

**Charter School Bylaws**

Birchtree Charter School

Bylaws

Adopted by the Academic Policy Committee on

September 28<sup>th</sup>, 2009

Amended [February 6<sup>th</sup>, 2012](#)

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## TABLE OF CONTENTS

### Table of Contents

ARTICLE I	NAME, OFFICE, FISCAL YEAR, AND GOVERNANCE
Section 1	Name
Section 2	Office
Section 3	Fiscal Year
Section 4	Governance
ARTICLE II	ACADEMIC POLICY COMMITTEE
Section 1	General Powers
Section 2	Members of the Academic Policy Committee
Section 3	Term
Section 4	Term Limitations
Section 5	Vacancies
Section 6	Compensation
Section 7	Resignation
Section 8	Removal
Section 9	Conflict of Interest
ARTICLE III COMMITTEE	ELECTION OF MEMBERS TO THE ACADEMIC POLICY
Section 1	Elections Committee
Section 2	Eligibility to Vote
Section 3	Casting of Ballots
ARTICLE IV	OFFICERS OF THE ACADEMIC POLICY COMMITTEE
Section 1	Officers
Section 2	Election and Terms of Office
Section 3	Removal
Section 4	Vacancies
Section 5	Chair
Section 6	Vice Chair
Section 7	Secretary
Section 8	Treasurer
Section 9	Conflict of Interest
ARTICLE V	MEETING OF THE ACADEMIC POLICY COMMITTEE
Section 1	Annual and Regular Meetings
Section 2	Special Meetings
Section 3	Place of meetings
Section 4	Notice of meetings
Section 5	Informal Action by Members
Section 6	Quorum

Section 7	Manner of Acting
Section 8	Executive Sessions
Section 9	No Proxies
Article VI	PRINCIPAL
Section 1	Selection/Removal
Section 2	Duties and Responsibilities
ARTICLE VII	COMMITTEES
Section 1	Membership of Committees
Section 2	Instructions and Responsibilities
Section 3	APC Powers and Prerogatives
Section 4	Meetings
ARTICLE VIII	CONTRACTS, CHECKS, DEPOSITS AND FUNDS
Section 1	Contracts
Section 2	Bank Accounts, Checks, Withdrawals, ETC.
Section 3	Accounting
ARTICLE IX	INDEMNIFICATION
Section 1	Indemnification
ARTICLE X	AMENDMENTS
Section 1	Amendments
SIGNATURES	

## ARTICLE I

### Name, Office, Fiscal Year, and Governance

**SECTION 1.** Name. The name of the organization shall be "Birchtree Charter School" and shall hereinafter be referred to as "the School" or "Birchtree Charter School."

**SECTION 2.** office. The principal office shall be at the facility of Birchtree Charter School located in Matanuska-Susitna Borough, Alaska.

**SECTION 3.** Fiscal Year. The fiscal year of Birchtree Charter School shall coincide with the fiscal year of the Matanuska-Susitna Borough School District (July 1 through June 30).

**SECTION 4. Governance.** The School shall be governed by the Academic Policy Committee.

**ARTICLE II**  
**Academic Policy Committee**

**SECTION 1. General Powers.** Birchtree Charter School shall have an Academic Policy Committee (**APC**) , which is the primary governing body designated to oversee and supervise all aspects of the School. No members of the APC shall act on his/her own in the name of the APC unless so authorized by these bylaws or by resolution of the APC. The APC shall have the maximum power permitted by law, shall establish policy for the school, shall fulfill the duties prescribed in A.S. 14.03.250, et secr., and as set forth in these Bylaws, and shall perform the following functions, including, but not limited to:

- A. Ensure the fulfillment of the mission of Birchtree Charter School as stated in the Birchtree Charter School/Matanuska-Susitna Borough School District contract;
- B. Oversee and have ultimate accountability and responsibility for academics, curriculum, legal/risk management, personnel issues, finances, operations /maintenance and budgeting issues, and as otherwise permitted or required by the above-mentioned contract or by law;
- C. Promote professional conduct in accordance with Matanuska-Susitna Borough School District policies;
- D. Contract with a Type B certificated administrator;
- E. Delegate to the Principal those tasks deemed appropriate by the APC and render to the Principal and/or Teacher-In-Charge opinions regarding the hiring, evaluation, and/or termination or non-retention of teachers, staff, and other personnel to the extent permitted by law;
- F. Review contracts;
- G. Review, upon request by any parent, teacher, or staff, requests for any purchase of materials initially denied by the Principal or Teacher-In-Charge; and
- H. Review and rule on any other questions, issues, or policies that may from time to time arise, to the extent permitted by law.

