

-0120 AUTHORITY, POWERS, PURPOSE AND PHILOSOPHY

-0121 Board Authority

The supervision of the Options Charter Schools shall be conducted by the Board of Directors, hereinafter sometimes referred to as the "Board", which is constituted and is governed by the laws of the State of Indiana.

-0122 Board Powers

The Board shall be a body corporate, and, as such, capable of suing and being sued, contracting and being contracted with, acquiring, holding, processing, and disposing of real and personal property, and taking and holding in trust for the use and benefit of the Options Charter School, any grant or devise of land and any donation or bequest of money or other personal property.

The Board shall retain the power to act, through written policies, in situations in which there is no action required by statute nor by statutory prohibition to act.

The Board shall have the management and control of all facilities and programs of the Options Charter Schools and the employees, students, and other persons entering upon its premises.

-0123 **Philosophy of the Board**

A charter school board is a legal entity for providing a system of public education within a geographic area of the State of Indiana. The system was created by, and is governed by State statutes.

The Board has the dual responsibility for implementing legal requirements pertaining to public education and for meeting the desires of the citizens. While the Board has an obligation to determine and assess citizen desires, it is understood that when individuals are elected or appointed to represent citizens in the conduct of educational programs, they, at the same time, through enrollment of an unemancipated child(ren) in Options Charter School, endow the Board representatives with the authority to exercise their best judgment in determining policies, making decisions, and approving procedures for carrying out the responsibility.

The Board declares and, thereby, reaffirms its intent to:

- A. Maintain two-way communications with citizens associated with the Options Charter School. The Board shall keep them informed of the progress and problems of the Options Charter School, and the citizens shall be urged to bring their aspirations and concerns about the Options Charter School and its programs to the attention of this body;
- B. Establish policies and make decisions on the basis of declared educational philosophy and goals;
- C. Act as a truly representative body for citizens in all matters related to programs and operations. The Board recognizes that ultimate responsibility for public education rests with the state, but the Board has been assigned the specific authority through statute, and the Board shall not relinquish or fail to exercise that authority.

-0130 **FUNCTIONS**

-0131 **Legislative**

0131.1 **ByLaws and Policies**

The Board shall adopt bylaws and policies for the organization and operation of this Board and the Options Charter Schools.

The bylaws and policies may be adopted, amended, and repealed at any meeting of the Board by a majority vote of the full Board (physically present).

The adoption, modification, repeal, or suspension of a Board bylaw or policy shall be recorded in the minutes of the Board. All bylaws and policies shall be printed in the Board policy manual. Any policy or part of a policy that is superseded by a term in a negotiated agreement shall no longer be in force and effect as a policy. Complete and up-to-date copies of the policy manual shall be provided to each Board member and each administrative office within the system and placed in such other places as may be designated by the Board.

The Board may adopt, amend, or repeal administrative rules of order for its own operation by simple resolution of the Board passed by a majority of those present and voting.

-0132 Executive

-0132.1 Selection of President

The Board shall exercise its executive power in part by the appointment of a chief administrative officer, entitled "President", who shall enforce the statutes of the State of Indiana, administrative guidelines of the Indiana Department of Education, and the policies of this Board.

-0132.2 Administrative Guidelines

The President shall prepare guidelines for the administration of the Options Charter School that are not inconsistent with statutes or regulations of the State Department of Education, or the policies of this Board.

Such administrative guidelines shall be binding on the employees and the students of the Options Charter School when issued.

The President shall be delegated the authority to take necessary action in circumstances not provided for in Board policy, provided that such action shall be reported to the Board at the next meeting following such action.

-0133 Judicial

The Board may assume jurisdiction over any dispute or controversy rising within the Options Charter School and concerning any matter in which authority has been vested in the Board by statute, rule, a contract, or policy of this Board.

In furtherance of its adjudicatory function, the Board may hold hearings which shall offer the parties to a dispute, on notice duly given, a fair and impartial forum for the resolution of the matter.

