

NC Charter Schools Advisory Board
Bylaws
Amended August 1, 2017

Preamble

§ GS 115C-218 (b) North Carolina Charter Schools Advisory Board.

There is created the North Carolina Charter Schools Advisory Board, hereinafter referred to in this Part as the Advisory Board. The Advisory Board shall be located administratively within the Department of Public Instruction and shall report to the State Board of Education.

The following Bylaws shall govern and control all actions and procedures of the CSAB.

Rule 1. Membership

The State Superintendent of Public Instruction, or the Superintendent's designee, shall be the secretary of the Advisory Board and a nonvoting member.

The Advisory Board shall consist of the following **11 voting members**:

- a. **Four members** appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, in accordance with G.S. 120-121.
- b. **Four members** appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, in accordance with G.S. 120-121.
- c. **Two members** appointed by the State Board of Education who are charter schools advocates and are not current members of the State Board of Education.
- d. **The Lieutenant Governor or the Lieutenant Governor's designee.**

Rule 2. Terms of Office and Vacancy Appointments

- 2.1 Appointed members shall serve four-year terms of office beginning on July 1. No appointed member shall serve more than eight consecutive years. Vacancy appointments shall be made by the appointing authority for the remainder of the term of office.

Rule 3. Powers and Duties

- 3.1 In accordance with G.S. 115C-218(b) the CSAB shall have the following duties:
- 3.1.1 To make recommendations to the State Board of Education on the adoption of rules regarding all aspects of charter school operation, including time lines, standards, and criteria for acceptance and approval of applications, monitoring of charter schools, and grounds for revocation of charters.
- 3.1.2 To review applications and make recommendations to the State Board of Education for final approval of charter applications.
- 3.1.3 To make recommendations to the State Board of Education on actions regarding a charter school, including renewals of charters, non-renewals of charters, and revocations of charters.
- 3.1.4 To undertake any other duties and responsibilities as assigned by the State Board of Education.

Rule 4. Rules of Order

- 4.1 Except as modified by these Rules, [Roberts Rules of Order](#) (latest edition) shall constitute the rules of parliamentary procedure applicable to all meetings of the CSAB and its committees.

Rule 5. Quorum

- 5.1 A quorum for the conduct of business by the CSAB shall consist of a majority of all the qualified members of the CSAB. If a smaller number than the majority is present, the Chair shall call the roll, record the names of the absentees, and adjourn.
- 5.2 A quorum for the conduct of business by a committee of the CSAB shall consist of a majority of the members of the committee.

Rule 6. Officers

- 6.1 In accordance with G.S. 115C-218(b), the Advisory Board shall annually elect a Chair and Vice Chair from among its membership that shall serve until a successor is elected in accordance with G.S. 115C.218(b).
- 6.2 In the event a vacancy in the office of Chair or Vice-Chair occurs prior to the end of the term, the CSAB shall elect one of its members to fill the office for the unexpired portion of the term.
- 6.3 The Chair shall preside at all meetings of the CSAB. In the absence of the Chair, the Vice-Chair shall preside. In the absence of the Chair and Vice-Chair at a meeting, the CSAB shall elect one of its members as the Chair pro tempore to preside as the Chair for only the meeting at which the Chair and the Vice-Chair are absent.

Rule 7. Voting

- 7.1 Subject to the provisions in Rule 12 of these Bylaws, all members of the CSAB shall vote on all matters coming before the NC Charter Schools Advisory Board for consideration. Subject to the provisions in Rule 12 of these Bylaws, all members of a committee shall vote on all matters coming before the committee for consideration. Provided, the board by majority vote, may excuse a member from voting based upon that member's bone fide claim of conflict of interest or other circumstance warranting recusal from voting. The board may consult with counsel prior to making its decision.
- 7.2 No member may vote by proxy. No vote concerning any matter under consideration by the CSAB or a committee may be cast in absentia by mail, electronically or otherwise.
- 7.3 Voting by the CSAB and its committees shall be viva voce unless a recorded vote is requested by a member, in which case the vote shall be taken as requested.
- 7.4 A majority of those present and voting shall be necessary to carry a motion before the CSAB or a committee, except where a two-thirds majority of those present or of the membership is provided for in these Bylaws.
- 7.5 Secret ballots are not permitted.

Rule 8. Meetings of the Charter School Advisory Board

- 8.1 Meetings of the CSAB shall be held upon the call of the Chair or the Vice-Chair with the approval of the Chair.
- 8.2 The staff of the Office of Charter Schools shall notify the public and the media of regular and special meetings of the CSAB and its committees in accordance with the Open Meetings Law.

Rule 9. Minutes

- 9.1 The Superintendent's designee shall maintain accurate written minutes of the proceedings of the CSAB, which shall be kept in the Office of Charter Schools.
- 9.2 The minutes of the CSAB shall be open to inspection by the public to the full extent provided by the Open Meetings and Public Records Laws.

Rule 10. Agenda

- 10.1 The Chair of the CSAB shall approve the agenda for each meeting in consultation with the OCS staff. Any changes to the agenda will require approval by the Chair.
- 10.2 A member may submit an item for the agenda at the beginning of the meeting with approval of the majority of the members.

Rule 11. Committees

- 11.1 The Chair of the CSAB may appoint committees and may assign to such committees any tasks deemed necessary or desirable by the Chair.
- 11.2 The Chair shall appoint an Executive Committee of at least three members to consider all matters pertaining to charter schools that may impact legislation or litigation. When circumstances require immediate action a decision of the Executive Committee shall constitute a decision of the CSAB. In addition, this provision may be used in the event the SBE requests a recommendation from the CSAB when there is insufficient time to convene the entire CSAB.

Rule 12. Standards of Conduct

- 12.1 Each member of the CSAB shall comply with the State Ethics Act (G.S. 138A *et seq.*), the State Board of Education Standards of Conduct as outlined in State Board of Education Policy (SBOP-004) and the State Board of Education Conflicts of Interest Policy (SBOP-026).
- 12.2 Members of the CSAB must avoid circumstances that create either the appearance of or an actual conflict of interest. The credibility of the CSAB and its work depends on public trust. Even the perception of unethical conduct or conflicts of interest can have a negative impact on that trust.
- 12.3 Each member of the CSAB shall, at a minimum, recuse himself or herself from discussing and voting on any matters from which the member will receive a financial benefit. Financial benefit is defined as G.S. 14-234, G.S. 138A *et seq.* and SBOP-026. The State Board of Education may elect not to consider any recommendation from the CSAB in violation of this provision.
- 12.4 Attendance is required at all meetings for the proper functioning of the CSAB. Excused absences shall be approved by the Chair prior to each meeting. Three consecutive unexcused absences may result in removal under Rule 13.

Rule 13. Removal

- 13.1 Any appointed member of the CSAB may be removed by a vote of at least two-thirds of the CSAB members at any duly held meeting for any cause that renders the member incapable or unfit to discharge the duties of the office in accordance with G.S. 115C-218(b)(9).
- 13.2 Any violation of Rule 12 may render a member incapable or unfit to discharge the duties of the office and therefore be grounds for removal from the CSAB.

Rule 14. Amendments and Suspension of Bylaws

- 14.1 Any provision of these Bylaws (except those governed by statutory provisions) may be amended by a vote of two-thirds membership of the CSAB, provided that no amendment may be adopted unless its substance has been introduced at a preceding regular or special meeting of the CSAB.

14.2 Any provision of these Bylaws (except those governed by statutory provisions) may be suspended at any regular meeting of the CSAB, for that meeting, by a vote of two-thirds of the membership of the CSAB.