

Sec. 1. CHARTER SCHOOL AUTHORITY

UT Tyler University Academy is governed under the governing structure described by its open-enrollment charter.

Sec. 2. RESPONSIBILITY FOR CHARTER SCHOOL OPERATIONS

a) *Primary Responsibilities*

The Board of Directors of UT Tyler University Academy (the “Board”) has the primary responsibility for:

- (1) Implementing the public-school program authorized by the University of Texas System open-enrollment charter; and
- (2) Ensuring the performance of students enrolled in UT Tyler University 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 UT Tyler University Academy schools from the University of Texas System 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 University of Texas at Tyler charter schools.
- (2) Except as provided below, the Board’s powers and duties to operate all The University of Texas at Tyler charter schools shall not be delegated, transferred, assigned, encumbered, pledged, subcontracted, or in any way alienated by the Board .
- (3) The University of Texas System shall notify the Texas Education Agency in writing prior to initiating bankruptcy proceeding respecting the charter holder.

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 University of Texas at Tyler 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 Charter Holder retains full responsibility for the management, operation, and accountability of all UT Tyler University Academy campuses. The Advisory Board may provide recommendations and guidance, but ultimate decision-making authority resides with the Charter Holder in accordance with applicable laws and regulations.

19 TAC 100.1113(d).

e) *Nondelegable Duties*

In accordance with the UT Tyler University Academy Charter and applicable state regulations, the Advisory Board serves in a consultative capacity and does not possess final decision-making authority. The Advisory Board may provide input, feedback, and recommendations; however, final decisions rest with the Charter Holder, in alignment with the UT Tyler University Academy Charter and applicable laws and regulations on the matters below:

- (1) Final authority to hear or decide employee grievances, citizen complaints, or parental concerns;
- (2) Final authority to adopt or amend the UT Tyler University Academy 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 UT Tyler University 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.

Education Code 12.1056.

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.

Education 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.