

**HOME-RULE “DRAFT CHARTER**

**Submitted to**

**Dallas ISD Home Rule Charter Commission**

**by**

**Support Our Public Schools**

**November 17, 2014**

## **EXECUTIVE SUMMARY OF DRAFT CHARTER**

- Board vs. State Authority for:
  - Attendance 90% Rule
  - Minimum Length of School Day
  - School Start Date
  - Student Retesting Requirements
- November Elections
- 4 Year Terms; 3 Term Limit (12 years)
- 1 non-voting Student Trustee
- Board to fill Trustee Vacancies for unexpired term
- Independent Redistricting Commission
- 150 Signature Petition to get on Ballot
- Plurality Victory with minimum 40% of votes cast
- Recall Trustee with petition of 15% of registered voters in Trustee District
- Super Majority (6 of 9) required to:
  - Fire Superintendent
  - Override recommendation of Redistricting Commission
  - Recommend Charter Rescission to Voters
  - Remove Trustee and with ratification by the TEA Commissioner
  - Remove a Board Officer
  - Terminate Contracts related to Alternative Campus Structures (parents, educators, universities, etc.)
- Biennial Review of Academic Goals in Election Year with possible Special Election
- “Sunset” of Charter. Charter Expires after 10 Years unless Voters Reaffirm.

## **PROTECTED IN HOME RULE CHARTER AS DRAFTED**

- Single Member Districts
- Employee Due Process and Teacher Contracts as outlined in Chapter 21
- M/BWE Purchasing

**DALLAS INDEPENDENT SCHOOL DISTRICT**  
**Home-Rule Charter**

**ARTICLE I – GENERAL PROVISIONS**

**SECTION 1. EFFECTIVE DATE**

This charter shall first become effective, if approved by the voters in accordance with the provisions of Texas Education Code §§ 12.019 and 12.022, on January 23, 2017.

Trustees of the Dallas Independent School District who were in place prior to the charter election shall continue to serve as Trustees until all successors elected in accordance with the procedures set forth in Article IV, below, have executed their oaths of office in the manner prescribed by the Texas Secretary of State, and in accordance with the provisions of Article IV, below.

**SECTION 2. SUNSET OF CHARTER**

Unless extended by charter amendment adopted under Article I, Section 3 below, at an election called for that purpose, and held on or before July 1, 2027, this home-rule charter will expire by its own terms on June 30, 2028. In the event no extension of this charter has occurred by July 1, 2027, the charter will expire as if rescinded and the process as outlined in Article X Section 4 shall occur.

**SECTION 3. VOTER EXTENSION OF CHARTER**

Unless this charter has otherwise been terminated, the Board of Trustees on a uniform election date that coincides with elections for Texas Governor or United States President that occurs within the twelve (12) months immediately preceding the July 1, 2027 expiration date set forth in Article I, Section 2, above, shall call an election for the purpose of extending the home-rule charter either, in the discretion of the Board of Trustees, for a fixed period of time or for an indefinite period of time. This home-rule school district charter will be considered extended if the extension is approved by a majority of the qualified voters of the District voting at an election held for that purpose.

**SECTION 4. VOTER TERMINATION OF CHARTER**

This charter may be terminated at other times in accordance with the procedures set forth in Article X, below.

**SECTION 5. STATUS AS POLITICAL SUBDIVISION**

Nothing contained in this charter shall alter the status of the Dallas Independent School District as an independent school district organized and operating under Title 2 of the Texas Education Code or as a political subdivision of the State of Texas.

## **SECTION 6. NO CHANGE IN SCHOOL DISTRICT BOUNDARIES**

In accordance with the provisions of Texas Education Code § 12.011(b) the adoption of this home-rule charter does not affect the school district boundaries as they existed as of the date of the adoption of this charter.

## **SECTION 7. NO CHANGE IN SCHOOL DISTRICT POLICIES**

The adoption of this home-rule charter does not affect the school district policies or procedures as they existed as of the date of the adoption of this charter, unless any policies conflict with provisions of this charter, in which case this charter takes precedence over any conflicting provisions of policy. After the effective date of this charter, the Board of Trustees may make such changes in policies as it deems appropriate that do not conflict with any provisions of this charter.

## **SECTION 8. NO CHANGE IN SCHOOL DISTRICT CONTRACTS**

The adoption of this home-rule charter does not affect contracts which were in place prior to the adoption of this charter.

