

**Indicate  
Bylaw  
Section****Criteria for Charter School Bylaws  
Revised February 2011****Related  
Law/Regulation**

CHARTER SCHOOL NAME: \_\_\_\_\_

Please use the following checklist to guide the creation of your charter school bylaws. Please record in the left column the section or page number of each of the required elements within your draft bylaws document.

	1. State the name and purpose of the school and that the school is a public school.	M.G.L. Chapter 71, Section 89(c)
	2. State that the name of the school must include the words 'charter school' as part of its name.	M.G.L. Chapter 71, Section 89(k)(1)
	3. Cite M.G.L. Chapter 71, Section 89.	
	4. State that the board of trustees holds the charter granted by the Commonwealth of Massachusetts.	M.G.L. Chapter 71, Section 89(c)
	5. State that the board of trustees of a charter school is a public entity, which operates independently of a school committee.	M.G.L. Chapter 71, Section 89(c)
	6. Remember that the bylaws should not refer to the school as a non-profit corporation, a charitable organization, a 501(c) (3), or use descriptions indicating that the school is anything other than a public entity.	
	7. State that the individual board members are considered special state employees.	M.G.L. Chapter 71, Section 89(c)
	8. State that the board is a public employer for the purposes of tort liability (M.G.L. Chapter 258) and for collective bargaining purposes (M.G.L. Chapter 150E).	M.G.L. Chapter 71, Section 89(y)

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	9. In Horace Mann charter schools, state that the school committee is the public employer for collective bargaining purposes under M.G.L. Chapter 150E.	M.G.L. Chapter 71, Section 89(y)
	10. State that the board of trustees may not discriminate against potential members on the basis of race, color, national origin, creed, ancestry, ethnicity, age, gender identity, religion, martial status, sexual orientation, or non-disqualifying handicap or mental condition.	M.G.L. Chapter 71, Section 89(f)
	11. Specify that public notice be given of the date, time and location of all meetings in accordance with the law pertaining to the open meetings of governmental bodies.	M.G.L. Chapter 30A, Sections 18-25
	12. Specify that detailed, accurate records of every meeting be adopted and kept in accordance with the law pertaining to the open meetings of governmental bodies.	M.G.L. Chapter 30A, Sections 18-25
	13. Stipulate the situations under which an executive session may take place.	M.G.L. Chapter 30A, Section 21(a)
	14. State that trustee participation occurs in person for the purpose of a quorum or vote.	
	15. Specify the minimum and maximum number of trustees required on the board.	
	16. Specify that action by the board requires a majority vote of a quorum of seated trustees and, to the degree required, specify the situations for which approval may require a special majority.	

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	17. Define the number of years that shall constitute a board member's term.	
	18. Set a specific, reasonable, limit on successive or total terms that a member may serve.	
	19. State that a formal vote of the board of trustees is required to accept all new members.	
	20. Expressly require a voting employee representative in the board's composition if the school intends to have any paid employee member(s) serve on the board.	
	21. Specify the number and titles of officers (e.g., chair, vice-chair, secretary, and treasurer).	
	22. Describe the responsibilities of each officer.	
	23. Describe a process for electing officers.	
	24. State that the board complies with the state conflict of interest law, M.G.L. Chapter 268A.	M.G.L. Chapter 71, Section 89(u)
	25. State that board members must disclose any financial interest or business transactions that they (or any immediate family member) have in any charter school in Massachusetts or elsewhere with the state ethics commission, the Department and the city or town clerk within 30 days of joining the board and by September 1 annually, including the year after service is completed (unless service is less than 30 days in that year).	M.G.L. Chapter 71, Section 89(u)

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	26. State that the board of trustees shall request the appointment of a trustee to the board only where the board has no reason to know that the trustee has a financial interest under M.G.L. c. 268A which may preclude a majority of the board from participating in deliberations or voting on certain matters that are expected to come before the board. The board must exercise due diligence prior to determining that a proposed trustee does not have such a financial interest.	
	27. Specify that the school's fiscal year begins on July 1 (and ends on June 30 of the following calendar year).	
	28. Specify a process for making amendments to the bylaws, subject to the approval of the board of trustees and the Department of Elementary and Secondary Education (additionally, school committee and teacher's union if a Horace Mann charter school).	603 CMR 1.11(2)
	29. Describe the procedure for responding to any complaints filed with the board of trustees.	M.G.L. Chapter 71, Section 89(II) 603 CMR 1.10 M.G.L. Chapter 30A, Section 23
	30. Prohibit the board of trustees from exercising managerial powers over the day-to-day operations of the school.	
	31. State the ability of the board of trustees to select, appoint, evaluate, and/or remove only the school director(s).	
	32. Specify the process through which a trustee may resign and/or be removed from the board.	
	33. Require that the board of trustees meet at least quarterly.	

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	34. Require an annual meeting of the board of trustees.	
	35. Describe the process for the formation of committees and/or task forces.	