



# TCSA Model Board Policy Series

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400.050. Parent and Community Involvement

## **INTRODUCTION**

The Model Board Policies for Charter Schools is a series of publications by the Texas Charter Schools Association (TCSA). These publications are an educational tool for charter school leaders to aid in the operation and management of open-enrollment charter schools in Texas.

### **Overall Policy Framework**

Each module in the Board Policy Series provides a summary of federal and state statutes, regulations, and related materials applicable to open enrollment charter schools. Citations to these materials are provided throughout the module and many contain a hyperlink so the actual statutory or regulatory provision can be accessed on the Internet. The summary is designated by the LEGAL AUTHORITY tab on the right edge of each page.

After the LEGAL AUTHORITY portion of the module you will find the model policy section designed to comply with current statutory and regulatory requirements described in the LEGAL AUTHORITY summaries. These policies are designated by the red CHARTER BOARD POLICY tab on the right edge of each page.

These are suggested policies to address the requirements set forth in this Module. Prior to adoption of the model policies by the Board of a charter school, each policy should be customized by including the school's name and by tailoring the language, if appropriate, to fit the specific needs, culture and requirements of the school. TCSA recommends that the Board of a charter school consult with and obtain the advice of the school's legal counsel in connection with adopting policies to comply with laws governing charter schools.

TCSA plans to update the Model Board Policies for Charter Schools after each Texas Legislative Session to reflect changes in applicable laws. We also will regularly and continually update the Policy Series when changes occur in state and federal case law and administration regulations that affect open enrollment charter schools. We encourage you to renew your subscription to the policy series each year to ensure that your school has the most recent laws and regulations.

### **Scope of Service & Copyright Notice**

This policy module prepared by the TCSA is designed and intended as a resource of information for charter schools and is not to be construed as legal advice. It should be used in connection with consulting and obtaining the advice of the school's legal counsel to ensure compliance with applicable legal requirements.

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## **Module 400: Students**

The Students Module 400, is the fourth 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:

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Module 100: Financial Operations

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Module 200: Charter School Governance & Organization

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Module 300: General School Operations

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Module 500: Open Government

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Module 600: Human Resources

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## **Legal Abbreviations Used In the TCSA Model Board Policy Series**

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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
Tex. Gov't Code	Texas Government Code
Tex. Labor Code	Texas Labor Code
Tex. Loc. Gov't Code	Texas Local Government Code
U.S.C.A	United States Code Annotated

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## 400.050. PARENT AND COMMUNITY INVOLVEMENT

### A. Parental Involvement

#### 1. Open-Enrollment Charter School Policy in General

An open-enrollment charter school may receive funds under Title I, Part A only if such charter school implements programs, activities, and procedures for the involvement of parents in programs assisted under Title I, Part A, consistent with 20 U.S.C. 6318. Such programs, activities, and procedures shall be planned and implemented with meaningful consultation with parents of participating children.

#### 2. Written Policy

Each open-enrollment charter school that receives funds under Title I, Part A shall develop jointly with, agree on with, and distribute to, parents of participating children a written parent involvement policy. The policy shall establish the charter school's expectations for parent involvement, and describe how the charter school will:

- a. involve parents in the joint development of the plan under 20 U.S. C. §6312, and the process of school review and improvement under 20 U.S. C. §6316;
- b. provide the coordination, technical assistance, and other support necessary to assist participating schools in planning and implementing effective parent involvement activities to improve student academic achievement and school performance;
- c. build the schools' and parents' capacity for strong parental involvement as described in 20 U.S. C. §6318(e);
- d. coordinate and integrate parental involvement strategies under Title I, Part A with parental involvement strategies under other ESEA programs;
- e. conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the schools served under 20 U.S.C. §6318(a)(2)(E); and
- f. involve parents in the activities of the schools served under this part.

[20 U.S.C.A §6318\(a\)\(1\)-\(2\).](#)

### B. Telephone Consumer Protection Act (TCPA)

Open-enrollment charter schools using automated programs to deliver messages to parents, guardians, and community members are subject to the Telephone Consumer Protection Act of 1991.

#### 1. Application

The Telephone Consumer Protection Act of 1991 applies to any phone calls or texts using automated telephone equipment. Under the TCPA, open-enrollment charter schools must receive permission from parents prior to sending any automated

messages to parents, except for emergency purposes.

[47 U.S.C. §227; 47 C.F.R. §64.1200](#)

2. Definitions

a. Emergency Purposes

Refers to calls made necessary in any situation affecting the health and safety of students.

- i. Weather delays, attendance, threats, lockdowns are all considered emergency calls

[FCC -16-88](#)

b. Prior Expressed Written Consent

Means an agreement, in writing, bearing the signature of the person called that clearly authorizes the school to deliver or cause to be delivered to the person called non-emergency messages using an automatic telephone dialing system or an artificial or prerecorded voice, and the telephone number to which the signatory authorizes such non-emergency messages to be delivered.

[47 C.F.R. §64.1200](#)

3. Consent

- a. Prior consent is required for all non-emergency messages sent to a cell phone.

[47 U.S.C. §227; 47 C.F.R. §64.1200](#)

- b. Prior consent is not required for messages sent for emergency purposes sent to either a landline or a mobile phone. As a nonprofit tax-exempt organization, the school may call residential lines without prior consent.

[47 U.S.C. §227; 47 C.F.R. §64.1200](#)

- c. In limited cases, providing a cell phone number as the contact number satisfies the consent requirement, as long as the calls or texts sent to the cell phone number are closely related to the school's mission or purpose.

[FCC -16-88](#)

4. Violations

- a. A violation of the TCPA occurs when an entity or person sends a text or call through an automated system to a cell phone number without consent for a non-emergency.
- b. Private Right of Action

Individuals have a private right to action against the entity that violates the TCPA. Each individual violation could result in a \$500 to \$1500 penalty.

c. Regulatory Violation

Through regulatory enforcement the Federal Communications Commission can impose a maximum forfeiture of \$16,000 for each violation.

[47 U.S.C. §227](#); [47 C.F.R. §64.1200](#)