

# Bylaws

## Alabama Public Charter School Commission

### Article I: Name

1-1. Name. The name of this organization shall be the Alabama Public Charter School Commission and shall be denoted as the “Commission” throughout this publication.

### Article II: Mission

2-1. Mission. The mission of the Commission is to authorize high-quality public charter schools. The mission aims to accomplish all of the following:

1. Provide school systems and communities with additional tools that may be used to meet the educational needs of a diverse student population.
2. Encourage innovative educational ideas that improve student learning for students at all academic levels.
3. Empower educators to be nimble and strategic in their decisions on behalf of students.
4. Provide additional high-quality educational options for all students, especially students in low-performing schools.
5. Create public schools with freedom and flexibility in exchange for exceptional results.
6. Foster tools and strategies to close achievement gaps between high-performing and low-performing groups of public school students.

### Article III: Members

3-1. General Powers. The Commission is an independent state entity established in accordance with the *Alabama School Choice and Student Opportunity Act* (ACT No. 2015-3). The Commission serves as an appellate body in that it serves as an authorizer of high-quality public charter schools.

**As an authorizer,** the Commission may do all of the following:

1. Solicit, invite, receive, and evaluate applications from organizers of proposed public charter schools.
2. Approve applications that meet identified educational needs.
3. Deny applications that do not meet identified educational needs.
4. Create a charter contract.
5. Negotiate and execute charter contracts with each approved public charter school.
6. Monitor the academic, fiscal, and organizational performance and compliance of public charter schools.
7. Determine whether each charter contract merits renewal or revocation.

The Commission is a state-level authorizing entity working in collaboration with the Alabama State Department of Education under the authority of the Alabama State Board of Education. The Commission is appointed by the State Board of Education and has eleven (11) members.

The Commission may do any of the following:

1. Utilize professional and administrative staff of the ALSDE as recommended by the State Superintendent of Education.
2. Adopt rules for the operation and organization of the Commission.
3. Review, at least once per year, department rules and regulations concerning public charter schools and, if needed, recommend to the State Superintendent of Education any rule or regulation changes deemed necessary.
4. Convene stakeholder groups and engage experts.
5. Seek and receive state, federal, and private funds for operational expenses.
6. A Commission member may not receive compensation, but shall be reimbursed by the department for travel and per diem expenses at the same rates and in the same manner as state employees.
7. The Commission shall submit an annual report to the department.

3-2. Number, Tenure, Qualifications. The Commission will be composed of ten 10 members. The State Board of Education will appoint ten members made up of 4 appointees recommended by the Governor, 1 appointee recommended by the Lieutenant Governor, 2 appointees recommended by President Pro Tempore of the Senate, and 3 appointees recommended by the Speaker of the House of Representatives. The Governor, the Lieutenant Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representative shall each recommend a list of no fewer than two nominees for each appointment to the Commission. One recommended appointee of the President Pro Tempore of the Senate and one recommended appointee of the Speaker of the House of Representatives shall be an appointee recommended by members of the Senate minority party and members of the House minority party, respectively. No Commission member can be appointed unless he or she has been recommended by the Governor, Lieutenant Governor, President Pro Tempore of the Senate, or Speaker of the House of Representatives. An eleventh member will be added if a local education agency (LEA) rejects an application. The eleventh member will be a rotating position based on the LEA where an application was denied.

A member of the Commission shall abstain from any vote that involves a local school system of which he or she is an employee or which he or she oversees as a member of a local board. The requirement to abstain does not apply to the rotating position on the Commission.

Membership of the Commission shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. The appointing authority shall consider the eight State Board of Education districts in determining the geographical diversity of the Commission.

Each member of the Commission shall have demonstrated an understanding of and a commitment to charter schooling as a tool for strengthening public education. Commissioners will sign an agreement to hear the appeal of and review of documents in a fair and impartial manner.

For the purpose of staggering terms, each member will serve an initial term of either one or two years. All appointments are eligible for reappointment, not to exceed a total of six years of service, unless the member was initially appointed to serve a one-year term of office. If the initial term of office of an appointee was one year, he or she may serve a total of five years of service on the Commission. If a vacancy occurs on the Commission, the appointing authority, within 60 days after the vacancy occurs, will appoint a member for the remaining portion of the term in the same manner as the original appointment was made.