**SECTION 2. Members of the Academic Policy Committee.** The number of APC members constituting the entire board shall be between eight (~~7~~) to ten (10) voting

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members. Four (4) to seven (7) of the members shall be founding parents and/or parents of the students currently enrolled in the school; one (1) of the members shall be a founding teacher or teacher currently under contract to the School; one (1) of the members shall be a teacher or teacher's aide then under contract to the School; and one (1) of the members shall be a board member of [Birchtree Parent Guild](#), elected as BPG Liaison by a majority vote of the APC. Teachers and teachers' aides who are then under contract to the School and who also are parents of one or more children enrolled in the School shall be eligible only for the two teacher/teacher's aide APC positions, not the five to eight parent APC positions. The Principal or Acting Principal then under contract to the School shall be a perpetual "ex official member of the APC, but shall have no vote.

SECTION 3. Term. The term of all elected members of the APC shall be two (2) years. It is the goal of these Bylaws that at any regular election one (1) of the APC teacher positions and four (4) of the APC parent positions shall be open for re-election, and that the remaining one (1) teacher and four (4) parent positions shall come up for re-election at the following year's regular election. If at any time this balance is not maintained, the APC may extend (but not shorten) the term of any APC member(s) until this balance is achieved. A majority vote of the APC shall be required to extend any term. The APC members as of the date of adoption of these bylaws shall consist of the following members.

Susan McCauley	Principal
Kirsten Gerrish	Parent
Lori Berrigan	Chair
<a href="#">Pete Houston</a>	Vice Chair
<a href="#">Brooke Loudon</a>	Secretary
Cathy Lee	Treasurer
<a href="#">Cara Horvath</a>	Parent
Donna Levesque	Founding Teacher
<a href="#">Dan Klauder</a>	Teacher

SECTION 4. Term Limitations. There shall be no limitation on the number of consecutive or non-consecutive terms that any member of the APC may serve.

SECTION 5. Vacancies. Any vacancy occurring on the APC shall be filled by majority vote of 100% of the remaining members of the APC. The replacement member of the APC shall be elected for the unexpired term of his/her predecessor in office.

SECTION 6. Compensation. Members of the APC shall not receive any salaries for their services to the APC Board.

SECTION 7. Resignation. Any APC member may resign at any time by giving written notice to the Chair or Secretary of the APC. Such resignation shall take effect at the time specified therein and, unless otherwise stated, the acceptance of such resignation shall not be necessary to make it effective.

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SECTION B. Expectations and Removal. APC members are expected to attend, at a minimum, all regular monthly APC meetings. Although absences at times cannot be avoided, the APC may remove any APC member who fails to attend three (3) such meetings during his/her term. Additionally, the APC may remove an APC member with or without cause when it determines that the best interests of the APC and the school would be served thereby. Removal shall require a super **majority vote** of the full APC, **including** the APC member who is subject to removal.

SECTION 9. Conflict of Interest. Service on the APC is a trust created in the interest of the common good and for the benefit of the School. It is the intent of these Bylaws to maintain confidence and prevent the use of this membership for private gain or any other improper purpose. To avoid conflict of interest, excepting the two teacher/teacher's aide APC positions no voting member of the APC shall be a paid staff member of the School, inclusive of the Principal and any other person who receives any monetary compensation from the School.

ARTICLE III  
Election of Members to the Academic Policy Committee

SECTION 1. Elections Committee. In September of each year, the Chair of the APC shall appoint an Elections Committee of three (3) persons. One person shall be a parent member of the APC, one person shall be a teacher member of the APC, and one person shall be a parent of a student enrolled in the School but who is not a member of the APC. The Elections Committee shall oversee the election process for positions on the APC. The Elections Committee shall do the following:

A. Solicit and accept applications from candidates for membership to the APC;

B. In its discretion, **nominate individuals who** have not submitted an application as candidates for positions on the APC so to meet the requirements of the matrix developed by the APC;

C. Will bring the full list of candidates to the APC October meeting. The Elections Committee will also present their recommendations for final ballot so that all matrix requirements are met.

D. Make available within the School office copies of any statements approved candidates choose to submit to the parents, students, or personnel;

E. May establish a forum for public introduction of approved candidates. Write-in candidates may petition the APC to participate in forum;

F. Prepare a secret ballot listing the approved candidates, plus a space for write-in candidates;

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G. Distribute and collect the secret ballots and otherwise oversee the election so that it is conducted in a fair manner;

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H. Set date for election. Results of election must be reported no later than March 1st.