# **ARTICLE II - PURPOSES**

## **SECTION 1. OBJECTIVES AND PURPOSES**

The primary purpose of this home-rule charter is to create a governing and operating structure for the Dallas Independent School District which will significantly enhance the focus of the District, and its students, employees, parents, and other constituents, to continually improve student outcomes. It will achieve this objective by removing impediments to learning for all students in the District irrespective of their race, gender, socioeconomic status, and by expending resources upon those services which demonstrably improve performance. To further these objectives, the Trustees shall develop, adopt, publish, implement, and enforce policies that will:

- a. improve student learning through
  - i. Increased academic rigor of instruction
  - ii. Expanding access to early childhood education
  - iii. Extension of academic day to increase instructional time
  - iv. Extension of academic year to increase instructional time
- b. increase the choice of learning opportunities within the Dallas Independent School District while maintaining strong neighborhood schools, including the development of vertically aligned academic and extra-curricular feeder patterns;

- c. create professional opportunities that will attract teachers to the Dallas Independent School District;
- d. establish a new form of accountability for Dallas Independent School District campuses;
- e. encourage different and innovative learning methods;
- f. ensure accountability for each campus in the district by annually setting equitable performance expectations for each campus and providing for the reconstitution of any campus which fails to meet the required performance expectations after a reasonable opportunity for success; and,
- g. encourage the development of alternative campus operational structures, including but not limited to the development of written contracts with interested groups of parents, educators, universities, or other educational service providers for the operation of one or more of the District's campuses. Any contract authorized and operated under this Subsection II(1)(g) shall at all times be subject to the performance requirements developed and implemented pursuant to Subsection II(1)(f), above. Contracts authorized under this Subsection shall contain a provision providing for an annual renewal of the contract in the event that all performance objectives are met, unless at least two-thirds of Trustees vote to terminate such contract.

## **ARTICLE III – GOVERNING STRUCTURE AND APPLICABILITY OF LAWS**

### **SECTION 1. GOVERNANCE BY BOARD OF TRUSTEES**

The governance of the District shall be vested in its Board of Trustees. The Board of Trustees may delegate its governing authority to one or more committees duly appointed by the Board of Trustees in accordance with adopted policies and Article VI.

### **SECTION 2. APPLICABILITY OF FEDERAL LAWS GOVERNING SCHOOL DISTRICTS**

The Dallas Independent School is subject to federal laws and rules governing school districts. The Dallas Independent School is also subject to all requirements of federal law and applicable court orders relating to eligibility for and the provision of special education and bilingual programs.

### **SECTION 3. APPLICABILITY OF STATE LAWS GOVERNING SCHOOL DISTRICTS**

In accordance with the provisions of Chapter 12, Subchapter B of Texas Education Code:

- a. The Dallas Independent School is subject to all requirements of state law and applicable court orders relating to eligibility for and the provision of special education and bilingual programs.
- b. The Dallas Independent School is subject to all requirements of a Texas school district governing who qualifies for membership in the Teacher Retirement System of Texas. Each Dallas Independent School District employee shall be covered under the system in the same manner and to the same extent as a qualified employee employed by a Texas independent school district is covered.
- c. The Dallas Independent School District is subject to all prohibitions, restrictions, and requirements, as applicable, imposed upon home-rule charter school districts by the provisions of Chapter 12, Subchapter B of Texas Education Code, or a rule adopted under such Subsection.
- d. Continuation of the Dallas Independent School District's home-rule charter is contingent upon the acceptable student performance on assessment instruments and compliance with all other applicable accountability provisions adopted under Tex. Educ. Code, Chapter 39 - Subchapter B.
- e. The Dallas Independent School District is subject to all prohibitions, restrictions, and requirements, as applicable, imposed upon independent school districts by the Texas Education Code except those specifically exempted in the following Subsections (f) through (j) of this Section pursuant to the provisions allowing for exemptions in Tex. Educ. Code § 12.012. Furthermore, the Dallas Independent School District is subject to any rules adopted by the State Board of Education or Commissioner of Education, unless those rules are derived from the statutes to which the District is exempt per Subsections (f) through (j) below.
- f. The District has exempted itself from the provisions of Tex. Educ. Code § 28.0211. It is the intent of this Subsection that such exemption shall likewise apply to any cross-references to § 28.0211 contained in other portions of the Texas Education Code.
- g. The District has exempted itself from the provisions of Chapter 21 of the Tex. Educ. Code that apply to the Superintendent's contract, except § 21.355 which shall continue to apply, such that the Superintendent's evaluation documents remain confidential. The District shall remain subject to all prohibitions, restrictions, and requirements, as applicable, of Chapter 21 of the Tex. Educ. Code that are applicable to all employees other than the Superintendent.

- h. The District has exempted itself from the provisions of Tex. Educ. Code § 25.0811.
- i. The District has exempted itself from the provisions of Tex. Educ. Code § 25.082(a).
- j. The District has exempted itself from the provisions of Tex. Educ. Code § 25.092.
- k. No exemptions noted in these Sections (f) through (j) shall preclude the Board of Trustees from adopting policies similar to the underlying exempted statutes.