The Board will not assume judicial authority over matters pertaining to student expulsion conducted in accordance with Indiana Statutes.

-0142.5 Orientation

The Board believes that the preparation of each Board member for the performance of Board duties is essential to the effective functioning of the Board. The Board shall encourage each new Board member to understand the functions of the Board, acquire knowledge of matters related to the operation of the Options Charter School, and learn Board procedures. Accordingly, the Board shall give to each new Board member, no later than his/her first regular meeting as a Board member for his/her use and possession during the term on the Board, the following items:

- A. an electronic copy of the Board policy manual
- B. the current budget statement, audit report, and related fiscal materials.

The Board and its administrative staff shall assist each new Board member-elect to understand the Board's functions, policies, and procedures before he/she takes office. The following methods are to be employed:

- A. The new member shall be invited to attend Board meetings before his/her term begins.
- B. The President shall supply material pertinent to meetings and explain their use.
- C. The new member shall be invited to meet with the President and other administrative personnel to discuss the services they perform for the board.
- D. The Code of Ethics for board members shall be provided to the new member at the time of his/her official installation.

The Board shall encourage the attendance of each new Board member at orientation and training meetings.

-0143 Board Member Authority

Individual members of the Board do not possess the powers that reside in the Board but no member of the Board shall be denied documents or information to which he/she is legally entitled to which are required in the performance of his/her duties as a Board member.

Access to Options Charter School personnel files shall be subject to the following guidelines:

- A. Examination of school employee personnel records by the Board shall be conducted only at executive sessions of the Board. Any Board member may request that the President bring the personnel records of the designated employee(s) to an executive meeting of the Board.
- B. Personnel records shall, in their entirety, be returned to the custody of the President at the conclusion of the executive session of the Board.
- C. Information obtained from employee personnel records by members of the Board shall be used only for the purpose of aiding the members in fulfilling their legal responsibilities and making decisions in matters such as appointments, assignments, promotions and demotions, remuneration, discipline, and dismissal or to aid the development and implementation of personnel policies, or for such other uses as are necessary to enable the Board to carry out its legal responsibilities.

-0143.1 Public Expressions of Board Members

From time to time, individual Board members make public statements on school matters:

- A. to local media;
- B. to local officials and/or State officials.

Sometimes the statements imply, or the readers (listeners) infer, that the opinions expressed or statements made are the official position of the Board. The misunderstandings that can result from these incidents can embarrass both the member and the Board. Therefore, Board members should adhere to the guidelines contained herein when writing or speaking on school matters to the media, legislators, and other officials:

"The Options Charter School Board, as a matter of policy, disclaims responsibility for any individual public statements by its members. The views expressed herein are those of the member and do not necessarily reflect the views of the Board or of the author's colleagues on the Board."

- A. This by law shall apply to all statements and/or writings by individual Board members not explicitly sanctioned by a majority of its members, except as follows:
1. Correspondence, such as legislative proposals, when the Board member has received official guidance from the Board on the matters discussed in the latter;
 2. Routine, not for publication, correspondence of the President and other Board employees;
 3. Routine "thank you" notes of the Chair of the Board.
 4. Statements by Board members on non-school matters (providing the statements do not identify the author as a member of the Board);
 5. Personal statements not intended for publication.
- B. Copies of this bylaw shall be sent to local media by the Board Secretary when adopted.

-0144 Operations

-0144.1 Compensation

Board members shall not receive direct compensation for serving on the Board. A Board member shall be reimbursed when expenses incurred are in the performance of his or her duties as a Board member, are duly vouchered, and payment authorized by the Board.

