required to post a notice under the Open Meetings Act. Richard Milburn Academy must maintain the notice of the suspension during the entire suspension time.

***e) Requests Received During a Suspension Period***

A request for public information received by Richard Milburn Academy during a suspension period is considered to have been received by Richard Milburn Academy on the first business day after the date the suspension period ends.

***f) Pending Requests During a Suspension Period***

A TPIA request received by Richard Milburn Academy before the date an initial suspension period begins will not be processed until the first business day after the date the suspension period ends.

*Gov't Code § 552.233.*

#### ***Sec. 11. PRODUCTION OF PUBLIC INFORMATION WHEN ADMINISTRATIVE OFFICES CLOSED***

If Richard Milburn Academy closes its physical offices but requires staff to work, including remotely, then the School shall make a good faith effort to continue responding to applications for public information, to the extent staff have access to responsive information. Failure to respond to an application for information may constitute a refusal to request an AG decision or a refusal to supply public information or information that the Attorney General has determined is public information.

Tex. Gov't Code §552.2211.

#### ***Sec. 12. MISCELLANEOUS***

##### ***a) Limit on Personnel Time for Large or Frequent Requests***

Richard Milburn Academy may set reasonable monthly and yearly limits on the amount of time that school personnel are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering its costs attributable to that personnel time.

Richard Milburn Academy has set the following monthly and yearly limits on the amount of time that school personnel are required to spend producing or providing copies of public information to a requestor without recovering costs attributable to that personnel time:

1. A monthly time limit of 15 hours for a requestor within a one-month period; or
2. A yearly time limit of 36 hours for a requestor during the 12-month period that corresponds to Richard Milburn Academy's fiscal year.

*Gov't Code §552.275(a), (b).*

##### ***i. Request by Minor***

Any time spent complying with a request submitted in the name of a minor, as defined by Family Code 101.003(a), is to be included in the calculation of the cumulative amount of time spent complying with a request for public information by a parent, guardian, or other person who has control of the minor under a court order and with whom the minor resides, unless that parent, guardian, or other person establishes that another person submitted that request in the name of the minor.

##### ***ii. Exception***

This section does not apply if the requestor is an individual who, for a substantial portion of the

individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information for and is seeking the information for:

1. Dissemination by a news medium or communication service provider, including (a) an individual who supervises or assists in gathering, preparing, and disseminating the news or information; or (b) an individual who is or was a journalist, scholar, or researcher employed by an institution of higher education at the time the person made the request for information; or
2. Creation or maintenance of an abstract plant as described by Insurance Code § 2501.004.

“Communication service provider” has the meaning assigned by Civil Practice and Remedies Code § 22.021.

“News medium” means a newspaper, magazine or periodical, a book publisher, a news agency, a wire service, an FCC-licensed radio or television station or a network of such stations, a cable, satellite, or other transmission system or carrier or channel, or a channel or programming service for a station, network, system, or carrier, or an audio or audiovisual production company or Internet company or provider, or the parent, subsidiary, division, or affiliate of that entity, that disseminates news or information to the public by any means, including:

1. Print;
2. Electronic;
3. Mechanical;
4. Photographic;
5. Radio;
6. Television; and
7. Other means, known or unknown, that are accessible to the public.

This section also does not apply if the requestor is an elected official of the United States, the State of Texas, or a political subdivision of the State of Texas, or a representative of a publicly funded legal services organization that is a federal tax-exempt entity under Section 501(c)(3), Internal Revenue Code of 1986.

*iii. Written Statement of Personnel Time*

Each time Richard Milburn Academy complies with a request for public information, Richard Milburn Academy shall provide the requestor with a written statement of the amount of personnel time spent complying with that request and the cumulative amount of time spent complying with requests for public information from that requestor during the applicable monthly or yearly period. The amount of time spent preparing the written statement may not be included in the amount of time in the statement, unless the requestor's time limit for the period has been exceeded.

*iv. Written Estimate of Charges*

If the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds the established time limit, Richard Milburn Academy shall provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses, necessary to comply with the request. Richard Milburn Academy shall provide the written estimate on or before the 10th day after the date on which the request was made. The amount of this charge relating to the cost of locating, compiling, and producing the public information shall be established by rules prescribed by the Attorney General.

When a request is made by a requestor who has made a previous request to Richard Milburn Academy that has not been withdrawn, for which Richard Milburn Academy has located and compiled documents in response, and for which Richard Milburn Academy has issued a written estimate of charges that remains unpaid on the date the requestor submits the new request, Richard Milburn Academy is not required to locate, compile, produce, or provide copies of documents or prepare an estimate of charges in response to a new request until the date the requestor pays each unpaid statement issued in connection with a previous request or withdraws the previous request to which the statement applies.

*Gov't Code §552.275(e), (e-1).*

v. *Request for Photo Identification*

Richard Milburn Academy may request photo identification from a requestor for the sole purpose of establishing that the requestor has not:

1. Exceeded a limit established by Richard Milburn Academy under this Policy; and
2. Concealed the requestor's identity.

A request for photo identification must include a written estimate of charges, as described above, applicable to the requestor who has exceeded a limit established by Richard Milburn Academy and a statement that describes each specific reason why the request for identification may apply to the requestor. Richard Milburn Academy shall accept as proof of a requestor's identification physical presentment of photo identification or an image of the photo identification that is transmitted electronically or through the mail. A requestor from whom Richard Milburn Academy has requested photo identification may decline to provide identification and obtain the requested information by paying the charge assessed in the statement.

*Gov't Code §552.275(n).*

vi. *Additional Time*

If Richard Milburn Academy provides the requestor with written notice that additional time is required to prepare the written estimate, Richard Milburn Academy must provide the written estimate as soon as practicable, but on or before the 10th day after the date Richard Milburn Academy provided the notice that additional time was required.

vii. *Acceptance of Charges*

If Richard Milburn Academy provides a requestor with the estimate of charges or written request for identification and the time limits regarding the requestor have been exceeded, Richard Milburn Academy is not required to produce public information for inspection or duplication or to provide copies of public information in response to the requestor's request unless on or before the 10th day after the date Richard Milburn Academy provided the written estimate, the requestor submits payment of the amount stated in the written estimate, or provides identification or submits payment, as applicable. If the requestor fails or refuses to provide identification or submit payment, the requestor is considered to have withdrawn the request. *Gov't Code §552.275(h)*.

*viii. Waived or Reduced Charges*

This section does not prohibit Richard Milburn Academy from providing a copy of public information without charge or at a reduced rate, or from waiving a charge for providing a copy of public information, under Government Code 552.267. *Gov't Code §552.275(h)*.

*ix. Inspection on Behalf of Another Requestor*

A requestor who has exceeded a limit established by Richard Milburn Academy under this Policy may not inspect public information on behalf of another requestor unless the requestor who exceeded the limit has paid each statement issued by Richard Milburn Academy. *Gov't Code § 552.271(e), Gov't Code § 552.272(f)*.

***b) Filing Suit to Withhold Information***

Richard Milburn Academy may file suit seeking to withhold information if Richard Milburn Academy receives a determination from the Attorney General that information must be disclosed to a requestor. The suit must be filed in Travis County district court against the Attorney General and must seek declaratory relief from compliance with the Attorney General's decision.

Richard Milburn Academy must bring the suit not later than the 30th calendar day after Richard Milburn Academy receives the Attorney General's decision. If Richard Milburn Academy wishes to preserve an affirmative defense for its officer for public information, as provided by Government Code 552.353(b)(3), Richard Milburn Academy must file suit not later than the 10th calendar day after receipt of the Attorney General's decision.

*Gov't Code §§ 552.324, .353(b)(3).*

***c) Parent's Request for Information***

Richard Milburn Academy shall comply with a TPIA request upon receipt of a request from a parent for public information relating to the parent's child.

If Richard Milburn Academy seeks to file suit to challenge a decision by the Attorney General in order to withhold information it must bring the suit not later than the 30th calendar day after the date Richard Milburn Academy receives the decision of the Attorney General, unless an earlier

deadline is established by the TPIA. Notwithstanding any other law, Richard Milburn Academy may not appeal the decision of the court. This prohibition does not affect the right of a parent to appeal the decision. If Richard Milburn Academy does not bring suit within the period established, Richard Milburn Academy shall comply with the decision of the Attorney General.

*Gov't Code § 26.0085.*

## **PG-1.203 RECORDS MANAGEMENT**

### ***Sec. 1. DEFINITIONS***

- A “Custodian” means the appointed or designated Richard Milburn Academy official who is in charge of an office that creates or receives local government records.
- B “Essential record” means any Richard Milburn Academy record necessary to the resumption or continuation of operations of Richard Milburn Academy in an emergency or disaster, to the recreation of the legal and financial status of Richard Milburn Academy, or to the protection and fulfillment of obligations to the people of the state.
- C “Local government record” or “Record” means any document, paper, letter, book, map, photograph, sound or video recording, 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 Texas, created or received by the School or any of its officers or employees, pursuant to law or in the transaction of public business. The term does not include:
  - 1. Extra identical copies of documents created only for convenience of reference or research by School officers or employees;
  - 2. Notes, journals, diaries, and similar documents created by School officers or employees for the officer’s or employee’s personal convenience;
  - 3. Blank forms, stocks of publications, and library and museum materials acquired solely for purposes of reference or display; or
  - 4. Copies of documents in any media furnished to members of the public to which they are entitled under the Texas Public Information Act or other state law.
- D “Permanent record” or “record of permanent value” means any record for which the retention period on a records retention schedule issued by the Texas State Library and Archives Commission is given as permanent.
- E “Records control schedule” means a document prepared by or under the authority of a records management officer listing the records maintained by Richard Milburn Academy, their retention periods, and other records disposition information that the Richard Milburn Academy records management program may require.
- F “Records management” means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of record keeping. The term includes the development of records control schedules, the management of filing and information

retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographic and electronic and other records storage systems.

- G “Records Management Officer” means the person designated in Section 4 of this policy.
- H “Records Retention Schedule” means a document issued by the Texas State Library and Archives Commission (“TSLAC”) under authority of Subchapter J, Chapter 441, Government Code, establishing mandatory retention periods for local government records retained by the School.
- I “Retention period” means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction.

*Loc. Gov’t Code 201.003.*

## ***Sec. 2. DUTIES OF RICHARD MILBURN ACADEMY***

RICHARD MILBURN ACADEMY shall:

1. Submit to the director and librarian of TSLAC the name of the School’s records management officer and the name of the new officer in the event of a change;
2. File a plan establishing a records management program and any amendments to the plan or ordinance with the director or librarian of TSLAC;
3. Notify TSLAC at least ten days before destroying a local government record that does not appear on a records retention schedule issued by TSLAC; and
4. File with the director and librarian of TSLAC a written certification as provided by Local Government Code 203.041 that the School has prepared a records control schedule that:
  - a. Establishes a retention period for each local government record as required by Local Government Code Chapter 203, Subchapter C; and
  - b. Complies with a local government records retention schedule distributed by the director and librarian of TSLAC under Government Code 441.158 and any other state and federal requirements.

*Gov’t Code 441.169.*

## ***Sec. 3. DUTIES OF THE BOARD OF DIRECTORS***

The Board of Directors (the “Board”) of the School shall:

1. Establish, promote, and support an active and continuing program for the efficient and economical management of all local government records;
2. Cause policies and procedures to be developed for the administration of the program under the direction of the Records Management Officer;
3. Facilitate the creation and maintenance of local government records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential

transactions of the School and designed to furnish the information necessary to protect the legal and financial rights of the School, the state, and persons affected by the School's activities;

4. Facilitate the identification and preservation of the School records that are of permanent value;
5. Facilitate the identification and protection of essential School records; and
6. Cooperate with TSLAC in its conduct of statewide records management surveys.

*Loc. Gov't Code 203.021.*

#### ***Sec. 4. RECORDS DECLARED PUBLIC PROPERTY***

All records as defined in Section 1-C of this policy are hereby declared to be the property of Richard Milburn Academy. No Richard Milburn Academy official or employee 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. *Loc. Gov't Code 201.005.*

#### ***Sec. 5. CUSTODIAN OF RECORDS***

Record custodians shall:

1. Cooperate with the Records Management Officer in carry9ng out the policies and procedures established by the School for the efficient and economical management of records and in carrying out the requirements of Local Government Code Title 6, Subtitle C;
2. Adequately document the transaction of School business and the services, programs, and duties for which they and their staff are responsible; and
3. Maintain the records in their care and carry out the preservation, microfilming, destruction, or other disposition of the records only in accordance with the policies and procedures of the School's records management program and the requirements of Local Government Code Title 6, Subtitle C, and rules adopted under it.

*Loc. Gov't Code 203.022.*

#### ***Sec. 6. RECORDS MANAGEMENT OFFICER***

##### ***a. Requirements for Designating Records Management Officer***

The Board shall designate an individual or an office or position as the School's Records Management Officer. The name, officer, or position of the Records Management Officer shall be entered into the minutes of the Board and filed by the Records Management Officer within the director and librarian of TSLAC within 30 days after the date of the designation. Any subsequent designations of a new individual, office, or position shall be entered into the Board's minutes and reported to TSLAC in the same manner as the original designation. If the Board's designates an office or position rather than an individual, a new holder



of that office or position must file his or her name with TSLAC within 30 days after the date of assuming the office or position.

*Loc. Gov't Code 203.025.*

***b. Designation of Records Management Officer***

The Superintendent will serve as and perform the duties of the School's Records Management Officer, and shall administer the School's records management program pertaining to local government records in compliance with the Local Government Records Act.

The Records Management Officer shall file his or her name with the TSLAC within 30 days of assuming the position, and shall file with the TSLAC a written declaration that the School has adopted records control schedules that comply with the records retention schedules issued by the TSLAC as provided by law.

***c. Duties of Records Management Officer***

The Records Management Officer shall:

1. Assist in establishing and developing policies and procedures for the School's records management program;
2. Administer the records management program and provide assistance to custodians for the purposes of reducing costs and improving recordkeeping efficiency;
3. In cooperation with custodians of records:
  - a. Prepare the records control schedules and amended schedules required by Local Government Code 203.041 and the list of obsolete records as provided by Local Government Code 203.044;
  - b. Identify and take adequate steps to preserve records of permanent value;
  - c. Identify and take adequate steps to protect essential records;
  - d. Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with the School's records management program and the requirements of local Government Code Title 6, Subtitle C and rules adopted under it;
4. Disseminate to the Board and custodians of records information concerning state laws, administrative rules, and government policies relating to School records; and
5. In cooperation with the custodians of records, establish procedures to ensure that the handling of records in any context of the records management program is carried out with due regard for the duties and responsibilities of custodians that may be imposed by law and the confidentiality of information in records to which access is restricted by law.

