

Bylaws for

Cielo Vista School Site Council/ELAC



Cielo Vista Charter School
650 South Paseo Dorotea
Palm Springs, California 92264

Amended June 12, 2013

Article I Name of Council

The name of this council shall be the Cielo Vista School Site Council / ELAC ("SSC").

Article II Role of Council

The School Site Council is an Advisory Committee to the Board of Directors and shall have no powers or authority to govern the Cielo Vista Charter School ("School") or the affairs of the Board or the Administration of the School and shall be an advisory body only. The school improvement plan, including a budget, shall be developed and recommended by the School Site Council. The School Site Council, following approval of a school improvement plan by the School's Governing Board of Directors shall have ongoing responsibility to review with the principal, teachers, other school personnel, and pupils the implementation of the school improvement program and to assess periodically the effectiveness of such a program. Modifications or any improvement to the plan or budget shall be developed, recommended, and approved or disapproved in the same manner. The council shall carry out all other duties and responsibilities assigned to it in the Education Code of the State of California.

Article III Members

Section 1: Size and Composition

The School Site Council shall be composed of 10 or 12 members. The needs and resources of the school improvement program require that membership include broad representation of parents and staff, including all socioeconomic and ethnic groups represented in the school attendance area.

Representation on the council shall be: the Co-principals (share 1 vote), representatives of teachers selected by teachers and other school personnel selected by their peers at the school, and parents of pupils attending the school and/or community members selected by such parents. The council shall be constituted to ensure parity between (a) co-principals, classroom teachers and other school personnel; and (b) equal number of parents and/or community members.

Classroom teachers shall constitute the majority of those persons representing school staff. A classroom teacher shall be defined as those persons who are represented by the district bargaining unit for certificated personnel. Council members representing parents and/or community members may be employed of the school district but may not serve as a parent representative at the site of employment.

One Student representative from sixth, seventh and eighth grade will be invited to participate on the School Site Council as a non-voting member. One School Site representative will be appointed each year to serve as a coach to help prepare the students for the meeting.

Section 2: Term of Office

All members of the council shall serve for a two-year term. However, in order to achieve staggered membership, the council has the option to appoint up to one-half, or the nearest approximation thereof, of the member representing parents or community members and one-half, or the nearest

approximation thereof, of the members representing teachers and other school personnel (except the principal) to an additional year of membership on the council. A chance method shall be used to determine which members (of those willing and able to serve) shall serve the additional year's term. At the conclusion of a member's term at least one year shall elapse before such member may be selected to a new term.

Section 3: Voting Rights

Each member shall be entitled to one vote and may cast that vote on each matter submitted to a vote of the council. Absentee ballots shall not be permitted.

Section 4: Termination of Membership

A member shall no longer hold membership should he or she cease to be a resident of the area or no longer meets the membership requirements under which he or she was selected; e.g. a parent becomes employed by the School. Membership shall automatically terminate for any member who is absent from regular meetings for a period of two consecutive meetings. The Council, by affirmative vote of two-thirds of all of the members, can suspend or remove a member.

Section 5: Transfer Membership

Membership in the School Site Council is not transferable or assignable.

Section 6: Resignation

Any member may resign by filing a written resignation with the School Site Council, which will forward the information to the local school governing board.

Section 7: Vacancy

Any vacancy on the council shall be filled for the remainder of the school year by appointment by the chairperson. If the unexpected term is for another full year thereafter, the term for that year shall be filled by the regular selection process.

Article IV **Officers**

Section 1: Officers

The Officers of the School Site council shall be a Chairperson, Vice-chairperson, Secretary, and such other officers as the Council may deem desirable.

Section 2: Election and Term of Office

The Officers of the School Site Council shall be elected annually and shall serve for one (1) school year or until each successor has been elected for the following school year.

Section 3: Removal

Any Officer may be removed by a two-thirds (2/3) vote of all members sitting on the School Site Council whenever, in the judgment of the council, the best interests of the council would be served thereby.

Section 4: Vacancy

A vacancy in any office because of death, resignation, removal, disqualification, or otherwise shall, by special election, be filled by the School Site Council for unexpired portion of the term.

Section 5: Chairperson

The Chairperson shall preside at all meetings of the School Site Council. The Chairperson shall sign all letters, reports, and other communications of the School Site Council. In addition, the Chairperson shall perform all duties incident to the office of Chairperson and other such duties as may be prescribed by the School Site Council from time to time. The Chairperson may be asked to chair the Election Committee for the Cielo Vista Charter Board of Directors, if they decline another member will be appointed as representative of the School Site Council.