#### **SECTION 4. GOVERNANCE OF THE DISTRICT**

The Board of Trustees of the Dallas Independent School District shall exercise such powers, duties, and prerogatives of a board of Trustees as are set forth in Chapter 11, Subchapter D of the Texas Education Code, and such powers as authorized by this charter.

The Dallas Independent School District shall be governed by its Board of Trustees who, collectively, as a body corporate, shall be responsible for:

- a. the articulation of clear performance standards for all students, campuses, and personnel within the District;
- b. the measurement of student performance across an appropriate array of national, statewide and locally adopted measures;
- c. the adoption of an annual budget in conformance with the legal requirements of Chapter 44 of the Texas Education Code, on or before June 30 of every year, which implements the equitable distribution of resources within the District and ensures the proper use of program-weight funds in accordance with the purposes for which they are distributed;
- d. ensuring that District staff implements and monitors plans, procedures, programs, and systems to achieve appropriate, clearly defined, and desired results in the major areas of District operations;
- e. the maintenance within the District of adequate financial controls in order to ensure the maximum effectiveness of the expenditure of public funds;
- f. conducting the District's operations with the highest degree of integrity and transparency;
- g. ensuring that the District does not discriminate against a student who has been diagnosed as having a learning disability, including dyslexia or attention

deficit/hyperactivity disorder. Discrimination prohibited by this subsection includes denial of placement in a gifted and talented program if the student would otherwise be qualified for the program but for the student's learning disability;

- h. ensuring that the District does not discriminate on the basis of race, socioeconomic status, or family support status, or place a student in a program other than the highest-level program available that will ensure the student's success.
- i. ensuring that the District is continuously in compliance with all required reporting requirements of the Public Education Information Management System (PEIMS), imposed by the provisions of Tex. Educ. Code § 42.006, and any rules adopted thereunder, including, but not limited to 19 Tex. Admin Code § 61.1025, as such law rules and law exist or are subsequently amended.
- j. ensuring that the District offers a Minority- and Women-Owned Business Enterprise Program.

## **SECTION 5. SUPERINTENDENT**

The Board of Trustees of the District shall appoint a Superintendent to serve as the District's Chief Executive Officer. The Superintendent shall perform the duties specified in Tex. Educ. Code § 11.201 and such other duties as are assigned from time to time by the Board of Trustees. The Superintendent may be employed under a contract under terms specified by the Board of Trustees. The Superintendent's contract or other employment may only be terminated upon a vote of at least two-thirds of Trustees at a public meeting posted for that purpose.

Neither the school board as a whole nor any individual trustees shall dictate or attempt to dictate any person's appointment to, or removal from, office or employment by the Superintendent or any of the Superintendent's subordinates, or in any manner interfere in the appointment of officers and employees in any departments or school or vendor associated with the district. Except for the purpose of inquiry, the board and individual trustees shall deal with employees or vendors for which the Superintendent is responsible solely through such Superintendent, and neither the Board nor any board member shall give orders to any direct or indirect subordinates of the Superintendent or any vendors of the district, either publicly or privately.

Board members shall coordinate with and/or notify the Superintendent or designee for any discussions held with a district employee or vendor about district business.



## **ARTICLE IV – BOARD OF TRUSTEES**

### **SECTION 1. NUMBER OF TRUSTEES**

The District shall have nine (9) voting Trustees, each of which shall be residents of the Dallas Independent School District, each elected from single member districts as described in Sections below.

### **SECTION 2. ELIGIBILITY TO SERVE AS TRUSTEE**

In order to serve as a Trustee a candidate must:

- a. be 18 years of age or older;
- b. be a United States citizen;
- c. not have been determined by a final judgment of a court exercising probate jurisdiction to be:
  - (i) totally mentally incapacitated; or
  - (ii) partially mentally incapacitated without the right to vote;
- d. not have been finally convicted of a felony or, if so convicted, has:
  - (i) fully discharged the person's sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court; or
  - (ii) been pardoned or otherwise released from the resulting disability to vote;
- e. be a resident of the Dallas Independent School District; and
- f. be a registered voter within the territorial boundaries of the Dallas Independent School District.

### **SECTION 3. CONTINUATION OF CURRENT TRUSTEE ELECTION PROCESS THROUGH MAY 2018 ELECTION CYCLE**

Beginning with the Effective Date of this Charter as set forth in Article I, Section 1, above, and continuing thereafter through the May 2018 elections and any related run-off elections, Trustees shall continue to be elected in accordance with the procedures set forth in Dallas ISD Board Policy BBB (Local) as that Policy existed on the effective date of this Charter. Trustees elected through these procedures shall continue to serve their terms in office until Trustees elected under Section 4, below are sworn in to office.

#### **SECTION 4. TRUSTEE ELECTION PROCESS BEGINNING NOVEMBER 2018**

Beginning with the date specified for the general election of State and county officers in November 2018 by Texas Election Code § 41.002, and continuing thereafter on each successive general election of State and county officers, four or five Trustees shall be elected, one from each of four or five single-member districts.

