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| **[School Name]**  **Board of Trustees Bylaws Checklist**  Fall 2014 |

The bylaws of every board of trustees must comply with state and federal laws and contain certain provisions. Please use the following checklist to guide the creation of your charter school bylaws.

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| **The Bylaws must:** | **Location in Bylaws**  **(page and section number)** |
| 1. State the name and purpose of the school and that the school is a public school. The name of the school must include the words “charter school”.   Citation: G.L. c. 71, § 89(c) and 89(k)(1) |  |
| 1. Specify that the board of trustees holds the charter granted by the Commonwealth of Massachusetts. Citation: G.L. c. 71, § 89(c) |  |
| 1. Specify that the school’s fiscal year begins on July 1 and ends on June 30 of the following calendar year. |  |
| 1. Specify that the board of trustees of a charter school is a public entity, which operates independently of any school committee. Citation: G.L. c. 71, § 89(c) |  |
| 1. Specify that individual board members are considered special state employees. Citation: G.L. c. 71, § 89(c) |  |
| 1. Specify that members of the board of trustees will comply with the Commonwealth's state ethics requirements including, but not limited to, meeting all training requirements; complying with G.L. c. 268A, the conflict of interest law; filing all required disclosures under G.L. c. 268A; and filing all statements of financial interest in a timely fashion as required by G.L. c. 71, § 89(u). Failure to comply with state ethics requirements may result in removal of individual board members by the board of trustees or by the Commissioner. Citation: G.L. c. 71, § 89(u); 603 CMR 1.06(2)(e) |  |
| 1. Specify the frequency of board meetings, which must be held in Massachusetts, and occur at least quarterly. Citation: 603 CMR 1.06(2)(c) |  |
| 1. Specify that the board of trustees and its committees, irrespective of what the title may be, will comply in all respects with the open meeting law, G.L. c. 30A, §§ 18-25, and the regulations, guidance, and directives of the Office of the Attorney General. This includes, but is not limited to, training, notice of meetings, records of meetings, and executive sessions. Citation: G.L. c. 30A, § 18-25 |  |
| 1. Specify that a member of the board of trustees may participate remotely in a meeting provided that such participation complies with the requirements of 940 CMR 29.10 including, but not limited to, meeting the permissible reasons for remote participation. |  |
| 1. Specify that the board of trustees is a public employer for the purposes of tort liability under Chapter 258 of the General Laws and for collective bargaining purposes under Chapter 150E of the General Laws.   In Horace Mann charter schools, state that the school committee is the public employer for collective bargaining purposes under Chapter 150E of the General Laws.  Citation: G.L. c. 71, § 89(y) |  |
| 1. Specify that board of trustees will not exercise managerial powers over the day-to-day operations of the school. Citation: 603 CMR 1.06(1) |  |
| 1. Specify that the board of trustees will fulfill their fiduciary responsibilities, including but not limited to, the duty of loyalty and duty of care, as well as the obligation to oversee the school's budget. Citation: 603 CMR 1.06(1) |  |
| 1. Specify that the boards of trustees must ensure that school operates in compliance with all applicable state and federal laws including, but not limited to (*please include each component in the school’s bylaws)*:  * Successfully completing the opening procedures process in accordance with G.L. c. 70, § 89; 603 CMR 1.00; and any guidelines issued by the Department; * Requesting the Commissioner's appointment of any new trustees and receiving that approval prior to any new trustees beginning their service as members; * Submitting timely annual reports; * Submitting timely annual independent audits; * Hiring, evaluating, and removing, if necessary, qualified personnel to manage the charter school's day-to-day operations and holding these administrators accountable for meeting specified goals; * Approving and monitoring progress towards meeting the goals of the school's Accountability Plan; * Adopting and revising school policies, including plans for student recruitment and retention; * Responding to complaints in writing as required by 603 CMR 1.09; and * Ensuring that members of the board receive an orientation and training regarding their duties and obligations as members of a board of trustees.   Citation: 603 CMR 1.06(1)(a-i) |  |
| 1. Specify the number of members of the board of trustees; the board of trustees must have a minimum of five members. Citation: 603 CMR 1.06(1) |  |
| 1. If the board of trustees includes one or two employees of the school as members of the board of trustees, explicitly identify these categories of membership by position and identify the numbers of such members. Citation: 603 CMR 1.06(2)(f) |  |
| 1. Specify the number of years that shall constitute a board member’s term and set a specific, reasonable limit on successive and total terms that a board member may serve. Citation: 603 CMR 1.06(2)(a) |  |
| 1. Specify that the board of trustees will exercise due diligence in assessing the suitability of candidates for board membership with respect to potential conflicts of interest and areas of skill and expertise that will be of value to the board of trustees, such due diligence to occur prior to a vote by the board of trustees to request the Commissioner to appoint the proposed member(s). Prior to submitting a candidate to the Commissioner for approval, the board of trustees must determine that no financial interests under G.L. c. 268A exist which may preclude a majority of the board from participating in deliberations or voting on certain matters within the scope of the board’s authority. Citation: 603 CMR 1.06(2)(b) |  |
| 1. Specify the process by which a trustee may resign or be removed from the board. |  |
| 1. Specify that action by the board requires a majority vote of a quorum of trustees and, to the degree required, specify the situations for which approval may require a special majority. Specify that a quorum is a majority of the trustees serving on the board. Absent such a provision defining a quorum, a quorum will be the majority of trustees of the “body as constituted,” irrespective of vacancies.   See Gamache v. Town of Acushnet, 14 Mass. App. Ct. 215, 219 (1982) (noting that a Town bylaw established a board of appeals of five members, and a temporary vacancy did not alter that bylaw). |  |
| 1. Specify the number and titles of board officers, describe the responsibilities of each officer, and describe the process for electing officers. |  |
| 1. Specify the process by which committees are formed. |  |
| 1. Describe the procedure for bringing complaints to the board of trustees and for the board of trustees to respond in writing to any such complaints filed with it.   Citation: G.L. c. 71, § 89(ll); 603 CMR 1.06(1)(h) and 1.09 |  |