-0144.2 Board Member Ethics

A Board member shall honor the high responsibility which his/her membership demands by:

- A. thinking always in terms "of children first";
- B. Understanding that the basic functions of the Board member is "policy-making" and not "administrative", and by accepting the responsibility of learning to discriminate intelligently between these two (2) functions;
- C. Accepting the responsibility along with his/her fellow Board members of seeing that the maximum of facilities and resources is provided for the proper functioning of schools;
- D. Refusing to "play politics" in either the traditional partisan, or in any petty sense;
- E. Representing at all times the entire school community;
- F. Accepting the responsibility of becoming well-informed concerning the duties of Board members, and the proper functions of public schools;
- G. Recognizing responsibility as a State official to see the improvement of education throughout the State.

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BOARD OF SCHOOL TRUSTEES**

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A Board member should respect his/her relationships with other members of the Board by:

- A. Recognizing that authority rests only with the Board in the official meetings, and that the individual member has no legal status to bind the Board outside of such meetings;
- B. refusing to make statements or promises as to how he/she will vote on any matter which should properly come before the Board as a whole;
- C. making decisions only after all facts bearing on a question have been presented and discussed;
- D. respecting the opinion of others and by graciously conforming to the principles of "majority rule";
- E. refusing to participate in irregular meetings such as "secret" meetings, which are not official and which all members do not have the opportunity to attend.

A Board member shall maintain desirable relations with the President and his/her staff by:

- A. Striving to procure, when a vacancy exists, the best professional leader available for the head administrative post;
- B. Giving the President full administrative authority for properly discharging his/her professional duties, and also by holding him/her responsible for acceptable results;
- C. Acting only upon the recommendation of the President in matters of employment or dismissal of school personnel;
- D. Having the President present at all meetings of the Board except when his/her contract and salary are under discussion;

- E. Referring all complaints to the proper administrative office and by discussing them only at a regular meeting after failure of administrative solution;
- F. Striving to provide adequate safeguards around the President and other staff members to the end that they can live happily and comfortably in the community and discharge their educational functions on a thoroughly professional basis;
- G. Presenting personal criticisms of any employee directly to the President.

A Board member should meet his/her responsibilities to his/her community by:

- A. Attempting to appraise fairly both the present and future educational needs of the community;
- B. Regarding it as a major responsibility of the Board to interpret the goals and the methods of the Options Charter School;
- C. Vigorously seeking adequate financial support for the school;
- D. Insisting that all school business transactions be on an open, ethical, and above-board basis;
- E. Refusing to use his/her position on the Board in any way whatsoever for personal gain or personal prestige;
- F. Refusing to discuss personnel matters or any other confidential business of the Board in his/her home, on the street, or in his/her office;
- G. Winning the community's confidence that all is being done to the best interests of school children.

-0144.3 Conflict of Interest

Acceptable gifts, favors, services, entertainment, food, drink, and honoraria of:

- A. No Board member or spouse or un-emancipated child of a Board member may solicit, accept, or receive, directly or indirectly, any gift, favor, service, entertainment, food, or drink under circumstances in which it can reasonably be inferred that a gift would influence the Board member to give special consideration to an action by such Board member in his/her official capacity.
- B. This policy shall not prohibit political contributions which are reported in accordance with applicable law. In addition, this policy shall not prohibit donations which are accepted by the Options Charter Schools or the Options in Education Foundation, Inc.
- C. Gifts, favors, services, entertainment, food, or drink that exceed an aggregate value in excess of \$100 received by a Board member in a calendar year from a person desiring to do business or with who is doing business with the Options Charter Schools in which the Board member holds an office or position shall be disclosed.
- D. No Board member shall accept gifts, favors, services, entertainment, food, or drink that exceed an aggregate value of \$250 in any calendar year from a person desiring to do business or who is doing business with The Options Charter Schools. This limit can be waived for a legitimate public purpose. The following shall not be considered a gift, favor, service, entertainment, food, or drink:

1. Food or drink consumed by a Board member and family during the conduct of official public business or while attending public ceremonies.
 2. Momentos or souvenirs of nominal value received at public ceremonies or commemorating official business.
 3. Invitations or tickets to political fund-raising events or public charitable benefits when used by the Board member or a member of his/her immediate family.
 4. Food or drink consumed by a Board member in connection with his/her official duties if consumed at a reception or gathering for public or school officials.
 5. Food or drink consumed by a Board member or other reasonable courtesies extended to an employee during negotiations or other activities related to an economic development.
- D. If an honorarium is offered to an employee as payment for a speech or article whose content is derived from the employee's job, the honorarium is considered as a payment for the performance of duties and is not to be accepted. If an honorarium is offered to the employee as payment for a speech or articles whose content is based solely upon the employee's personal knowledge or expertise, the employee may accept.

