

**UT TYLER UNIVERISTY ACADEMY DBA UT TYLER UNIVERSITY ACADEMY
BOARD POLICY MANUAL
POLICY GROUP 6 – SPECIAL EDUCATION
FUNDING – SHARED SERVICE ARRANGEMENT**

PG-6.19

Sec. 1. Purpose of Policy.

Through this policy, the Board of Directors (hereafter, the “Board”) of UT Tyler University Academy doing business as UT Tyler University Academy (hereafter, the “Academy”) shall address the legal requirements, as applicable, pertaining to the Texas Legal Framework for the Child-Centered Special Education Process (“Framework”).

Sec. 2. Applicability.

Unless otherwise indicated, this Policy PG-6.19 applies to the Academy’s participation in a shared service arrangement, or cooperative, and the related administration of the Special Education Allotment (“Allotment”) provided under the Foundation School Program and the Individuals with Disabilities Education Act, Part B (“IDEA-B”) grant(s) awarded by the Texas Education Agency, including the use of Allotment and IDEA-B funds.

Sec. 3. Practice.

Unless otherwise indicated, the statements included in this Policy PG-6.19 are practice items under the Framework and, consequently, are requirements which the Academy must reflect in practice.

Sec. 4. Contracting Authority.

The Academy may contract or agree with another open-enrollment charter school, independent school district, regional education service center, or other authorized local government¹ to share resources to provide a special education program and related services, including support services to the regular education program.² In agreeing to become the fiscal agent or member of a shared service arrangement, the Academy may include one or more of the following functions:

- (a) Planning,
- (b) Administrative functions,
- (c) Records center services, and/or
- (d) Other functions to which the contracting parties agree and that each party is authorized to perform individually.³

¹ See *Tex. Gov’t. Code* § 791.003(4).

² *Tex. Ed. Code* § 12.1058(a)(1); *Tex. Gov’t. Code* § 791.011(a)

³ *Tex. Gov’t. Code* §§ 791.003(3); 791.011(c)(2)

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Sec. 5. Contract Terms.

Sec. 5.1. Minimum Content. In agreeing to participate in a shared service agreement, the Delegate or designee must ensure that the contract establishes:

- (a) The purpose and terms for the shared service arrangement.
- (b) Clear procedures for:
 - (1) administering services under the direction and control of the cooperative;
 - (2) assigning responsibility for all costs and liabilities associated with services provided under the contract in an amount that fairly compensates the performing party for the functions or services performed under the contract; and
 - (3) withdrawal of a member from the agreement and for the dissolution and winding up of the affairs of the cooperative; and
- (c) The duties, rights, responsibilities, and accountability of the fiscal agent and of each member for services provided under the contract.⁴

Sec. 5.2. Additional Content. In addition to the above minimum content, the Delegate or designee should also ensure that the contract addresses the following topics.

- (a) The organization of the shared service arrangement including:
 - (1) Composition and responsibilities of oversight board.
 - (2) Board officers, including roles and responsibilities.
 - (3) Frequency of oversight board meetings.
 - (4) Appointment of fiscal agent.
- (b) Consistent with Sec. 5.1(c) of this policy, the responsibilities of the fiscal agent and member(s) for the:
 - (1) Accounting of funds and property.
 - (2) Adoption and maintenance of the annual operating budget.
 - (3) Employment of personnel.
 - (4) Purchase of contracted services, professional services, equipment, materials, and supplies.
 - (5) Submission of required data and reports.

⁴ *Tex. Gov't. Code §§ 791.011(d)(2); 791.011(e); 19 Tex. Admin Code § 100.001(26)(A)-(C)*

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(c) The acquisition, ownership, and disposition of assets.⁵

Sec. 5.3. Current Revenues. The Delegate or designee must ensure that the contract specifies that each party paying for the performance of shared services must make those payments from current revenues available to the paying party.⁶

Sec. 6. Commissioner Approval.

Upon approval by the Board,⁷ the Delegate or designee must submit a non-expansion amendment request to the Texas Education Agency to obtain written approval from the Commissioner of Education before any services are provided.⁸

⁵ *Tex. Gov't. Code § 791.013(a); F.A.S.R.G. Module 1 (1.3.1)*

⁶ *Tex. Gov't. Code § 791.011(d)(3)*

⁷ *Tex. Gov't. Code § 791.011(d)(1); 19 Tex. Admin. Code § 100.1035(b)(2)*

⁸ *19 Tex. Admin. Code § 100.001(26)(D)*

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