

Bylaws
Of
Elbert County Charter
School

BYLAWS OF ELBERT COUNTY CHARTER SCHOOL

ARTICLE I

NAME, LOCATION AND FISCAL YEAR

Section 1.1 Name. The name of the organization shall be Elbert Count Charter School (Institute).

Section 1.2 Location. The location of the facilities shall be in the Elizabeth School District C-1.

Section 1.3 Fiscal Year. The fiscal year of the Institute shall coincide with the fiscal year of Elizabeth School District C-1.

ARTICLE II

OPERATING COUNCIL

Section 2.1 Number. The Institute shall have an Operating Council consisting of five members, four (4) of whom are parents; one (1) community member at large, who may or may not be a parent; and the Principal. The Principal shall be an ex officio member of the Board. The parent positions must be filled by parents of students currently attending the Institute and may not be filled by teachers or any paid employee. At the option of the Board, one parent position may be allocated to an additional community member at large, who may or may not be a parent. This re-allocation of the parent position will be temporary and may be rescinded at any time by action of the Board. Only one parent per family may serve on the Board at a time.

Section 2.2 Term. The initial Board shall hold office until their successors are elected or their earlier deaths, resignations or removal at which successors will be appointed according to procedures under Section 2.3, Vacancies. Board members, other than the Principal, shall hold office for two-year terms, except for the initial year. Two Board members of the initial Board will serve two-year terms and three Board members will serve three-year terms. In 1998/99, parents and teachers will elect members to serve two-year terms. Each Board member shall hold office until the first Board meeting following an election in the year in which his term expires. Board members may be elected to serve consecutive terms of office.

Section 2.3 Vacancies. In the event of dismissal or resignation from the Board, volunteers to serve the remainder of the term of any particular seat will be asked to apply. A volunteer will be selected by a vote of the Board from those interested.

Section 2.4 General Powers and Duties. The property, business and affairs of the Institute shall be managed by the School Board. Without limiting the generality of the foregoing, the School Board may exercise all such powers of the Institute as are proved by State and Federal law, Elizabeth School District C-1 Education policy, and these bylaws. The School Board will assign duties and responsibilities at the first meeting following an election of Board members. If necessary, these duties and responsibilities may be reassigned at any time at the discretion of the Board.

Section 2.5 Compensation. Members of the Board shall receive no compensation for their services as members of the Elbert County Charter School Board.

Section 2.6 Resignation and Removal. Any Board member may resign at any time by giving written notice to their President or Secretary of the School Board. Such resignation shall take effect at the time specified therein; and unless otherwise stated therein, the acceptance of such resignation shall not be necessary to make it effective. Any member of the Board may be removed at any time, with or without cause, by an affirmative vote of a quorum of the remaining Board members, whenever, in their judgement the best interests of the Institute are served by the removal.

Section 2.7 Attendance. Attendance at School Board meetings is mandatory. Missing two meetings in a row without prior Board approval is grounds for immediate dismissal from the School Board.

Section 2.8 Rules of Order. Robert's Rules of Order will be used as deemed necessary by the School Board.

Section 2.9 Board Members Conflicts of Interest. Public office is a trust created in the interest of the common good and for the benefit of the people. It is the intent of the bylaws to maintain public confidence and prevent the use of public office for private gain. In order to avoid conflicts of interest, it is the policy of the Board not to contract with Board members. Board members shall disclose any known or potential conflicts of interest in writing to the Board prior to the time set of voting on any such transaction and shall not vote on the matter or attempt to influence the decisions of any Board members in voting on the matter. The written disclosures will be attached to the minutes of the meeting in which Board action occurred relating to the matter disclosed.

ARTICLE III

ELECTIONS

Section 3.1 Elections. Elections of Board members will be held annually on the third Tuesday of April. Elections will be held from 7 a.m. to 7 p.m. at the Institute. At this time, eligible voters may vote other issues that are determined by the Board to require parental approval on. For these purposes, eligible voters shall include the parents or guardians of all children currently attending Elbert County Charter School, teachers currently employed at the Institute, and paid employees of the Institute. Elections shall be conducted using secret ballots. Votes shall be required to sign a roster of voters confirming their eligibility to vote. Each voter shall be allowed only one vote, regardless of the number of children attending the Institute. Voter shall be tallied and publicized by a group of volunteers made up of eligible voters. Newly elected Board members shall assume office at the first Board meeting following their election.