The candidate that receives the most votes shall be declared the winner as long as at least one candidate obtained forty percent (40%) of the total votes cast. In the event no candidate obtained forty percent (40%) of the votes, a runoff election shall be held for the two candidates receiving the most votes.

For the November 2018 general election, all nine Trustees shall be elected from each single member district. Immediately following that November 2018 election, candidates elected from each district shall draw lots to determine which member shall serve a two-year term and which shall serve a four-year term, with the results being recorded in the minutes of a public meeting. All trustees elected after the 2018 election shall serve four-year terms (with exceptions being made after redistricting as described in Section 7 and special elections in Section 11).

Trustees shall be sworn in at the next scheduled meeting of the Board of Trustees following canvassing of the election results.

#### **SECTION 5. ELIGIBILITY FOR PLACE ON BALLOT**

Beginning with the November 2018 elections, any candidate for the Board of Trustees shall file within the time required by the Texas Election Code, as amended, an application for a place on the ballot and a petition signed by at least One Hundred Fifty (150) voters qualified to vote in the district for which the candidate is seeking office. The Petition must comply in form, content and procedure with the provisions of the Texas Election Code, as amended.

#### **SECTION 6. TERM LIMITS**

Beginning with the election held in November 2018, no person may apply for a position on the ballot, be appointed or be elected to a Trustee position if that person has served more than twelve (12) years previously as a Trustee of the Dallas Independent School District.

#### **SECTION 7. REDISTRICTING**

Not later than January 31 of the year following the federal decennial census, and not later than February 28, 2017 following the adoption of this Charter, Dallas ISD shall conduct a redistricting process for the nine single member districts of Dallas ISD, as follows:

- a. Dallas ISD administrative staff shall initiate and widely publicize a 60-day application process, open to all registered voters residing in the District, with

outreach to diverse communities to encourage participation. All applications must be submitted in writing or electronically.

- b. Applicants must have the following qualifications:
  - (i) Applicants must be registered to vote and must have voted in two of the last three elections for Dallas ISD Trustees.
  - (ii) Applicants must have been residents of the District for the last six months before the date of application.
- c. The following persons are not eligible to serve on the redistricting commission:
  - (i) A member of the Dallas ISD board or the spouse of a member of the board or any family member within the third degree of consanguinity or affinity;
  - (ii) a person or the spouse of a person who has been appointed to or elected to any elective office during the three years before the application date;
  - (iii) the campaign manager, treasurer, or staff member of any elected official during the five years before the application date;
  - (iv) a registered lobbyist or spouse of a lobbyist registered with any government entity;
  - (v) a person or spouse of a person who has a contractual relationship with the district, works for the districts, works for or with or has a contractual relationship with any member of the board or the spouse, child, or parent of a member of the board.
- d. By April 1 of each year during which this process has begun, the office of Board Services shall review each application for completeness and shall forward the complete applications to Office of Internal Audit for independent verification to determine compliance with the qualifications and to eliminate applicants that do not qualify. By June 1, the Office of Internal Audit shall forward a list of all qualified applicants to the board. The list will indicate the trustee district where the applicant lives.
- e. In making their appointments, trustees shall use the following process: Each trustee shall appoint one member of a redistricting commission from the qualified applicant pool. The board as a whole shall also select four additional members of the redistricting commission from the qualified applicant pool to ensure geographic, racial, ethnic, and gender diversity; special expertise; and district-wide perspective. The board president shall designate the chair of the redistricting commission, subject to confirmation by a majority of the board. In making such appointments, the board shall, as nearly as may be practicable, provide fair and balanced representation of all geographical areas of the school district in the redistricting process and provide a total membership that reflects the racial and ethnic makeup of the district's voting age population. Members of the redistricting commission shall be appointed to serve a term that will end upon completion of the redistricting commission's work.

