

# **EASTSIDE CHARTER SCHOOL**

## **Board Policy Manual**

Revised and Adopted: \_\_\_\_\_

### **Mission and Vision**

School Mission

School Vision

### **Board Governance and Operations**

Guidelines for Director Qualifications, Participation, Leadership, Evaluation and Succession

Qualifications

Succession Planning

Identifying and Recruiting Directors

Director Training and Orientation

Director and Board Performance Evaluation

Conflicts of Interest and Confidentiality

Board/Community Relations

Board/Administration Interaction Protocols

General

Organization Chart

Public Statements; Freedom of Information Requests

School Leader Reports

School Leader Performance Evaluations

Fiscal Management

Citizen's Budget Oversight Committee

Student Code of Conduct

Personnel Policies

### **Addenda**

A. Delaware State Law Requirements for Charter School Board Members

B. Conflict of Interest and Confidentiality Policy

C. Procedures For Public Comment at Board Meetings

D. Freedom of Information Requests Policy

E. Citizen's Budget Oversight Committee

### **Mission**

## **I. Mission**

[Existing]

The mission of EastSide Charter School is to educate children in a safe, caring and nurturing environment so that they can excel academically and socially. We believe that all children are capable of mastering content standards and meeting social expectations when they have thorough understanding, adequate time and appropriate support. Students are viewed as individuals and every effort is made to accommodate each child's unique gifts and talents.

[Proposed]

We strive to inspire our students to realize their vision for the future and ensure that they are equipped with the resources to achieve it. EastSide Charter School will provide students with high expectations, critical thinking, responsive and engaging instruction and the character skills that are necessary to succeed in the world of tomorrow.

## **II. Vision**

[EXISTING]

The vision of Charter School of New Castle is to be among the top performing K-8 schools in the State whose 8th grade graduates are well prepared to succeed in highly selective high schools and thereafter.

[Proposed]

Our students will become strong leaders in their communities, living choice filled lives.

## **III. Board Governance and Operations**

### **PREAMBLE**

The business and affairs of EastSide Charter School are governed by its Board of Directors. This is a large responsibility involving the stewardship of public funds and \_\_\_+ faculty and staff providing K-8 education for 370+ students. To successfully accomplish this task the Directors must have many skills and must apply those skills with dedication, avoiding conflicts of interest, always maintaining fidelity to the School and with proper regard for the respective roles of the Directors and the School Administration. With that Preamble in mind, following are the policies that constitute the Board's governance and operations

**A. Qualifications of Directors.** The successful governance of a complex, public, educational institution requires many general skills, including

executive leadership, education administration, strategic planning and financial management. Skills, knowledge and experience in certain more specialized areas are also useful: law, accounting, human resources, information technology and real estate management and development. In addition, Directors must be community minded, non-compensated, citizen volunteers who are dedicated to working collaboratively to advance the School's mission.

It cannot be expected that all Directors will have all of these important qualities, skills and experiences but, in general, each Director must be able to contribute in a significant way in several of these areas. Moreover, the minimum responsibilities of all Directors include regular attendance at Board and Committee meetings, adequate preparation for and active participation in these meetings, staying well informed about the School including regular attendance at events, advocating for the School in the community and assisting in obtaining supplemental financial support.

**B. Succession Planning.** Another important quality of successful Boards of Directors is ensuring that Directors do not serve so long as to get stale in the job; a regular injection of new ideas and energy is critical to maintaining the vitality of the Board. Therefore, the following rules with respect to term limits shall apply:

1. Our bylaws provide that a Director is limited to serving three consecutive three year terms plus any partial initial term of less than three years that the Director might serve.
2. A Board member may not serve as President of the Board for more than 5 consecutive years.
3. A Board member may not serve as Chair of a Board Committee for more than five consecutive years.
4. The above term limitations shall start again after a Board member has been off of the Board for a full year.
5. As a means of retaining the benefit of the expertise and experience of former Directors, former Directors may be appointed to serve as non-Director members of Board committees (except for the Executive Committee).

As a companion to the term limit rules, the Board must ensure the maintenance of institutional history in its leadership by having a regular plan for successor training. Accordingly, Directors, particularly those viewed as having the potential for Board leadership, should serve rotating terms on different Board Committees, and vice chairs of Committees should be designated with a view toward succeeding to chairmanship of Committees.

**C. Procedures for identifying and recruiting Directors.** In order to ensure the availability of well qualified candidates for election or appointment as Directors, the Executive Committee is given the major responsibility for identifying and recruiting prospective Directors. However, each Director should also be on the lookout for good candidates and bring them to the attention of the Executive Committee. The Executive Committee shall maintain a data base identifying the skills of the incumbent Directors to facilitate the identification of skills most desirable in new Directors. Because of the importance of a collaborative working environment, Directors are encouraged to meet with prospective Board members before a candidate is nominated for election.