-0144.4 Indemnification

The Board may bear the costs, including reasonable counsel fees and expenses and costs of appeal, if any, incurred by a Board member in his/her defense of a civil action, or in a criminal action that results in final disposition in his/her favor, brought against him/her for any act or omission arising out of any in the performance of duties as a Board member.

-0160 **MEETINGS**

-0161 **Parliamentary Authority**

The parliamentary authority governing the Board of Directors shall be Robert's Rules of Order, Newly Revised, in all cases in which it is not inconsistent with statute, administrative code, or these bylaws and policies.

-0163 **Presiding Officer**

The Board Chair shall preside at all meetings of the Board. In the absence, disability, or disqualification, the Vice Chair shall act in his/her stead; if neither officer is available, any member shall be designated by a plurality of those present to preside. The act of any person so designated shall be legal and binding.

-0165 **Notice**

-0165.1 **Regular Meetings**

The Board shall cause to be posted at the Options Charter Schools, and in such other places as it may direct, a notice listing the date, time, and place of each regularly-scheduled meeting of the Board. The notice shall also contain the name, address, and telephone number of the Options Charter School.

The notice shall also contain the following:

"The meeting site is fully accessible. Any person requiring further accommodation shall contact the President, at the Options School's office."

-0165.2 Change of Regular Meetings

Within forty-eight (48) hours after the Board adopts a resolution changing the date, time, or place of a regularly scheduled meeting, the meeting notice shall be posted stating the date, time, and place of the rescheduled meeting, as well as the name, address, and telephone number of the Options Charter School. Said notice shall be posted at the Options Charter School and such other places as the Board may determine. Said notice shall be posted at least eighteen (18) hours before the rescheduled meeting.

-0166 Agenda

The Board Chair, in coordination with the President, shall prepare and submit to each Board member a written agenda prior to each regular meeting and each special meeting, unless otherwise directed by the Board. The agenda shall list the various matters to come before the Board and shall serve as a guide for the order of procedure for the meeting.

Individual Board members may include items on the agenda upon the conference of the Board Chair.

The agenda of the regular, monthly meeting or special meetings shall be accompanied by a report from the President and administrative staff on the information relating to the school with such recommendations as he/she shall make.

The agenda for each regular meeting shall be mailed or delivered to each Board member so as to provide proper time for the member to study the agenda. The agenda for a special meeting shall be delivered at least two (2) days before the meeting, consistent with provisions calling for special meetings.

Prior to the meeting, a copy of the agenda shall be posted at the entrance to the meeting location.

The Board shall transact business according to the agenda submitted to all Board members in advance of the meeting.

The order of business may be suspended at any meeting by a majority vote of the members present.

-0167 Conduct

-0167.1 Voting

All regular and those special meetings of the Board at which the Board is authorized to perform business shall be conducted in public. No act shall be valid unless approved by a meeting of the Board by a majority of vote of the members of the Board and a proper record made of the vote.

Abstentions shall not be counted as votes, but shall be recorded and are deemed to acquiesce in the outcome of the vote. In the case of a tie vote in which an extension is involved, the motion shall fail for lack of the majority.

All actions requiring a vote may be conducted by voice, show of hands, or roll call provided that the vote of each member be recorded. Proxy voting shall not be permitted. Any member may request that the Board be polled.