- f. The redistricting commission shall draw the districts in compliance with the following guidelines:
  - (i) The districts shall be substantially equal in population according to the total population count as presented in the census data, except where deviation is required to comply with federal law or is allowable by law.
  - (ii) In addition to the requirements of federal law, there shall be no discrimination on the basis of race, color, or membership in a language minority group, and the voting strength of racial, ethnic and language minorities in the districts shall not be diluted to deprive minority voters of an equal opportunity to elect a candidate of their choice.
  - (iii) The districts shall be geographically compact, to the extent possible, and composed of contiguous territory.
  - (iv) To the extent possible, the districts shall not split defined school feeder patterns.
  - (v) The reconfiguration of districts shall be neutral as to incumbents or potential candidates.
  - (vi) Communities of interest shall be placed in a single district and attempts should be made to avoid splitting neighborhoods, where possible without violating the other requirements.
  - (vii) The redistricting commission may adopt any other requirements of federal or state law.
- g. A member of the redistricting commission is not eligible to be a candidate for a place on the school board in the next entire round of trustee elections, and may not be appointed to any other official board or commission of the district for a period of two years after service on the redistricting commission.
- h. Trustees may not have contact, directly or indirectly, with any applicants for the redistricting commission, a redistricting commission member, or with redistricting commission staff, with respect to redistricting, except by testimony in an open meeting. Redistricting commission members may not engage in any discussions, directly or indirectly, regarding redistricting or the work of the redistricting commission with trustees, except during an open meeting or by written communication given to the entire redistricting commission. If a redistricting commission member engages in a prohibited discussion or violates the Texas Open Meetings Act, the redistricting commission may, by majority vote, remove the commissioner from the redistricting commission.
- i. Before the redistricting commission commences work, the district will provide training from knowledgeable and professional trainers on Dallas ISD demographics, the legal principles of redistricting, including the Voting Rights Act, and the process for performing redistricting, including the use of computer software to draw district lines. Upon request, the district shall provide support staff and equipment and other resources, as necessary for the redistricting commission to perform its duties. The redistricting commission shall solicit

broad public participation in the redistricting process. The hearing process shall include hearings to receive public input before the redistricting commission draws any maps and hearings following the drawing and display of any redistricting commission maps. The redistricting commission shall display the proposed maps for public comment in a manner designed to achieve the widest public access reasonably possible, and for a reasonable time before approval by the redistricting commission. In addition, the redistricting commission shall make available a report that identifies for each district: boundaries, population, racial and ethnic composition, and compactness measures.

- j. Upon completion of its work, the redistricting commission shall file its recommended districting plan with the board president. The board president shall present the recommended plan to the trustees at the school board's next meeting. The school board shall adopt the plan as submitted or shall modify and adopt the plan, in either case within 45 days of receipt by the mayor. Any modification or change to the plan must be made in open session at a Board of Trustees meeting with a written explanation of the need for the modification or change, and a copy of the proposed map with the modification or change made available to the public 72 hours before a vote, and the proposed map must be approved by a vote of two-thirds of the members of the school board. If no action is taken by the board within 45 days after the plan was presented to the board president, then the recommended plan of the redistricting commission will become the final districting plan for the school district.
- k. The districting plan developed in accordance with this section must be implemented at the next general election of the school board conducted at least 90 days following the date the final districting plan becomes effective for the school district.

The Trustee election held after each redistricting shall include all nine trustees. Immediately following those elections, candidates elected from each district shall draw lots to determine which member shall serve a two-year term and which shall serve a four-year term, with the results being recorded in the minutes of a public meeting. All trustees elected thereafter shall serve four-year terms (except after any future redistricting per this Section, or a special election per Section 11).

## **SECTION 8. RESIGNATION OF INDIVIDUAL TRUSTEES**

Any Trustee may resign at any time by giving written notice to the Board of Trustees. Any such resignation shall be effective immediately, and the position shall be considered vacant.

## **SECTION 9. REMOVAL OF INDIVIDUAL TRUSTEES**

Any Trustee may be removed by the Board of Trustees according to the procedure described in this Section. In order to remove a Trustee, two-thirds of Trustees must vote to recommend removal. Any removal recommendation must be based on repeated violations of board policy, this charter, or applicable law. Upon recommendation for removal, the District shall ask the Commissioner of Education to ratify or reject the recommendation. If the Commissioner ratifies the recommendation, or fails to reject the recommendation within 180 days of receipt of recommendation, the Trustee position shall be immediately deemed as vacant, and their position will be filled in accordance with the procedures set forth in Section 5 of this Article.

## **SECTION 10. VACANCIES**

If a Trustee position on the board becomes vacant for any reason, the remaining Trustees shall fill the vacancy as soon as possible by appointing a qualified person from the affected district by majority vote. The Trustee so appointed shall be eligible to serve the duration of the unexpired term of the Trustee being replaced.

## **SECTION 11. SPECIAL ELECTION OF BOARD OF TRUSTEES**

The Board of Trustees of the Dallas Independent School District shall, on an annual basis, report to the public at large the cumulative average student performance and performance improvement in Dallas ISD as a whole and in the State of Texas on all tests administered to students under the State assessment program. The report should also include student performance on each Dallas ISD campus on all tests administered to students under the State assessment program.

It shall be, at a minimum, a performance goal of the Board of Trustees that the cumulative average student performance on the tests administered to Dallas ISD students under the State assessment program either:

- a.) meet or exceed the cumulative average student performance of all Texas students on all of the tests administered to students under the State assessment program; or,
- b.) for the previous four (4) year period meet or exceed the average increase in student performance of all Texas Students on all of the tests administered to students under the State assessment program.