As a vehicle for recruiting and grooming prospective Directors, non-Directors may be appointed to serve as non-Director members of Board committees (except for the Executive Committee). Any action taken by any committee must be approved by Directors who constitute at least a majority of the Director members of that committee.

**D. Director Training and Orientation.** Training for Directors starts with an orientation led by the Board Chair and School Leaders. This orientation includes a visit to the School and a discussion of Director expectations along with a sharing of school history, mission and vision. Directors are also required by state law to attend certain training sessions. See **Appendix A**. Each Director shall receive a Board Notebook containing relevant documents, including ESCS bylaws, these policies, links to relevant state and federal laws applicable to ESCS and current financial information.

**E. Director and Board Performance Evaluation.** To ensure that Directors are meeting their responsibilities to the Board, each Director is expected to complete a self-evaluation of his or her contribution to the Board every other year for the Chair to review with the Director. This review shall include attendance at Board and Committee meetings, preparation for and participation in such meetings, and other factors reflecting the Director's commitment to the School. A Director who is not able to meet his or her minimum responsibilities should resign and make room for another person who is more able to contribute to the work of the Board.

**F. Conflicts of Interest and Confidentiality.** See **Appendix B**.

**G. Board/Community Relations.** The Board welcomes interest in the School and its operations from parents and other members of the public. See **Appendix C** Procedures for Public Comment at Board Meetings.

#### **IV. Board/Administration Operations**

**A. General.** It is the Board's responsibility to provide oversight of the School, set the strategic direction for the School and work in collaboration with the Administration to develop policies and goals for the operation, and hold the Administration accountable for accomplishing those goals. It is the Administration's job to run the operations on a day-to-day basis fulfilling the School's mission. The Board shall hire the School Leader and the School Leader shall have hiring and firing authority with respect to all staff.

The Board carries out its oversight responsibility and governance through a system of committees with areas of jurisdiction. The Board Chair shall appoint committees and their chairs on an annual basis. The Chairs of Board committees work with assigned Administration liaisons who provide support. It is expected that Board members will respect the chain of command within the Administration in conducting any communications with Administration personnel. Board members should not entertain approaches from School personnel other than in accordance with these policies.

Committee Chairs will keep the Board Chair apprised of matters coming before the committee. Committee Chairs will keep the entire Board apprised of such matters with reports at regular or special Board meetings.

School Administrators should be available from time to time to consult with the Board Chair and with Board Committee Chairpersons who oversee the School Administration leader's area of responsibility. Any Board member who has an issue s/he would like to discuss with the Administration should first discuss the matter with the Chair of the appropriate committee and seek guidance as to proceeding. If the Board member is not satisfied with the committee chair's guidance, the Board member should discuss the matter with the Board Chair. In pursuing such consultation Board members will be mindful of the Administration's daily responsibilities so that the frequency, scope and duration of such consultations and the magnitude of any requests for information do not unreasonably interfere with the Administration's daily duties.

When visiting the School, Board members shall honor the protocols for visitors.

#### **B. Organization Chart**

Following are the Board Committees, the Chairs of which expect to consult with the Administration, and the applicable lead Administration contact persons:

Committee	Administration
Executive	Chief Executive Officer
Finance	Chief Executive Officer, Financial Consultant and Business Manager
Human Resources	Director of Talent

**C. Public statements; Freedom of Information Requests.** All public statements purporting to be made on behalf of the School shall be made by or authorized by the Board Chair or the Chief Executive Officer of the School. No other member of Administration or the Board shall make any public statement purporting to speak on behalf of the School without first consulting with the Board Chair or the Chief Executive Officer of the School.

See **Appendix D** for Policy regarding Freedom of Information Requests.

**D. School Leader Goals, Evaluation and Reports.** The Board and School Leader shall annually agree on School and individual leader goals. Goals shall deal with such subjects as student academic performance, School financial performance, recruiting and training of teachers/staff, succession planning, parent and staff satisfaction, recruiting of students, advancing the School's reputation in the community and individual professional improvement. The School Leader shall periodically report to the Board on progress toward those goals, including using appropriate dashboard formats approved by the Board. The Board Chair shall annually lead a process of evaluating the performance of the School Leader which shall include the Leader's self-evaluation as well as consultation with the full Board and a written evaluation for the Leader's personnel file.

