

# **BYLAWS**

**OF THE**

## **Fireweed Academy Charter School**

**Adopted by the Fireweed Academy Charter School**

**Academic Policy Committee**

**on**

**February 28, 2022**

**Homer, Alaska**

**Fireweed Academy Charter School**

**Kenai Peninsula Borough**

**Homer, Alaska**

<https://kpbsd.org/schools/fireweed-academy/>

**ARTICLE I - Name, Office, Fiscal Year, Governance**

**SECTION 1. NAME**

The name of this organization shall be Fireweed Academy Charter School (“FWA”).

**SECTION 2. PRIMARY OFFICE**

The principal office for the transaction of the activities and affairs of the School is West Homer Elementary, 995 Soundview Avenue, Homer, Alaska 99603.

**SECTION 3. FISCAL YEAR**

The fiscal year of the School shall coincide with that of the Kenai Peninsula Borough School District (July 1 through June 30).

**SECTION 4. GOVERNANCE**

Fireweed Academy shall be governed by the Academic Policy Committee (APC).

## **ARTICLE II - Academic Policy Committee**

### **SECTION 1. GENERAL POWERS**

The Academic Policy Committee (APC) is the primary governing body designated to oversee and supervise all aspects of Fireweed Academy. The APC shall have the maximum powers permitted by law, shall establish policy for the school, shall fulfill the duties prescribed in [AS 14.03.250](#) *et seq.* and as set forth in these Bylaws. These duties may include, but are not limited to, the following functions:

- a. Fulfill the mission of Fireweed Charter School as stated in the Fireweed Academy Charter School/Kenai Peninsula Borough School District (KPBSD) contract;
- b. Oversee and maintain accountability and responsibility for academics, operations, finances and maintenance at FWA.
- c. Promote and ensure compliance with federal, state and local laws and rules, including KPBSD policies;
- d. Hire, evaluate and oversee a Principal, delegate to the Principal those tasks deemed appropriate by the APC, and collaborate with the Principal regarding all aspects of FWA operations.

### **SECTION 2. MEMBERS**

The Academic Policy Committee (APC) shall be comprised of the following eight (8) members from four (4) represented groups:

- Two (2) parent members;
- Two (2) community members;
- Two (2) adult members to represent student interests; and
- Two (2) staff members.

While the APC shall strive to have eight (8) members, it may continue to function with as few as three (3) members. The APC strives to have at least one (1) parent representative and one (1) staff member from each facility (*i.e.*, Big Fireweed and Little Fireweed). No members of the APC shall act on his or her own in the name of the APC unless so authorized by these Bylaws or by resolution of the APC. The Principal shall serve as an *Ex Officio* member of APC, with no voting privileges. APC members have a fiduciary duty to make decisions and to act at all times in a manner that promotes the best interests of FWA and its students.

### **SECTION 3. MEMBER TERMS**

The term of all members of the APC shall be two (2) years. It is the goal of these Bylaws that member terms expire in alternate years so all positions do not expire in the same year. 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 vote of the full APC shall be required to extend any term.

#### **SECTION 4. MEMBER ELECTIONS**

In Spring of each year, the APC will hold elections for four (4) positions on the APC, with the four positions representing one position from each represented group. Parent members shall be elected by parents of FWA students. Community members shall be elected by the APC. Adult members representing student interests shall be elected by the APC with staff input and guidance. Staff members shall be elected by staff.

#### **SECTION 5. TERM LIMITATIONS**

There shall be no limit on the number of terms any APC member may serve.

#### **SECTION 6. VACANCIES AND NEW MEMBERS**

Any vacancy occurring on the APC shall be filled by a vote of the remaining members of the APC. Any unexpired term vacancy replacement member of the APC shall be elected for the unexpired term of his/her predecessor in office. Prior to filling any vacancy, the APC shall give notice and solicit nominations for candidates to fill the vacancy from eligible people.