ARTICLE IV

MEETINGS OF THE SCHOOL BOARD

Section 4.1 Meetings. The School Board will meet at least once a month to discuss Institute operations and to hear reports and updates from Board members and committees, to consider and to adopt or change policy, and to consider requests and concerns from parents, students and teachers. School Board members have equal weight when voting for changes to school policy, approving budgets, etc. All actions take by the School Board will require a majority vote.

Section 4.2 Notices. Whereas, the provisions of the Colorado Sunshine Act of 1972, C.R.S. 24-6-401 et. Seq. As amended by the Colorado General Assembly on April 29, 1991, require that full and timely notice to the public be given of meetings of the School Board; and Whereas, in addition to any other means of giving full and timely notice, the Act provides that the Board shall be deemed to have given the requisite notice of the meeting is posted in a designated public place within the boundaries of the school district no less than twenty-four hours prior to the meeting; Therefore, be it resolved, by the School Board of Elbert County Charter School, that notice, including specific agenda information where possible, of any meetings of the Board at which time adoption of any proposed policy, position, resolution, rule, regulations, or formal actions occur at which a majority or quorum of the Board is or is expected to be in attendance may be posted twenty-four hours in advance on the outside window of the office of the Institute. The posting of such notice shall be one means of providing full and timely notice to the public of such approved in the Resolution shall continue to be in effect until changed by subsequent official action by the School Board.

Section 4.3 Quorum. For voting purposes, a quorum shall consist of three (3) Board members.

Section 4.4 Manner of Acting. The act of a majority of the Members of the Board present at a meeting at which a quorum is present shall be the act of the School Board.

Section 4.5 Executive Sessions. All regular and special meetings of the School Board shall be open to the public, except that, upon a vote of the majority of the members present, an executive session may be held to discuss any of or more of the following:

1. attorney-client matters
2. acquisition or sales of property
3. contract proposals of negotiations
4. sensitive personnel matters
5. student disciplinary matters

The motion requesting the executive session shall state the nature of the matter to be discussed. Only those persons invited by the Board may be present during the executive sessions. The Board shall not make final policy decisions, nor shall any resolution, rule regulation or formal action or any action approving a Contract or calling for the payment of money be adopted or approved at any session which is closed to the general public. Matters discussed during executive sessions shall remain confidential among those attending. The Secretary of the School Board shall maintain topical minutes of all executive sessions.

ARTICLE V

OFFICERS OF THE SCHOOL BOARD

Section 5.1 Officers. The Officers of the School Board shall consist of President, Vice-President and Secretary/Treasurer.

Section 5.2 Elections and Term. The initial Officers shall be volunteers and shall serve until the first election of the School Board and until their successors are elected and qualified or until their early deaths, resignations or removal. Officers of the Board shall be elected at the first meeting of the School Board after the election and shall serve until the meeting following the next annual election of the School Board and until their successors are elected and qualified or until their earlier deaths, resignations or removals.

Section 5.3 Vacancies. Any vacancy among the Officers shall be filled by the School Board. Any Officer appointed to fill a vacancy shall serve for the unexpired term of his predecessor in office.

Section 5.4 President. The President shall be the executive officer of the Elbert County Charter School. He shall, in general, supervise and control all of the business and affairs of the Institute, and shall see that all orders and resolutions of the School Board are carried into effect. He shall preside at all meetings of the School Board. The

President shall execute contracts, except where required or permitted by law to be otherwise signed and executed and except where the signing and execution thereof shall be expressly delegated by the School Board to some other Officer or agent of the Institute. In general, the President shall perform all duties and may exercise all rights as are incident to the office of President of the School Board and such other duties as may be prescribed by the School Board or these Bylaws.

Section 5.5 Vice-President. The Vice-President shall have all the powers and perform all the duties of the President in the absence or disability of the President. The Vice-President shall perform such other duties as from time-to-time may be assigned to him by the President or by the School Board.

Section 5.6 Secretary/Treasurer. The secretary shall keep full minutes of all the meetings of the School Board. He shall act as clerk thereof and record all the acts and votes and the minutes of all proceedings in one or more books to be kept for that purpose. He shall also oversee the budget and budgetary matters. The secretary shall see that all notices are duly given in accordance with the provisions of these bylaws or as required by law and shall perform such duties as may be assigned by the President or by the School Board.