**E. Student Code of Conduct.** The School Leader shall propose and the Board shall adopt a Student Code of Conduct.

**F. Personnel Policies.** The School Leader shall propose and the Board shall adopt personnel policies.

**V. Fiscal Management.**

The Administration shall manage and the Board shall oversee the fiscal operations of the School. The operating guidelines shall include the following:

- Operating within the boundaries of available resources.
- Compliant with federal and state requirements. See **Appendix E** re Citizen's Budget Oversight Committee.
- Employing sound accounting practices.
- Consistent, regular and timely reports to the Board on the current and projected future financial position of the School.

**EASTSIDE CHARTER SCHOOL  
BOARD OF DIRECTORS  
SELF-EVALUATION  
(Date)**

From your perspective, please answer the following questions. Group I Questions / Responses are designed to determine your assessment of your own individual contribution and performance as a Director. Group II Questions assess your evaluation of the Board's performance as a body. After we receive your responses, averages of your rated point values will be determined. Your responses to the Opinion Questions will be evaluated as well. After this part of the process is completed, the results will be discussed at a future Board meeting. The goal will be to look at items where success is perceived as well as improving those things that due to low scores (resulting in low averages) raise concerns.

Assign each statement with a point value based on the following legend:

	Point Values:
Outstanding	= 5*
Above Average	= 4
Satisfactory, but could improve	= 3
Definitely needs improvement	= 2
Failing	= 1
Enter N/A if appropriate for you	

e.g. N/A may apply to new board members.

\*The point values assigned will be used to calculate an average score among all participants for each item in a Group.

**SELF-EVALUATION FORMS ARE TO BE COMPLETED AND SUBMITTED BY (DATE).**

**GROUP I  
Individual Assessment**

1. \_\_\_\_\_ I understand my role as a Director.
2. \_\_\_\_\_ I understand and support the School's mission.
3. \_\_\_\_\_ During the past year, I have attended at least 3/4 of the meetings of the Board and of the Committees on which I serve.
4. \_\_\_\_\_ I am well prepared for the meetings.
5. \_\_\_\_\_ I contribute my knowledge, experience and insight if any, into the issues discussed.
6. \_\_\_\_\_ I understand the meaning of working as a team to address issues coming before the Board.
7. \_\_\_\_\_ I respect the opinions of others including other Directors and Committee members, administrators and staff personnel.
8. \_\_\_\_\_ I have maintained confidential issues and information learned from Board and/or Committee meetings as well as information learned from administration or staff personnel in strict confidence.
9. \_\_\_\_\_ I have not used my position as a Director for personal financial gain.
10. \_\_\_\_\_ I understand the importance of, and participating in, the support of the School with my knowledge, experience and other resources.
11. \_\_\_\_\_ I understand, and have received, a copy of the Board Policy Manual, include the Conflicts of Interest Policy.

Please add any additional comments you might have with respect to any of your responses above:

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EastSide Charter School  
Citizen Budget Oversight Committee Policy

Following is the policy regarding regulation 736 Local School District and Citizen Budget Oversight Committees.

- 1) The School's Citizen Budget Oversight Committee shall be comprised of at least 5 members with at least one member an educator from the School, one member a parent whose child currently attends the School, and two members (may be inclusive of the previous two required members) with personal or professional experience that would lend expertise in charter school financial oversight, and one Delaware Department of Education liaison. Committee members shall not be compensated.
- 2) The Committee shall be selected by a Selection Committee appointed by the Board of Directors. The Selection Committee shall be comprised of one educator from the School, one Board member, one teacher and at least two parents or community members who are not School employees or Board members.
- 3) Terms of service will be for two years subject to extension for up to three additional two year terms based on a majority vote of the existing members of the Committee provided that a Committee member may resign upon written notice to the Chair.
- 4) The Committee will have full access either electronically or in hard copy format to all financial documents and financial information the School has in its possession, with redactions permitted only to protect confidential personal information regarding students or employees. The Board of Directors retains all authority with respect to policy and decision making authority for financial and all other matters involving the School.
- 5) The Committee will report to the Board on its activities at least quarterly.
- 6) New Committee members will be sought through an application process that includes the following:
  - a) Request for Committee members will be posted for at least 15 work days through the school's website and may also be published in a school publication on-school building main entrance doors prior to filling a vacancy.
  - b) Interested parties may apply for selection prior to seat vacancy (see application and selection rubric attached)
  - c) Appointment will take place upon vacancy of a seat and will be determined by a majority vote of the Selection Committee provided that the composition of the Committee shall always satisfy item 1 above.
  - d) The posting will include the names of the Board and non Board members who will select the Committee members.
- 7) The Committee chair will be selected by majority vote of the Committee's members and the Chair may be removed by a majority vote of the Committee.
- 8) Members of the Committee shall

- a) Attend periodic committee meetings unless otherwise excused by the Chair.
- b) Attend required finance trainings.
- c) Maintain expertise that will enhance effective financial oversight of the School's finances.
- d) Complete the Board's annual conflict of interest disclosure statement and be subject to disqualification based on those rules.