Beginning after the expiration of four (4) academic years after the first election of Trustees under the provisions set forth in Section 5 of this Article, and continuing every other academic year thereafter for so long as this home-rule charter remains in effect, the Board shall call an election for all nine Trustees in accordance with the procedures set forth in Section 5 of this Article in the event that at least one the foregoing performance goals are not met in such year. Trustees elected in this special election from districts participating in the special election

whose terms were not yet expired shall serve terms that are only two years in length, as if filling the unexpired portion of the original four-year terms.

## **SECTION 12. STUDENT TRUSTEE**

In addition to the elected nine (9) Trustees, there shall be selected on an annual basis, through a procedure set forth in policy, a non-voting Student Trustee. The selected student shall be a High School Junior or Senior in a District High School. The Student Trustee shall serve a term of office beginning on July 1, and ending on June 30 of the following calendar year. Although not entitled to vote, the Student Trustee shall be entitled to participate in all other deliberations of the Board of Trustees, and shall be privy to all information available to the appointed Trustees, to the extent not prohibited by the Family Educational Rights and Privacy Act, or by other State or Federal law. The Student Trustee shall only be entitled to participate as long as the student remains in good standing in his or her school. Furthermore, the Student Trustee may receive a maximum of one full-year academic social studies credit in government, speech or another course deemed appropriate by the Superintendent and with the approval of the Superintendent assuming the student has fulfilled the requirements of a student trustee.

Any section of this charter referring to the total number of trustees or a particular voting threshold, such as a two-thirds supermajority, shall be interpreted to specifically exclude this non-voting Student Trustee.

## **SECTION 13. NO COMPENSATION**

Trustees shall serve without compensation for their services as a member of the Board of Trustees. Trustees shall be allowed reimbursement of reasonable expenses incurred in the performance of their regular duties on behalf of the District.

## **SECTION 14. RECALL**

Any member of the Board may be subject to a recall election by the electors qualified to vote for a successor of the incumbent. The procedure to recall a Trustee is as follows:

- (1) A petition demanding the recall of the Trustee member must be filed with the District. The petition must:
  - a. be signed by qualified voters entitled to vote for a successor to the member sought to be removed, equal in number to at least 15 percent of the number of registered voters who are entitled to vote for the district occupied by the Trustee sought to be recalled;
  - b. comply in form, content and procedure with the provisions of the Texas Election Code, as amended.
  - c. All signatures must have been collected within 180 days of the date the petition is presented.

- (2) Within 30 days after the petition is filed, the office of board services shall examine the petition and, from the list of qualified voters, ascertain whether or not the petition is signed by the requisite number of qualified voters. Within that same time frame, the board will ratify receipt of a verified petition.

Upon ratification of a verified petition, the board shall order an election for the district of the Trustee petitioned for recall at the next general election of State and county officers as defined by Texas Election Code § 41.002. The election shall be held consistent with any other election to the Board of Trustees, open to any candidate qualifying for a place on the ballot, including the incumbent Trustee. If that district were not scheduled for an election already, a Trustee elected from that district in that election shall only serve the unexpired two years remaining on the original term of office.

## **ARTICLE V - OFFICERS**

### **SECTION 1. OFFICERS**

The officers of the Dallas Independent School District shall be a President, Vice President, and a Secretary of the Board of Trustees. No offices may be held by the same person.

### **SECTION 2. QUALIFICATION, ELECTION, AND TERM OF OFFICE**

The President, Vice President, and Secretary must be members of the Board of Trustees. Officers shall be elected by the Board of Trustees to serve two year terms at the meeting following each November election of trustees.

### **SECTION 3. SUBORDINATE OFFICERS**

The Board of Trustees may appoint such other officers or agents as it may deem desirable, and such officers shall serve such terms, have such authority, and perform such duties as may be prescribed from time to time by the Board of Trustees.

### **SECTION 4. REMOVAL AND RESIGNATION**

Any officer may be removed, either with or without cause, by the Board of Trustees, at any time, if a two-thirds majority of the board votes in favor of removal.

Any officer may resign at any time by giving written notice to the Board of Trustees. Any such resignation shall take effect at the date of receipt of such notice by board services or at any later date specified therein, and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.



## **SECTION 5. VACANCIES**

Any officer vacancy caused by the death, resignation, removal, disqualification, or otherwise, of any officer shall be filled by the Board of Trustees.

## **SECTION 6. DUTIES OF PRESIDENT**

The President shall perform all duties incident to his or her office and such other duties as may be required by law, by this charter, or by Policies as adopted by the Board of Trustees. He or she shall preside at all meetings of the Board of Trustees. Except as otherwise expressly provided by law or by voted action of the Board of Trustees, he or she shall, in the name of the Dallas Independent School District, execute such deeds, mortgages, bonds, contracts, or other instruments which may from time to time be authorized by the Board of Trustees.