3-3. Removal. Any Commissioner may be removed for failure to perform the duties of the appointment. This removal shall be done by a vote of the Commission.

3-4. Place of Meeting. The Commission may hold meetings at places within or outside of the state of Alabama.

3-5. Meetings. The Commission shall meet at the call of the Chairperson or upon the written request of four of the Commissioners.

3-6. Notice. The Commission shall comply with all *Alabama Open Meetings Act* and state record laws.

3-7. Quorum. Six members of the Commission constitute a quorum, and a quorum shall be necessary to conduct business. In the absence of a quorum, a majority of the Commissioners present may adjourn until a quorum can be had. Members of the Commission may participate in a Commission meeting by means of telephone conference, video conference, or similar communications equipment by means of which all persons participating may hear each other at the same time.

3-8. Voting. Voting will be left to the discretion of the Chairperson. A vote may be taken by voice or by a show of hands. When voting for officers of the Commission, a written ballot will be issued unless agreed upon by a majority of the Commission to vote by a show of hands.

Except as expressly otherwise provided by these Bylaws or any other Governing Policy, if a quorum is present when a vote is taken, the affirmative vote of a majority of Commissioners present constitutes an act of the Commission. Voting by proxy is prohibited. A Commissioner who is present at a meeting when action is taken is deemed to have assented to the action unless:

1. The Commissioner objects at the beginning of the meeting (or promptly upon his or her arrival) to holding it or transacting business at the meeting.

2. The Commissioner's dissent or abstention from the action taken is entered in the minutes of the meeting.
3. The Commissioner does not vote in favor of the action taken and delivers written notice of his or her dissent or abstention to the presiding officer of the meeting before its adjournment or to the Commission immediately after adjournment of the meeting.

3-9. Conference Call Meetings. Members of the Commission, or any committee of the Commission, may participate in a meeting of the Commission or committee by means of conference telephone or similar communications equipment by which means all persons participating in the meeting can simultaneously hear each other during the meeting. Participation in a meeting pursuant to this Section shall constitute presence in person at such a meeting.

3-10. Robert's Rules of Order. Robert's Rules of Order, current edition, may be invoked by the Chairperson or majority vote of the Commissioners present at any meeting of the Commission.

3-11. Reimbursement. Commissioners shall not be compensated for their service but may be reimbursed for per diem and travel expenses in the same manner as employees of the state of Alabama.

## **Article IV: Officers of the Commission**

4-1. Elected Officers. The elected officers of the Commission shall be a Chairperson and Vice Chairperson, each of which shall be elected by a majority vote of the members of the Commission to a term of one year each. In the event the Chairperson or Vice Chairperson ceases to be a member of the Commission for any reason, including without limitation death, removal, or resignation, it shall be deemed to cease simultaneously to be an officer of the Commission.

An employee of the State Department of Education will be designated to keep and file minutes of the Commission meetings.

4-2. Compensation. The Chairperson and Vice Chairperson shall serve without compensation.

4-3. Chairperson. The Chairperson shall preside at all meetings of the Commission. The Chairperson shall be authorized to enter into any contract or agreement on behalf of the Commission and to execute in the Commission's name any instrument or other writing. The Chairperson may delegate his or her authority to sign agreements or contracts on behalf of the Commission to the Vice Chairperson. The Chairperson shall see that all orders and resolutions of the Commission are carried into effect and shall supervise and direct the management of the Commission. The other officers and employees shall be under the Chairperson's supervision and control. The Chairperson shall be an ex officio member of all committees of the Commission and

shall have such other duties and have such other authority and powers as the Commission may from time to time prescribe.

4-3. Vice Chairperson. The Vice Chairperson, unless otherwise determined by the Commission, shall, in the absence or disability of the Chairperson, perform the duties and have the authority and exercise the powers of the Chairperson. The Vice Chairperson shall perform such other duties and have such other authority and powers as the Commission may from time to time prescribe, or as the Chairperson may from time to time delegate.