EastSide Charter School  
Citizen Budget Oversight Committee  
Application for Membership

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number (home): \_\_\_\_\_ (cell): \_\_\_\_\_

Email: \_\_\_\_\_

Relationships to school: (Circle those that apply)

Parent      Educator      Friend of Charter School Community

Conflict of interest: List any organization that has any business dealings with the School and with which you have any personal financial or family relationship:

Please explain in a short paragraph personal or professional experience that would lend expertise to oversight of the School's finances (or attach professional resume) and state your reasons for wanting to serve.

## Selection Criteria for Charter School Citizen Budget Oversight Committee

<u>Criteria (check all that apply):</u>	<u>Formal Education or Vocational Background Amenable to Oversight of District Financial Statements</u>	<u>Parent of Child(ren) in the School</u>	<u>Educator Employed by the School</u>	<u>Representative of the Department of Education</u>	<u>Conflict of Interest</u>	<u>Selected for Committee Membership</u>
<u>Guidelines:</u>	<u>Two (2) Members minimum</u>				<u>Cause for Disqualification</u>	<u>Committee to Comprise of Minimum of Five (5) Members</u>
<u>Applicants: (list)</u>						

# EASTSIDE CHARTER SCHOOL

## Freedom of Information Act (FOIA) Procedures

### 1.0 Purpose

The purpose of this document is to prescribe procedures relating to the inspection and copying of public records retained by EastSide Charter School ("EastSide") pursuant to 29 Del.C. Chapter 100, the Freedom of Information Act ("FOIA"). It is EastSide's goal in establishing this procedure to maximize the amount of information available to the public, establish a reasonable fee structure for copying public records, and to streamline procedures used to disseminate this information.

This procedure applies to EastSide in dealing with requests from the public for information as set forth in the Freedom of Information Act. A new and integral part of the FOIA procedure is a procedure outlined to address the confidential treatment of information submitted to EastSide. This confidentiality procedure is a necessary part of the FOIA procedure, in that any information submitted to EastSide is subject to public review unless deemed to be confidential by the School Leader in accordance with Delaware Code, federal law and the criteria and procedures established in this procedure.

It is the intent of EastSide, as well as the State of Delaware, that public business be performed in an open and public manner so that the citizens will have the opportunity to be advised of the performance of EastSide officials and of their decisions. In accordance with Delaware's FOIA laws, the public has the right to "reasonable access" to public records. FOIA provides that it shall be the responsibility of the public body to establish rules and procedures regarding access to public records as well as fees charged for copying of such records. All requests for information made pursuant to FOIA shall be processed in the manner prescribed below.

### 2.0 Definitions

**"Confidential information"** means information determined by the School Leader to constitute a trade secret, commercial or financial information which is of a confidential nature or student or employee information that must remain confidential according to state or federal law.

**"EastSide"** means EastSide Charter School

**"Requestor"** shall mean any individual, organization or business that submits a request for information under the Delaware Freedom of Information Act.

**"Responsible Official"** means:

*For a Corporation:* A President, Vice-President, Secretary or Treasurer of the corporation or any other person who performs similar policy or decision making functions for the corporation, or a duly authorized representative of such person approved in advance by EastSide including a

successor in interest to one of these persons if EastSide is notified in writing of the substitution of the party.

*For a Partnership or Sole Proprietorship:* A general partner or the proprietor, respectively, or the delegation of authority to a representative approved in advance by EastSide including a successor in interest to one of these persons if EastSide is notified in writing of the substitution of the party.

*For a Municipality, State, Federal, or other public agency:* Either a principal executive officer or ranking elected official including a successor in interest to one of these persons if EastSide is notified in writing of the substitution of the party.

**"School Leader"** means the Chief Executive Officer of the School by whatever title that person holds, or designee.

**"Trade Secret"** means a formula, pattern, device or compilation of information which may be used to obtain competitive advantage over others.

### **3.0 Availability of Records**

#### 3.1 Access

3.1.1 EastSide will provide reasonable access and facilities for reviewing public records during regular business hours.

3.1.2 EastSide shall make all requested records available for review by a Requestor unless such records or portions of records are determined by the School Leader to be confidential in accordance with Section 6 of this procedure or otherwise exempted from disclosure as records deemed non-public pursuant to 29 **Del.C.** §10002(1).

