



## **\_\_\_\_\_Module 500: Open Government**

*Charter Board Policy for New Frontiers Public Schools, Inc.*

**Open Government - Module 500**

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## **500.020 TEXAS OPEN MEETINGS ACT**

The governing body (“Board”) of New Frontiers Public Schools, Inc. adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

### **SECTION 1 - Compliance**

New Frontiers Public Schools, Inc. shall comply with the Texas Open Meetings Act.

### **SECTION 2 - Meetings**

#### **Section 2.1 - Location**

Unless otherwise provided in the notice for a meeting, regular board meetings shall be held at:

New Frontiers Public Schools – District Office  
901 NE Loop 410, Suite 711  
San Antonio, TX 78209

#### **Section 2.2 - Time**

Regular meetings of the Board shall be held on the 3<sup>rd</sup> or 4<sup>th</sup> Wednesday of every month at 5:00 p.m. The Board President or in the President’s absence, the Vice President, in consultation with the CEO, may change the date or time of a regular meeting. The notice for that meeting shall reflect the change in date or time.

Every regular or special meeting of the board shall be held outside of typical work hours and be open to the public. *Gov’t Code 551.002; Educ. Code 26.0071.*

#### **Section 2.3 - Special or Emergency Meetings**

In an emergency or when there is an urgent public necessity, the notice of a meeting or the supplemental notice of a subject added to an agenda posted in accordance with law is sufficient if it is posted for at least one hour before the meeting is convened.

The Board President shall call special meetings at the Board President’s discretion.

The Board President shall call emergency meetings 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, as described in Subchapter D, Chapter 551, Texas Government Code.

## **SECTION 3 - Agenda**

### **Section 3.1 - Preparation**

In consultation with the Board President, the CEO/Superintendent shall prepare the agenda for all board meetings. Any board member may request a subject be included on the agenda for a meeting and the CEO/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 CEO/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 - 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)* 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*

#### **a) Timing of Notice and Accessibility; Internet Posting of Agenda/Notice**

Notice of a Board meeting shall be posted on a bulletin board at a place convenient to the public in the District Office for at least three (3) business days before the scheduled date 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 three (3) business days before the scheduled date of the meeting. *Gov't Code 551.043(a), 551.051.*

NFPS Board Meetings shall be held outside of typical work hours.

Additionally, the Board must concurrently post notice of a meeting on the Internet website, as well as a copy of the agenda for the meeting, if the agenda differs from the posted notice. NFPS 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. The validity of a posting by NFPS 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 NFPS's control. *Gov't Code 551.056.*

NFPS must still comply with the duty to physically post the notice in the Central Administration Office, and if NFPS 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).*

b) 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 NFPS 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.

c) Required Notice of Budget-related Items

Public notice for meetings involving budget discussion or adoption must also include a physical copy of the proposed budget, unless the school has made the proposed budget clearly accessible on the home page of the school's Internet website. NFPS must ensure this budget information is publicly available through one or both means. *Gov't Code 551.043(c)*

## **SECTION 4 – Quorum**

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

## **SECTION 5 - 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.

## **SECTION 6 - 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.*

## **SECTION 7 - Board Meeting Discussions**

Discussions at board meetings shall be limited to the items on the board agenda. The Board President shall halt any discussion that does not apply to an agenda item. During anytime provided for public comment at a scheduled board meeting, if a member of the public desires to address the board regarding an item on an agenda, the board shall only listen to citizen's concerns and may not engage in discussion with the citizen. The comments are limited to two minutes per person, per action item.

## **TEXAS PUBLIC INFORMATION ACT**

The governing body ("Board") of New Frontiers Public Schools, Inc. adopts the following policy which shall be effective on the date that the policy is adopted by the Board.

### **SECTION 1 - Compliance**

New Frontiers Public Schools, Inc. shall comply with the Texas Public Information Act (TPIA) and it shall be the policy of New Frontiers Public Schools, Inc. to provide a suitable copy of public information within a reasonable time after the date on which the copy is requested.

### **SECTION 2 - Officer for Public Information**

#### **Section 2.1 - Designation**

The Board designates the CEO/Superintendent and/or designee as the Officer for Public Information. Each department head is an agent of the officer for public information for purposes of complying with the TPIA. The Officer for Public Information is responsible for the release of public information in compliance with the TPIA.

#### **Section 2.2 - Duties**

The officer for public information is responsible for the release of public information as required by the TPIA, Government Code Chapter 552. **Section 2.3 - Sign Display**

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 New Frontiers Public Schools 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 New Frontiers Public Schools administrative offices where it is plainly visible to:

1. Members of the public who request public information in person; and
2. New Frontiers Public Schools employees whose duties include receiving or responding to public information requests.

### **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 [info@newfrontierspublicschools.org](mailto:info@newfrontierspublicschools.org). 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.