## **SECTION 7. DUTIES OF VICE PRESIDENT**

The Vice President shall perform, in the absence of the President, all duties incident to office of President. In the absence of the President, he or she shall preside at all meetings of the Board of Trustees.

## **SECTION 8. DUTIES OF SECRETARY**

The Secretary shall certify and cause to be kept at the principal office of the District the original, or a copy of this charter as amended to date, and all other District records. The Secretary shall attest to the signature of the President on all contracts and legal documents.

In general, the Secretary shall perform all duties incident to the office of Secretary and such other duties as may be required by law, by this charter, or by the Policies adopted by the Board of Trustees.

# **ARTICLE VI - COMMITTEES**

## **SECTION 1. COMMITTEES**

The Board of Trustees shall have an Audit Committee whose duty is to ensure that the District satisfies generally accepted accounting standards of fiscal management, and to ensure that an annual audit meeting the full requirements of Tex. Educ. Code § 44.008, or any other successor statute relating thereto, is timely prepared, submitted to the Committee, the full Board of Trustees, and to the Texas Education Agency. The Audit Committee shall be responsible for the development and recommendation to the Board of Trustees of an annual audit plan, and any other responsibilities as defined by the Board.

The Board of Trustees may have such additional committees or subcommittees as may from time to time be created by action of the Board of Trustees. Such advisory committees may consist of persons who are not also members of the Board.

## **SECTION 2. MEETINGS AND ACTION OF COMMITTEES**

Meetings and action of committees shall be governed by, noticed, held and taken in accordance with the provisions of this charter concerning meetings of the Board of Trustees. The Board of Trustees may also adopt rules and regulations pertaining to the conduct of meetings of committees to the extent that such rules and regulations are not inconsistent with the provisions of this charter.

## **ARTICLE VII - EXECUTION OF INSTRUMENTS**

### **SECTION 1. EXECUTION OF INSTRUMENTS**

The Board of Trustees, except as otherwise provided in this charter, may by resolution authorize any officer or agent of the District to enter into any contract or execute and deliver any instrument in the name of and on behalf of the District, and such authority may be general or confined to specific instances. Unless so authorized, no officer, agent, or employee shall have any power or authority to bind the District by any contract or engagement or to pledge its credit or to render it liable monetarily for any purpose or in any amount.

## **ARTICLE VIII - MEETINGS**

### **SECTION 1. QUORUM FOR MEETINGS OF BOARD OF TRUSTEES**

A quorum of a meeting of the Board of Trustees shall consist of five (5) Trustees. No business shall be considered by the Board at any meeting at which a quorum is not present, and the only motion which the President shall entertain at such meeting is a motion to adjourn. However, a majority of the Trustees present at such meeting may adjourn until the time fixed for the next regular meeting of the Board or, upon proper notice, an interim meeting.

### **SECTION 2. QUORUM FOR MEETINGS OF BOARD COMMITTEES**

A quorum of a committee of the Board of Trustees shall consist of a majority of the total number of appointed members of the committee. No business shall be considered by a committee at any meeting at which a quorum is not present, and the only motion which the chair of the committee shall entertain at such meeting is a motion to adjourn. However, a majority of the committee members present at such meeting may adjourn until the time fixed for the next regular meeting of the committee or, upon proper notice, an interim meeting.

### **SECTION 3. CANCELLED MEETINGS TO BE RE-POSTED**

When a Board of Trustees or a committee meeting is adjourned for lack of quorum, it shall be necessary to give a new notice, in accordance with the provisions of Chapter 551 of the

Texas Gov't. Code, of the time and place of the adjourned meeting or of the business to be transacted at such meeting.

The Trustees or committee members present at a duly called and held meeting at which a quorum is initially present may not continue to do business after the loss of a quorum at the meeting due to a withdrawal of Trustee(s) from the meeting.

#### **SECTION 4. MAJORITY ACTION AS BOARD ACTION**

Every act or decision done or made by a majority of the Trustees present at a meeting of the Board of Trustees, or by a majority of members of a Board Committee to which final authority to proceed has been duly delegated by the Board of Trustees, at which a quorum is present is the act of the Board of Trustees.

#### **SECTION 5. CONDUCT OF MEETINGS**

Meetings of the Board of Trustees shall be presided over by the President of the Board of Trustees, or, in his or her absence, by the Vice President of the Board of Trustees. The Secretary of the Board shall act as secretary of all meetings of the board, provided that, in his or her absence, the presiding officer shall appoint another person to act as Secretary of the Meeting.

Meetings of a committee of the Board of Trustees shall be presided over by a committee Chair, who shall be appointed by the Board President.

All Meetings shall be governed by policies as adopted by the Board.

#### **SECTION 6. OPEN MEETINGS**

All meetings of the Board of Trustees, or of any committee composed of members of the Board of Trustees, regular or special, shall have their agendas posted, and shall be conducted in conformance with the Requirements of the Texas Open government Act, Chapter 551, Tex. Gov't. Code.