3.1.3 EastSide reserves the right to deny any request in part or in full which does not comply with the Form of Request procedures pursuant to Section 4.1 of this procedure and/or the provisions of the Freedom of Information Act, as amended.

#### 3.2 EastSide Records Review

3.2.1 Prior to disclosure, records will be reviewed to insure that those records or portions of records deemed non-public are removed.

3.2.2 Upon request, EastSide will provide a log of records which may have been deemed non-public. The log will include the following information:

3.2.2.1 The document's author;

3.2.2.2 The addressee;

3.2.2.3 The date of the document;

3.2.2.4 The title of the document or a brief explanation of the document's contents;  
and

3.2.2.5 The statutory exemption.

3.2.3 The types of records deemed non-public are as contained in 29 **Del.C.** §10002(1).

## **4.0 Record Request and Response Procedures**

### 4.1 Form of Request

4.1.1 Requests for access to records shall be made either through EastSide's website or in writing to EastSide's Development Director (See Exhibit 1). The request shall adequately describe the records sought in sufficient detail to enable EastSide to locate the records with reasonable effort. EastSide shall make reasonable effort to assist the Requestor in identifying the record being sought. The request may be denied in part or in full and returned to the Requestor for the following reasons:

4.1.1.1 The request does not adequately describe the records; or

4.1.1.2 The request requires EastSide to perform research or to assemble information that has not been compiled; or

4.1.1.3 The request is overly broad. For example, a request for all email records of an employee or of EastSide would be overly broad. The request should be limited to a particular subject, time frame, and/or recipient/sender.

### 4.2 EastSide Response to Requests

4.2.1 EastSide shall make reasonable effort to determine within ten (10) business days after the receipt of a request whether it can fulfill the request. The actual disclosure of records shall follow promptly thereafter.

4.2.2 If EastSide denies a request in whole or in part, EastSide shall indicate to the Requestor the reasons for the denial.

### 4.3 Reproduction of Records

4.3.1 The copying of any requested public records may be performed by EastSide personnel and may be provided to the Requestor as follows:

4.3.1.1 If 25 pages or less are requested to be copied, EastSide may, if time and personnel are available, make the copies at the time of the review. If personnel are not available, EastSide may arrange to copy and mail the records to the Requestor. In the alternative, the



Requestor may elect to pick up copies during regular business hours and submit payment at that time.

4.3.1.2 If over 25 pages are requested to be copied EastSide may arrange to copy and mail the records to the Requestor. In the alternative, the Requestor may elect to pick up copies during regular business hours and submit payment at that time.

4.3.1.3 If over 250 pages are requested to be copied, the Requestor may be required to bring in both copier and personnel to make the desired copies.

4.3.1.4 Fragmentation of requests, in order to circumvent the 250 page limit, shall not be allowed.

4.3.1.5 EastSide shall have discretion based on circumstances involved to make decisions regarding copying.

## **5.0 Fees**

### **5.1 Administrative Fees:**

#### **5.1.1 Charges for administrative fees include:**

##### **5.1.1.1 Staff time associated with processing FOIA requests to include:**

5.1.1.1.1 Locating and reviewing files;

5.1.1.1.2 Monitoring file reviews;

5.1.1.1.3 Generating computer records (electronic or print-outs);

5.1.1.1.4 Preparing logs of records deemed non-public; and

5.1.1.1.5 Other work items as necessary per request.

5.1.2 Calculation of Administrative Charges: Administrative charges will be calculated as follows:

5.1.2.1 Administrative charges will be billed to the Requestor per quarter hour. These charges will be billed at the current, hourly pay rate for the personnel involved, plus benefits (prorated for quarter hour increments). Administrative charges will be in addition to any copying charges.

5.1.2.2 Appointment Rescheduling/Cancellation - Requestors who do not reschedule or cancel appointments to view files at least one full business day in advance of the appointment may be subject to the administrative charges incurred by EastSide in preparing the requested

records. EastSide will prepare an itemized invoice of these charges and mail to the Requestor for payment.

5.2 Photocopying Fees - The following are charges for photocopies of public records made by EastSide personnel:

5.2.1 Standard Sized, Black and White Copies

5.2.1.1 The charge for copying standard sized, black and white public records shall be \$0.25 per sheet. This charge applies to copies on the following standard paper sizes:

8.5" x 11"  
8.5" x 14" and  
11" x 17"

5.2.2 Oversized Copies/Printouts

5.2.2.1 The charge for copying oversized public records (including, but not limited to: blueprints, engineering drawings, GIS print-outs, and maps) shall be as follows:

18" x 22"	\$2.00 each
24" x 36"	\$3.50 each

5.2.3 Color Copies/Printouts

5.2.3.1 The charge for standard sized, color copies or color printouts shall be \$0.25 per sheet. This charge applies to copies on the following standard paper sizes:

(

8.5" x 11"  
8.5" x 14" and  
11" x 17"

5.2.4 Microfilm and/or Microfiche Printouts

5.2.4.1 Microfilm and/or microfiche printouts, made by EastSide personnel on standard sized paper, will be calculated at \$0.25 per printed page.

