

Winterberry Charter School

Bylaws

Adopted by the Winterberry Charter Council

September 19, 2019

Anchorage, Alaska

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ARTICLE I Name, Office, Fiscal Year, and Governance

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

SECTION 2. Office. The principal office shall be at the facility of Winterberry Charter School located in Anchorage, Alaska.

SECTION 3. Fiscal Year. The fiscal year of Winterberry Charter School shall coincide with the fiscal year of the Anchorage School District (July 1 through June 30).

SECTION 4. Governance. Winterberry Charter School has three governing bodies: an academic policy committee known as the Winterberry Charter Council (WCC), a representative parent organization known as the Winterberry Parent Guild (WPG), and an inclusive faculty body known as the Faculty Council. To the maximum extent possible, these three bodies shall govern together through building consensus. In the event that there is a disagreement on policy or procedure between bodies that cannot be worked out through consensus (including but not limited to emergency actions), the Winterberry Charter Council shall prevail.

ARTICLE II Winterberry Charter Council

SECTION 1. General Powers. Winterberry Charter School shall have an academic policy committee, hereinafter referred to as Winterberry Charter Council ("**WCC**"), which is the primary governing body designated to oversee and supervise all aspects of the School. The WCC shall establish policies for the administration and management of Winterberry Charter School. The principal or his/her designee shall create school procedures as applicable to execute policies established by the WCC. The policies established by the WCC may not be less restrictive than the Anchorage School District (ASD), state or federal mandates. No member of the WCC shall act on his/her own in the name of the WCC unless so authorized by these bylaws or by resolution of the WCC. The WCC 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 seq, 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 Winterberry Charter School as stated in the Winterberry Charter School /Anchorage School District contract;
- B. Oversee accountability in academics, curriculum, legal/risk management, personnel issues, finances, operations /maintenance and budgeting issues of the school and as otherwise permitted or required by the above-mentioned contract or by law;
- C. Promote professional conduct in accordance with Anchorage School District policies;
- D. Contract with a Type B certificated administrator;
- E. Delegate to the Principal those tasks deemed appropriate by the WCC;
- F. Review contracts;

G. Review, upon request by any parent, teacher, or staff, concerns, if not satisfactorily resolved first through 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 Winterberry Charter Council. The number of WCC members constituting the entire board shall be between eleven (11) and thirteen (13) voting members. Six (6) to of the members shall be parents of the students currently enrolled in the school; two (2) of the members shall be a teacher then under contract to the School; one (1) of the members shall be a teacher or other staff member then under contract to the School; one (1) of the members shall be a member of the Winterberry Parent Guild ("WPG") as elected by the WPG ("WPG Liaison"); and the remaining three (3) members shall be either a parents of students currently enrolled in the school or from the community at-large. Teachers and other staff members 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 teacher/staff WCC positions, not the parent or community at-large WCC positions. The Principal or Acting Principal then under contract to the School shall be a perpetual "ex officio" member of the WCC, but shall have no vote.

SECTION 3. Term. The term of all elected members of the WCC shall be two (2) years. It is the goal of these Bylaws that at any regular election one half of the non-appointed seats are on the ballot for reelection. If at any time this balance is not maintained, the WCC may extend (but not shorten) the term of any WCC member(s) until this balance is achieved. A majority vote of the full WCC, not simply a majority of a quorum, shall be required to extend any term. The WCC positions are as follows:

<u>Seat Name</u>	
Seat A (faculty)	
Seat B (faculty)	
Seat C (faculty or staff)	
Seat D (parent or community)	
Seat E (parent)	
Seat F (parent)	
Seat G (parent)	
Seat H (parent)	
Seat I (WPG liaison)	Appointed by WPG
Seat J (parent)	
Seat K (parent)	
Seat L (parent or community)	
Seat M (parent or community)	

Election Schedule by School Year

School years beginning with even numbers: Seats A, C, E, G, J, L

School years beginning with odd numbers: Seats B, D, F, H, K, M

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

SECTION 5. Vacancies. Any vacancy occurring on the WCC shall be filled by majority vote of the remaining members of the WCC, not simply a majority of a quorum. The replacement member of the WCC shall be elected for the unexpired term of his/her predecessor in office.

SECTION 6. Compensation. Members of the WCC shall not receive any salaries for their services.

SECTION 7. Resignation. Any WCC member may resign at any time by giving written notice to the Chair or Secretary of the WCC. 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.

SECTION 8. Attendance. WCC members are expected to attend, at a minimum, all regular monthly WCC meetings. Although absences at times cannot be avoided, the WCC may remove any WCC member who fails to attend two (2) such meetings during an academic year (August – May). See Section 10: Removal.