*Loc. Gov't Code 203.023.*

***Sec. 7. ESTABLISHMENT OF RECORDS MANAGEMENT COMMITTEE; DUTIES***

The Records Management Officer shall appoint a Records Management Committee consisting of:

Executive Administrative Assistant  
Chief Financial Officer  
Human Resources Coordinator  
Special Education Director  
Superintendent

The committee shall:

- a. Assist the Records Management Officer in the development of policies and procedures governing the records management program;
- b. Review the performance of the program on a regular basis and propose changes and improvements if needed;
- c. Review and approve records control schedules submitted by the Records Management Officer;
- d. Give final approval to the destruction of records in accordance with approved records control schedules; and
- e. Actively support and promote the records management program throughout Richard Milburn Academy.

The Records Management Officer and the Records Management Committee shall develop a records management program to be submitted to the Board. The plan must contain policies and procedures designed to reduce the costs and improve the efficiency of record keeping, to adequately protect the essential records of the School, and to properly preserve those records of the School that are of historical value. The plan must be designed to enable the Records Management Officer to carry out his or her duties prescribed by state law and this policy effectively.

Once approved by the Board, the records management plan shall be binding on all offices, departments, divisions, programs, commissions, bureaus, boards, committees, or similar entities of the School, and records shall be created, maintained, stored, microfilmed, or disposed of in accordance with the plan.

### ***Sec. 8. RECORDS MANAGEMENT PROGRAM***

The Board by order shall establish a records management to be administered by the Records Management Officer. The order must provide methods and procedures to enable the Board, Records Management Officer, and record custodians to fulfill the statutory duties and responsibilities concerning management and preservation of records. The order may prescribe any policies or procedures for the operation of the records management program that are consistent with the requirements of Local Government Code Title 6, Subtitle C and any rules adopted under it. A copy of the order must be filed by the Records Management Officer with TSLAC within 30 days after the date of its adoption. *Loc. Gov't Code 203.0236(a)-(c).*

The records management program shall also address the length of time records will be posted on the School's website when the law does not specify a posting period.

### ***Sec. 9. RECORDS CONTROL SCHEDULES***

The Records Management Officer shall:

1. Prepare a records control schedule listing the following records and establishing a retention period for each:
  - a. All records created or received by the School;
  - b. Any record no longer created or received by the School that is still in its possession and for which the retention period on a records retention schedule issued by TSLAC has not expired; and
  - c. Any record no longer created or received by the School that is still in its possession and for which the retention period on a records retention schedule issued by TSLAC has expired but which will not be destroyed; and
2. File with the director and librarian a written certification of compliance that the School has adopted records control schedules that comply with the minimum requirements established on records retention schedules issued by TSLAC.

#### ***a) Amending Schedules***

The Records Management Officer shall review the School's records control schedules and prepare amendments to the schedules as needed to reflect new records created or received by the School or revisions to retention periods established in a records retention schedule issued by TSLAC. The Records Management Officer shall file with the director and librarian of TSLAC a written certification of compliance that the School has amended the records control schedules to comply with the minimum requirements established on records retention schedules issued by TSLAC.

The Board shall require in the order establishing the records management program the review or approval of a records control schedule or amended schedule by the officers of the School as it considers necessary.

*Loc. Gov't Code 203.041.*

#### ***b) Retention Periods***

A retention period for each record on the records control schedule shall be determined by the Board or under its direction. A retention period may not be less than a retention period prescribed by state or federal law, regulation, or rule of court, or a retention period for the record established on a schedule issued by TSLAC. *Loc. Gov't Code 203.042.*

#### ***c) TSLAC Retention Schedules***

TSLAC has adopted the following retention schedules, among others:

Local Schedule GR – Records Common to All Governments  
Local Schedule SD – Records for Public School Districts

These schedules establish mandatory minimum retention schedules for the records listed.  
*13 TAC 7.125.*

***Sec. 10. DUTIES AND RESPONSIBILITIES OF DEPARTMENT HEADS AND PRINCIPALS***

In addition to other duties assigned in this policy, department heads and principals shall:

- a. Cooperate with the Records Management Officer in carrying out the policies and procedures established by Richard Milburn Academy for the efficient and economical management of records and in carrying out the requirements of this policy;
- b. Adequately document the transaction of government business and the services, programs, and duties for which the department head, principal, and his or her staff are responsible; and
- c. Maintain the records in his or her care and carry out their preservation, microfilming, destruction, or other disposition only in accordance with the policies and procedures of the records management program of Richard Milburn Academy and the requirements of this policy.

***Sec. 11. DESIGNATION OF RECORDS LIAISON OFFICERS***

Each department head and principal shall designate a member of his or her staff to serve as a Records Liaison Officer for the implementation of the records management program in the department and/or campus.

If the Records Management Officer determines that in the best interests of the records management program more than one Records Liaison Officer should be designated for a department or campus, the department head or principal shall designate the number of Records Liaison Officers specified by the Records Management Officer.

Persons designated as Records Liaison Officers shall be thoroughly familiar with all records created and maintained by the department.

In the event of the resignation, retirement, dismissal, or removal by action of the department head or principal of a person designated as a Records Liaison Officer, the department head or principal shall promptly designate another person to fill the vacancy.

A department head or principal may serve as Records Liaison Officer for his or her department or campus.

## ***Sec. 12. DUTIES AND RESPONSIBILITIES OF RECORDS LIAISON OFFICERS***

In addition to other duties assigned in this policy, Records Liaison Officers shall:

- a. Conduct or supervise the conduct of inventories of the records of the department in preparation for the development of records control schedules;
- b. In cooperation with the Records Management Officer, coordinate and implement the policies and procedures of the records management program in their department; and
- c. Disseminate information to department staff concerning the records management program.

## ***Sec. 13. DESTRUCTION OF RECORDS***

A School record may be destroyed if:

1. The record is listed on a valid records control schedule and either its retention period has expired or it has been microfilmed or electronically stored in accordance with legal requirements;
2. The record appears on a list of obsolete records as provided by Local Government Code 203.044; or
3. The record is not listed on a records retention schedule issued by TSLAC and the School provides notice to TSLAC at least ten days before destroying the record as required by Government Code 441.169.

The following records may be destroyed without meeting the conditions outlined above:

1. A court orders an expunction order for the destruction or obliteration of the records, pursuant to state law; and
2. The records are defined as exempt from scheduling or filing requirements or listed as exempt in a records retention schedule issued by TSLAC.

### ***a) Exceptions***

A record the subject matter of which is known by the custodian to be the subject of litigation may not be destroyed until the litigation is settled. A record that is subject to a request under the Texas Public Information Act may not be destroyed until the request is resolved. *Loc. Gov't Code 202.002.*

the School shall not destroy a student's education records, as defined by the Family Educational Rights and Privacy Act, if there is an outstanding request to inspect and review the record. *34 C.F.R. 99.10(e).*

### ***b) Recordkeeping***

As the board may require, the Records Management Officer shall keep accurate lists of records destroyed, their volume, and other information of records management activities. *Loc. Gov't Code 203.046.*

*Loc. Gov't Code 202.001.*

#### ***Sec. 14. RECORDS OFFENSES***

A Board member or School employee commits an offense if he or she knowingly or intentionally violates Local Government Code Title 6, Subtitle C (local government records) or rules adopted under it by destroying or alienating a local government record in contravention of Local Government Code Title 6, Subtitle C or by intentionally failing to deliver records to a successor in office as provided by Local Government Code 201.006(a). *Loc. Gov't Code 202.008.*

#### ***Sec. 15. PRESERVATION OF RECORDS***

Permanent records shall be stored under conditions that meet the requirements of 13 Tex. Admin. Code § 7.164.

School records may be maintained on microfilm in addition to or instead of paper or other media, subject to the requirements of Chapter 205, Local Government Code and rules adopted by TSLAC. *Local Gov't Code 204.002.*

School record data may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of Chapter 205, Local Government Code and rules adopted by TSLAC. *Loc. Gov't Code 205.002.*

#### ***Sec. 16. CONTRACT SERVICES***

With approval of the Board, the Records Management Officer and Committee may assign and delegate duties under this Policy to contracted services. The engagement of contract services will not relieve persons assigned and responsible under this policy from such assignment and responsibilities.

#### ***Sec. 17. SPECIAL RULES FOR EDUCATION RECORDS***

The School shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student, (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records. The record of access shall be maintained with the education records of the student as long as the records are maintained. *34 C.F.R. 99.32(a)(1).*

The Special Education Manager or designee will serve as the records custodian for the School with respect to special education records.

## **PG-1.204 RECORDS RETENTION SCHEDULE**

Local Schedule SD applies to charter schools and Local Schedule GR applies to all local governments. The schedules are available from the Texas state Library and Archives Commission website at <https://www.tsl.texas.gov/slr/recordspubs/localretention.html>. The following from Schedule GR apply specifically to charter schools and school districts:

### **GR 1000-01 Agendas**

Open meetings.

- 1) If the minutes describe each matter considered by the governing body and reference to an agenda is not required.
- 2) If the minutes do not describe each matter considered by the governing body and reference to an agenda is required.

### **GR 1000-25 Contracts, Leases, and Agreements**

(a) Open meetings

- 1) If the minutes describe each matter considered by the governing body and reference to an agenda is not required.  
**RETENTION: Two (2) years.**

- 2) If the minutes do not describe each matter considered by the governing body and reference to an agenda is required.  
**RETENTION: Permanent.**

(b) Certified agendas of closed meetings.

**RETENTION: Two (2) years.**

### **GR 1000-03 Minutes**

(a) Written minutes.

**RETENTION: Permanent.**

(b) Notes taken during meetings from which written minutes are prepared.

**RETENTION: 90 days** after approval of minutes by the governing body.

- (c) Audiotapes of open meetings, except as described in (d), for which written minutes are not prepared.  
**RETENTION: Permanent.**
- (d) Audiotapes of workshop sessions of governing bodies in which votes are not made and written minutes are not required by law to be taken.  
**RETENTION: Two (2) years.**
- (e) Audiotapes of open meetings for which written minutes are prepared.  
**RETENTION: 90 days** after approval of minutes by the governing body.
- (f) Certified audiotapes of closed meetings.  
**RETENTION: Two (2) years.**
- (g) Supporting documentation – One copy of each document of any type submitted to a meeting of a governing body for consideration, approval, or other action, if such action is reflected in the minutes of the meeting.  
**RETENTION: Two (2) years.**

#### **GR 1000-26 Correspondence, Internal Memoranda, and Subject Files**

**Retention Note:** The minimum retention period for correspondence or internal memoranda in categories (a) and (b) directly linked to another record series or group listed in this or other commission schedules is that assigned to the other group or series. The retention periods that follow are for correspondence and internal memoranda that do not readily fall within other record groups.

- (a) Administrative – Incoming/outgoing and internal correspondence pertaining to the formulation, planning, implementation, modification, or redefinition of the programs, services, or projects of a local government and the administrative regulations, policies, and procedures that govern them. May also include subject files, which are collections of correspondence, memos and printed materials on various individuals, activities, and topics.  
**RETENTION: Four (4) years.**
- (b) General – Incoming/outgoing and internal correspondence pertaining to the regular operation of the policies, programs, services, or projects of a local government. May also include subject files, which are collections of correspondence, memos and printed materials on various individuals, activities, and topics.  
**RETENTION: Two (2) years.**
- (c) Routine - Correspondence and internal memoranda such as letters of transmittal, requests for publications, internal meeting notices, and similar routine matters. May also include subject files, which are collections of correspondence, memos and printed materials on various individuals, activities, and topics.



**RETENTION: AV** (as long as administratively valuable)

### **GR 1075-01 Bids and Bid Documentation**

- (a) Successful bids and requests for proposals, including invitations to bid, bid bonds and affidavits, bid sheets, and similar supporting documentation.

**RETENTION: Fiscal year end + five (5) years.**

**Retention Note:** If a formal written contract is the result of a successful bid or request for proposal, the successful bid or request for proposal and its supporting documentation must be retained for the same period as the contract. See item number GR1000-25.

- (b) Unsuccessful bids.

**RETENTION: Two (2) years.**

- (c) Requests for informal bid estimates, quotes, or responses from providers for the procurement of goods or services for which state law or local policy does not require the formal letting of bids.

**RETENTION: One (1) year.**

- (d) Requests for information (RFI) preliminary to the procurement of goods or services by direct purchase or bid.

**RETENTION: AV**

### **GR 1075-03 Purchase Order and Receipt Records**

- (a) Purchase orders, requisitions, and receiving reports.

**RETENTION: Fiscal year end + five (5) years**

- (b) Purchasing log, register, or similar record providing a chronological record of purchase orders issued, orders received, and similar data on procurement status.

**RETENTION: Fiscal year end + three (3) years**

- (c) Packing slips and order acknowledgments.

**RETENTION: AV**

- (d) Vendor and commodity lists.

**RETENTION: Until superseded**

### **GR 1075-16 Construction Project Records**

- (a) Records concerning the planning, design, construction, conversion, or modernization of local government-owned facilities, structures, and systems, including feasibility, screening, and implementation studies; topographical and soil surveys and reports; architectural and engineering drawings, elevations, profiles, blueprints, and as-builts; inspection and investigative reports; laboratory test reports; environmental impact statements; construction contracts and bonds; correspondence; and similar documentation except as described in (b), (c) or (d).

**RETENTION: Permanent.**

**Retention Note:** If a structure, facility, or system is sold or transferred to another person or entity, the local government must retain the original records relating to its construction. Copies of the records may be given to the person or entity to which the structure, facility, or system is sold or transferred.

- (b) Records of the types described in GR1075-16a relating to the construction of prefabricated storage sheds, bus shelters, parking lot kiosks, non-structural recreational facilities such as baseball diamonds and tennis courts, and similar structures and facilities.

**RETENTION:** Completion of the project + **ten (10) years.**

- (c) Records relating to construction projects described in GR1075-16a and GR1075-16b, that are transitory or of ephemeral relevance, and are not required for maintaining, modifying, and repurposing the building or structure. Records may include, but are not limited to, rejected design plans, delivery tickets for expendable products, daily work reports, etc.