#### **SECTION 7. COMPENSATION**

Members of the APC shall not receive any salary or other compensation for their services.

#### **SECTION 8. RESIGNATION**

An 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.

#### **SECTION 9. EXPECTATIONS AND REMOVAL**

APC members are expected to attend and participate meaningfully in all APC meetings. Although absences at times cannot be avoided, the APC may remove any APC member who fails to attend three regularly scheduled meetings during a school year.

Additionally, the APC may remove a member with or without cause when it determines that the best interests of the APC and the school would be served by removal of that member. Removal shall require a consensus of all currently-seated members of the APC where the member in question does not retain voting rights.

## **SECTION 10. CONFLICT OF INTEREST**

Each member of the APC shall act in the interest of the common good and for the benefit of the School. It is the intent of these Bylaws to maintain confidence in the APC and to prevent the use of this membership for private financial gain or any other improper purpose.

## **SECTION 11. COMMITTEES**

The APC shall have the following standing committees:

Principal Evaluation Committee

The APC may create and dissolve ad hoc committees as needed, and ad hoc committees may contain non-APC members with an interest and/or expertise on matters relevant to the committee. Any committee created by the APC shall be bound by the OMA and these bylaws.

## **ARTICLE IV - Officers of the Academic Policy Committee**

### **SECTION 1. OFFICERS**

The officers of the APC shall be Chair, Vice-Chair, Secretary and Treasurer, and the Chair and Vice-Chair must be current members of the APC. The APC may elect or appoint other officers, including one or more assistant secretaries, as it shall deem desirable. Such officers may 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 for one (1) year. The officers of the APC shall be elected annually by APC members at the annual meeting of the APC in the Spring of each year.

### **SECTION 3. REMOVAL**

The APC may remove an officer by vote with or without cause when it determines that the best interests of the APC and the school would be served by removal of that officer.

The officer at issue shall not vote on removal and removal of an officer from office shall not constitute removal from the APC.

#### **SECTION 4. VACANCIES**

A vacancy in any office may be filled by a vote of the entire APC for the unexpired portion of the term.

#### **SECTION 5. CHAIR**

The Chair shall be a member of the APC, and shall be the presiding officer at all meetings of the APC and set the agenda. 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 member of the APC. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair, and when so acting, shall have all the powers of the Chair. The Vice-Chair shall also 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 a book 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 addresses, e-mail addresses, and telephone numbers of each member of the APC.
- Perform such other duties as from time to time may be assigned to him/her by the APC.

The APC may delegate any duties of the Secretary to staff after consultation with the APC and the Principal.

#### **SECTION 8. TREASURER**

The Treasurer shall work collaboratively with the Principal to present to the APC the annual budget and shall ensure that it justly supports the mission and goals of FWA. The Treasurer and Principal shall meet regularly and present an update of the budget at each APC meeting to help ensure the APC members uphold their fiduciary duties to FWA.

## **ARTICLE V - Meetings of the Academic Policy Committee**

### **SECTION 1. ANNUAL AND REGULAR MEETINGS**

The APC is a “governmental body” pursuant to the Open Meetings Act, A.S. 44.62.310 et seq. (“OMA”). All meetings and activities shall be conducted and all notices posted in accordance with the OMA. The APC shall hold regular meetings at least four (4) times a year, but typically monthly on the first Monday of every month during the school year. Additionally, the APC shall hold an annual meeting in the Spring, during which it will review the Bylaws and the Charter, and elect APC members & officers.

### **SECTION 2. SPECIAL MEETINGS & EMERGENCY MEETINGS**

Special meetings of the APC may be called by the Chair, Vice-Chair, or any three members of the APC with reasonable notice to all APC members and FWA parents. Emergency meetings may be called by the Chair, Vice-Chair, or any three members of the APC for matters of utmost urgency with at least twenty-four (24) hours’ notice of the meeting provided to all APC members and FWA parents.