Section 6: Vice-Chairperson

The duties of the Vice Chairperson shall be those of the Chairperson during such times as the Chairperson is unavailable and the Vice Chairperson is designated to preside at the meetings of the Council. The Vice Chairperson shall exercise and perform such other powers and duties as may be assigned from time to time by the School Site Council.

Section 7: Secretary

The Secretary shall keep the minutes of the meetings, both regular and special, of the School Site council and shall promptly transmit to each of the members, to the school district, and to such other persons as the School Site council may deem, true and correct copies of the minutes of such meetings; see that all notices are duly given in accordance with the provisions of these bylaws; be custodian of the School Site Council records; keep register of the addresses and telephone numbers of each member of the School Site council which shall be furnished to the secretary by such members, and, in general, perform all duties incident to the office of secretary and other such duties as from time to time may be assigned to the office by the chairperson or by the School Site Council.

Article V **Committees**

Section 1: Standing and Special Committees

The School Site Council may from time to time establish and dissolve such standing or special committees as it deems necessary. No committee of the SSC may exercise the authority of the School Site Council.

Section 2: Membership

Unless otherwise determined by the School Site council in its decision to establish a committee, the chairperson of the School Site Council shall appoint members to the various committees.

Section 3: Terms of Office

Each member of a committee shall continue as such for the term of his or her appointment and until his or her successor is appointed, until such time as the committee shall be dissolved, or until such time as member(s) no longer qualify as a member thereof.

Section 4: Rules

Each committee may adopt rules for its own government not inconsistent with these bylaws or with rules adopted by the School Site Council or with policies of the governing board.

Section 5: Quorum

Unless otherwise provided in the decision of the School Site Council designating a committee, a majority of the members present at a meeting at which a quorum is present shall be the act of the committee.

Section 6: Vacancy

A vacancy in the membership of any committee may be filled by an appointment made in the same manner as provided in the case of the original appointment.

Article VI **Meetings of the School Site Council**

Section 1. Meetings

- (a) **Place of Meetings:** Meetings shall be held at such place as has been designated by the SSC.
- (b) **Regular:** The SSC shall hold a minimum of four meetings of the SSC. The Regular meetings of the SSC shall be held at such time and place as may be fixed by the SSC. The SSC may hold an annual meeting in the month of May to elect directors and officers then up for election, and to conduct all other business as may properly come before the SSC.
- (c) **Special:** Special meetings of the SSC for any purpose may be called at any time by the Chairperson of the SSC or by a majority of the Officers then in office.
- (d) **Notice:** Annual, regular, special and emergency meetings of the SSC shall be subject to the notice and open meeting requirements of the Ralph M. Brown Act (*Govt. Code* section 54950 *et seq.*).
 - i. At least 72-hours prior to a regular meeting, the Clerk of the SSC shall post an agenda containing a brief general description of each item to be discussed or transacted at the meeting, including items to be discussed in closed session. (*Govt. Code* § 54954.2(a)). The agenda shall be posted in a location that is freely accessible to the public for the entire 72-hour period prior to the meeting; in addition, the agenda shall be posted in electronic form on the corporation's web site. Materials distributed to the board either before or during a meeting, except privileged items, are public records and must be made available to the public for inspection and copying without delay. Documents that are distributed less than 72-hours prior to a meeting must be made available for inspection at a designated location, and may also be posted on the school's website.
 - ii. Special meetings may be called at any time, subject to the requirements of these Bylaws and the Ralph M. Brown Act, but notice must be posted or received at least twenty-four (24) hours prior to the meeting by all members of the body and by all local media outlets that have requested notice in writing.
 - iii. When a majority of the SSC determines that an emergency situation exists, it may call an emergency meeting. (§ 54956.5.) The Ralph M. Brown Act defines an emergency as a crippling activity, work stoppage or other activity which severely impairs public health, safety or both. (§ 54956.5(a)(1)) Absent a dire emergency, telephonic notice must be provided to all media outlets that have requested that they receive notice of any special meetings called pursuant to section 54956 at least one hour prior to the meeting. (§ 54956.5(b).) In the case of a dire emergency, notice need only be provided at or near the time that notice is provided to the members of the body. (§ 54956.5(b)) A dire emergency is a crippling disaster, mass destruction, terrorist act, or threatened terrorist

activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body. (§ 54956.5(a)(2))