**RETENTION: Five (5) years.**

- (d) Line Locate Requests, Call Before You Dig records, or other similar records documenting requests for information regarding locations of the underground cable or utility lines.

**RETENTION:** Completion of project requiring the locate request + **two (2) years.**

## **PG-1.205 PUBLIC COMPLAINTS**

### ***Sec. 1. COMPLAINTS BY MEMBERS OF THE PUBLIC***

There is no requirement that the Board negotiate or even respond to complaints. However, the Board must stop, look, and listen and must consider the petition, address, or remonstrance. *Prof'l Ass'n of Coll. Educators v. El Paso Cmty. Coll. Dist.*, 678 S.W.2d 94 (Tex. App.—El Paso 1984, writ ref'd n.r.e.)

The complaint process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

### ***Sec. 2. GENERAL RULES FOR COMPLAINTS***

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Complaints by members of the public must be filed under this policy, unless the terms of another policy apply. In such instance, Richard Milburn Academy shall inform the complainant of the complaint policy that will be used in response to a grievance by a member of the public.

Richard Milburn Academy encourages the public to discuss concerns and complaints through informal conferences with the appropriate administrator. Concerns should be raised as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution is encouraged, but will not extend any deadlines in this policy except by written mutual consent.

### ***Sec. 3. FILING A COMPLAINT***

#### ***a) General***

Complaint forms and appeal notices must be filed by hand-delivery, by electronic communication (email or fax), or by U.S. Mail. Hand-delivered filings will be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designee no more than three days after the deadline.

#### ***b) Conferences***

Richard Milburn Academy shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the individual fails to appear at a scheduled conference, Richard Milburn Academy may issue a decision in the individual's absence.

#### ***c) Response***

At Levels One and Two, "response" shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the individual's email address of record, or sent by U.S. Mail to the individual's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

If the administrator addressing the complaint determines that additional time is needed to complete a thorough investigation of the complaint and/or to issue a response, the administrator shall inform the complainant in writing of the necessity to extend the response time and a specific date by which the response will be issued.

#### ***d) Consolidating Complaints***

Complaints arising out of an event or a series of related events shall be addressed in one complaint. Richard Milburn Academy may consolidate separate or serial complaints that have been or could have been addressed in a previous complaint.

#### ***e) Days***

The term "days" shall mean Richard Milburn Academy business days. The day a document is filed is "day zero." The following school business day is considered "day one."

***f) Representative***

“Representative” means any person or organization that is designated by an individual to represent the individual in the complaint process.

An individual may designate a representative through written notice to Richard Milburn Academy at any level of the process. If the individual designates a representative with fewer than three days’ notice to Richard Milburn Academy before a scheduled conference or hearing, Richard Milburn Academy may reschedule the conference or hearing to a later date, if desired, in order to include Richard Milburn Academy’s counsel. Richard Milburn Academy may be represented by counsel at any level of the process.

***g) Untimely Filings***

If a written complaint or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the individual, at any point during the complaint process. The individual may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

***h) Costs Incurred***

Each party shall pay its own costs incurred in the course of the complaint.

***i) Grievance Forms***

Complaints and appeals under this policy shall be filed in writing on a form provided by Richard Milburn Academy.

Copies of all documents that support the complaint should be attached to the complaint form. If the individual does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the individual unless the individual did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all required information, if the refile is within the designated time for filing.

***Sec. 4. COMPLAINTS AND APPEALS***

***Level One***

Complaints must be filed:

1. Within fifteen business days of the date the individual first knew, or with reasonable

diligence should have known, of the decision or action giving rise to the complaint; and

2. With the lowest level administrator who has authority to remedy the alleged problem.

If the only administrator who has authority to remedy the complaint is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

The appropriate administrator shall investigate as necessary and schedule a conference with the complainant within ten business days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

The administrator may provide the individual with a written response within ten business days following the conference. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

### ***Level Two***

If the individual did not receive the relief requested at Level One or if the time for a response has expired, he or she may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed, in writing, within ten business days of the date of the written Level One decision or, if no response was received, within ten business days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Superintendent or designee. This record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the individual at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall hold a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues presented by the individual at Level One and identified in the Level Two appeal notice. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee may provide the individual a written response within ten business days following the conference. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

### ***Level Three***

If the individual did not receive the relief requested at Level Two or if the time for a response has expired, he or she may appeal the decision to the Board.

The appeal notice must be filed, in writing, within ten business days of the date of the written Level Two response or, if no response was received, within ten business days of the Level Two response deadline.

The Superintendent or designee shall inform the individual of the date, time, and place of the Board meeting at which the complaint will be on the agenda for consideration by the Board.

The Superintendent or designee shall provide the Board with the record of the Level Two appeal, which shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at Level Three the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the individual notice of the nature of the evidence at least three calendar days before the Board meeting.

Richard Milburn Academy shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law.

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the individual and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels. The Board may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. The lack of a decision by the Board constitutes approval of the Level Two decision.

The Board is Richard Milburn Academy's final authority to hear or decide citizen complaints. *19 TAC § 100.1113(a)(1)(A)100.1033(13)(C)(i).*

Failure of the Board to take action on the complaint or schedule a complaint offered at Public Comments on a future agenda indicates the Board's approval of the decision below.

### ***Sec. 5. FREEDOM FROM RETALIATION***

Neither the Board nor any Richard Milburn Academy employee shall unlawfully retaliate against any individual for bringing a concern or complaint.

## **PG-1.301 SCHOOL PROPERTY**

### ***Sec. 1. RICHARD MILBURN ACADEMY/TEXAS, INC. PROPERTY GENERALLY***

The Board of Richard Milburn Academy/Texas, Inc. shall be the final authority for authorizing the use of Public Property. *19 TAC 100.1113(a)(1)(B)), 100.1091(c)(4)*. Richard Milburn Academy/Texas, Inc. shall not authorize use or application of public property inconsistent with this policy.

### ***Sec. 2. PUBLIC PROPERTY DEFINED***

An interest in real estate or personal property acquired, improved, or maintained using state funds that were received by Richard Milburn Academy/Texas, Inc. on or after September 1, 2001 is public property for all purposes under state law. The date on which the property was acquired, improved, or maintained is not determinative. An interest in real estate acquired, improved, or maintained using state funds that were received by the charter holder before September 1, 2001, is public property only to the extent specified by 19 TAC § 100.1093 (relating to Property Acquired with State Funds Received Before September 1, 2001–Special Rules). Where the property is acquired with federal funds, federal law may preempt this policy and state law in whole or part. *19 TAC 100.1091(a)*.

### ***Sec. 3. FIDUCIARY RESPONSIBILITIES***

Public property is held by Richard Milburn Academy/Texas, Inc. in trust for the benefit of Richard Milburn Academy's students. With respect to the public property they manage, the Board and officers of Richard Milburn Academy/Texas, Inc. and Richard Milburn Academy are trustees under Texas law and the students enrolled in Richard Milburn Academy are beneficiaries of a trust. Each trustee shall be held to the standard of care and fiduciary duties that a trustee owes the beneficiary of a trust under Texas law. *Education Code 12.128; 19 TAC 100.1091(b)*.

Public property may be used only for a purpose for which a school district may use school district property, implementing a program described in Richard Milburn Academy/Texas Inc.'s open-enrollment charter and only to implement a program that is described in the open-enrollment charter and is consistent with law and administrative rule. *Education Code 12.128; 19 TAC 100.1091(c)*.

Notwithstanding the delegation of authority, the Board and officers of Richard Milburn Academy/Texas Inc. and Richard Milburn Academy shall remain fully responsible to authorize all uses and applications of public property and to enforce this policy.

The person or entity to which any power or duty is delegated shall be held to the same standards as the governing body with respect to use of property, funds or resources, and including as fiduciaries to the students enrolled in the charter school and must act in the best interest of the students, and may be held

liable under TEC, §12.122, for breach of fiduciary duty, including misapplication of public funds. *19 TAC 100.1113(e)*.

#### ***Sec. 4. PERSONAL USE OF PUBLIC PROPERTY***

Except as provided below, Richard Milburn Academy employees shall use Richard Milburn Academy/Texas, Inc. public property only for purposes described in the Richard Milburn Academy/Texas, Inc. charter. *19 TAC 100.1091(c)(2)*.

Richard Milburn Academy employees may, however, use local telephone service, Richard Milburn Academy/Texas, Inc. -issued cellular phones, electronic mail, Internet connections, and similar property for incidental personal use, provided that such personal use does not, as determined by the Richard Milburn Academy administration, impede Richard Milburn Academy functions or result in direct cost(s) paid with state funds. Should employee use result in direct cost paid with state funds, Richard Milburn Academy shall require the employee incurring the cost(s) to reimburse Richard Milburn Academy/Texas, Inc. for such cost(s) within five business days of Richard Milburn Academy's having incurred the cost(s). *19 TAC 100.1091(c)(2)*.

Only incidental amounts of employee time, comparable to a five–seven-minute coffee break during each day, may be used by employees for such personal matters. *19 TAC 100.1091(c)(2)*.

This policy does not authorize incidental personal use of public property for private commercial purposes. Any such incidental use of public property is a privilege not a right, and the Richard Milburn Academy administration may remove or rescind such privilege from time to time on a case-by-case basis for any employee, or all employees. *19 TAC 100.1091(c)(2)*.

#### ***Sec. 5. USE OF PUBLIC PROPERTY REAL ESTATE FOR CHARTER AND NON-CHARTER ACTIVITIES***

Joint use of Richard Milburn Academy/Texas, Inc.'s public real property for charter and non- charter activities shall be approved by separate vote and recorded in the minutes of the meeting of the Board of Richard Milburn Academy/Texas, Inc., setting forth the methodology to be used to allocate shared costs and the percentage allocation basis between charter and non-charter activities. *19 TAC 100.1091(c)(3)*.

#### ***Sec. 6. CONTRACT FOR USE OF PUBLIC PROPERTY***

Richard Milburn Academy/Texas, Inc. may contract for the use of its property for the purpose of providing goods or services under the contract, if such use is an express contract term, factored into the price of the contract, and the contract is one that is authorized by the Board. *19 TAC*



100.1091(c)(6).

#### ***Sec. 7. ACCOUNTING FOR PUBLIC PROPERTY***

Richard Milburn Academy/Texas, Inc.'s annual audit report shall separately disclose the cost basis and accumulated depreciation of public or privately held or owned property held, acquired, improved, or maintained by Richard Milburn Academy/Texas, Inc.'s operating Board and charter holder, or provide with the annual audit report a statement that all property acquired, improved, or maintained during the term of Richard Milburn Academy/Texas, Inc.'s charter, and all property presently held by the charter holder Board, is public property. *19 TAC 100.1091(f)*.

#### ***Sec. 8. RETURN OF RICHARD MILBURN ACADEMY PROPERTY***

Upon separation of employment with Richard Milburn Academy or cessation of volunteer services, or upon the request of Richard Milburn Academy, an individual will return to Richard Milburn Academy/Texas, Inc. all such materials, including copies thereof, in the individual's possession or under the individual's control. Such materials will be returned within 24 hours of notice of separation or upon request of Richard Milburn Academy, whichever comes first.

The cost of repairing or replacing any supplies, materials, or equipment belonging to Richard Milburn Academy/Texas, Inc., or other property that is damaged (other than normal wear and tear), stolen, or lost by an employee or that is not returned to Richard Milburn Academy/Texas, Inc. upon separation of employment may be deducted from the employee's wages, so long as the deduction does not take the employee's pay below minimum wage or, if the employee is a salaried employee, reduce the salary below its predetermined amount and so long as the employee has signed an appropriate wage deduction authorization form.

Any materials created by staff members for use by Richard Milburn Academy, or created on Richard Milburn Academy's time, or produced using the staff or resources of Richard Milburn Academy, are considered works-for-hire and all intellectual property rights are vested exclusively in Richard Milburn Academy/Texas, Inc.

#### **PG- 1.302 BOARD MEMBERS TECHNOLOGY RESOURCES AND ELECTRONIC COMMUNICATIONS**

For purposes of this policy, "technology resources" means electronic communication systems and electronic equipment.

#### ***Sec. 8. AVAILABILITY OF ACCESS***

Access to Richard Milburn Academy's technology resources, including the internet, shall be made available to Board members primarily for official duties and in accordance with administrative regulations.

### ***Sec. 9. LIMITED PERSONAL USE***

Limited personal use of Richard Milburn Academy's technology resources shall be permitted if the use:

1. Imposes no tangible cost on Richard Milburn Academy; and
2. Does not unduly burden Richard Milburn Academy's technology resources.

### ***Sec. 3. ACCEPTABLE USE***

A Board member shall be required to acknowledge receipt and understanding of the user agreement governing use of Richard Milburn Academy's technology resources and shall agree in writing to allow monitoring of their use. Noncompliance may result in suspension of access or termination of privileges. Violations of law may result in criminal prosecution.

### ***Sec. 4. MONITORED USE***

Electronic mail transmissions and other use of Richard Milburn Academy's technology resources by a Board member shall not be considered private. The Superintendent or designee shall be authorized to monitor Richard Milburn Academy's technology resources at any time to ensure appropriate use.

### ***Sec. 5. DISCLAIMER OF LIABILITY***

Richard Milburn Academy shall not be liable for a Board member's inappropriate use of technology resources, violations of copyright restrictions or other laws, mistakes or negligence, and costs incurred. Richard Milburn Academy shall not be responsible for ensuring the availability of Richard Milburn Academy's technology resources or the accuracy, appropriateness, or usability of any information found on the Internet.

### ***Sec. 6. RECORDS RETENTION***

A Board member shall retain electronic records, whether created or maintained using Richard Milburn Academy's technology resources or using personal technology resources, in accordance with Richard Milburn Academy's record management program.

## **PG-1.303 ACCESSIBILITY – TECHNOLOGY RESOURCES**

### ***Sec. 1. SCHOOL WEBSITE***

Richard Milburn Academy will maintain a website for informing employees, students, parents, and members of the community of school programs, policies, and practices. Requests for publication of information on the Richard Milburn Academy website must be directed to the Director of Marketing, Communications & Business Development or designee. The Director of Marketing, Communications & Business Development or designee will establish guidelines for the development and format of web pages controlled by Richard Milburn Academy. These guidelines shall incorporate the benchmarks for measuring website accessibility identified in Section 2 and Section 3 of this policy.