SECTION 9. Conflict of Interest. Service on the WCC 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 and one teacher/staff WCC positions, no voting member of the WCC 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.

SECTION 10. Removal. WCC members are expected to conduct themselves in accordance with the WCC Code of Ethics, the WCC Member Agreements, the Open Meetings Act, and these bylaws. Failure to do so may result in removal from the WCC. Removal shall require a majority of the full WCC, including the WCC member who is subject to removal, not simply a majority of a quorum.

ARTICLE III Election of Members to the Winterberry Charter Council

SECTION 1. Elections Committee. No later than December of each year, the Chair of the WCC shall appoint an Elections Committee of three (3) persons. One person shall be a parent member of the WCC, one person shall be a current WCS teacher, and one person shall be a parent of a student enrolled in the School but who is not a member of the WCC. None of the members can be on the ballot for WCC positions. The Elections Committee shall oversee the election process for positions on the WCC. The Elections Committee shall do the following:

- A. Solicit and accept applications for candidates for parent, teacher, or staff membership to the WCC;
- B. Solicit and accept nominations from eligible voters for candidates for the community at-large member position on the WCC;

- C. In its discretion, nominate individuals who have not submitted an application as candidates for positions on the WCC;
- D. Make available within the School office copies of any statements any candidate chooses to submit to the nominating committee or to the parents, students, or personnel;
- E. May establish a forum for public introduction of each candidate;
- F. Prepare a secret ballot listing the candidates, plus a space for write-in candidates;
- G. Distribute and collect the secret ballots and otherwise oversee the election so that it is conducted in a fair manner;
- H. Advise the candidates and the WCC of the election results;
- I. 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.

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, aides, School staff employed by the Anchorage School District, each with a current contract for the School which is effective on the date of the election, are eligible to vote in elections. Status as a parent/guardian will be determined from the Student Management System (SMS) forms of currently enrolled students by 4:00PM five days prior to the election. Each eligible voter may vote once per open position. The Elections Committee shall be responsible for monitoring voter eligibility and resolving any disputes involving the casting of ballots.

SECTION 3. Casting of Ballots. Voting may occur in three ways:(1) at any time during the date of the annual meeting up until the time of 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 at the annual meeting, or (3) by absentee ballot completed according to procedures established by the Elections Committee.

- A. Write-in candidates may be added to the secret ballot by any voter.
- B. Proxy, facsimile, e-mail, or other methods 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 WCC.

ARTICLE IV Officers of the Winterberry Charter Council

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

SECTION 2. Election and Term of Office. The term of all officers of the WCC shall be one (1) year. The officers of the WCC shall be elected annually by a majority of a quorum of the WCC at the first regular meeting following the annual meeting of the WCC. 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. Sequence of Chair Offices. The Vice-Chair shall be Chair-elect. The Chair shall be Past Chair-elect. The Past Chair is not excluded from holding other offices. The Vice-Chair, Chair, and Past Chair of the WCC may present a unanimous request to remain in their respective offices instead of rotating. This request must be approved by a majority of a quorum of the WCC at the first regular meeting following the annual meeting of the WCC. If the consideration of the Chair officers' request shall not be held at such meeting, it shall be considered as soon thereafter as convenient. If the request of the Chair officers is approved, this constitutes election to office.

SECTION 4. Removal. Any officer elected or appointed by the WCC may be removed from office (but not from the WCC) by a majority vote of the full WCC whenever in its judgment the best interests of the School would be served thereby.

SECTION 5. Vacancies. A vacated office may be filled by a majority vote of the full WCC, not simply the majority of a quorum, for the unexpired portion of the term.

SECTION 6. Chair. The Chair shall be a parent member of the WCC, and shall be the presiding officer at all meetings of the WCC. The Chair shall set the WCC meeting agenda in coordination with the Principal and the other governance bodies. The Chair is the point of contact for the WCC and responsible for communication with the School community on WCC actions. The Chair shall facilitate action through consensus. The Chair shall have such authority and perform such duties as shall be directed by the WCC from time to time. Upon completion of the one (1) year term, the Chair serves as Past Chair for the following one (1) year.

SECTION 7. Vice-Chair. The Vice-Chair shall be a parent member of the WCC. The Vice-Chair shall orient all newly elected or appointed members of the WCC and provide them with copies of these Bylaws, the WCC Code of Ethics, the WCC Member Agreements, and other materials the Vice-Chair deems relevant. The Vice-Chair shall serve as timekeeper in meeting of the WCC. In the absence of the Chair, or in the event of his/her death, inability or refusal to act, the Vice-Chair or other WCC 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 WCC. Upon completion of the one (1) year term, the Vice-Chair serves as Chair for the following one (1) year.