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I. Advise the candidates and the APC of the election results;

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J. Prepare a report stating the results of the election, which report shall be kept at the principal office of the School and be made available for review by interested parents, teachers, or staff members of the School.

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SECTION 2. APC Role in Elections. The APC shall do the following:

A. At the October meeting, approve final election ballot

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B. At the November meeting, the APC shall swear in new members.

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SECTION 2. Eligibility to Vote. Only parents or legal guardians of students enrolled in the School on the day of the election, the Principal, teachers, teachers aides, School staff employed by the Matanuska-Susitna Borough School District, each with a current contract for the School which is effective on the date of the election, not to exceed one vote per family per open position, are eligible to vote in elections. By way of example, if a family has two children enrolled at the School, only one parent or legal guardian may vote. The parents or legal guardians shall decide amongst themselves how to cast their family vote. The Elections Committee shall be responsible for monitoring voter eligibility and resolving any disputes involving the casting of ballots.

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SECTION 3. Casting of Ballots. Voting may occur in three ways:

(1) at any time during the date of the annual meeting up until 1 hour before the annual meeting, by obtaining from and submitting to the School office the secret ballot prepared by the Elections Committee, (2) by completing the secret ballot in person as stated above, or (3) by absentee ballot completed according to procedures established by the Elections Committee.

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- A. Write-in candidates may be added to the secret ballot by any voter.
- B. Proxy, facsimile, e-mail, or other method of voting not expressly authorized above are not permitted or valid.
- C. All eligible voters, as defined in ARTICLE III, SECTION 2 above, may vote for both parent and teacher positions on the APC. By way of example, if there are three parent positions open and **seven parent nominees, and** one teacher position

open and three teacher nominees, a parent or legal guardian may cast three votes for the parent positions, and one vote for the teacher position. Likewise, a teacher may also cast three votes for the parent positions, and one vote for the teacher positions.

ARTICLE IV  
Officers of the Academic Policy Committee

SECTION 1. Officers. The officers of the APC shall be Chair, Vice Chair, Secretary, and Treasurer, each of whom must simultaneously be a member of the APC. The APC may elect or appoint such other officers, including one or more assistant secretaries, as it shall deem desirable, such officers to have the authority and perform the duties prescribed, from time to time, by the APC.

SECTION 2. Election and Term of Office. The term of all officers of the APC shall be one (1) year. The officers of the APC shall be elected annually by a majority of a quorum of the APC at the first regular meeting following the annual meeting of the APC. If the election of officers shall not be held at such meeting, elections shall be held as soon thereafter as conveniently may be held.

SECTION 3. Removal. Any officer elected or appointed by the APC may be removed from office by a majority vote of the full APC whenever in its judgment the best interests of the School would be served thereby.

SECTION 4. Vacancies. A vacancy in any office because of death, resignation, removal, disqualification, or otherwise may be filled by a majority vote of the full APC for the unexpired portion of the term.

SECTION 5. Chair. The Chair shall be a parent member of the APC, and shall be the presiding officer at all meetings of the APC. The Chair shall have such authority and perform such duties as shall be directed by the APC from time to time.

SECTION 6. Vice Chair. The Vice Chair shall be a parent member of the APC. In the absence of the Chair, or in the event of his/her death, inability or refusal to act, the Vice Chair or other APC member designated by the Chair shall perform the duties of the Chair, and when so acting, shall have all the powers of and be subject to all the restrictions upon the Chair. Any Vice Chair shall perform such other duties as from time to time may be assigned to him/her by the APC.

SECTION 7. Secretary. The Secretary shall keep the minutes of the meetings of the APC in computer files and/or one or more books provided for that purpose, see that all notices and agendas are duly given and posted in accordance with the provisions of these Bylaws or as required by law, keep an updated list of the mailing address, e-mail address, and telephone numbers of each member of the APC, and in general perform such other duties as from time to time may be assigned to him/her by the APC.

SECTION B. Treasurer. Each October, the Treasurer shall present to the APC the annual budget for the forthcoming year which has been prepared by the School, and shall ensure that it justly supports the mission and goals of the School. The Treasurer will present an update on the budget at each APC meeting, and in all ways shall be accountable to the APC and the School Board. The Treasurer shall cause to be completed the audits specified in ARTICLE VIII, SECTION 3 of these Bylaws. The Treasurer will serve as the coordinator of all School funds.

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## ARTICLE V

### **Meetings of the Academic Policy Committee**

SECTION 1. Annual and Regular Meetings. The APC hereby formally adopts the Open Meetings Act, A.S. 44.62.310 et seq. ("the Act") . All meetings shall be conducted and all notices and agendas posted in accordance with the Act. If any portion of these Bylaws are more specific than the Act, than that portion of these Bylaws shall control over the Act, unless prohibited by law.