## ***Sec. 2. WEBSITE ACCESSIBILITY***

Richard Milburn Academy is committed to compliance with the provisions of Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 so that students, parents, and members of the public with disabilities able to independently acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as those without disabilities, and not be excluded from participation in, denied the benefit of, or otherwise subjected to discrimination through any of Richard Milburn Academy's web content.

## ***Sec. 3. PLAN FOR ONLINE CONTENT***

All Richard Milburn Academy staff granted permission to post online content to the Richard Milburn Academy website must ensure that all new, newly added, or modified online content and functionality meets the following benchmarks for measuring accessibility:

1. the World Wide Web Consortium's (W3C's) Web Content Accessibility Guidelines (WCAG) 2.0 Level AA; and
2. the Web Accessibility Initiative Accessible Rich Internet Applications Suite (WAI-ARIA) 1.0 for web content.

When adding new content to a page, or editing existing content, the content owner/editor may contact the Director of Marketing, Communications & Business Development or designee to discuss accessibility resources and/or support for accessibility testing. The Director of Marketing, Communications & Business Development or designee will also provide content owners/editors instruction regarding accessibility standards and testing necessary before adding third-party content to their pages.

If information cannot be made accessible without an undue burden or fundamentally altering the nature of a Richard Milburn Academy program, benefit, or service, the information will be made available in an alternate format, to the maximum extent possible.

## ***Sec. 4. MONITORING***

The Director of Marketing, Communications & Business Development or designee will perform an accessibility audit at least once per year. All web pages housed and distributed through the Richard Milburn Academy website will be measured against the W3C's WCAG 2.0 Level AA standards. The content owner/editor will have the option to either fix the issue within 30 days or remove the page or element that does not meet the applicable accessibility standard.

Richard Milburn Academy may also engage an outside auditor to conduct the annual accessibility audit.

## ***Sec. 5. TRAINING***

Annual training on website accessibility will be provided to web content owners/editors who are responsible for creating and/or distributing information through the Richard Milburn Academy website. The training will include information regarding the roles and responsibilities of staff to ensure that web design, documents, and multimedia content are accessible.

## ***Sec. 6. WEBSITE ASSISTANCE***

An individual having difficulty accessing information on the Richard Milburn Academy website may contact the Director of Marketing, Communications & Business Development or designee to report accessibility issues. The individual should provide the following information to Richard Milburn Academy:

- A description of the accessibility concern.
- The format in which the person prefers to receive the materials.
- The web page address of the requested material(s).
- The best way to contact the person (email address or phone number, or both).

Additionally, any individual may submit a written complaint or grievance related to the accessibility of the Richard Milburn Academy website through the process outlined in Board Policy PG-1.10 (Public Complaints). A complaint should be filed within the timeframe referenced in Board Policy PG-1.10 (Public Complaints).

If content is not readily available in an accessible format, Richard Milburn Academy will have the option to either fix the issue within a reasonable time period or remove the page or element that does not meet the applicable accessibility standard. Richard Milburn Academy may also make the information available in an alternate format, to the maximum extent possible.

## **PG-1.304 INTERNET SAFETY AND CYBERSECURITY**

### **Sec. 1. Introduction**

It is the policy of Richard Milburn Academy to:

- (a) Prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications;
- (b) Prevent unauthorized access and other unlawful online activity;
- (c) Prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and
- (d) Comply with the Children's Internet Protection Act ("CIPA"), the Neighborhood Children's Internet Protection Act ("NCIPA"), and the Protecting Children in the 21st Century Act, to the extent such laws are applicable to Richard Milburn Academy.<sup>1</sup>

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<sup>1</sup> CIPA requires recipients of federal technology funds to comply with certain Internet filtering and policy requirements. Schools and libraries receiving funds for Internet access and/or internal connection services must also meet the Internet safety policies

- (e) Establish a cybersecurity program and comply with applicable law regarding cybersecurity breach notifications and data breach notifications, to the extent such laws are applicable to Richard Milburn Academy.

It is the goal of this policy not only to prevent and protect, but also to educate employees, students, parents and the Richard Milburn Academy community in Internet safety. The CIPA guidelines for an Internet Safety Policy have also been incorporated by Richard Milburn Academy into its Acceptable Use Policy and/or Acceptable Use Agreement(s). All limitations and penalties set forth in the Acceptable Use Policy and/or Acceptable Use Agreement(s) are deemed to be incorporated into this policy. Terms used in this policy and that also appear in CIPA have the meanings defined in CIPA.

## Sec. 2. Internet Safety, Compliance with the Requirements of CIPA

### ***a) Technology Protection Measures***

A Technology Protection Measure is a specific technology that blocks or filters Internet access.<sup>2</sup> It must protect against access by adults and minors to visual depictions that are obscene, involve child pornography, or are harmful to minors. Richard Milburn Academy utilizes a sophisticated content filtering system that is compliant with CIPA and NCIPA on all computers that access the Internet.

### ***b) Access to Inappropriate Material***

To the extent practical, Technology Protection Measures (or “Internet filters”) shall be used to block or filter Internet, or other forms of electronic communication, access to inappropriate information. Specifically, as required by CIPA, blocking shall be applied to visual and textual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors. Subject to administrative approval, technology protection measures may be disabled or, in the case of minors, minimalized only for bona fide research or other lawful purposes.

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of the NCIPA that addresses the broader issues of electronic messaging, disclosure of personal information of minors, and unlawful online activities. The Protecting Children in the 21st Century Act adds an additional Internet Safety Policy requirement covering the education of minors about appropriate online behavior.

<sup>2</sup> As defined by CIPA, the term “technology protection measure” means a specific technology that blocks or filters Internet access to visual depictions that are:

1. Obscene, as that term is defined in section 1460 of title 18, United States Code;
2. Child Pornography, as that term is defined in section 2256 of title 18, United States Code; or
3. Harmful to minors.

The term “harmful to minors” means any picture, image, graphic image file, or other visual depiction that:

1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

The terms “sexual act” and “sexual contact” have the meanings given such terms in section 2256 of title 18, United States Code.

Any attempt to bypass, defeat, or circumvent the Technology Prevention Measures is punishable as a violating of this policy and of the Acceptable Use Policies.

***c) Inappropriate Network Usage***

To the extent practical, steps shall be taken to promote the safety and security of users of Richard Milburn Academy's online computer network when using electronic mail, chat rooms, blogging, instant messaging, online discussions and other forms of direct electronic communications. Without limiting the foregoing, access to such means of communication is strictly limited by the Acceptable Use Policies.

Specifically, as required by CIPA, prevention of inappropriate network usage includes:

unauthorized access, including so-called "hacking" and other unlawful activities; and  
unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

***d) Supervision and Monitoring***

It shall be the responsibility of all professional employees (pedagogical and administrative staff) to supervise and monitor usage of Richard Milburn Academy's computers, computer network and access to the Internet in accordance with this policy, the Acceptable Use Policies, and CIPA. Procedures for the disabling or otherwise modifying any technology protection measures shall be the responsibility of each Principal or designee.

Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;  
Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

The terms "sexual act" and "sexual contact" have the meanings given such terms in section 2256 of title 18, United States Code.

***e) Education***

Richard Milburn Academy will advocate and education employees, students, parents and Richard Milburn Academy community on Internet safety and "cyber-bullying." Education will be provided through such means as professional development training and materials to employees, PTO/PTA presentations, and the Richard Milburn Academy website.

Additionally, the Principal or designee will provide age-appropriate training for students who use Richard Milburn Academy's Internet facilities. The training provided will be designed to promote Richard Milburn Academy's commitment to:

1. The standards and acceptable use of Internet services as set forth in the Acceptable Use Policies.
2. Student safety with regard to:
  - a. safety on the Internet;
  - b. appropriate behavior while online, on social networking Web sites, and in chat rooms; and

- c. cyberbullying awareness and response.
- 3. Compliance with the E-rate requirements of CIPA.

Following receipt of this training, the student will acknowledge that he/she has received the training, understood it, and will follow the provisions of the Acceptable Use Policy and/or Acceptable Use Agreement(s).

### ***f) Cyberbullying***

The Acceptable Use Policies include provisions intended to prohibit and establish penalties for inappropriate and oppressive conduct, including cyber-bullying.

Richard Milburn Academy is a place of tolerance and good manners. Students may not use the network or any Richard Milburn Academy computer facilities for hate mail, defamatory statements, statements intended to injure or humiliate others by disclosure of personal information (whether true or false), personal attacks on others, and statements expressing animus towards any person or group by reason of race, color, religion, national origin, gender, sexual orientation or disability.

Network users may not use vulgar, derogatory, or obscene language. Network users also may not post inappropriate anonymous messages or forge e-mail or other messages.

Furthermore, Richard Milburn Academy computers and network facilities may not be used for any activity, or to transmit any material, that violates United States, State of Texas, or local laws. This includes, but is not limited to, any threat or act of intimidation or harassment against another person.

## **Sec. 3. Cybersecurity**

### ***a) Definitions***

For purposes of this section, the following definitions apply:

“Breach of system security” means an incident in which student information that is sensitive, protected, or confidential, as provided by state or federal law, is stolen or copied, transmitted, viewed, or used by a person unauthorized to engage in that action. *Education Code 11.175(a)*.

“Cyber attack” means an attempt to damage, disrupt, or gain unauthorized access to a computer, computer network, or computer system. *Education Code 11.175(a)*.

“Cybersecurity” means the measures taken to protect a computer, computer network, or computer system against unauthorized use or access. *Education Code 11.175(a)*.

### ***b) Cybersecurity Policy***

Richard Milburn Academy shall adopt a cybersecurity policy to:

1. Secure school cyberinfrastructure against cyber-attacks and other cybersecurity incidents; and

2. Determine cybersecurity risk and implement mitigation planning.

***c) Cybersecurity Coordinator***

The Superintendent shall designate a cybersecurity coordinator to serve as a liaison between the school and the Texas Education Agency (TEA) in cybersecurity matters and as required by law report to TEA breaches of system security.

***d) Report to TEA***

Richard Milburn Academy's cybersecurity coordinator shall report to TEA, or, if applicable, the entity that administers a system developed by the TEA and the Texas Department of Information Resource (DIR) to coordinate the anonymous sharing of information concerning cyber attacks or other cybersecurity incidents between schools and the state, any cyber attack or other cybersecurity incident against the school cyberinfrastructure that constitutes a breach of system security as soon as practicable after the discovery of the attack or incident. *Education Code 11.175(e)*.

***e) Report to Parent***

The School's cybersecurity coordinator shall provide notice to a parent of or person standing in parental relation to a student enrolled in the School of an attack or incident for which a report is required to TEA involving the student's information. *Education Code 11.175(f)*.

***f) Cybersecurity Training***

Each School employee and Board member shall annually complete a cybersecurity training program designated by the School. Additionally, the School shall complete periodic audits to ensure compliance with the cybersecurity training requirements.

**Sec. 4. Security Breach Notification**

***a) Definitions***

For purposes of security breach notifications, the following definitions apply:

“Breach of system security” means unauthorized acquisition of computerized data that compromises the security, confidentiality, or integrity of sensitive personal information maintained by a person, including data that is encrypted if the person accessing the data has the key required to decrypt the data. Good faith acquisition of sensitive personal information by an employee or agent of the person for the purposes of the person is not a breach of system security unless the person uses or discloses the sensitive personal information in an unauthorized manner. *Bus. & Com. Code 521.053(a)*.

“Sensitive personal information” means:

1. An individual's first name or first initial and last name in combination with any one or more of the following items, if the name and the items are not encrypted:



- a. Social security number;
- b. Driver's license number or government-issued identification number; or
- c. Account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to an individual's financial account; or

2. Information that identifies an individual and relates to:

- a. The physical or mental health or condition of the individual;
- b. The provision of health care to the individual; or
- c. Payment for the provision of healthcare to the individual.

“Sensitive personal information” does not include publicly available information that is lawfully made available to the public from the federal government or a state or local government.

*Bus. & Com. Code 521.053(a)(2),(b).*

***b) To Individuals***

A School that owns, licenses, or maintains computerized data that includes sensitive personal information shall disclose any breach of system security, after discovering or receiving notification of the breach, to any individual whose sensitive personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure shall be made without unreasonable delay and in each case not later than the 60th day after the date on which the School determines that the breach occurred, except as provided at Criminal Investigation Exception, below, or as necessary to determine the scope of the breach and restore the reasonable integrity of the data system. *Bus. & Com. Code 521.053(b).*

***c) Resident of Other State***

If the individual whose sensitive personal information was or is reasonably believed to have been acquired by an unauthorized person is a resident of a state that requires a person that owns or licenses computerized data to provide notice of a breach of system security, the notice of the breach of system security required under Notice, below, may be provided under that state's law or under Notice, below. *Bus. & Com. Code 521.053(b-1).*

***d) To the Owner or License Holder***

A School that maintains computerized data that includes sensitive personal information not owned by the School shall notify the owner or license holder of the information of any breach of system security immediately after discovering the breach, if the sensitive personal information was, or is reasonably believed to have been, acquired by an unauthorized person. *Bus. & Com. Code 521.053(c).*

***e) Notice***

Upon discovering or receiving notification of a breach of system security, <<School Name>> shall disclose the breach to affected persons or entities in accordance with the time frames established by law and this policy.

Richard Milburn Academy shall give notice by using one or more of the following methods in compliance with applicable law;

1. Written notice.
2. Electronic mail, if Richard Milburn Academy has electronic mail addresses for the affected persons.
3. Conspicuous posting on Richard Milburn Academy's website.
4. Publication through broadcast media.

The school's cybersecurity coordinator shall disclose a breach involving sensitive, protective, or confidential student information to TEA and parents in accordance with applicable law.

*Bus. & Com. Code 521.053(e), (f).*

#### ***f) Information Security Policy***

A school that maintains its own notification procedures as part of an information security policy for the treatment of sensitive personal information that complies with the timing requirements for notice described above complies with the notice requirements if the school notifies affected persons in accordance with that policy. *Bus. & Com. Code 521.053(g).*

#### ***g) To the Attorney General***

A school that is required to disclose or provide notification of a breach of system security under these provisions shall notify the attorney general of that breach not later than the 60th day after the date on which the School determines that the breach occurred if the breach involves at least 250 residents of this state. The notification must include:

1. A detailed description of the nature and circumstances of the breach or the use of sensitive personal information acquired as a result of the breach;
2. The number of residents of this state affected by the breach at the time of notification;
3. The number of affected residents that have been sent a disclosure of the breach by mail or other direct method of communication at the time of notification;
4. The measures taken by the School regarding the breach;
5. Any measures the School intends to take regarding the breach after the notification described at Notice, above; and
6. Information regarding whether law enforcement is engaged in investigating the breach.