#### **SECTION 7. MINUTES**

The Board and every Board committee shall keep minutes of their proceedings. The minutes of such meetings, when approved by the Board or by a committee, as the case may be, are the official legal record of all motions made and actions taken by the Board or the committee at the meeting. The minutes may also present a brief summary of other items of interest which occurred at the meeting.

## **ARTICLE IX - AMENDMENT OF CHARTER**

### **SECTION 1. GENERAL**

A charter amendment may not contain more than one subject. The Board of Trustees may not order an election on a proposed charter amendment earlier than the first anniversary of the date of any previous election to amend the charter. Copies of any proposed charter amendment shall be submitted to the Texas Secretary of State.

### **SECTION 2. INITIATION OF AMENDMENT BY BOARD INITIATIVE**

The Board of Trustees may, on its own motion, submit a proposed charter amendment that complies with Texas Educ. Code, Chapter 12, Subchapter B to the Commissioner of Education for legal review.

### **SECTION 3. INITIATION OF AMENDMENT BY VOTER INITIATIVE**

The Board of Trustees shall submit a proposed charter amendment that complies with this subchapter to the Commissioner of Education for legal review if a petition proposing the charter amendment is signed by at least five percent of the registered voters of the District and submitted to the Board of Trustees.

### **SECTION 4. REVIEW BY COMMISSIONER OF EDUCATION**

The Board of Trustees shall, as soon as practicable after Board adoption of a proposed charter amendment or valid voter submission, submit such amendment to the Commissioner of Education. The Commissioner shall review the proposed amendment to ensure that the proposed amendment complies with any applicable laws and shall recommend any modifications necessary. If the Commissioner does not act within thirty days, the proposed charter amendment is approved for submission to the voters. As soon as practicable after the effective date of the Commissioner's approval, the Board of Trustees of the District shall order an election on the proposed amendment.

### **SECTION 5. VOTER ELECTION ON AMENDMENT**

The Board of Trustees shall order an election on any charter amendment on the first uniform election date that occurs at least 45 days after the date the election is ordered. Notice of the election must include a substantial copy of the proposed charter amendment. The ballot shall be prepared so that a voter may approve or disapprove any one or more charter amendments without having to approve or disapprove all of the charter amendments.

## **ARTICLE X – RESCISSION OF CHARTER**

### **SECTION 1. VOLUNTARY CHARTER RESCISSION ELECTION**

This home-rule school district charter may be rescinded by a rescission vote at an election ordered by the Board of Trustees. A rescission vote may be ordered if (a) the Board receives a petition requesting a rescission election signed by at least five percent of the registered voters of the District, or (b) at least two-thirds of the total membership of the Board of Trustees adopts a resolution ordering that a rescission election be held.

### **SECTION 2. MANDATORY CHARTER RESCISSION ELECTION**

The Board of Trustees shall call an election to rescind this home-rule school district charter if the District fails to maintain acceptable student performance on assessment instruments and compliance with all other applicable accountability provisions adopted under Tex. Educ. Code, Chapter 39 - Subchapter B.

### **SECTION 3. VOTER ELECTION ON RESCISSION**

The Board of Trustees shall order an election on a rescission of the home-rule school district charter on the first uniform election date that occurs at least 45 days after the date the valid rescission petition is received, or the requisite number of Trustees adopts a resolution proposing rescission. The ballot of such election shall be printed to permit voting for or against the proposition as follows: "Whether the home-rule school district charter of Dallas Independent School District shall be rescinded so that the school district becomes an independent school district."

### **SECTION 4. EFFECT OF ELECTION**

- a. This home-rule school district charter will be considered rescinded if the rescission is approved by a majority of the qualified voters of the District voting at an election held for that purpose at which at least 25 percent of the registered voters of the District vote. As soon as practicable after that election, the Board of Trustees shall notify the Commissioner of Education and the Texas Secretary of State of the results of the election and of the effective date of the rescission. A rescission under this section does not affect the District's boundaries or taxes or bonds of the District authorized before the effective date of the rescission.
- b. The rescission takes effect on January 1 on the year next following the date of the Trustee election held pursuant to Subsection 4(c), below.
- c. In the event of the passage of a rescission vote, the Trustees shall call for the election of Dallas Independent School District Trustees for the uniform election date in May next following the date of the passage of the rescission vote. The election shall be for all nine Trustee places, and shall to the greatest extent

possible consistent with voting rights be configured to resemble the Board member districts as they existed as of the effective date of this home-rule charter.

- d. Members of the board shall serve staggered terms of three years, with three elected each year in May except that all nine shall be elected immediately following rescission. For the initial election called after rescission, members of the board elected shall draw lots to determine which three members serve each an initial one year, two year, and three year term, in order to establish the staggered three year terms.