

## **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 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 as amended by Act No. 2023-420). 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.

The Commission may do any of the following:

1. Upon evaluation and agreement, share services, facilities, supplies, and related costs with the Alabama State Department of Education (“ALSDE”).
2. Adopt rules for the operation and organization of the Commission.
3. Review, at least once per year, ALSDE 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. Employ professional, administrative, technical, and clerical staff, without regard to the state Merit System, who shall serve at the pleasure of the Commission. Staff employed pursuant to this paragraph shall receive compensation and benefits established by the commission, payable in the same manner as state employees.
7. A Commission member may not receive compensation but shall be reimbursed by the ALSDE for travel and per diem expenses at the same rates and in the same manner as state employees.
8. The Commission shall submit an annual report to the ALSDE.

3-2. Number, Tenure, Qualifications. The Commission will be composed of thirteen members. Four members shall be appointed by the Governor, one member appointed by the Lieutenant Governor, two members appointed by the President Pro Tempore of the Senate, three members appointed by the Speaker of the House of Representatives, one member appointed by the Minority Leader of the Senate, and one member appointed by the Minority Leader of the House of Representatives. 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.

A member of the Commission may abstain from voting on any matter for any reason, although it is generally the duty of every member who has an opinion on a question to express it by his or her vote. 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 school board.

For any other conflict, a member of the Commission shall abstain or recuse himself or herself from voting. Whether a conflict of interest warranting abstention or recusal exists is a matter that shall be determined solely by the Commissioner considering the action, except as otherwise specified herein.

Membership of the Commission shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

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.

All appointments are eligible for reappointment, not to exceed a total of eight 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 nine 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 by the appropriate appointing authority. A recommendation to remove a Commissioner must be approved by an affirmative vote of a majority of the Commissioners present at any meeting 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. Notwithstanding any bylaw or rule (including Robert's Rules of Order) to the contrary, in the event that a Commissioner recuses from voting on a particular matter, that Commissioner shall not be considered "present" and counted for purposes of establishing a quorum as it relates to the issue that necessitated recusal. If a quorum is lost due to a Commissioner's recusal, the issue that necessitated the Commissioner's recusal shall not be voted upon unless and until a quorum can be had, although the Commissioner shall be counted toward the quorum for any other matter under consideration in the same meeting for which the

Commissioner has not recused. If a Commissioner abstains from voting on a particular matter, that Commissioner shall be counted for purposes of establishing a quorum and his or her abstention shall not count as an affirmative vote in favor of or against the proposed action. 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:

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.

The Commissioner's dissent or abstention from the action taken is entered in the minutes of the meeting.

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, applies to all meetings of the Commission, unless suspended by the Chairperson or by an affirmative vote of the majority of the Commissioners present at any meeting of the Commission, or if any provision is superseded by law.

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.

3-12. Training. Each member of the Commission, upon assuming office, shall complete an orientation program, and an annual training program, thereafter, as developed by the Commission. The orientation program shall focus on roles and responsibilities of charter school authorizers, laws impacting commissioners as public officials, general education laws, and best practices. In developing and implementing the programs, the Commission may consult national or state organizations with training expertise. Before the start of each regular legislative session, the Commission shall provide a report to each appointing authority regarding the implementation and effectiveness of the programs. Failure to attend and complete a required orientation or annual training program may constitute grounds for removal from the Commission by the appointing authority.

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

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

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

4-3. Chairperson. The Chairperson shall preside over 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 authority to sign agreements or contracts on behalf of the Commission to the Vice Chairperson or Executive Director. The Chairperson or a designee must notify the Commission in writing of his or her intent to sign a contract or agreement. 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 Executive Director shall be under the Chairperson's supervision. 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.

4-4. 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, including presiding over meetings at which the Chairperson is absent. 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.

4-5. Treasurer. The Treasurer, working with administrative staff, shall be apprised of the Commission's finances and shall have access to records of all receipts, disbursements, expenditures, contracts, assets, and liabilities of the Commission. At least once per year, the Treasurer shall report to the Commission on the financial condition of the Commission. When requested, the Treasurer shall make financial information available to the members of the Commission and the general public, provided that such disclosure to the general public is not prohibited by law.

4-6. Executive Director. The Executive Director serves as the chief executive officer of and secretary to the Commission. The Executive Director may exercise such powers and duties as are prescribed by the Commission's bylaws, delegated or assigned by the Chairperson, specified in an employment contract, or that are otherwise lawfully assigned by the Commission. Employees of the Commission will be under the supervision of the Executive Director.

4-7. Chief Financial Officer. The Commission may appoint a Chief Financial Officer (CFO) to oversee the financial operations of the Commission and to perform the duties of the position that are set forth in state law and regulations. The CFO shall work under the direct supervision of the Executive Director but shall have a fiduciary responsibility to the Commission.