*Bus. & Com. Code 521.053(i).*

#### ***h) To a Consumer Reporting Agency***

If the School is required to notify at one time more than 10,000 persons of a breach of system security,

the School shall also notify each consumer reporting agency, as defined by 15 U.S.C. 1681a, that maintains files on consumers on a nationwide basis, of the timing, distribution, and content of the notices. The School shall provide the notice without unreasonable delay. *Bus. & Com. Code 521.053(h)*.

***j) Criminal Investigation Exception***

A School may delay providing the required notice to individuals or the owner or license holder at the request of a law enforcement agency that determines that the notification will impede a criminal investigation. The notification shall be made as soon as the law enforcement agency determines that the notification will not compromise the investigation. *Bus. & Com. Code 521.053(d)*.

**PG-1.305 TRANSFER OF EQUIPMENT AND DEVICES TO STUDENTS**

**Sec. 1. Definitions**

“Data processing” has the meaning assigned by Section 2054.003, Government Code.

“Electronic device” means a device that is capable of connecting to a cellular network or the Internet, including: (i) a computer; (ii) a smartphone; or (iii) a tablet.

“Internet filter” means a software application that is capable of preventing an electronic device from accessing certain websites or displaying certain online material.

*Education Code 32.101.*

**Sec. 2. Standards for Permissible Electronic Devices and Software Applications**

The Superintendent shall adopt standards for permissible electronic devices and software applications used by Richard Milburn Academy. Such standards shall comply with the *Standards for Permissible Electronic Devices and Software Applications* published by the Texas Education Agency.

**Sec. 3. Authority to Transfer Equipment to Students**

***a) Student Eligibility***

A student is eligible to receive data processing equipment under this policy only if the student does not otherwise have home access to data processing equipment, as determined by Richard Milburn Academy. In transferring data processing equipment to students, Richard Milburn Academy shall give preference to educationally disadvantaged students. *Education Code 32.103.*

***b) Equipment Eligible for Transfer***

Richard Milburn Academy may transfer to a student enrolled in the school:

1. Any data processing equipment donated to Richard Milburn Academy including equipment donated by (i) a private donor or (ii) a state eleemosynary institution or a state agency under section 2175.905, Government Code;

2. Any equipment purchased by Richard Milburn Academy to the extent consistent with Education Code 32.105; and
3. Any surplus or salvage equipment owned by Richard Milburn Academy.

*Educ. Code 31.102(a).*

***c) Requirements for Transfer***

Before transferring data processing equipment or an electronic device to a student, the Superintendent must:

1. Adopt rules governing transfers under this policy, including provisions for technical assistance to the student by Richard Milburn Academy;
2. Determine that the transfer serves a public purpose and benefits Richard Milburn Academy;
3. Remove from the equipment any offensive, confidential, or proprietary information, as determined by Richard Milburn Academy;
4. Adopt rules establishing programs for promoting parents as partners in cybersecurity and online safety that involve parents in students' use of transferred equipment or electronic devices; and
5. For the transfer of an electronic device to be used for an educational purpose, install an Internet filter that blocks and prohibits pornographic or obscene materials or applications, including from unsolicited pop-ups, installations, and downloads.

*Education Code 32.104.*

***d) Return of Equipment***

Except as provided below, a student who receives data processing equipment from Richard Milburn Academy shall return the equipment to Richard Milburn Academy not later than the earliest of:

1. Five years after the date the student receives the equipment;
2. The date the student graduates;
3. The date the student transfers to another school district or open-enrollment charter school; or
4. The state the student withdraws from school.

The requirement for a student to return data processing equipment does not apply if, at the time the student would otherwise be required to return the equipment, Richard Milburn Academy determines that the equipment has no marketable value.

*Education Code 32.106.*

***e) Accepting Donations***

Richard Milburn Academy may accept:

1. Donations of data processing equipment for transfer under Subchapter C, Chapter 32, Texas Education Code; or

2. Any gifts, grants, or donations of money or services to purchase, refurbish, or repair data processing equipment under Subchapter C, Chapter 32, Texas Education Code.

*Educ. Code 31.102(b).*

***f) Expenditure of Public Funds***

Richard Milburn Academy may spend public funds to:

1. Purchase, refurbish, or repair any data processing equipment transferred to a student under this policy; and
2. Store, transport, or transfer data processing equipment under this policy.

*Education Code 32.105.*

**PG-1.306 USE OF DIGITAL DEVICES**

**SEC. 1. GUIDELINES FOR USE OF DIGITAL DEVICES**

The Superintendent or designee shall develop protocols for the effective integration of digital devices in public schools. Such protocols must:

1. Be based on evidence-based studies and practices;
2. Consider the needs of students with intellectual or physical disabilities;
3. Consider the potential costs of implementation of the guidelines and affordable ways to reduce the hazards associated with the extended use of digital devices; and
4. Address:
  - a. Digital device use for varying age ranges and developmental levels;
  - b. The amount of time a student spends using digital devices in the classroom;
  - c. Appropriate frequency for breaks to complete homework assignments;
  - d. Recommended total daily screen time usage for students;
  - e. Recommended practices or software to block access to inappropriate content; and
  - f. Recommended teacher training regarding digital device use in the classroom to ensure implementation of the best practices.

*Education Code 38.0231.*

**SEC. 2. USE OF STATE-DEVELOPED PROTOCOLS**

In developing the protocols referenced in Section 1, the Superintendent or designee may implement guidelines promulgated by the Texas Education Agency and the Health and Human Services Commission. If the state-developed guidelines are adopted, Richard Milburn Academy may implement them in a manner that best meets Richard Milburn Academy's individual needs and the individual needs of students, including students with individual or physical disabilities. Additionally, if Richard Milburn Academy adopts the state-developed guidelines, Richard Milburn Academy shall post the guidelines publicly on its Internet website. *Education Code 38.0231(b)-(d).*

## **PG-1.401 SCHOOL VISITORS**

### ***Sec. 1. PROCEDURES FOR SCHOOL VISITORS***

Notices shall be posted at each Richard Milburn Academy campus requiring all visitors to first report to the campus administrative office. This policy shall apply to parents, board members, volunteers, social service workers, invited speakers, maintenance and repair persons not employed by Richard Milburn Academy, vendors, representatives of the news media, former students, and any other campus visitors.

Richard Milburn Academy or the Principal may:

1. Require a visitor requesting entry onto a campus to show a driver's license or other form of identification issued by a governmental entity displaying the visitor's photograph.
2. Establish an electronic or paper database for storing campus visitor information. Information stored in the campus databases may be used only for purposes of Richard Milburn Academy security, and may not be sold or otherwise disseminated to third parties.
3. Verify whether the visitor is a registered sex offender as identified in the computerized central database maintained by the Department of Public Safety, or in any other database accessible by Richard Milburn Academy.

Richard Milburn Academy or the Principal may eject a person from school property if:

1. The person refuses or fails to provide on request identification described above; and
2. It reasonably appears that the person has no legitimate reason to be on school property.

*Education Code 38.022(a-1).*

A visit by visitors to individual classrooms during instructional time requires prior approval of both the campus Principal and teacher whose class is to be visited. Such visits may not be approved or may be terminated where their duration or frequency interferes with the delivery of instruction or in any other way disrupts the educational environment.

### ***Sec. 2. NOTICE OF ENTRY BY REGISTERED SEX OFFENDERS***

The Superintendent or designee, in conjunction with campus administrators, shall develop and implement procedures addressing campus visitors identified as registered sex offenders. These procedures shall include but are not limited to provisions dealing with:

1. Access to classrooms;
2. Access to common areas of the campus;
3. Drop off and release of students;
4. Eligibility to serve as volunteers
5. Escorts by Richard Milburn Academy personnel;

6. Parental rights to visit;and
7. Any other relevant issues

A registered sex offender who enters Richard Milburn Academy premises (meaning a building or portion of a building and the grounds on which the building is located, including any public or private driveway, street, sidewalk or walkway, parking lot, or parking garage on the grounds) during standard operating hours of the school shall immediately notify the administrative office of the school of the person's presence on the premises of the school and the person's registration status. The office may provide a chaperone to accompany the person while the person is on the premises of the school.

These requirements do not apply to:

1. A student enrolled in Richard Milburn Academy;
2. A student from another school participating in an event at Richard Milburn Academy; or
3. A person who has entered into a written agreement with Richard Milburn Academy that exempts the person from these requirements.

### ***Sec. 3. VISITOR CONDUCT***

Richard Milburn Academy invites and welcomes parents and other members of the public to its schools. Richard Milburn Academy is committed to treating parents and other community members with respect and expects the same in return. To that end, Richard Milburn Academy must keep schools and administrative offices free from disruptions and prevent unauthorized persons from entering the schools and school grounds.

Accordingly, this policy promotes mutual respect, civility, and orderly conduct among Richard Milburn Academy employees, parents, students, volunteers and the public. Richard Milburn Academy seeks to maintain to the extent possible and reasonable, a safe, harassment-free workplace for students and staff. In the interest of presenting teachers and other employees as positive role models, Richard Milburn Academy encourages positive communication and discourages volatile, hostile, or aggressive actions. Richard Milburn Academy seeks and encourages patrons to cooperate with this endeavor.

Richard Milburn Academy recognizes the importance of employees, students, and parents engaging, collaborating, and sharing in digital environments. Accordingly, the use of technology on Richard Milburn Academy property and at school-sponsored events shall be appropriate, not disruptive to the educational environment, and not detrimental to the safety of employees and students. It must also be in compliance with other applicable Richard Milburn Academy policies.

An individual engaging in disruptive behavior shall be required to leave Richard Milburn Academy property. Any individual who disrupts or threatens to disrupt school or office operations, threatens the health and safety of students or staff, willfully causes property damage, uses loud and/or offensive language that could provoke a violent reaction, or who has otherwise established a pattern of unauthorized entry on Richard Milburn Academy property shall be directed to leave Richard Milburn Academy property by the Principal or other administrator. In certain

circumstances, a criminal trespass warning may also be issued or law enforcement contacted.

#### ***Sec. 4. ACCESS TO STUDENTS BY MILITARY RECRUITERS***

To the extent Richard Milburn Academy receives assistance under the ESEA, Richard Milburn Academy shall provide military recruiters the same access to secondary students as is generally provided to institutions of higher education or to prospective employers of those students. 20 U.S.C. § 7908(a)(3).

Except as allowed under Education Code § 29.9015(d) or (e), Richard Milburn Academy shall each year provide students in grades 10 through 12 an opportunity to take the Armed Services Vocational Aptitude Batter test and consult with a military recruiter. *Education Code § 29.9015(a)*.

### **PG-1.1402 POSSESSION AND USE OF WEAPONS**

#### **Sec. 1. SCOPE OF POLICY**

The purpose of this policy is to state the circumstances under which a firearm or weapon may be possessed or used on the premises of Richard Milburn Academy.

#### **Sec. 2. DEFINITIONS**

1. Firearm. “Firearm” means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. Firearm does not include a firearm that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by this chapter and that is: (A) an antique or curio firearm manufactured before 1899; or (B) a replica of an antique or curio firearm manufactured before 1899, but only if the replica does not use rim fire or center fire ammunition. *Penal Code 46.01(3)(A)-(B)*.
2. Handgun. “Handgun” means any firearm that is designed, made, or adapted to be fired with one hand. *Penal Code 46.01(5)*.
3. Location-restricted knife. “Location-restricted knife” means a knife with a blade over five and one-half inches. *Penal Code 46.01(6)*.
4. Club. “Club” means an instrument that is specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, and includes but is not limited to the following:
  - (A) blackjack;
  - (B) nightstick;
  - (C) mace;
  - (D) tomahawk.



*Penal Code 46.01(1)(A)-(D).*

5. Prohibited Weapon. A “prohibited weapon” shall include

(1) any of the following items, unless the item is registered in the National Firearms Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives or otherwise not subject to that registration requirement or unless the item is classified as a curio or relic by the United States Department of Justice:

- (A) an explosive weapon;
- (B) a machine gun; or
- (C) a short-barrel firearm;
- (2) armor-piercing ammunition;
- (3) a chemical dispensing device;
- (4) a zip gun;
- (5) a tire deflation device; or
- (6) an improvised explosive device.

*Penal Code 46.05(a).*

6. School Premises. “Premises” means a building or a portion of a building owned or leased by the School. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. *Penal Code 46.03(c)(4).*

**Sec. 3. PROHIBITION OF FIREARMS AND WEAPONS PER SCHOOL POLICY**

- A. On School Premises. Richard Milburn Academy prohibits the use, display or possession of firearms, handguns, location-restricted knives, clubs, and prohibited weapons on School Premises unless explicitly permitted in this policy or unless otherwise permitted by applicable federal or state law. This prohibition and related exceptions apply to all individuals on School Premises including but not limited to charter holder board members, charter school board members, employees, students, parents, vendors, contractors, and visitors.
- B. At School Board Meetings. Firearms are prohibited in the room or rooms where a public meeting of the governing body of Richard Milburn Academy is being held pursuant to a properly noticed meeting under the open meetings law. *Penal Code § 46.03(a)(14).*

**Sec. 4. PROHIBITION OF FIREARMS IN A SCHOOL ZONE UNDER FEDERAL LAW AND EXCEPTIONS**

- A. Prohibition of Firearms under Federal Law. Per the federal Gun Free School Zones Act, Richard Milburn Academy prohibits the possession of firearms on or near school property. Thus, an individual may not knowingly possess a firearm in a school zone. For purposes of this federal law, the term “school zone” means property in, or on the grounds of, or within 1,000 feet from the grounds of a public, parochial, or private school.

- B. Exception to the Federal Prohibition: The federal prohibition does not apply to the possession of a firearm:
- a. When the carrier is licensed to carry under state law;
  - b. When the firearm is unloaded and stored in a locked container or a locked firearms rack that is in a vehicle;
  - c. If the firearm is carried for use in a program approved by the school;
  - d. If the firearm is carried as allowed by a written contract between the school and the licensed individual; or
  - e. If the firearm is carried by a law enforcement officer acting in his or her official capacity.