### **SECTION 3. PLACE OF MEETINGS**

The APC may designate any place within the Kenai Peninsula Borough as the place of meeting for any regular meeting or special meeting, and may offer electronic access to meetings when necessary. If no designation is made, the place of meeting shall be at West Homer Elementary.

### **SECTION 4. NOTICE OF MEETINGS**

Notice of annual, regular, or special meetings stating the place, date and time of any meeting shall be delivered, either personally, by phone, text, or by email, to each member of the APC in a reasonable timeframe, but 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 and/or circulated via email to FWA parents. New issues not posted on the agenda may nonetheless be raised, discussed and voted upon by the APC 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 agreed upon in writing or e-mail by the members of the APC. A record of these actions shall be kept either digitally or in hard copy.

## **SECTION 6. QUORUM**

A quorum shall be half of the currently seated APC members. Telephonic or video participation may be permitted at any APC meetings at the discretion of the APC.

## **SECTION 7. MANNER OF ACTING**

The act of a consensus of APC members present at a meeting at which a quorum has been established shall be the act of the APC, unless specified otherwise herein.

## **SECTION 8. NO PROXIES**

Members of the APC may not vote by proxy.

## **SECTION 9. EXECUTIVE SESSIONS**

Executive Sessions may be requested by any APC member, and may be convened by the APC for the following matters.

- a. The immediate knowledge of which would clearly have an adverse effect upon the finances of the school;
- b. Subjects that tend to prejudice the reputation and character of any person;
- c. Which by law are required to be confidential; or
- d. Involve the consideration of government records that by law are not subject to public disclosure.

The specific subject matter to be discussed during an executive session will be described in the motion calling for the executive session in sufficient detail to describe the subject of the executive session without defeating the purpose of holding an executive session. Executive sessions are conducted solely at the discretion of the APC. Only members of the APC and those expressly invited by the APC may attend an executive session.

The APC may not take official action in executive session and it must limit discussions in executive session to matters specified in the motion calling for an executive session. The APC may, however, give direction to its attorney or a labor negotiator in executive session regarding the handling of a specific legal matter or pending labor negotiations.

When the APC believes an executive session may be appropriate to discuss a subject that may prejudice the reputation or character of a person, the APC shall provide



advance notice to the affected individual. The notice will state when and where the proposed executive session will be held and will inform the affected individual of her or his right to request a public discussion on the issue(s) in question.

## **ARTICLE VI - Checks, deposits, funds, accounting, contracts**

### **SECTION 1. BANK ACCOUNTS, CHECKS, WITHDRAWALS, ETC.**

FWA shall use district accounting services, policy and practices for all money transactions. No depository account in the name FWA may be established without the approval of the APC. Purchases or expenditures of \$4,000 or more shall be presented to the APC for discussion.

### **SECTION 2. ACCOUNTING**

The Principal and the Treasurer shall meet monthly to compile and summarize FWA income and expenses since the prior APC regular monthly meeting. The APC may at any time request a full or partial budget report of FWA finances from the Principal or the KPBSD.

### **SECTION 3. CONTRACTS**

Contracts shall be run through the Principal and, if necessary, the KPBSD. The APC shall be made aware of contracts in excess of \$10,000 that are in negotiation.

## **ARTICLE VII - Amendments to Bylaws**

### **SECTION 1. AMENDMENTS**

Outside of the Annual meeting, these Bylaws may be altered, amended, or repealed and new or revised Bylaws may be adopted by a consensus vote of the entire APC at any regular meeting or special meeting, provided that the proposed change in the Bylaws has been submitted in writing to all of the members of the APC and FWA parents, 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.

## **ARTICLE VIII - Indemnification**

### **SECTION 1. INDEMNIFICATION**

FWA 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 FWA, 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 FWA, when that person has acted within the course or scope of his or her duties to the School. Indemnification shall be provided by a vote of the APC, on a case-by-case basis.

Date Adopted: February 28, 2022

Chair: Bob Shavelson