## **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 and shall comply with the Fiscal Policies and Procedures Manual for the state of Alabama.

6-2. Budget. A budget will be developed and approved for each fiscal year, which extends from October 1st to September 30th of the following year. Preparation, presentation, submission, and approval of the budget will be undertaken and completed as provided for in state law and regulations. Budgets will be "balanced" such that the expenditures set forth in the budget for the

fiscal year will not exceed revenues and any cash balance requirements set forth by law. The Chairperson shall prepare and submit an operating budget to the Commission for approval. Upon the budget's approval, the Executive Director or other designated Commission personnel will submit the approved budget to the Department of Finance 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, personnel, and operating expenses of the Commission and the implementation of its duties and obligations.

6-3. Accounting. Generally accepted accounting standards and procedures will be employed in the administration of all Commission finances. All Commission accounts will be reconciled to financial records. All reports required will be completed in compliance with the State Fiscal Accountability Act.

6-4. Audits. Business and financial transactions of the Commission and the records of Commission financial accounts will be audited in accordance with state law and appropriate auditing and accounting standards.

6-5. Expenditures. The Executive Director may spend funds budgeted for operations in an amount not to exceed \$15,000 per transaction without prior Commission approval unless the expenditure involves a capital outlay or is subject to bid law. The term "transaction" and the limit specified above applies to the transaction as a whole and not to portions, segments, or phases of a project of undertaking.

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

7-1. Bylaws Amendments. The bylaws may be amended by an affirmative vote of two-thirds of the Commissioners present at any meeting of the Commission.

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: Executive Director**

9-1. General Powers. The Executive Director shall have the following general powers and responsibilities:

1. Carries out the organization's mission and achieving its goal to promote the growth of high-quality charter schools.
2. Reports the academic, organizational, and financial performance of the charter schools authorized by the Commission.
3. Regularly and consistently updates and reports on all matters pertaining to the Commission's operations and finances including, without limitation, reporting any significant developments, liabilities, or challenges facing the Commission.
4. Ensures effective processes and procedures for the work of the Commission including charter school applications, renewals, and revocations.
5. Manages and supervises the staff of the Commission including, without limitation, hiring, supervising, and/or terminating full and part-time employees of the Commission consistent with any applicable Commission bylaw, policy, procedure and/or practice, provided that such positions have been approved by the Commission and are within the approved budget.
6. Reports significant compliance infractions of the charter school contracts for Commission action.
7. Oversees the approved budget and approves expenditures aligned with that budget.
8. Identifies, applies for, and oversees grant opportunities on behalf of the Commission; executes all necessary documents and agreements related to grant applications and funding; upon receipt of grant funds, is responsible for the management, allocation, and



expenditure of such funds in accordance with the grant's terms and conditions; hires, supervises and terminates grant-funded personnel consistent with the terms and conditions of the grant and any applicable Commission bylaw, policy, procedure and/or practice; and provides regular reports to the Commission on the status, progress, and financial management of all grants obtained.

9-2. Supervision of Personnel. Staff employed by the Commission shall be under the general supervision of the Executive Director.

9-3. Contracts. The Executive Director may enter into contracts on behalf of the Commission in order to fulfill the approved decisions of the Commission within the approved budget.

9-4. Communication. The Executive Director may speak and write on behalf of the Commission with state leaders, stakeholders, and the media as long as the communication remains factual and aligns with the Commission's mission and vision. To the extent practicable, the Executive Director shall notify the Commission prior to engaging in such communications. With respect to formal communications with the Alabama Legislature, the Executive Director shall notify the Commission prior to engaging in such communications and shall coordinate with the Chairperson in advance of such communications.

## **Article X: RECEIPT OF AN APPLICATION**

10-1. 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.

10-2. 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.

Absent exceptional circumstances, the Commission should not approve a charter school application unless the application includes evidence of at least \$250,000 in confirmed or verifiably committed funding, including, without limitation, funding from loans, voluntary donations, foundations, trusts, grants, and other public or private sources.

**10-3. 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.

In the case of application that is before the Commission on appeal from the denial of a local authorizer, at least 15 days prior to consideration of the application, the Commission shall send a letter to the chair of the local school board where the denial originated informing the local school board that the Commission will hear the appeal pursuant to a public hearing and will provide the chair, or his or her designee, the opportunity to address the Commission at that public hearing.

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.

**10-4. 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 XI: REVOCATION AND NONRENEWAL**

11-1. 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.

11-2. 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).

11-3. 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 30 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.

#### 11-4. 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 11-4 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.

### **Article XII: SOLICITING INPUT FROM CHARTER SCHOOLS**

12-1. Stakeholder Input. At least twice per year, the Commission shall solicit input from an advisory committee composed of charter school leaders, parents, teachers and related personnel from the Commission and other state agencies regarding the Commission's performance as authorizer and the effectiveness of its policies, procedures, and oversight functions and activities.