The annual meeting of **the APC shall be held** on the second Thursday of November in each year, beginning at the hour of 6:30 p.m., for the purpose of electing members of the APC and for the transaction of such other business as may come before the meeting. If the annual meeting or election of membership to the APC shall not be held on the day designated herein for any annual meeting and election, the APC shall cause the annual meeting and election to be held at a special meeting as soon thereafter as conveniently may be held. The APC shall also hold regular meetings typically monthly but at least four (4) times a year. Parents, teachers, and staff members of the School are hereby invited to such meetings.

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SECTION 2. Special Meetings. Special meetings of the APC may be called by the Chair, Principal, or any three members of the APC.

SECTION 3. Place of Meetings. The APC may designate any place within the Matanuska-Susitna Borough as the place of meeting for any annual meeting, regular meeting, or special meeting. If no designation is made, the place of meeting shall be at the School.

SECTION 4. Notice of Meetings. Notice of annual, regular, or special meetings stating **the place, day, and** hour of any meeting shall be delivered, either personally, by mail, by facsimile, or by e-mail, to each member of the APC not less than one (1) day before the date set for such meeting. In addition, at least twenty-four (24) hours prior to each meeting, notice of and the agenda for each meeting shall be hosted at the School. New issues not posted on the agenda may nonetheless be raised, discussed, and voted upon at any meeting.

SECTION 5. Informal Action by Members. Any action that otherwise may be taken at any meeting of the APC may be taken without a meeting if a consent in writing, setting

forth the action so taken, is signed and unanimously agreed upon in writing or e-mail by 100% of the members of the APC entitled to vote with respect to the subject matter thereof

SECTION 6. Quorum. Greater than fifty percent (50%+1) of the voting members of the APC constitutes a quorum. Telephonic participation is permitted.

SECTION 7. Manner of Acting. The act of a majority of the members of the APC at a meeting at which a quorum is present either in person or telephonically shall be the act of the APC, unless the act of a greater number is required by law or by these Bylaws.

SECTION 8. Executive Sessions. All regular and special meetings of the APC shall be open to the public, except that, upon a vote of a majority of the members present, an executive session may be held to discuss matters including but not limited to:

1. Attorney-client matters;
2. Contract proposals or negotiations;
3. Sensitive personnel matters; and
4. Student discipline matters.

The motion requesting the executive session shall state the nature of the matter to be discussed. Only those persons invited by the APC or permitted by law may be present during the executive session. Unless invited or permitted by law, no teacher/ teacher's aide APC member shall be entitled to attend any executive session in which personnel issues specific to a particular employee are discussed, and no teacher/teacher's aide APC member shall be entitled to vote on any such issue in public session. The APC shall not make final policy decisions, nor shall any resolution, rule, regulation, or formal action or any action approving a contract or any other final action, be approved at any session which is closed to the general public. Matters discussed during the executive sessions shall remain confidential among those attending. The Secretary of the APC shall maintain topical minutes of all executive sessions.

SECTION 9: Hiring, selection or appointment of certified employees will be done by a 3 to 6 member hiring committee created by the Principal of BCS that will consist of BCS Principal, at least 1 non-teaching APC member and at least 1 BCS teacher. The BCS Principal will bring all certified hires for approval to the next regular APC meeting.

Hiring of non-certified employees will be done by a hiring committee chosen by BCS Principal. Classified employees do not need APC approval.

**Final grade placement of the teachers will be made by the principal.**

SECTION 10. No Proxies. Members of the APC may not vote by proxy.

**ARTICLE VI**  
**Principal**

**SECTION 1. Selection/Removal.** The BCS Principal shall be selected by a majority vote of the BCS APC. The hiring committee will be led by a non-teacher APC member and will consist of at least 3 APC members, 1 of whom is a teacher on the APC. The Vice Principal may be included with a majority vote of the full APC. Removal of the Principal will require a majority vote of the full APC when in its judgment the best interest of the School would be served hereby.

The BCS Vice-Principal shall be selected by the BCS APC. The hiring committee will be led by a non-teacher APC member and will consist of at least 3 APC members, 1 of whom is a teacher on the APC. The Principal will be included in the hiring of the Vice Principal when available.