SECTION 8. Past Chair. The Past Chair shall be a parent member of the WCC. The Past Chair shall observe WCC group and individual adherence to establish policy and procedure. The Past Chair shall maintain a system of accountability within the WCC. The Past Chair shall provide ethical oversight during WCC meetings. In the absence of the Past Chair, or in the event of his/her death, inability or refusal to act, the Chair or other WCC member designated by the Chair shall perform the duties of the Past Chair, and when so acting, shall have all the powers of and be subject to all the restrictions upon the Past Chair. Any Past Chair shall perform such other duties as from time to time may be assigned to him/her by the WCC.

SECTION 9. Secretary. The Secretary shall maintain public access to all WCC documents including these Bylaws, the WCC Code of Ethics, the WCC Member Agreements, reports, policy and procedure documents, and meeting agendas and minutes in computer files and/or one or more books provided for that purpose. The secretary shall see that all notices and agendas are duly given

and posted in accordance with the provisions of these Bylaws or as required by law. The secretary shall keep an updated list of the mailing address, e-mail address, and telephone numbers of each member of the WCC. The secretary shall maintain a record of appointments, elections, and term rotations of all WCC members, and in general perform such other duties as from time to time may be assigned to him/her by the WCC.

SECTION 10. Treasurer. The Treasurer shall cause to be completed the audits specified in ARTICLE IX, SECTION 3 of these Bylaws. The Treasurer shall inform the WCC of current issues and national trends in charter school funding. The Treasurer shall seek and report on potential revenue sources for the School.

ARTICLE V Ex-Officio Members of the Winterberry Charter Council

SECTION 1. Principal. The Principal, or Teacher-In-Charge, shall provide a report to the WCC at every regular meeting. Each October, the Principal and the Treasurer shall present to the WCC the annual budget for the forthcoming year and the WCC shall ensure that it justly supports the mission and goals of the School.

SECTION 2. Condo Association Liaisons. The Castles of Bryn Mawr and the College Alps condominium associations may each designate a representative to the WCC. These representatives shall serve as liaisons between the WCC and the respective condominium association.

SECTION 3. University Area Community Council Liaison. The University Area Community Council Liaison may designate a representative to the WCC. This representative shall serve as a liaison between the WCC and the community council.

ARTICLE VI Meetings of the Winterberry Charter Council

SECTION 1. Annual and Regular Meetings. The WCC 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 WCC shall be held on the third Thursday of February in each year, beginning at the hour of 6:00 p.m., for the purpose of electing members of the WCC, renewal of the Code of Ethics and Member Agreements, and for the transaction of such other business as may come before the meeting. If the annual meeting or election of membership to the WCC shall not be held on the day designated herein for any annual meeting and election, the WCC shall cause the annual meeting and election to be held at a special meeting as soon thereafter as conveniently may be held. The WCC 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.

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

SECTION 3. Place of Meetings. The WCC may designate any place within the City of Anchorage 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 WCC 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 posted at the School. New issues not posted on the agenda may nonetheless be raised, discussed, and voted upon at any meeting.

SECTION 5. Quorum. Greater than fifty percent (50%+1) of the voting members of the WCC constitutes a quorum. Telephonic participation is permitted.

SECTION 6. Manner of Acting. The act of a majority of the members of the WCC at a meeting at which a quorum is present either in person or telephonically shall be the act of the WCC, unless the act of a greater number is required by law or by these Bylaws.

SECTION 7. Executive Sessions. All regular and special meetings of the WCC 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. Financial transactions; Reputation and character; Issues confidential by law; and
2. Confidential records.

The motion requesting the executive session shall state the nature of the matter to be discussed. Only those persons invited by the WCC or permitted by law may be present during the executive session. Unless invited or permitted by law, no teacher/other staff WCC member shall be entitled to attend any executive session in which personnel issues specific to a particular employee are discussed, and no teacher/other staff WCC member shall be entitled to vote on any such issue in public session. The WCC 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, or designee, of the WCC shall maintain topical minutes of all executive sessions.

SECTION 8. No Proxies. Members of the WCC may not vote by proxy.

SECTION 9. Action by Consensus. While provisions for majority voting are made within these bylaws, it is the intent of the WCC to act through consensus at its meetings to the maximum possible extent. Majority voting will only be used when attempts at consensus have proven futile or if a decision is time sensitive. The agreement of the total number of voting members of the WCC present at a meeting, minus two, would be required to agree to suspend action by full consensus.