- iv. Notice shall be addressed or delivered to each director at his or her home physical address, telephone contact number, or electronic mail address as it is shown upon the records of the corporation. Notice may also be given when the Clerk of the SSC or his or her designee personally delivers the notice to a board member.
 - v. Notice by mail shall be deemed to have been given at the time that the notice is deposited in the United States mails, postage prepaid. Notice by electronic mail shall be deemed to have been given when it is actually transmitted by the person sending the notice by electronic means to the recipient. Telephonic notice shall be deemed to have been given at the time it is communicated, in person or by telephone, to the recipient or to a person at the office of the recipient who, the person giving the notice has reason to believe, will promptly communicate it to the recipient. Personal notice shall be deemed to have been given at the time and place where the Clerk of the SSC or his or her designee personally delivers notice to the Board member.
- (e) **Quorum:** A majority of directors currently in office (but no fewer than two) constitutes a quorum of the SSC for the transaction of business, except for purposes of adjournment as provided in Section 7(g) of these Bylaws. Unless a greater number is expressly required by law, the Articles or these Bylaws, every action taken or decision made by a majority of the members present at a meeting duly held at which a quorum is present is the act of the Board; provided, however, that a meeting at which a quorum is initially present may continue to transact business notwithstanding the withdrawal of directors, if any action taken is approved by at least a majority of the required quorum for such meeting.

The following actions shall require a vote by a majority of all members then in office in order to be effective:

1. The amendment of the Articles or these Bylaws;
2. Creation or dissolution of the SSC committee (as provided in these Bylaws); and
3. The election of new members or a vote to change the number of members (as provided in herein).

Participation in Meetings by Conference Telephone. Directors may participate in meetings of the SSC through the use of conference telephone or equivalent communications equipment, so long as:

1. Members participating in the meeting can hear one another;
2. At least a quorum of the Committee participates from teleconferencing locations within the boundaries over which the body exercises jurisdiction of the corporation;
3. Each teleconference location is identified in the notice and agenda of the meeting, the agenda is posted at each teleconference location in a location readily accessible to the public twenty-four (24) hours a day during the entire notice period¹, each teleconference location is accessible to the public (disabled access – ADA compliant, members of the public must be able to hear what is said during the meeting, must be

¹ This means that members of the Committee who choose to utilize a home, office, or any off-site location, must open these locations to the public and accommodate any member of the public who wishes to attend the meeting at that location. They must also ensure the location is ADA compliant.

able to testify, and there is an opportunity for the public to address the Board at each teleconference location²; and

4. All votes taken must be by roll-call.

Participation in a meeting pursuant to this Section 1(e) constitutes presence in person at the meeting.

(g) **Waiver of Notice.** Notice of a meeting need not be given to any member who signed a waiver of notice

(h) **Adjournment.** Regular and special meetings may be adjourned to a future date by a majority vote of the Members in attendance at the meeting, assuming that a quorum of the Members is present. (§ 54955.) If the subsequent meeting is conducted within five (5) days of the original meeting, matters properly placed on the agenda for the original meeting may be considered at the subsequent meeting. (§ 54954.2(b)(3).) If the subsequent meeting is more than five (5) days from the original meeting, a new agenda must be prepared and posted pursuant to section 54954.2. Hearings continued pursuant to section 54955.1 are subject to the same procedures.

When a meeting is adjourned to a subsequent date, notice of the adjournment must be conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of the adjournment. When less than a quorum of a body appears at a noticed meeting, the body may either meet as a committee of the parent body or adjourn to a future date pursuant to the provisions of sections 54955 or 54954.2(b)(3). If no members of the legislative body appear at a noticed meeting, the clerk may adjourn the meeting to a future date and provide notice to members of the legislative body and to the media in accordance with the special meeting notice provisions set forth in section 54956.

(i) **No Action Without Meeting.**

No action required or permitted to be taken by the Committee may be taken without a properly noticed and agenda meeting, pursuant to the requirements of the Ralph M. Brown Act and these Bylaws.

Section 9. The Ralph M. Brown Act.

Notwithstanding any other requirements contained in these Bylaws, all meetings of the SSC shall be held in compliance with all applicable requirements of the California Ralph M. Brown Act.

Article VII **Maintenance of the Bylaws**

Section 1: Amendments

The Bylaws may be adopted, amended, or repealed in whole or in part by two thirds (2/3) vote of all Officers then in office.

² The Brown Act prohibits requiring members of the public to provide their names as a condition of attendance at the meeting.