**SECTION 2. Duties and Responsibilities.** The Principal shall have those day-to-day management and other duties as assigned and delegated by the APC, or as required by law. With the advice of the APC, the Principal shall supervise employees of the School. : Hiring, selection or appointment of certified employees will be done by a 3 to 6 member hiring committee created by the Principal of BCS that will consist of BCS Principal, at least 1 non-teaching APC member and at least 1 BCS teacher. The BCS Principal will bring all certified hires for approval to the next regular APC meeting.

Hiring of non-certified employees will be done by a hiring committee chosen by BCS Principal. Classified employees do not need APC approval.

**Final grade placement of the teachers will be made by the Principal.**The Principal shall see that all policies, orders, and resolutions of the APC are carried into effect. Upon delegation by the APC, the Principal shall:

1. Maintain financial records of the School;
2. Manage the day-to-day operation of the School to ensure that the terms of the contract are met;
3. Meet regularly with parents and with teachers of the School to review, evaluate, and improve operations of the School;
4. Meet with the APC regularly and often to monitor progress in achieving the APC's policies and goals;
5. Submit appropriate information as required by the School District, Department of Education or Federal and State Agencies; and
6. Submit for approval or disapproval to the APC all significant policy and financial decisions that may have a substantial impact upon the School.

## **ARTICLE VII** **Committees**

**SECTION 1. Membership of Committees.** The APC, by resolution adopted by a majority of a quorum of the APC, may designate and appoint one or more committees to perform specific tasks assigned by the APC. Members will be selected by the APC from a list of volunteers who are parents of children attending the School, community members at large, the Principal, teachers, or teachers' assistants.

SECTION 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 APC wishes each committee to render, the extent and limitations of responsibility, the resources the APC will provide, and the approximate dates on which the APC wishes to receive reports. Recommendations of special advisory committees shall be based on research and fact and shall be advisory to the APC.

SECTION 3. APC Powers and Prerogatives. All recommendations of a committee must be submitted to the APC for official action. The APC shall have the power to dissolve any committee and shall reserve the right to exercise this power at any time during the life of any committee.

SECTION 4. Meetings. Special committees to the APC shall comply with the requirements concerning public meetings that are specific in ARTICLE V, SECTION 4, Notice of Meetings, above.

### **ARTICLE VIII**

#### **Contracts, Checks, Deposits, Funds and Accounting**

SECTION 1. Contracts. The APC will use MSBSD policy and resources to enter into contracts, execute and deliver instruments, and otherwise legally bind the School. The APC may delegate this authority, either in specific instances or in general, to the Principal or his/her designee, or to any officer of the APC.

SECTION 2. Bank Accounts, Checks, Withdrawals, Etc. All School monies not held by the District shall be deposited in a bank account(s) in the name of the School. Signatories on any such accounts shall be the Principal and the APC officers. Withdrawals or transfers from any and all District monitored school funds, bank accounts, budget transfers, and any expenditures over five hundred dollars shall be approved by both the APC Treasurer and the Principal, with APC approval obtained for all major expenses over \$1000.00 and budget changes. Any expenditures or changes in the budget less than five hundred dollars require only the approval of the Principal.

SECTION 3. Accounting. The Principal or his/her designee shall present to the APC at each regular monthly APC meeting a ledger itemizing all income, expenses and budget transfers since the prior APC regular monthly meeting, and copies of all accompanying bank account statements. The APC may at any time cause a full or partial independent audit of School monies to occur.

### **ARTICLE IX -** **Indemnification**

SECTION 1. Indemnification. The School may, to the maximum extent permitted by law and in the absence of School or District insurance, defend, hold harmless and indemnify

all current and former members of the APC, all persons who at the request of the APC have acted or not acted, and all persons currently or previously employed by the School, from and against any claims, civil or criminal, in which that person is made a party by reason, in whole or in part, of being or having been an APC member or officer, at the request of the APC have acted or not acted, or being or having been an employee of the School, when that person has acted within the course or scope of his or her duties to the School. Indemnification shall be provided by a majority vote of a quorum of the APC, on a case-by-case basis.

**ARTICLE X**  
**Amendments to Bylaws**

SECTION 1. Amendments. These Bylaws may be altered, amended, or repealed and new bylaws may be adopted by a two-thirds vote of the APC who are present at any regular meeting or any special meeting (where a quorum is present) , provided that the proposed change in the Bylaws has been submitted in writing to all of the members of the APC and posted publicly in the School Office at least two (2) days prior to the meeting at which the proposed change will come up for a vote. Proposed changes to the Bylaws may be submitted by any member of the APC, by parents with students currently enrolled in the School, or by the Principal, Teacher-In-Charge, or teachers, each then under contract with the School, for consideration by the APC.

Date Adopted: \_\_\_\_\_

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Secretary

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Chair