5.2.5 Electronically Generated Records

5.2.5.1 Charges for copying records maintained in an electronic format will be calculated by the material costs involved in generating the copies (including, but not limited to: magnetic tape, diskette, or compact disc costs) and administrative costs.

5.2.5.2 In the event that requests for records maintained in an electronic format can be electronically mailed to the Requestor, only the administrative charges in preparing the electronic records will be charged.

## 5.2.6 Other Copying Fees

5.2.6.1 EastSide, at its discretion, may arrange to have records copied by an outside contractor if EastSide does not have the resources or equipment to copy such records. In this instance, the Requestor will be liable for payment of these costs.

## 5.3 Exemptions

5.3.1 The first \$25.00 in FOIA charges shall be waived for not-for-profit organizations working in the public interest on the condition that such organizations provide, along with their FOIA request, proof of tax-exempt status and a signed affidavit from an officer of the governing body of the organization which indicates that the Requestor is authorized to request the information on behalf of the organization.

## 5.4 Payment

5.4.1 Payment for copies and/or administrative charges will be due at the time copies are released to the Requestor. EastSide reserves the right to refuse to make copies for Requestors who have outstanding balances.

5.4.2 EastSide may require pre-payment of copying and administrative charges prior to mailing copies of requested records and/or in preparing logs of records deemed non-public.

## **6.0 Requests for Confidentiality**

A person may request that records or portions of records submitted to EastSide be treated as confidential. Certain information may be determined confidential if its disclosure could potentially cause substantial competitive harm to the person or business from whom the information was obtained.

The following section sets forth procedures and criteria by which EastSide will determine confidentiality of records or portions of records.

### 6.1 Procedure

6.1.1 In order for EastSide to make a determination that information submitted is of a confidential nature, and therefore to be afforded confidential status, a request must be made in writing to the Head of School at the time the record is submitted. The request shall provide

substantiation (following guidelines in 29 Del. C. §10002(l)) for the assertion that the information should be treated as confidential. The request shall contain the following information:

6.1.1.1 The measures taken to guard against undesired disclosure of the information to others;

6.1.1.2 The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;

6.1.1.3 Whether disclosure of the information would be likely to result in substantial harmful effects on their competitive position, and if so, what those harmful effects would be, why the effects should be viewed as substantial, and an explanation of how the disclosure would cause such harmful effects; and

6.1.1.4 Verification that significant effort or money has been expended in developing the information.

6.1.2 The following information shall be submitted:

6.1.2.1 Two public versions of the entire package of information that is submitted for determination, with alleged confidential information redacted (this version will be made available for public review).

The public versions shall correspond page for page with the confidential versions, with the confidential portions having been redacted;

6.1.2.2 Two confidential versions of the entire package of information that is submitted for determination, that includes the alleged confidential information (this version will be used internally for technical review); and

6.1.2.3 Certification through a separate, notarized affidavit that the information is either trade secret, or commercial/financial information that is of a confidential nature. The affidavit will be signed by the Responsible Official.

6.1.3 The burden lies with the party asserting the claim of confidentiality. A unilateral assertion that a record is confidential is insufficient evidence to support the Head of School in making a determination of confidentiality pursuant to this privilege.

6.1.4 After a final determination of confidentiality has been issued by the Head of School, any further submissions containing the same confidential information shall be deemed to be confidential based on the prior determination if EastSide determines that:

6.1.4.1 The Responsible Official notified EastSide in writing contemporaneously with the later submission that the later submission contains information previously determined to be confidential; and

6.1.4.2 The later submission identifies with particularity the prior confidentiality determination; and

6.1.4.3 The notice to EastSide met the requirements of Section 6.1.2 above relating to submission of multiple and redacted copies, and included the required affidavit of the Responsible Official; and

6.1.4.4 The later representations of confidentiality are sufficient to meet the requirements for a confidentiality determination.