-0167.2 Executive Session

The Board may meet in an executive session, one closed to the public, prior to or after a meetings after giving proper notice, for the following purposes:

- A. discussion of strategy with respect to collective bargaining, providing the strategy is for bargaining or competitive reasons, initiation of litigation, litigation which is pending or has been threatened in writing, implementation of security systems, or purchase or lease of real property;
- B. interviews with industrial or commercial prospects;
- C. Interviews with prospective employees;

- D. With respect to any individual over which the Board has jurisdiction, receive information concerning the individual's alleged misconduct, and to discuss, prior to determination, that individual's status as an employee, student, or independent contractor;
- E. Discussion of records classified as confidential by federal or state statute;
- F. Discussion, before any placement decision, of an individual student's abilities, past performances, behavior and needs;
- G. Discussion of an employee's job performance evaluation.

In keeping with the confidential nature of executive sessions, no member of the Board shall disclose the content of the discussions that take place during such sessions.

-0167.3 Public Participation of Board Meetings

The Board recognizes the value of public comment on educational issues and the importance of allowing members of the public to express themselves on school matters.

Any person or group wishing to place an item on the agenda shall register their written intent with the President no later than seven (7) calendar days prior to the meeting. Such correspondence must include:

- A. name and address of the speaker;
- B. group affiliation, if appropriate;
- C. topic to be addressed.

Patrons desiring to speak to the Board may do so by registering with the presiding officer of the Board upon arrival at the public meeting room up to five (5) minutes before the beginning of the regularly scheduled meeting. This registration shall include the speaker's name, address, group affiliation, if any, and the topic to be addressed.

The presiding officer shall be guided by the following rules:

- A. Public comment shall be permitted only as indicated on the registration form.
- B. Anyone having a legitimate interest in the actions of the Board and who has signed the registration form may participate during the public comment period.
- C. Participants must be recognized by the presiding officer and must preface their comments by an announcement of their name, address, and group affiliation, if appropriate.
- D. Each statement made by a participant shall be limited to five (5) minutes duration.
- E. No participant may speak more than once on the same topic.
- F. All statements shall be directed to the presiding officer; no person shall address or question individual Board members.
- G. The presiding officer may:
 1. Interrupt, warn, or terminate a person's statement if the statement is too lengthy; a personal complaint against a student, employee, or school official; abusive; obscene; or irrelevant;

2. request any individual to leave the meeting when that person does not observe reasonable decorum;
 3. request the assistance of law-enforcement officers in the removal of any disorderly person if that person's conduct interferes with the orderly progress of the meeting;
 4. Call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action;
 5. Wave these rules with the approval of the Board when necessary for the protection of privacy with the administration of the Board's business.
- H. Audio or video recordings are permitted, provided the person operating the recorder has agreed to abide by the following conditions:
1. No obstructions are created between the Board and the audience.
 2. No interviews are conducted during the Board meeting.
 3. No commentary is made that would distract either the Board or members of the audience.
- I. The portion of the meeting during which the participation of the public is invited shall be limited to a reasonable amount of time as determined by the presiding officer. Where his/her ruling is disputed, it may be overruled by a majority of those Board members present and voting.

- J. When the public hearing is required by federal or state statute, the above rules apply with the exception of the advance registration of speakers.

-0167.4 Adjournment

The Board may at any time recess or adjourn to an adjourned meeting at any time, date, and place announced before the adjournment takes place. The adjourned meeting shall take up its business at the point in the agenda where the motion to adjourn was acted upon.

-0168 Minutes

-0168.1 Open Meeting

The Board shall designate a person to keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is called. These minutes must be approved by the Board and endorsed by the Secretary at the next meeting. The minutes shall include all votes taken at the meeting. Proposed minutes shall be available for public inspection within a reasonable period of time after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than five (5) business days after the meeting at which the minutes were approved. The minutes shall be available for inspection at the President's office and shall be available for purchase at a fee estimated by the business office to cover the cost of printing and copying.

The official minutes shall be made available to the public and kept in the office of the President of Options Charter Schools.

Minutes of the preceding meetings shall be approved by the Board as its first order of business at regular meetings.