



TCSA Model Board Policy Series

*Module 500: Open Government
Charter Board Policy for
UT Permian Basin – STEM Academy*

*500.020: Texas Open Meeting Act Policy
500.040: Texas Public Information Act Policy
500.060: Records Management Policy*

Module 500: Open Government

The Open Government Module 500, is the fifth module of the Model Board Policies. The material included in this module provides a comprehensive summary of statutes and regulations that apply to charter schools, as well as specific model board policies designed to comply with these legal requirements. Other policy modules in the series include:

- Module 100: Financial Operations
- Module 200: Charter School Governance & Organization
- Module 300: General School Operations
- Module 400: Students
- Module 600: Human Resources

Legal Abbreviations Used In the TCSA Model Board Policy Series

Atty. Gen. Op.	Attorney General Opinion
C.F.R	Code of Federal Regulations
Tex. Admin. Code	Texas Administrative Code
Tex. Educ. Code	Texas Education Code
Texas Gov't Code	Texas Government Code
Tex. Labor Code	Texas Labor Code
Texas Local Gov't Code	Texas Local Government Code
U.S.C.A	United States Code Annotated

500.020. TEXAS OPEN MEETINGS ACT

The advisory board (“Board”) of the UT Permian Basin STEM Academy adopts the following policy, which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Compliance

The UT Permian Basin STEM Academy shall comply with the Texas Open Meetings Act.

SECTION 2. Meetings

Section 2.1. Location. Unless otherwise provided in the notice for a meeting, regular board meetings shall be held on the UT Permian Basin campus, 4901. E. University Blvd., Odessa, TX 79762.

Section 2.2. Time. The Board shall meet monthly, unless the Board President, in consultation with the Superintendent, determines a meeting is unnecessary. Regular meetings of the Board shall be held on the second Friday of each month at 12:00pm. The Board President may change the date or time of a regular meeting. The notice for that meeting shall reflect the change in date or time.

Section 2.3. Special or Emergency Meetings. Notice shall be sent out establishing the time and place of special and emergency meetings. The Board President shall call special meetings at the Board President’s discretion in consultation with the Superintendent. The Board President may call an emergency meeting only when the Board President determines that an emergency or public necessity, as defined by the Texas Open Meetings Act, warrants the meeting.

Section 2.4. Closed Meeting. The Board may conduct a closed meeting when the agenda includes a subject that by law may be discussed in a closed meeting.

Section 2.5 Participation by Videoconference.

A member of the board may fully participate remotely in a board meeting via videoconference if the member’s participation is broadcast live at the meeting, a quorum is present at the physical location of the meeting, and the meeting otherwise complies with the requirements of the Texas Open Meetings Act.

Members of the board will be considered present, so long as the video and audio remain active. At any time the video or audio becomes disconnected, that board member will be considered absent until the video or audio is reconnected.

The UT Permian Basin STEM Academy will include a statement indicating video conference will be used on each applicable agenda posted prior to the meeting.

SECTION 3. Agenda

Section 3.1. Preparation. In consultation with the Board President, the Superintendent or designee shall prepare the agenda for all board meetings. Any board member may request a subject be included on the agenda for a meeting and the Superintendent shall include on the draft agenda

proposed to the Board President all topics that have been requested by the board members that have been timely submitted.

Before the agenda is finalized, the Superintendent shall consult with the Board President to secure his or her approval of the final agenda. The Board President shall approve the draft agenda as presented unless, in the Board President's discretion, compelling reasons exist to add or delete an agenda item from the draft agenda.

Section 3.2. Deadline for Submitting Agenda Items. The deadline for submitting items for inclusion on the agenda is at least four calendar days before a regular meeting.

SECTION 4. Voting

Voting shall be by voice vote or show of hands, as directed by the Board President. Any member may abstain from voting, and a member's vote or failure to vote shall be recorded in the minutes. Proxy voting is not allowed.

SECTION 5. Minutes

The Board Secretary shall record all board action. The written minutes of all meetings shall be approved by vote of the Board and signed by the Board Secretary.