## 6.2 Criteria

6.2.1 The School Leader may determine that the information submitted is entitled to confidential treatment if all of the following criteria are met:

6.2.1.1 Reasonable measures to protect the confidentiality of the information and an intention to continue to take such measures have been satisfactorily shown;

6.2.1.2 The information is not, and has not been, reasonably obtainable by other persons (other than governmental bodies) by use of legitimate means (other than court enforced order) without prior consent;

6.2.1.3 No statute specifically requires disclosure of the information;

6.2.1.4 A satisfactory showing has been made that disclosure of the information is likely to cause substantial harm to their competitive position; and

6.2.1.5 Verification that significant effort or money has been expended in developing the information.

## 6.3 Final Determination

6.3.1 The School Leader will make a final determination as to whether the information shall be considered public or confidential based upon a review of the information submitted pursuant to this Section. The person making the confidentiality request will be notified in writing of the School Leader's determination.

6.3.2 If the School Leader determines that disclosure of the information would violate 29 **Del. C.** §10002(1)(2), the information will be deemed confidential until such time as the basis for a determination of confidentiality changes. It is the responsibility of the person who requested that the information be given confidential status to notify EastSide in writing of such changes.

6.3.3 If the School Leader finds that the information is not entitled to confidential treatment, the information will be considered public.

## 6.4 Defense of School Leader's Determination

### 6.4.1 Verification of Information

6.4.1.1 There will be instances in which the School Leader may be unable to verify the accuracy of the information submitted for determinations of confidentiality. The School Leader relies heavily upon the information furnished by the affected party in order to make a reasonable determination of confidentiality.

### 6.4.2 Information Determined Confidential

6.4.2.1 If the School Leader makes a confidentiality determination that certain information is entitled to confidential treatment, and EastSide is sued by a Requestor for disclosure of that information, EastSide will:

6.4.2.1.1 Notify each affected party of the suit;

6.4.2.1.2 Call upon each affected party to furnish assistance where necessary in preparation of EastSide's defense; and

6.4.2.1.3 Defend the final confidentiality determination, but expect the affected party to cooperate to the fullest extent possible in the defense.

## **7.0 Effective Date of this Procedure**

These procedures will become effective March 27, 2014.

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## EXHIBIT 1

### **Freedom Of Information Act (FOIA)**

There are 5 ways to submit FOIA Requests to EastSide Charter School.

1. Submit FOIA Requests Online ([link](#))

Or download the fillable .pdf version of the [FOIA Request form](#), complete, print and:

2. **Email** to [\\_\\_\\_\\_\\_@escs.k12.de.us](mailto:_____@escs.k12.de.us)

3. **Fax** to 302-\_\_\_\_\_

4. **Mail to:**

ATTN: Development Director  
EastSide Charter School  
3000 N. Claymont St.  
Wilmington, DE 19802

5. **Submit in person at:**

Att: Director of Development  
EastSide Charter School  
3000 N. Claymont St.  
Wilmington, DE 19802

#### **Useful Information**

EastSide Charter [FOIA Procedures](#) ([link](#))

**NOTICE:** Under Delaware's Freedom of Information Act, 29 Del. C. §§ 10001-10006 ("FOIA"), a FOIA request or petition, along with any information contained therein or any documents attached thereto, submitted to any "public body" subject to FOIA, including, without limitation, any board, bureau, commission, agency or committee of EastSide, may itself be deemed a "public record" subject to disclosure under FOIA.

## REQUEST FOR PUBLIC RECORDS

**PURSUANT TO THE DELAWARE FREEDOM OF INFORMATION ACT 29 Del. C. ch. 100**

TO EastSide Charter School

YOUR NAME \_\_\_\_\_

DATE OF REQUEST \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

TELEPHONE (optional) \_\_\_\_\_

EMAIL (optional) \_\_\_\_\_

RECORDS REQUESTED: (**Be as specific as you can**, describing types of records, dates, parties to correspondence, subject matter, etc. EastSide Charter School will make every reasonable effort to assist you in identifying the record being sought. **Requests for voluminous records may be delayed.**)

There may be costs involved in responding to your request. A public body such as EastSide Charter School, can require you to examine the records at the office of EastSide Charter. Refer to EastSide Charter's policy and procedures for information about costs and access to records.

PLEASE CONTACT ME IF COSTS WILL BE GREATER THAN \_\_\_\_\_ .

Within 15 business days from receipt of your request EastSide Charter must either provide you with access to the records, deny your request, or state that additional time is needed.



**EASTSIDE CHARTER SCHOOL/EASTSIDE  
COMMUNITY LEARNING CENTER FOUNDATION  
BOARD MEMBER  
CONFLICT OF INTEREST POLICY**

**BUSINESS OR PROFESSIONAL INTERESTS**

Board members have outside business and professional interests. Board members, however, may not make a profit in any way in their outside employment or business interests from their service on this organization's board of directors. During board meetings, board members shall disclose any conflict of interest involving an issue before the board. While they may participate in discussion of the issue, they shall not vote.