**Sec. 5. PROHIBITION OF FIREARMS AND WEAPONS UNDER STATE LAW**

- A. It is a criminal offense for an individual to exhibit or threaten to use a firearm on school property or in a school vehicle in a manner intended to cause alarm or personal injury to another person or to damage school property. *Education Code 37.125(a)*.
- B. It is a criminal offense for an individual to intentionally, knowingly, or recklessly possesses or go with a firearm, location-restricted knife, club, or prohibited weapon on the premises of the school, on any grounds or building owned by or under the control of a school on which an activity sponsored by the school is being conducted, or on a passenger transportation vehicle of the school unless pursuant to written regulations or written authorization of the school. *Penal Code 46.03(a)(1)*.
- C. It is a criminal offense for an individual to intentionally, knowingly, or recklessly possesses or go with a firearm, location-restricted knife, club, or prohibited weapon on the premises where a high school or interscholastic event is taking place, unless the person is a participant in a high school or interscholastic event and a firearm, location-restricted knife, club, or prohibited weapon is used in the event. *Penal Code 46.03(a)(8)*.

**Sec. 6. EXCEPTIONS TO PROHIBITION OF FIREARMS AND WEAPONS UNDER STATE LAW**

- A. Federal and State Officials Permitted Firearms Under State Law. Per state law, it is not a violation of this policy or state law for the following individuals to carry a firearm on the premises of Richard Milburn Academy:
- a. A member of the armed forces or national guard, a guard employed by a penal institution, or an officer of the court, while in the conduct of official duties;
  - b. On or off duty peace officers or special criminal investigators;
  - c. Authorized and on-duty parole officers;
  - d. Authorized and on-duty community supervision and corrections department officers;
  - e. Active judicial officers licensed to carry handguns;
  - f. Honorably retired peace officers, qualified retired law enforcement officers, federal criminal investigators, or former reserve law enforcement officers, with proper identification;
  - g. U.S. attorneys and assistant U.S. attorneys, district attorneys and assistant district attorneys, criminal district attorneys, county attorneys, the attorney general and assistant attorneys general, or municipal attorneys licensed to carry handguns;

- h. Bailiffs designated to escort active judicial officers and licensed to carry handguns;
- i. Juvenile probation officers authorized to carry firearms;
- j. Volunteer emergency services personnel if the person is carrying a handgun under the authority of his or her license and is engaged in providing emergency services;
- k. Appropriately licensed district or county clerks; and
- l. Appropriately licensed retired judges and justices.

*Penal Code 46.03(b), 46.15(a).*

**B. Individuals Permitted to Carry Firearms Per State Law.** No violation of this policy or state law occurs when:

- a. A Texas handgun license holder stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area on School Premises if the handgun or other firearm is not in plain sight. *Education Code 37.0815*;
- b. The use, possession, or display of an otherwise prohibited weapon takes place as part of a school-approved activity or sports competition supervised by proper authorities;
- c. A firearm is possessed by a licensed campus school marshal who is appointed by the Board and approved by the Texas Commission on Law Enforcement, provided that the campus school marshal's possession and use of the firearm is in accordance with written board regulations. *Education Code 37.0811; 37 TAC 227.1–227.9*; or
- d. A person possess a firearm on school premises in accordance with written regulations or written authorization of the Board. *Penal Code 46.03(a)(1)(A).*

**C. Conduct by Persons Permitted to Carry Firearms.** Any individual permitted to carry a firearm on school premises under this policy or state law must not possess, transport, or store a handgun, a firearm, or ammunition in violation of Section 37.125, Education Code (i.e., to exhibit or threaten to use a firearm on school property or in a school vehicle in a manner intended to cause alarm or personal injury to another person or to damage school property) or otherwise in violation of Section 46.03, Penal Code, or other law. *Education Code 37.081.*

**Sec. 7. RESOURCES ON SAFE FIREARM STORAGE**

Richard Milburn Academy shall distribute the information and other resources provided by the Texas School Safety Center and the Department of Public Safety regarding the safe storage of firearms to the parent or guardian of each student enrolled in Richard Milburn Academy. *Education Code 37.222.*

**Sec. 8. SIGNS PROVIDING NOTICE OF PROHIBITED FIREARMS**

The Superintendent must provide notice that firearms are prohibited on school premises by posting a sign at each entrance to the premises as indicated below. The Superintendent may also produce a card or other document to disseminate the requirements of this policy as indicated below:

<b><i>Prohibiting Concealed Carry<sup>3</sup></i></b>	<b><i>Prohibiting Open Carry<sup>4</sup></i></b>
<p>Card or other document that includes the following language:</p> <p><b>“Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.”</b></p> <p>This notice may be given orally or in writing.</p>	<p>Card or other document that includes the following language:</p> <p><b>“Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.”</b></p> <p>This notice may be given orally or in writing.</p>
<p>Sign posted on school premises that includes the following language:</p> <p><b>“Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.”</b></p> <p>The sign must include the quoted language in English and Spanish, appear in contrasting colors with block letters at least one inch in height, and be displayed in a conspicuous manner clearly visible to the public.</p>	<p>Sign posted on premises that includes the following language:</p> <p><b>“Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.”</b></p> <p>The sign must include the quoted language in English and Spanish, appear in contrasting colors with block letters at least one inch in height, and be displayed in a conspicuous manner clearly visible to the public at each entrance to the property.</p>

<sup>3</sup> Penal Code § 30.06

<sup>4</sup> Penal Code § 30.07

## **PG-1.403 EMERGENCY PLANS**

### ***Sec. 1. MULTHAZARD EMERGENCY OPERATIONS PLAN***

#### ***a) General Plan Requirements***

Richard Milburn Academy shall adopt and implement a multi-hazard emergency operations plan (MEOP) for use in Richard Milburn Academy's facilities. The MEOP must address prevention, mitigation, preparedness, response, and recovery as defined by the Texas School Safety Center (TxSSC) in conjunction with the governor's office of homeland security and the Commissioner of Higher Education. The MEOP must provide for:

1. Training in responding to an emergency for Richard Milburn Academy employees, including substitute teachers;
2. Measures to ensure Richard Milburn Academy employees, including substitute teachers, have classroom access to a telephone, including a cellular telephone, or another electronic communication device allowing for immediate contact with emergency services or emergency services agencies, law enforcement agencies, health departments, and fire departments;
3. Measure to ensure Richard Milburn Academy's communications technology and infrastructure are adequate to allow for communication during an emergency;
4. Mandatory or required drills and exercises, including those required under Education Code 37.114, to prepare staff and students for responding to an emergency;
5. Measures to ensure coordination with the Department of State Health Services (DSSH) and local emergency management agencies, law enforcement, health departments, and fire department in the event of an emergency; and
6. The implementation of a safety and security audit as required by Education Code 37.108(b) and;
7. Any other requirements established by the TxSSC in consultation with Texas Education Agency (TEA) and relevant law enforcement agencies.

*Education Code 37.108(a).*

The MEOP shall also include:

1. A chain of command that designates the individual responsible for making final decisions during a disaster or emergency situation and identifies other individuals responsible for making those decisions if the designated person is unavailable;
2. Provisions that address physical and psychological safety for responding to a natural disaster, active shooter, and any other dangerous scenario identified by the Texas Education Agency (TEA) or TSSC;
3. Provisions for ensuring the safety of students in portable buildings;
4. Provisions for ensuring that students and Richard Milburn Academy personnel with disabilities are provided equal access to safety during a disaster or emergency situation;
5. Provisions for providing immediate notification to parents, guardians, and other persons standing in parental relation in circumstances involving a significant threat to the health or safety of students, including identification of the individual with responsibility for

- overseeing the notification;
6. Provisions for supporting the psychological safety of students, Richard Milburn Academy personnel, and the community during the response and recovery phase following a disaster or emergency situation that:
    - a. Are aligned with best practice-based programs and research-based practices recommended under Health & Safety Code 161.325;
    - b. Include strategies for ensuring any required professional development training for suicide prevention and grief-informed and trauma-informed care is provided to appropriate school personnel;
    - c. Include training on integrating psychological safety and suicide prevention strategies into the emergency operations plan, such as psychological first aid for schools training, from an approved list of recommended training established by the Commissioner and TSSC for (i) members of Richard Milburn Academy's school safety and security committee under Education Code 37.109; (ii) Richard Milburn Academy counselors and mental health professionals; and (iii) educators and other personnel as determined by Richard Milburn Academy;
    - d. Include strategies and procedures for integrating and supporting physical and psychological safety that align with the provisions described by in item (2) above; and
    - e. Implement trauma-informed policies;
  7. A policy for providing a substitute teacher access to school campus buildings and materials necessary for the substitute teacher to carry out the duties of a Richard Milburn Academy employee during an emergency or a mandatory emergency drill;
  8. The name of each individual on the school safety and security committee established under Education Code 37.109 and the date of each committee meeting during the preceding year; and
  9. Certification that Richard Milburn Academy is in compliance with Education Code § 37.117 (Emergency Map and Walk-Through).

*Education Code 37.108(d), (f)*

Richard Milburn Academy shall include in its MEOP a policy for responding to an active shooter emergency. Richard Milburn Academy may use any available community resources in developing the policy. *Education Code 37.108(g).*

Richard Milburn Academy shall include in it's a MEOP a policy for responding to a train derailment, if a school facility is located within 1,000 yards of a railroad track as measured from any point on Richard Milburn Academy's real property boundary line. Richard Milburn Academy may use any available community resources in developing the policy. *Education Code 37.108(d).*

Richard Milburn Academy shall follow the guidelines established by the TEA for ensuring the safety of students and personnel with disabilities or impairments during a disaster or emergency situation in adopting and implementing its MEOP. *Education Code 37.1086(b).*

Richard Milburn Academy may use any available community resources in developing the MEOP.

### ***b) MEOP Review***

Richard Milburn Academy shall submit its MEOP to the TxSSC not later than the 30<sup>th</sup> day after the date the TxSSC requests the submission and in accordance with the Education Code 37.2071(a). *Education Code 37.2071(b).*

#### ***i. Noncompliance Notification***

The TxSSC shall review the Richard Milburn Academy MEOP and verify that the plan meets the requirements of Education Code 37.108 or provide Richard Milburn Academy with written notice describing the plan's deficiencies, including specific recommendations to correct the deficiencies, and stating that Richard Milburn Academy must correct the deficiencies and resubmit the revised plan to the TSSC. *Education Code 37.2071(c).*

The TxSSC may approve Richard Milburn Academy's MEOP that has deficiencies if it submits a revised plan that the TxSSC determines will correct the deficiencies. *Education Code 37.2071(e).*

#### ***ii. Failure to Submit Plan***

If Richard Milburn Academy fails to submit its MEOP to the TxSSC for review following a notification from TxSSC that the school has failed to submit its MEOP, the TxSSC shall provide Richard Milburn Academy with written notice stating that Richard Milburn Academy must hold a hearing under Education Code § 37.1081. *Education Code 37.2071(d).* The notice must also state that the Commissioner of Education is authorized to appoint a conservator under Education Code § 37.1082.

#### ***iii. Failure to Correct Deficiencies after Notice***

If Richard Milburn Academy has not corrected plan deficiencies one month after the date of initial notification from the TxSSC, the TxSSC shall provide written notice to Richard Milburn Academy and the TEA that Richard Milburn Academy has not complied with the requirements of Education Code § 37.2071 and must comply immediately. *Education Code 37.2071(f).*

If Richard Milburn Academy has not corrected plan deficiencies three months after the date of initial notification, the TxSSC shall provide written notice to Richard Milburn Academy stating that Richard Milburn Academy must hold a hearing under Education Code § 37.1081. *Education Code 37.2071(g).*

### ***c) Public Hearing due to Noncompliance***

If Richard Milburn Academy receives notice of noncompliance for reasons identified under Education Code 37.207(e) or 37.2071(g), the Board shall hold a public hearing to notify the public of:

1. Richard Milburn Academy's failure to submit or correct deficiencies in a MEOP or report

- the results of a safety and security audit to the TSSC as required by law;
2. The dates during which Richard Milburn Academy has not been in compliance; and
3. The names of each Board member and the Superintendent serving in that capacity during the dates Richard Milburn Academy was not in compliance. Richard Milburn Academy shall provide this information in writing to each person at the hearing.

The Board shall give members of the public a reasonable opportunity to appear before the Board and to speak on the issue of Richard Milburn Academy's failure to submit or correct deficiencies in a MEOP. Richard Milburn Academy shall submit written confirmation to the TSSC that the public hearing was held.

*Education Code 37.2071.*

***d) Disclosure of MEOP Documents***

A document relating to the Richard Milburn Academy MEOP is subject to disclosure if the disclosure allows a person to:

1. Verify that Richard Milburn Academy has established a MEOP and determine the agencies involved in the development of the plan and the agencies coordinating with Richard Milburn Academy to respond to an emergency, including the DSHS, local emergency services agencies, law enforcement agencies, health departments, and fire departments;
2. Verify that the MEOP was reviewed within the last 12 months and determine the specific review dates;
3. Verify that the MEOP addresses the phases of emergency management plans under Education Code 37.108(a);
4. Verify that Richard Milburn Academy employees have been trained to respond to an emergency and determine the types of training, the number of employees trained, and the person conducting the training;
5. Verify that each campus has conducted mandatory emergency drills and exercises in accordance with the plan and determine the frequency of the drills;
6. To the extent required by law, verify that the MEOP has established a plan for responding to a train derailment;
7. Verify that Richard Milburn Academy has completed a safety and security audit and determine the date the audit was conducted, the person conducting the audit, and the date the audit results were presented to the Board;
8. Verify that Richard Milburn Academy has addressed any recommendations by the Board for improvement of the MEOP and determine Richard Milburn Academy's progress within the last 12 months; and
9. To the extent required by law, verify that Richard Milburn Academy has established a visitor policy and identify the provisions governing access to a school building or other school property.

*Education Code 37.108(c-2).*



### ***e) Superintendent Duties***

The Superintendent shall ensure updating of the MEOP and ongoing staff training.