SECTION 6. Board Meeting Discussions

Discussions at board meetings shall be limited to the items on the board agenda. The Board President shall halt any discussion that does not apply to an agenda item. If a member of the public begins discussing an item not on the posted agenda, the Board shall only listen to the citizen's concern. The item may be posted for discussion at a future board meeting.

500.040. TEXAS PUBLIC INFORMATION ACT

The advisory board (“Board”) of the UT Permian Basin STEM Academy adopts the following policy, which shall be effective on the date that the policy is adopted by the Board.

SECTION 1. Compliance

The UT Permian Basin STEM Academy shall comply with the Texas Public Information Act (PIA) and it shall be the policy of the UT Permian Basin STEM Academy to provide a suitable copy of public information within a reasonable time after the date on which the copy is requested. Pursuant to the policy of the UT Permian Basin STEM Academy, all PIA requests received by the UT Permian Basin STEM Academy staff are forwarded to the Vice President of Business Affairs.

<https://www.utpb.edu/services/business-affairs/open-records/index>

SECTION 2. Officer for Public Information

Section 2.1. Designation. The Board designates the UT Permian Basin office of Communication and Special Projects as Officer for Public Information. The office of Communication and Special Projects are agents of the officer for public information for purposes of complying with the PIA. The Officer for Public Information is responsible for the release of public information in compliance with the PIA.

Section 2.2. Duties. The duty of the Officer for Public Information is to ensure compliance with the PIA.

Section 2.3. Sign Display. In accordance with the PIA, the Officer for Public Information shall prominently display a sign(s) regarding rights, responsibilities, and procedures under the PIA. Such signs may be found on the Attorney General of Texas’ website:

<https://www.oag.state.tx.us/open/pia/piasign120110.pdf>

https://www.oag.state.tx.us/open/pia/piasign120110_span.pdf

SECTION 3. Charges for Public Information

The Officer for Public Information may charge requestors for public information as permitted by the PIA.

SECTION 4. Electronic Communications Policy

Section 4.1. Electronic Communications as Public Information. Absent any applicable exception established under Texas law, electronic communications that pertain to official business of the school that are created by, transmitted to, received by, or maintained by a board member, officer, or employee of the school, are presumed to be public information under the Public Information Act, regardless of whether the device used to create, transmit, maintain or receive the electronic communication is a personal electronic communication device or an electronic device provided by

the school to the board member, officer or employee to use in his or her official capacity, and regardless of the form of the electronic communication. Electronic communications in the form of e-mail, Internet postings, text messages, and instant message pertaining to official business of the school are considered Public Information under Texas law and under this Policy. Nothing in this Policy waives any applicable exception to disclosure under the Public Information Act of such electronic communications.

Section 4.2 School Accounts. Only school email accounts should be used to create, transmit or receive school business. If a board member, officer or employee conducts school business on a non-school account, he or she shall promptly forward the electronic communication to his or her school email account. Board members, officers and employees of the school shall not communicate regarding official business of the school using text messages, instant messages, or posting on the Internet.

If the board has established an online message board or similar Internet application purposed to allow an electronic communication exchange between board members, officers and employees, then board members, officers, and employees shall use the online message board or similar Internet application in a manner consistent with school policy and state law.

If a board member, officer or employee creates, transmits or receives an electronic communication that pertains to the official business of the school, whether in the form of a text, instant message, Internet posting or other form of electronic communication, he or she shall promptly forward the electronic communication to the Vice President of Business Affairs. All electronic communications pertaining to official business of the school shall be maintained and disposed of in accordance with the Records Management Policy of the school.

500.060. RECORDS MANAGEMENT

The Superintendent of the UT Permian Basin STEM Academy shall ensure that the UT Permian Basin STEM Academy complies with the records management policies of The University of Texas of the Permian Basin.

<https://www.utpb.edu/docs/default-source/utpb-docs/utpbopenrecordspolicy5eee.pdf?sfvrsn=2>