4-4. Executive Director. Upon receiving a charter school application, an Executive Director will be employed.

## **Article V: Commission Committees**

5-1. Standing Committees. The Commission may create and delegate decision-making authority to other committees and subcommittees comprised of Commissioners and/or Commission staff to investigate issues, formulate recommendations, and/or determine the Commission's ultimate course of action as necessary and appropriate.

## **Article VI: Fiscal Year and Budget**

6-1. Fiscal Year. The fiscal year of the Commission shall be the fiscal year of the State of Alabama.

6-2. Budget. The Chairperson shall prepare and submit an operating budget to the Commission for approval. Upon its approval, the Chairperson will submit the approved budget to the State Superintendent of Education for approval prior to the start of each fiscal year. The operating budget shall include an estimate and allocation of the funds necessary for the maintenance of the Commission and the implementation of its duties and obligations.

## **Article VII: Amendments to the Bylaws**

7-1. Bylaws Amendments. The bylaws may be amended subject to an approval vote of the current Commissioners.

7-2. Effective Date of Bylaws Amendments. Amendments to the bylaws shall go into effect immediately upon adoption unless the motion to adopt specifies a time for the amendment to go into effect or unless the Commission has previously adopted a motion to that effect.

## **Article VIII: Compensation, Purpose, and Operations of the Commission**

8-1. Pecuniary Gain. The Commission shall not be operated for pecuniary gain or profit. No part of the net earnings of the Commission shall inure to the benefit of, or be distributable to, any Commissioner, officer, or employee of the Commission, or any other private person; but the Commission shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes as set forth in the Commission's mission stated above and the *Alabama School Choice and Opportunity Act*.

8-2. Political Involvement. No substantial part of the activities of the Commission shall be the carrying on of propaganda, or otherwise attempting to influence legislation; and the Commission shall not participate in, or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

8-3. Operations. The Commission has full power and authority to perform all other acts necessary or incidental to its purposes and to do whatever is deemed necessary, useful, advisable, or conducive, directly or indirectly, as determined by the Commission to carry out any of the purposes of the Commission as set forth in these bylaws and the *Alabama School Choice and Student Opportunity Act*.

8-4. Conflict of Interest. The Commission shall operate under the State Ethics Law.

## **ARTICLE IX: RECEIPT OF AN APPLICATION**

9-1. Legal Compliance Review. The Commission shall review each submitted application for its adherence to all state and federal laws applicable to the application and state charter schools. This shall include laws related to the submission of the application and laws related to the operation of the school if opened.

If the legal compliance review of the state charter school application reveals that the charter school petitioner failed to adhere to the legal requirements in submitting the application or that the charter school would be substantially noncompliant with any law in its operation, the Commission shall notify the petitioner of the legal deficiencies in writing. The petitioner may remedy the identified legal deficiencies and submit a revised application to the Commission for review in a subsequent application cycle.

If the legal review of the application submitted to the Commission did not reveal any legal deficiencies, the Commission shall conduct a substantive review.

9-2. Substantive Review. The Commission shall conduct a substantive review of each submitted application that did not reveal any legal deficiencies.

The substantive review shall be an in-depth evaluation of the charter school’s mission, educational program, and proposed innovation as well as an examination of the charter school’s business operations. The substantive review of the application by the Commission shall evaluate consistency with state education goals, including meeting the diverse needs of students, and providing the highest academic quality to increase student achievement and positive outcomes. Additionally, the Commission may examine the school’s operating budget, business partnerships, funding sources, facilities, and other operational aspects of the school to see if the school, if authorized, could operate in a fiscally responsible manner.

If the substantive review reveals deficiencies, the Commission shall notify the petitioner of the deficiencies in writing. The applicant may remedy the deficiencies and submit a revised state charter school application to the Commission to complete the substantive review in the next application cycle.

If the substantive review did not reveal any deficiencies, the Commission shall schedule a date for an official presentation of the charter school application.