## **RECORDS MANAGEMENT**

### **Policy**

WHEREAS, Title 6, Subtitle C, Local Government Code (Local Government Records Act), provides that each local government must establish an active and continuing records management program; and

WHEREAS, New Frontiers Public Schools, Inc. desires to adopt a plan for that purpose and to prescribe policies and procedures consistent with the Local Government Records Act and in the interests of cost-effective and efficient recordkeeping; NOW THEREFORE:

### **SECTION 1 - Definition of Records of the New Frontiers Public Schools, Inc.**

All documents, papers, letters, books, maps, photographs, sound or video recordings, microfilm, magnetic tape, electronic media, or other information recording media, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by the New Frontiers Public Schools, Inc. or any of its officers or employees pursuant to law or in the transaction of public business are hereby declared to be the records of the New Frontiers Public Schools, Inc. and shall be created, maintained, and disposed of in accordance with the provisions of this policy or procedures authorized by it and in no other manner.

## **SECTION 2 - Records Declared Public Property**

All records as defined in Sec. 1 of this plan are hereby declared to be the property of the New Frontiers Public Schools, Inc. No official or employee of the New Frontiers Public Schools, Inc. has, by virtue of his or her position, any personal or property right to such records even though he or she may have developed or compiled them. The unauthorized destruction, removal from files, or use of such records is prohibited.

## **SECTION 3 - Policy**

It is hereby declared to be the policy of the New Frontiers Public Schools, Inc. to provide for efficient, economical, and effective controls over the creation, distribution, organization, maintenance, use, and disposition of all records of this office through a comprehensive system of integrated procedures for the management of records from their creation to their ultimate disposition, consistent with the requirements of the Local Government Records Act and accepted records management practice.

## **SECTION 4 - Records Management Officer**

The Superintendent/CEO and/or designee will serve as the Records Management Officer for New Frontiers Public Schools, Inc. as provided by law and will ensure that the maintenance, destruction, electronic storage, or other disposition of the records of this office are carried out in accordance with the requirements of the Local Government Records Act.

### **4.1 Duties of Records Management Officer**

In addition to other duties assigned in this policy, the Records Management Officer shall:

- a. Administer the records management program and provide assistance to department heads in its implementation;
- b. Plan, formulate, and prescribe records disposition policies, systems, standards, and procedures;
- c. In cooperation with principals and department heads, identify essential records and establish a disaster plan for each NFPS campus and department to ensure maximum availability of the records in order to re-establish operations quickly and with minimum disruption and expense;
- d. Develop procedures to ensure the permanent preservation of the historically valuable records of NFPS;



- e. Establish standards for filing and storage equipment and for record keeping supplies;
- f. Study the feasibility of and, if appropriate, establish a uniform filing system and a forms design and control system for NFPS;
- g. Provide records management advice and assistance to all NFPS departments by preparing a manual or manuals of procedure and policy and by on-site consultation;
- h. Monitor records retention schedules and administrative rules issued by the Texas State Library and Archives Commission to determine if the records management program and NFPS's records control schedules are in compliance with state regulations;
- i. Disseminate to the Board, department heads, and principals information concerning state laws and administrative rules relating to local government records;
- j. Instruct Records Liaison Officers and other personnel in policies and procedures of the records management plan and their duties in the records management program;
- k. Direct Records Liaison Officers or other personnel in the conduct of records inventories in preparation for the development of records control schedules as required by state law and this policy;
- l. Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of NFPS records is carried out in accordance with the policies and procedures of the records management program and the requirements of state law;
- m. Maintain records on the volume of records destroyed under approved records -- control schedules, the volume of records microfilmed or stored electronically, and the estimated cost and space savings as the result of such disposal or disposition;
- n. Report annually to the Superintendent on the implementation of the records management plan in each department of NFPS; and
- o. Bring to the attention of the Superintendent non-compliance by department heads, principals, or other NFPS personnel with the policies and procedures of the records management program or the Local Government Records Act.

#### **4.2 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 NFPS 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 NFPS and the requirements of this policy.

## **SECTION 5 - Records Control Schedules**

Appropriate records control schedules issued by the Texas State Library and Archives Commission shall be adopted by the records management officer for use in New Frontiers Public Schools, Inc. as provided by law. Any destruction of records of the New Frontiers Public Schools, Inc. will be in accordance with these schedules and the Local Government Records Act.

### **RECORDS CONTROL SCHEDULE**

The Records Management Officer shall ensure that New Frontiers Public Schools has a record control schedule approved by the Texas State Libraries and Archives Commission.

The Records Management Officer shall develop New Frontiers Public Schools own schedule using forms SLR 500 and SLR 540, where all records series are listed along with the retention period for each. The retention period must be at least as long as those found in the TSLAC schedules.