Section 5.7 Resignation and Removal. Any Officer may resign at any time by giving written notice to the President or Secretary of the School Board. Such resignation shall take effect at the time specified therein; and, unless otherwise stated therein, the acceptance of such resignation shall not be necessary to make it effective. Any Officer may be removed at any time, with or without just cause, by an affirmative vote of a quorum of the Board members whenever, in their judgement, the best interests of the Institute are served by the removal.

ARTICLE VI

ADVISORY COMMITTEES TO THE COUNCIL

Section 6.1 Membership. The composition of advisory committees shall be broadly representative and shall take into consideration the specific tasks assigned to the committee. Members will be selected by the Board from a list of volunteers who are parents of children attending Elbert County Charter School, teacher, currently employed by the Institute and employees of the Institute, and community members at large who are approved by the School Board.

Section 6.2 Instruction and Responsibility. Each committee shall be clearly instructed as to the length of time each member is being asked to serve; the service the Board wishes to the committee to render, the extent and limitations of responsibility, the resources the Board will provide, and the approximate dates on which the Board wishes to receive major reports. Recommendations of advisory committees shall be based on research and fact.

Section 6.3 Committee Powers and Prerogatives. A School Board possesses certain legal powers and prerogatives, which cannot be delegated or surrendered to others. Therefore, all recommendations of an advisory committee must be submitted to the Council for official action. The Board shall have the power to dissolve any advisory committee and shall reserve the right to exercise this power at any time during the life of the committee.

Section 6.4 Meetings. Advisory committees to the Board shall comply with the requirements concerning public meetings that are specified in Section 4.2 Notices above.

ARTICLE VII

BUILDING ACCOUNTABILITY ADVISORY COMMITTEE

Section 7.1 Purpose. The purpose of the Building Accountability Advisory Committee (BAAC) is to advise the educational program of the Elbert County Charter School. The Committee, comprised of parents, teachers, administrators, classified staff and community members, is responsible for adoption school plans with high, but achievable goals. In working cooperatively with the School Board, the committee adopts Colorado State Board of Education (graduation rate, attendance, and student achievement). Working with the school's staff and the District, the School Board proposes study topics, school goals, and objectives to the BAAC. This committee is advisory to the School Board. This is a permanent standing committee that will fulfill the requirements of state law and district procedures regarding this committee.

ARTICLE VIII

THE PRINCIPAL

Section 8.1 Principal. The Principal shall serve as chief administrator for the day-to-day operations of the Institute, as well as such other services and duties as shall be assigned by the School Board. The Principal shall be appointed by the School Board and may be removed by a vote of the majority of the Board, with or without cause, whenever in their judgement, the best interest of the Institute are served by such actions.

ARTICLE IX

CONTRACTS AND GRANTS

Section 9.1 Contracts. The Board may authorize any member or members of the Board to enter into any contract and to execute and to deliver an instrument in the name of and on behalf of the Institute.

Section 9.2 Grants. The Board or any members of the Board may accept on behalf of the Institute any contribution, gift, grant, bequest or device for the general purpose of or any special purpose of the Institute.

ARTICLE X

BOOKS AND RECORDS

Section 10.1 Books and Records. The Institute shall keep correct records and shall also keep minutes of the proceedings of its members, School Board and Committees, and shall keep at its office a record giving the names and addresses of the School Board and may be inspected at any reasonable time. However, student records, personnel records and any other record protected under privacy laws are excluded.

ARTICLE XI

CONSTRUCTION

Section 11.1 Construction. The masculine gender, where appearing in these Bylaws shall be deemed to include the feminine gender and the singular shall be deemed to include the plural unless the context clearly indicates to the contrary.

ARTICLE XII

PROCEDURE TO AMEND THE BYLAWS

Section 12.1 Procedure. The bylaws may be amended, altered or repealed and new bylaws adopted upon the affirmative vote of the School Board and upon approval of the Elizabeth School District C-1 School Board in the matters of material conflict with the Elbert County Charter School Contract. The initial bylaws will come into effect if approved by a majority of the voters as defined in Article III.

ECCS Board President

Date