9-3. Official Presentation. The Commission shall hold presentations by the charter school applicants for which legal and substantive reviews did not reveal deficiencies.

The focus of the presentation shall include the governing board and school leadership’s capacity to operate a charter school that is consistent with state educational goals and to do so in a fiscally responsible manner that fosters a positive school environment.

The officers of the governing board and school leader shall attend the presentation. Other representatives of the charter school may attend.

Upon completion of the presentation, the Commission will discuss and review the application. The Commission may request additional information but a timely vote will be taken. The Commission shall notify the applicant in writing of the decision. If the application is denied, appropriate reasons will be included.

9-4. Reporting. A local board of education may express its support or denial of a state charter school application in writing to the Commission. All written communications of the local board of education expressing support or denial of a state charter school application shall be included with the application for consideration by the Commission.

## **Article X: Revocation and Renewal**

10-1. Authority. In accordance with Alabama Code § 16-6F-6(c)(11)(b) and § 16-6F-8(c)(10), the Commission hereby adopts in this Article revocation and nonrenewal processes to govern all current and future charter holders falling within the Commission’s oversight.

10-2. Initiation of Revocation or Nonrenewal Proceedings. A charter contract may be revoked at any time or, if up for renewal, not renewed by the Commission if the Commission determines that the charter school has committed any of the violations listed in Alabama Code § 16-6F-8(c)(7)-(8), , has committed a material violation of any term of its charter contract, has submitted false, misleading, or materially inaccurate information to the Commission in connection with any matter before the Commission, or has otherwise failed to comply with any other provision of the Alabama School Choice and Student Opportunity Act, the provisions of which are incorporated herein by reference.

Upon a determination by the Commission that revocation or nonrenewal proceedings are warranted, the Commission shall provide the charter holder with a written notification of the possibility of revocation or nonrenewal and of the reasons for revocation or nonrenewal. This notice shall contain the date of the hearing set by the Commission under Alabama Code § 16-6F-8(c)(10).

10-3. Revocation or Nonrenewal Proceedings and Determination. The charter holder will be allowed a reasonable amount of time in which to prepare a response to the notification, which time shall in no event be fewer than 30 days from the date of the notice. Charter holders will also be allowed, at their option, to submit documents and give testimony challenging the rationale for revocation or nonrenewal and in support of continuation of the charter contract, at an orderly proceeding held for that purpose by the Commission under Alabama law as an open meeting for which due prior notice shall be given. Charter holders may be represented by counsel, at their expense, and may call witnesses on their behalf at the proceeding. The proceedings may be recorded at the charter holders' expense.

After a reasonable period of time for deliberation, which shall not exceed 60 days, the Commission shall make a final determination as to revoking or not renewing the charter contract by vote at a duly held open meeting, and shall thereafter convey in writing its decision to the charter holder. The Commission's decision shall be final.

If the Commission's decision is to revoke a charter or to not renew a charter, the Commission shall clearly state in a resolution, which shall be adopted by the Commission at a duly held open meeting, the reasons for the revocation or nonrenewal.

10-4. School Closure Protocol upon Revocation or Nonrenewal.

In the event that the Commission initiates revocation or nonrenewal proceedings, it shall, at the same time that it provides a charter holder with notification of the prospect of revocation or nonrenewal, appoint a committee of three Commissioners to develop a charter-school closure protocol under Alabama Code § 16-6F-8(d).

The committee shall develop the closure protocol in compliance with § 16-6F-8(d) to ensure timely notification to parents, orderly transition of students and records to new schools, and proper disposition of school funds, property, and assets. The protocol shall be developed to



account for the specific circumstances of the school and shall specify tasks, timelines, and responsible parties for each aspect of the closure, including the respective duties of the school and the Commission.

The committee shall develop the closure protocol early enough so that it is fully developed and is reviewed and approved by the Commission before the Commission makes its final determination on revocation or nonrenewal under Alabama Code § 16-6F-8(c)(10)-(11).

This Section 10-4 shall also apply to any other charter-school closure decision to be made by the Commission, to ensure an orderly protocol is timely developed in the event a school is closed for some reason other than revocation or nonrenewal.