**GIFTS, GRATUITIES**

Board members will not accept gifts, gratuities, trips, personal property, or other items of value from an outside person or organization as an inducement to do business or provide services.

**PERSONAL BELIEFS**

Board members hold a wide range of personal beliefs, values, and commitments. These can present a conflict of interest if they prevent board members from acting for the benefit of the full organization, from carrying out their responsibilities as board members, if board members attempt to use their board office to further their personal interests, or to convince other board members, the administrator, or staff to act upon the board member's wishes.

**USE OF STAFF**

Board members should not abuse their office by using this nonprofit's staff, services, equipment, or property for their personal or family gain.

**EASTSIDE CHARTER SCHOOL/**  
**EASTSIDE COMMUNITY LEARNING CENTER FOUNDATION**  
**ANNUAL DISCLOSURE STATEMENT FOR BOARD MEMBERS**

EastSide Charter School and EastSide Community Learning Center Foundation have certain conflict of interest rules. In addition, certain relationships may have to be disclosed on the annual federal tax reports that these entities are required to file. Finally, certain relationships or past criminal activities may disqualify a person from serving as a Board member of the School. This annual disclosure form is intended to address these various requirements.

1. Do you have any family relationship or business relationship with any director or key employee of the School or Foundation?  Yes  No

If "Yes", explain below:

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2. Do you, or does any member of your family, have any ownership or financial interest in, or receive any remuneration or income from, the School or Foundation or any organization with which the School or Foundation has business dealings?  Yes  No

If your answer is "yes," please supply the following information:

Name of the organization in which such interest is held, the person(s) by whom such interest is held and the nature and amount of each financial interest, remuneration, or income:

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3. On average, how many hours per week do you devote to:

School matters     

Foundation matters (e.g., fundraising or buildings and grounds)     

4. By signing this disclosure statement below I affirm that:

- a. I have read the attached Conflict of Interest policy and agree to abide by its terms during my tenure as a board member or officer of East Side Charter School and East Side Community Learning Center Foundation;
- b. I have never been convicted of any felony offense or of any crime against a child in Delaware or any other jurisdiction; and
- c. I am not prohibited from being employed by a public school pursuant to Section 8563 of Title 11 of the Delaware Code regarding the Child Abuse Registry.

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Print Board Member's Name

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Date

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Signature

Revised August 27, 2019

# Delaware State Law Requirements for Charter School Board Members

## Revised 8/27/19

State Law requires all members of charter school boards to satisfy the following requirements:

1. Criminal Background check. This is a nationwide criminal background check conducted by the Delaware State Bureau of Identification, initiated by finger printing analysis. You must also bring a photo ID. This check is performed at the Delaware State Police Troop Two office located at  
100 LaGrange Ave  
Newark, DE 19702 (On Rt 40, in Bear, just west of Fox Run Shopping Center, between Rts 72 and 896)

You should request that the report be submitted to EastSide Charter School, 3000 N. Claymont St.,  
Wilmington, DE 19802 Att: Chief Executive Officer

You must call for an appointment. 302 739 2528 or 1 800 464 4357.

There is a \$69 charge for this check. EastSide Charter will reimburse you this charge upon request.

2. Child Protection Registry check. This check is performed by the Department of Children, Youth and their Families. This check is requested by completing and submitting the form at the link below by fax to 302 633 5191 or by scanning and emailing to [ruth.hess@state.de.us](mailto:ruth.hess@state.de.us)  
<https://www.pdfFiller.com/jsfillerdesk15/?projectId=329636319&expId=5428&expBranch=1#d68f5847a99d0b25cbf0d9fef5226590>
3. Financial Training. For information about the training and how to access the courses online, please visit [Charter School Board Governance Training \(https://www.doe.k12.de.us/Page/4054\)](https://www.doe.k12.de.us/Page/4054). An Identity Management System (IMS) account is required to register for the courses. For best results, use either Google Chrome or Mozilla Firefox as your internet browser when completing the online training. Issues have been reported when using Internet Explorer. To obtain an IMS account select the IMS icon at the top of the page. At the sign in page select "Request an Account". On the next page, for "User Type" and "Role," select "Contractor". After completing that page and submitting, your request will be processed by EastSide's Director of Technology. You will receive an email from him informing you of your sign in credentials. When you sign on to IMS, select the icon PDMS. At the next screen enter 26379 in the course search window.
4. Board Governance Training. DOE has arranged for this training also to be available online. Follow the same instructions as above for Financial Training in order to access the online course. The course numbers are 28301, 28302 and 28303.
5. Due Process Hearing Requirements for Special Ed students. This training is scheduled periodically by the Delaware Association of School Boards. The School will inform you when trainings are scheduled.