## ***Sec. 2. SAFETY AND SECURITY AUDIT***

### ***a) Audit Requirements***

At least once every three years, Richard Milburn Academy shall conduct a safety and security audit of Richard Milburn Academy facilities. Richard Milburn Academy, or a person included in the TxSSC registry engaged by the school to conduct a safety and security audit, shall follow safety audit and security audit procedures developed by the TxSSC in coordination with the Commissioner of Education..

The safety and security audit must certify that Richard Milburn Academy used funds provided through the school safety allotment only for purposes provided by Education Code 42.168.

The results of the safety and security audit shall be reported to the Board and, in the manner required by the TSSC, to the TSSC. The report provided to the TSSC must be signed by the Board and Superintendent.

*Education Code 37.108(b), (b-1), (c).*

### ***b) Disclosure and Confidentiality***

Except as provided under Education Code 37.108(c-2), any document or information collected, developed, or produced during a safety and security audit is not subject to disclosure under the Texas Public Information Act. *Education Code 37.108(c-1).*

## ***Sec. 3. SAFETY AND SECURITY COMMITTEE***

Richard Milburn Academy shall establish a school safety and security committee in accordance with guidelines established by the TSSC.

### ***a) Committee Membership***

The school safety and security committee, to the greatest extent practicable, must include:

1. One or more representatives of an office of emergency management of a county or city in which Richard Milburn Academy is located;
2. One or more representatives of the local police department or sheriff's office;
3. One or more representatives of Richard Milburn Academy's police department, if applicable;
4. The Board president;
5. A member of the Board other than the Board president;
6. The Superintendent;
7. One or more designees of the Superintendent, one of whom must be a Richard Milburn

- Academy classroom teacher; and
8. Two parents or guardians of students enrolled in Richard Milburn Academy.

*Education Code 37.109(a-1).*

***b) Committee Responsibilities***

The school safety and security committee shall:

1. Participate on behalf of Richard Milburn Academy in developing and implementing emergency plans consistent with the MEOP to ensure that the plans reflect specific campus, facility, or support services needs;
2. Periodically provide recommendations to the Board and school administrators regarding updating the MEOP in accordance with best practices identified by TEA, the TSSC, or a person included in the registry of persons established by the TSSC as providing school safety or security consulting services;
3. Provide Richard Milburn Academy with any campus, facility, or support services information required in connection with a safety and security audit or other report required to be submitted to the TxSSC;
4. Review each report required to be submitted by Richard Milburn Academy to the TSSC to ensure that the report contains accurate and complete information regarding each campus, facility, or support service in accordance with criteria established by the TxSSC; and
5. Consult with local law enforcement agencies on methods to increase law enforcement presence near school campuses.

*Education Code 37.109(b).*

The school safety and security committee shall review the report on the results of a vulnerability assessment conducted once every four years under Section 37.1083, Education Code, and participate in the implementation of recommendations and/or required corrective actions, as appropriate. *Education Code 37.1083(f).*

The school safety and security committee shall review the report on the results of an annual intruder detection audit under Section 37.1084, Education Code, and participate in the implementation of recommendations and/or required corrective actions, as appropriate. *Education Code 37.1084(b)(3).*

***c) Committee Meetings***

The school safety and security committee shall meet at least once during each academic semester and at least once during the summer. The committee is subject to the Texas Open Meetings Act and may meet in executive session as provided by Chapter 551, Government Code. Notice of a committee meeting must be posted in the same manner as notice of a Board meeting. *Education Code 37.109(c)-(d).*

***Sec. 4 EMERGENCY RESPONSE MAP AND WALK-THROUGH***

Richard Milburn Academy shall provide to the Department of Public Safety and all appropriate local law enforcement agencies and emergency first responders:

1. An accurate map of each district campus and school building that is developed and documented in accordance with the standards described by Education Code § 37.351 related to developing site and floor plans, access control, and exterior door numbering; and
2. An opportunity to conduct a walk-through of each district campus and school building using the map described by item (1), above.

*Education Code 37.117.*

### ***Sec. 5 NOTICE OF ACTIVE THREAT EXERCISE***

Before Richard Milburn Academy conducts an active threat exercise, including an active shooter simulation, Richard Milburn Academy shall ensure that adequate notice of the exercise is provided to students expected to participate in the exercise, the parents of those students, and staff likely to be part of the exercise, including information regarding:

1. The date on which the exercise will occur;
2. The content, form, and tone of the exercise; and
3. Whether the exercise will include a live simulation that mimics or appears to be an actual shooting incident.

*Education Code 37.1141(a)(1).* Richard Milburn Academy shall also ensure that:

1. The exercise is announced to students and faculty before the start of the exercise, including, if applicable, an announcement that the exercise will include a live simulation that mimics or appears to be an actual threat, such as a shooting incident.
2. First responder organizations that would likely respond in the event of a false report or alarm are notified regarding the exercise; and
3. A safe zone is created around the area in which the exercise will be conducted to keep out actual firearms, ammunition, and other weapons, other than firearms, ammunition, or other weapons carried by a peace officer, school resource officer, or school marshal or any other person authorized by the district to carry those items on school grounds.

*Education Code 37.1141(a)(2)-(4).* Richard Milburn Academy shall ensure that the content of any active threat exercise:

1. Is age appropriate and developmentally appropriate;
2. Has been developed by a team of school administrators, teachers, school-based mental health professionals, and law enforcement officers, with input from parents and students; and
3. Is designed to support the well-being of students who participate in the exercise before, during, and after the exercise is conducted.

*Education Code 37.1141(a)(5).* Richard Milburn Academy shall track data regarding the efficacy and impact of the exercise, including any feedback regarding the exercise from students, staff, or family members of students or staff and submit such data to the Texas School Safety Center. *Education Code 37.1141(a)(6), (c).*

#### ***Sec. 6. NOTIFICATION REGARDING BOMB THREAT OR TERRORISTIC THREAT***

Upon receiving a bomb threat or terroristic threat relating to a campus or other Richard Milburn Academy facility at which students are present, Richard Milburn Academy shall provide notification of the threat as soon as possible to the parent or guardian of or other person standing in parental relation to each student who is assigned to the campus or who regularly uses the facility, as applicable. *Education Code 37.113.*

#### ***Sec. 7. NOTIFICATION REGARDING VIOLENT ACTIVITY***

Richard Milburn Academy shall adopt a policy for providing notice regarding violent activity that has occurred or is being investigated at a campus or other school facility or at a school-sponsored activity to parents, guardians, and other persons standing in parental relation to students who are assigned to the campus, regularly use the facility, or are attending the activity, as applicable. The policy will meet the standards adopted by the TEA under Education Code § 37.1131(a). *Education Code 37.1131(b).*

#### ***Sec. 8. TRAUMATIC INJURY RESPONSE PROTOCOL***

Richard Milburn Academy shall develop and annually make available a protocol for employees and volunteers to follow in the event of a traumatic injuries.

##### ***a) Protocol Requirements***

The protocol must:

1. Provide for Richard Milburn Academy to maintain and make available to school employees and volunteers bleeding control stations for use in the event of a traumatic injury involving blood loss;
2. Ensure that bleeding control stations are stored in easily accessible areas of the campus that are selected by the school safety and security committee or the Board;
3. Require that a TEA-approved training on the use of a bleeding control station in the event of an injury to another person be provided to:
  - a. To the extent applicable, each Richard Milburn Academy peace officer commissioned or school security personnel employed under Education Code 37.081 who provides security services at the campus;
  - b. Each school resource officer who provides law enforcement at the campus; and
  - c. All other Richard Milburn Academy personnel who may be reasonably expected to use a bleeding control station; and
4. Require Richard Milburn Academy to annually offer instruction on the use of a bleeding

control station from a school resource officer or other appropriate school personnel who has received appropriate training to students enrolled in grade seven or higher.

***b)       Bleeding Control Stations***

The school safety and security committee or the Board may select, as easily accessible areas of the campus at which bleeding control stations may be stored, areas of the campus where automated external defibrillators are stored.

A bleeding control station contain all of the following required supplies in quantities determined appropriate by the Superintendent:

1. Tourniquets approved for use in battlefield trauma care by the armed forces of the United States;
2. Chest seals;
3. Compression bandages;
4. Bleeding control bandages;
5. Space emergency blankets;
6. Latex-free gloves;
7. Markers;
8. Scissors; and
9. Instructional documents developed by the American College of Surgeons or the United States Department of Homeland Security detailing methods to prevent blood loss following a traumatic event.

Bleeding control stations may also include medical material or equipment that:

1. May be readily stored in a bleeding control station;
2. May be used to adequately treat an injury involving traumatic blood loss; and
3. Is approved by local law enforcement or emergency medical services personnel.

*Education Code 38.027.*

***Sec. 9. AUTOMATED EXTERNAL DEFIBRILLATORS***

***a)       Campus Availability***

Richard Milburn Academy shall make available at each campus at least one automated external defibrillator (AED). A campus defibrillator must be readily available during any Universal Interscholastic League (UIL) athletic competition held on the campus. In determining the location at which to store a campus defibrillator, the Principal shall consider the primary location on campus where students engage in athletic activities.

***b)       Athletic Practices***

To the extent practicable, Richard Milburn Academy, in cooperation with the UIL, shall make

reasonable efforts to ensure that an AED is available at each UIL athletic practice held at a Richard Milburn Academy campus. If Richard Milburn Academy is not able to make an AED available in such manner, Richard Milburn Academy shall determine the extent to which an AED must be available at each UIL athletic practice held at a campus; the determination must be based, in appropriate to any other appropriate considerations, on relevant medical information.

**c)      *Athletic Competitions***

Richard Milburn Academy, in cooperation with the UIL, shall determine the extent to which an AED must be available at each UIL athletic competition held at a location other than a Richard Milburn Academy campus. The determination must be based, in addition to any other appropriate considerations, on relevant medical information and whether emergency services personnel are present at the athletic competition under a contract with Richard Milburn Academy.

**d)      *Trained Staff***

Richard Milburn Academy shall ensure the presence at each location at which an AED is required at least one school employee trained in the proper use of the defibrillator at any time a substantial number of Richard Milburn Academy students are present at the location.

**e)      *AED Maintenance***

Richard Milburn Academy shall ensure that AEDs are used and maintained in accordance with standards established under Chapter 779, Health & Safety Code.

*Education Code 38.017.*

***Sec. 10. RESPONSE TO CARDIAC ARREST***

The Superintendent or designee shall develop safety procedures for school employees or students to follow in responding to a medical emergency involving cardiac arrest, including the appropriate response time in administering cardiopulmonary resuscitation, using an AED, or calling a local emergency medical services provider. *Education Code 38.018.*

**PG-1.404 CRISIS AND TRAUMA RESPONSE**

***Sec. 1. THREAT ASSESSMENTS***

**a)      *Definitions***

“Harmful, threatening, or violent behavior” includes behaviors, such as verbal threats, threats of self-harm, bullying, cyberbullying, fighting, the use or possession of a weapon, sexual assault, sexual harassment, dating violence, stalking, or assault, by a student that could result in:

1. Specific interventions, including mental health or behavioral supports;
2. In-school suspension;
3. Out-of-school suspension; or

4. The student's expulsion or removal to a disciplinary alternative education program or a juvenile justice alternative education program.

*Education Code 37.115(a)(1).*

"Team" means a threat assessment and safe and supportive school team established by the Board.  
*Education Code 37.115(a)(2).*

***b) Threat Assessment and Safe and Supportive School Team***

The Board shall establish a threat assessment and safe and supportive school team at each campus, and shall adopt policies and procedures for the teams. The team is responsible for developing and implementing the safe and supportive school program under Education Code 37.115(b). Policies and procedures concerning the team must:

1. Be consistent with the model policies and procedures developed by the Texas School Safety Center;
2. Require each team to complete training provided by the Texas School Safety Center or a regional education service center regarding evidence-based threat assessment programs; and
3. Require each team established under this section to report the information required under Education Code 37.115(k) regarding the team's activities to the TEA.
4. Require each campus to establish a clear procedure for a student to report concerning behavior exhibited by another student for assessment by the team or other appropriate school employee; and
5. Provide for an employee who reports a potential threat to a team to elect for the employee's identity to be confidential and not subject to disclosure under Chapter 552, Government Code, except as necessary for the team, the charter school, or law enforcement to investigate the potential threat and for the charter school to maintain a record of the identity of an employee who elects for the employee's identity to remain confidential.

***c) Team Membership***

The Superintendent shall ensure that the members appointed to each team have expertise in counseling, behavior management, mental health and substance use, classroom instruction, special education, school administration, school safety and security, emergency management, and law enforcement. A team may serve more than one campus, provided that each Richard Milburn Academy campus is assigned a team.

*Education Code 37.115(d).*

***d) Team Responsibilities***

Each team shall:

1. Conduct a threat assessment that includes:
  - a. Assessing and reporting individuals who make threats of violence or exhibit harmful, threatening, or violent behavior in accordance with the policies and procedures adopted under this policy; and
  - b. Gathering and analyzing data to determine the level of risk and appropriate intervention, including:
    - i. Referring a student for mental health assessment; and
    - ii. Implementing an escalation procedure, if appropriate based on the team's assessment, in accordance with Richard Milburn Academy's policy;
2. Provide guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school, or individual; and
3. Support Richard Milburn Academy in implementing its multi-hazard emergency operations plan.

*Education Code 37.115(f).*

***e) Parent Notification***

Before a team may conduct a threat assessment of a student, the team must notify the parent of or person standing in parental relation to the student regarding the assessment. In conducting the assessment, the team shall provide an opportunity for the parent or person to participate in the assessment, either in person or remotely, and submit to the team information regarding the student.  
*Education Code 37.115(f-1).*

After completing a threat assessment of a student, the team shall provide to the parent of or person standing in parental relation to the student the team's findings and conclusions regarding the student.  
*Education Code 37.115(f-2).*

***f) Providing Mental Health Care Services***

A team may not provide a mental health care service to a student who is under 18 years of age unless the team obtains written consent from the parent of or person standing in parental relation to the student before providing the mental health care service. The consent must be submitted on a form developed by Richard Milburn Academy that complies with all applicable state and federal law. The student's parent or person standing in parental relation to the student may give consent for a student to receive ongoing services or may limit consent to one or more services provided on a single occasion.

*Education Code 37.115(g).*

***g) Determination of Risk***



*i. Risk of Violence to Self or Others*

On determination that a student or other individual poses a serious risk of violence to self or others, a team shall immediately report the determination to the Superintendent. If the individual is a student, the Superintendent shall immediately attempt to inform the parent or person standing in parental relation to the student. This notice requirement does not prevent an employee from acting immediately to prevent an imminent threat or respond to an emergency.