ARTICLE VII Principal

SECTION 1. Selection/Removal. The Principal shall be selected by the Winterberry Charter School academic policy committee, the Winterberry Charter Council. Removal of the Principal will require a majority vote of the full WCC when in its judgment the best interest of the School would be served hereby.

SECTION 2. Duties and Responsibilities. The Principal shall have those day-to-day management and other duties as assigned and delegated by the WCC, or as required by law. With the oversight of the WCC, the Principal shall select, appoint, and supervise all employees of the School. The Principal shall see that all policies, orders, and resolutions of the WCC are carried into effect. Upon delegation by the WCC, 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 with ASD 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 WCC regularly and often to monitor progress in achieving the WCC's policies and goals;
5. Submit appropriate information as required by the ASD, Department of Education or Federal and State Agencies; and
6. Submit for approval or disapproval to the WCC all significant policy and programmatic changes and financial decisions that may have a substantial impact upon the School.

ARTICLE VIII Committees

SECTION 1. Standing Committees. The WCC has the following standing committees to pursue a specific charge assigned by the WCC:

1. Election Committee. This committee is described in Article 3 of these bylaws.
2. Legislative Policy Committee. This committee lobbies on behalf of the School and Charter Schools. This committee communicates with the School community on legislative issues of relevance to the health and wellbeing of the School.

Members of standing committees are approved by the WCC from a list of volunteers who are parents of children attending the School, community members at large, the Principal, teachers, or other staff members. Standing Committees must be chaired by a WCC member. The WCC, by resolution adopted by a majority of a quorum of the WCC, may designate and appoint additional standing committees as deemed necessary by the WCC.

SECTION 2. Special Committees. The WCC, by resolution adopted by a majority of a quorum of the WCC, may designate and appoint one or more special committees to perform specific tasks assigned by the WCC. Members will be selected by the WCC from a list of volunteers who are parents of children attending the School, community members at large, the Principal, teachers, or other staff members. Special committees are dissolved upon completion of the assigned task, at the end of the appointed term, or by resolution adopted by a majority of a quorum of the WCC.

SECTION 3. 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 WCC wishes each committee to render, the extent and limitations of responsibility, the resources the WCC will provide, and the approximate dates on which the WCC wishes to receive reports. Recommendations of special advisory committees shall be based on research and fact and shall be advisory to the WCC.

SECTION 4. WCC Powers and Prerogatives. All recommendations of a committee must be submitted to the WCC for official action. The WCC 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 5. Meetings. Special committees to the WCC shall comply with the requirements concerning public meetings that are specific in ARTICLE V, SECTION 4, Notice of Meetings, above.

ARTICLE IX Administration of Finances

SECTION 1. Contracts. The WCC has the authority to enter into contracts, execute and deliver instruments, and otherwise legally bind the School so long as the contract or agreement is consistent with ASD policies. The WCC may delegate this authority, either in specific instances or in general, to the Principal or his/her designee, or to any officer of the WCC.

SECTION 2. Budget and Purchasing Authority The WCC, with support from the principal, is responsible for development and approval of the WCS annual budget in accordance with ASD timelines and standards. Significant changes to the budget that may occur during the school year require WCC approval. Withdrawals or transfers from any and all ASD-monitored school funds over \$2500 shall be approved by both the WCC Treasurer and the Principal, and WCC approval must be obtained for expenses and budget changes over \$5000. Any expenditures or changes in the budget less than \$2500 require only the approval of the Principal.

SECTION 3. Accounting. The Principal or his/her designee shall present to the WCC at least on a quarterly basis and at a regular WCC meeting an accounting of expenditures and performance relative to the approved budget. The WCC may at any time cause a full or partial independent audit of School monies to occur.

ARTICLE X 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 WCC, all persons who at the request of the WCC 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 WCC member or officer, at the request of the WCC 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 WCC, on a case-by-case basis.

ARTICLE XI Discrimination

SECTION 1. Discrimination. The WCC shall not discriminate in its' membership nor in the governance of the School on the basis of: Race, Religion, National Origin, Color, Sex, Pregnancy, Parenthood, Physical Disability, Mental Disability, Marital Status, Age nor on the basis of any other characteristic that is prohibited by federal, state, and/or local law.

ARTICLE XII 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 WCC who are present at any regular 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 WCC, posted publicly in the School's office, and distributed in writing to the school community at least one (1) week 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 WCC, by parents with students currently enrolled in the School, or by the Principal, Teacher-In-Charge, teachers, or staff each then under contract with the School, for consideration by the WCC.