*Education Code 37.115(h).*

*ii. Risk of Suicide*

A team identifying a student at risk of suicide shall act in accordance with Richard Milburn Academy's suicide prevention program. If the student at risk of suicide also makes a threat of violence to others, the team shall conduct a threat assessment in addition to actions taken in accordance with Richard Milburn Academy's suicide prevention program.

*iii. Risk of Possessing Tobacco, Drugs or Alcohol*

A team identifying a student using or possessing tobacco, drugs, or alcohol shall act in accordance with Richard Milburn Academy's policies and procedures related to substance use prevention and intervention.

***h) Oversight Responsibility***

The Superintendent may establish a committee, or assign to an existing committee, the duty to oversee the operations of teams established for Richard Milburn Academy. A committee with oversight responsibility must include members with expertise in human resources, education, special education, counseling, behavior management, school administration, mental health and substance abuse, school safety and security, emergency management, and law enforcement.

***i) Reports to TEA***

A team must report to TEA the following information regarding the team's activities and other information for each campus the team serves:

1. The occupation of each person appointed to the team;
2. The number of threats and a description of the type of the threats reported to the team;
3. The outcome of each assessment made by the team, including:
  - a. Any disciplinary action taken, including a change in school placement;
  - b. Any action taken by law enforcement; or
  - c. A referral to or change in counseling, mental health, special education, or other

- services;
4. The total number, disaggregated by student gender, race, and status as receiving special education services, being at risk of dropping out of school, being in foster care, experiencing homelessness, being a dependent of military personnel, being pregnant or a parent, having limited English proficiency, or being a migratory child, of, in connection with an assessment or reported threat by the team:
    - a. Citations issued for Class C misdemeanor offenses;
    - b. Arrests;
    - c. Incidents of uses of restraint;
    - d. Changes in school placement, including placement in a juvenile justice alternative education program or disciplinary alternative education program, if applicable;
    - e. Referrals to or changes in counseling, mental health, special education, or other services;
    - f. Placements in in-school suspension or out-of-school suspension and incidents of expulsion;
    - g. Unexcused absences of 15 or more days during the school year; and
    - h. Referrals to juvenile court for truancy; and
  5. The number and percentage of school personnel trained in:
    - a. A best-practices program or research-based practice under Section 161.325, Health and Safety Code, including the number and percentage of school personnel trained in:
      - i. Suicide prevention; or
      - ii. Grief and trauma-informed practices;
    - b. Mental health or psychological first aid for schools;
    - c. Training relating to the safe and supportive school program established under Education Code 37.115(b); or
    - d. Any other program relating to safety identified by the Commissioner.

*Education Code 37.115(k).*

**j) Record Maintenance**

Materials and information provided to or produced by a team during a threat assessment of a student under this policy must be maintained in the student's school record until the student's 24th birthday. Education Code 37.115(j-1).

**Sec. 2. RESOURCES ON SAFE FIREARM STORAGE**

Richard Milburn Academy shall distribute the information and other resources provided by the Texas School Safety Center and the Department of Public Safety regarding the safe storage of firearms to the parent or guardian of each student enrolled in Richard Milburn Academy. *Education Code 37.222.*

**Sec. 3. TRAUMA-INFORMED CARE PLAN**

**a) Plan Requirements**

Richard Milburn Academy shall adopt and implement a policy requiring the integration of trauma-informed practices in each school environment. The policy must address:

1. Using resources developed by TEA, methods for:
  - a. Increasing staff and parent awareness of trauma-informed care; and
  - b. Implementation of trauma-informed care practices and care by school staff; and
2. Available counseling options for students affected by trauma or grief.

*Education Code 38.036(a), (b).*

#### ***b) Training Requirements***

Methods for increasing awareness and implementation of trauma-informed care must be discussed in training provided:

1. That is provided:
  - a. Through a program selected from the list of recommended best practice-based programs and research-based practices established under Education Code 38.351;
  - b. In accordance with the policy adopted under Education Code 21.4515, to the extent applicable; and
  - c. As part of any new employee orientation for all new educators at the school.
2. That addresses how grief and trauma affect student learning and behavior and how evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma.

*Education Code 38.036(c).*

The training may include two or more listed topics together. *Education Code 38.036(c-1).*

Richard Milburn Academy shall keep records of each training conducted, to include the name of each staff member who participated in the training. *Education Code 38.036(d).*

#### ***c) Training Partnerships***

If Richard Milburn Academy determines that it does not have sufficient resources to provide the training required under Education Code 38.036(c), Richard Milburn Academy may partner with a community mental health organization to provide training that meets the requirements of that law at no cost to the school. *Education Code 38.036(f).*

### **PG-1.405 FACILITIES SAFETY**

#### **Sec. 1. ACCESS CONTROL AUDITS**

The Superintendent, or designee, shall conduct at least weekly inspections during school hours of all exterior doors of all instructional facilities to certify that all doors are, by default, set to a closed, latched, and locked status and

cannot be opened from the outside without a key. *19 TAC 61.1031(d)(1)(A).*

The Superintendent, or designee, shall report the findings of weekly inspections to:

1. The school safety and security committee formed pursuant to Section 37.109, Education Code; and
2. The principal or leader of the instructional facility to ensure awareness of any deficiencies identified and who must take action to reduce the likelihood of similar deficiencies in the future.

*19 TAC 61.1031(d)(1)(B), (C).*

The Superintendent, or designee, shall ensure the results are kept for review as part of the safety and security audit as required by Section 37.108, Education Code. *19 TAC 61.1031(d)(1)(B).*

Nothing in Richard Milburn Academy's access control procedures will be interpreted as discouraging parents, once properly verified as authorized campus visitors, from visiting campuses they are authorized to visit. *19 TAC 61.1031(d)(1)(D).*

## **Sec. 2. FACILITIES STANDARDS COMPLIANCE**

Richard Milburn Academy shall ensure that each Richard Milburn Academy facility complies with each school facilities standard, including performance standards and operational requirements, related to safety and security adopted under Section 7.061, Education Code, or provided by other law or administrative rule. *Education Code 37.351(a).*

### **a) *Good Cause Exception***

If Richard Milburn Academy is unable to bring a school facility into compliance with a school facilities standard related to safety and security, Richard Milburn Academy may claim a good cause exception from the requirement to comply with that standard, including for a reason related to:

1. The age, physical design, or location of the noncompliant facility;
2. The projected remaining use or functional life of the noncompliant facility;
3. Availability of funding; or
4. Supply chain obstacles.

*Education Code 37.353(a).*

If Richard Milburn Academy claims a good cause exception, Richard Milburn Academy shall develop an alternative performance standard with which it is able to comply. *Education Code 37.353(b).*

### **b) *Documentation***

Richard Milburn Academy shall develop and maintain documentation of implementation of and compliance with school safety and security facilities standards for each Richard Milburn Academy facility, including a good cause exception claimed under Section 37.353, Education Code, and shall, if requested by the Texas Education Agency, provide that documentation to the Agency in the manner prescribed by the Agency. *Education Code 37.351(b).*

### **c) Confidentiality**

Any document or information collected, identified, developed, or produced relating to a safety or security requirement for facilities is confidential under Sections 418.177 and 418.181, Government Code, and not subject to disclosure under Chapter 552, Government Code. *Education Code 37.355.*

## **PG-1.406 SECURITY OFFICERS**

### **Sec. 1 Board Authority**

The Board must ensure that at least one armed security officer is present during regular school hours at each school campus. *Education Code 12.104(b)(3), 37.0814(a). The Board may authorize one or more individuals to carry firearms on Richard Milburn Academy (the “School”) premises under Section 46.03, Penal Code. Education Code 37.0814(d); Penal Code 46.03(a)(1)(A).*

The Richard Milburn Academy Board of Directors (“Board”) may employ or contract with security personnel and/or *to contract with a security services contractor licensed under Chapter 1702, Occupations Code, for the provision of one or more commissioned security officers. Education Code 12.104(a-1)(1), 37.081(a).*

*As part of Richard Milburn Academy’s comprehensive safety program, Richard Milburn Academy has entered into one or more agreements with a private security services contractor licensed by the Texas Department of Safety (“DPS”) to provide Security Officers. Contracted security officers shall provide services consistent with the terms of the agreement and Board policy.*

### **Sec 2. Definitions**

1. **Firearm.** “Firearm” means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. Firearm does not include a firearm that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by this chapter and that is: (A) an antique or curio firearm manufactured before 1899; or (B) a replica of an antique or curio firearm manufactured before 1899, but only if the replica does not use rim fire or center fire ammunition. *Penal Code 46.01(3)(A)-(B).*
2. **Handgun.** “Handgun” means any firearm that is designed, made, or adapted to be fired with one hand. *Penal Code 46.01(5).*
3. **School Premises.** “School Premises” means a building, a portion of a building, or any grounds owned, leased, or rented by Richard Milburn Academy or under the control of the School. *Penal Code 46.03(a)(1), (c)(4).*
4. **School Property.** “School Property” means any personal property on School Premises including, but not limited to, a motor vehicle, construction equipment, HVAC equipment, signage, furniture, computers, cell phones, smart boards, and tablets.
5. **Security Officer(s).** “Security Officer(s)” means security personnel with whom Richard Milburn

Academy has employed or contracted with for the provision of security services and/or security personnel provided through a contract with a security services contractor licensed under *Chapter 1702, Occupations Code*.

6. *Commissioned Security Officer(s)*. “Commissioned Security Officer(s)” means a security officer to whom a security officer commission has been issued by DPS.

### **Sec. 3 .Jurisdiction**

The jurisdiction of Security Officers shall include all territory in the geographic boundaries of Richard Milburn Academy and all real and personal property outside the boundaries of the School that is owned, leased, or rented by or otherwise under the control of Richard Milburn Academy and the Board.  
*Education Code 37.081(a)*.

### **Sec. 4. Authorization**

#### ***a) Eligibility***

Only a Commissioned Security Officer who has completed the DPS Level III training course (or a peace officer who is exempt under 19 TAC 35.141(b)) is eligible for authorization to carry a firearm on School Premises.

Non-commissioned security personnel may serve as unarmed Security Officers only.

#### ***b) Written Authorization***

Pursuant to its authority under state law, the Board shall authorize eligible Security Officers to possess certain firearms in schools, at Board meetings, and at school-sponsored or school-related events on School Premises, to the extent allowed by law. Each specifically authorized Security Officer shall be approved by action of the Board. The Superintendent shall issue written authorization to each approved Security Officer.

Security Officers are authorized to possess a handgun on school premises in a manner consistent with their professional license and certifications as issued by DPS, the Texas Commission on Law Enforcement (“TCOLE”), or other licensing agency or authority. The Board may establish additional criteria or limitations through the specific written authorization issued to Security Officers or through written regulations applicable to all Security Officers.

#### ***c) Handgun License***

Each Security Officer authorized to carry a firearm under this policy shall be required to maintain a current license to carry a handgun in accordance with state law.

### **Sec. 5. Duties**

#### ***a) General Duties***

Security Officers shall be accountable to and shall report to the Superintendent. A Security Officer shall:

1. Protect the safety and welfare of any person in the jurisdiction of the Security Officer;
2. Protect the School Property in the jurisdiction of the Security Officer;
3. Maintain visibility and school security by patrolling campus hallways, completing door checks, and monitoring the perimeter of the campus throughout the day;
4. Routinely check exterior doors to ensure they are locked;
5. Inform campus administrators of malfunctioning cameras, doors, locks, gates, windows, etc., that require the submission of a work order for repair;
6. Assist with campus safety drills (i.e., fire, hold, secure, lockdown, evacuate, shelter);
7. Assist and coordinate with law enforcement personnel as needed;
8. Notify the police, fire department, emergency responders, or other appropriate authority of any situation requiring immediate attention;
9. Prepare written materials (i.e., incident reports, referrals, etc.) for purposes of documenting activities, and timely provide such written materials to the campus principal;
10. Provide Active Shooter training for staff and students for each campus;
11. Perform other tasks and carry out all other lawful duties as directed by the Superintendent; and
12. Carry out all other duties in accordance with the contract for security services.

***b) Law Enforcement Duties***

A Security Officer may not perform the routine law enforcement duties of a peace officer unless the duty is performed in response to an emergency that poses a threat of death or serious bodily injury to a student, school employee, or other individual at the school campus. *Education Code 37.089.*

***c) Student Discipline and School Administration***

The Board shall coordinate with district campus behavior coordinators and other school employees to ensure that Security Officers are tasked only with duties related to law enforcement intervention and not tasked with behavioral or administrative duties better addressed by other School employees. *Education Code 37.081(d-4). The campus principal retains final authority to assign disciplinary consequences to students and staff.*

Security Officer duties do not include:

1. Routine student discipline or school administrative tasks; or
2. Contact with students unrelated to the law enforcement duties of the Security Officer.

*Education Code 37.081(d-2).*

This limitation does not prevent Security Officers from having informal contact with students unrelated to:

1. The assigned security or law enforcement duties of the Security Officer; or
2. An incident involving student behavior or law enforcement.

*Education Code 37.081(d-3).*

#### **Sec. 6. Uniforms and Equipment**

Security Officers are responsible for providing their own uniform that complies with state regulations. Security Officers are responsible for providing their own firearm, if applicable, and any other equipment required for performing their duties.

Body worn cameras are not permitted.

#### **Sec. 7. Revocation of Authorization**

Written authorization issued to a Security Officer under this policy may be revoked at any time at the discretion of the Superintendent or the Board upon written notice.

#### **Sec. 8. Confidentiality**

Richard Milburn Academy has determined that each Security Officer assigned to the School has a legitimate educational interest in education records as that term is defined under Family Educational Rights and Privacy Act (“FERPA”), 20 USC § 1232g, for the sole and limited purpose of the assigned security and law enforcement duties of the Security Officer and/or collecting certain incident-based data related to security services, and that the Security Officer(s) are the agent(s) of Richard Milburn Academy solely for these limited purposes.

Security Officers shall maintain the confidentiality of education records as required by FERPA. Security Officers shall not discuss, disclose, or reveal to third parties, including other students, information regarding individual student behavior or discipline.

#### **Sec. 9. Complaints**

Any person with a complaint against the performance of Security Officers under this policy shall direct their concerns to the Superintendent’s office.