

BYLAWS
OF
Elko Institute of Academic Achievement

ARTICLE I
INTRODUCTION; LEGAL STATUS

Section 1. Name: The name of the charter school is Elko Institute of Academic Achievement (hereinafter the “School”). The principal place of business of the School is **905 W. Main Street**, Elko, Nevada.

Section 2. Sponsorship: The School is a charter school pursuant to Nevada Revised Statute 388A, sponsored by the State Public Charter School Authority (SPCSA).

Section 3. Legal Authority: The School shall operate under the authority of and accordance with Nevada Revised Statutes, Chapter 388A sponsored by the SPCSA.

ARTICLE II
PURPOSE AND MISSION

Section 1. Purpose and Mission Statement: The Purpose of the School is to provide a high-quality education to children from kindergarten through the eighth grade. The Mission of the School is to ensure that its students receive the best education possible and that they obtain the necessary skills, knowledge and confidence to succeed in their future.

Section 2. Anti-Discrimination: The School shall not discriminate on the basis of race, religion, national origin, gender, age, disability, sexual orientation, status of a Vietnam-era or special disabled Veteran, or other protected class in accordance with applicable deferral or state laws in hiring or other employment practices of the School. Further, the School shall be open to all students in its authorized geographic area on a space-available basis and shall not discriminate in its admission on policies or practices on the basis of race, gender, religion, ethnicity or disability. Vacant seats will be filled through an open lottery system. Intent to Returns for existing students will take place prior to January 31 with Open Enrollment beginning the first Monday in February and running for 45 consecutive school days of each year. The School shall run the lottery in mid-April for the subsequent school year. The School shall conduct all of its activities in accordance with all applicable anti-discrimination laws, as well as in accordance with all other laws and regulations applicable to the operation of public charter schools in the State of Nevada.

ARTICLE III
BOARD

Section 1. Powers of the Board: Oversight of the academic, performance, and financial viability of the School shall be the responsibility of the Board, also referred to herein as the “Board.” The Board shall govern and maintain control by

responsible oversight and governance of the operations of the School as outlined in the EIAA bylaws and the EIAA Board Policies and Procedures. Without limiting the general powers conferred by these bylaws and provided by law, the Board shall have, in addition to such powers, the following powers:

- (a) To perform all duties imposed on the Board collectively or individually by law or by the bylaws;
- (b) To make and change policies, rules and regulations not consistent with law, or with these Bylaws, for the management and control of the School and its affairs, and of its employees and agents to lease, purchase, or otherwise acquire, in any lawful manner, for and in the name of the School, any and all real and personal property, rights, or privileges deemed necessary or convenient for the conduct of the School's purpose and mission.
- (c) To establish and approve all educational and operational policies to the extent deemed necessary by the Board;
- (d) To enter into agreements and contracts with individuals, groups of individuals, corporations, or governments for any lawful purposes;
- (e) To appoint or employ an Administrator for the School. The Administrator has full authority for all school activities, day-to-day operation of the school, hiring and firing of personnel, full time teachers and administrators;
- (f) To develop and approve the annual budget and financial plan, which plan shall be monitored and adjusted as necessary throughout the year;
- (g) To approve a final budget to be submitted to the Nevada Department of Education pursuant to statute and regulation;
- (h) To cause to be kept a complete record of all the minutes, acts and proceedings of the Board;
- (i) To cause an annual inspection or audit of the accounts of the School, as well as any other audits required by law, to be made by an accountant to be selected by the Board, which inspection or audit shall show in reasonable detail all of the assets, liabilities, revenues and expenses of the School and its financial condition;
- (j) To ensure ongoing evaluation of the School and provide public accountability;
- (k) To uphold and enforce all laws related to charter school operations;
- (l) To improve and further develop the School;

- (m) To strive for a diverse student population, reflective of the community;
- (n) To ensure adequate funding for operation;
- (o) To solicit and receive grants and other funding consistent with the mission of the School with the objective of raising operating and capital funds;
- (p) To critically evaluate the performance of any contractor for the School and select another contractor if the contractor is not performing his or her duties or services in a satisfactory manner; and
- (q) To carry out such other duties as required or described in the School's Charter.
- (r) To borrow money, to pledge or mortgage school property for use as collateral or security for loans; to purchase or perform work on or improve real or personal property with borrowed funds; and to execute or authorize the execution of any documents needed to borrow funds for the purchase, construction or improvement of real or personal property, to include, without limitation, construction loans.

Section 2. Requirements, Restrictions and Prohibitions Applicable to Board: The Board shall be composed of seven (7) Directors and shall be subjected to the following requirements, restrictions and prohibitions:

- (a) The Board shall adhere to the statutory requirements of NRS 388A.320 which requires that the governing body of a charter school consist of at least one teacher or other person licensed pursuant holding a current license to teach issued pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing and having at least 2 years of experience as an employed teacher (not including a person who is employed as a substitute teacher) or a school administrator with a license issued by another state or who previously held such a license and is retired, One parent or legal guardian who is not a teacher or employee of the proposed charter school, and two members who possess knowledge and expertise in one or more of the following areas: accounting, financial services, law, or human resources. In addition to the four required positions a board may consist of members of the general public, representatives of nonprofit organizations and businesses, or representatives of a college or university within the Nevada System of higher education.
- (b) Not more than two persons who serve on the Board may represent the same organization or business or otherwise represent the interests of the same organization or business. A majority of the members of the Board must reside in this State.

- (c) The Board may decide to recognize a single Parent Teacher Organization for the School subject to any rules, requirements and/or restrictions the Board may impose on that organization.
- (d) A majority of board members shall be residents of Elko County, which is the county in which the school is located.
- (e) All board members shall be devoted to the purpose and mission of the School and shall represent the interests of the community.
- (f) The Board Members can serve up to three (3) five (5) year terms for a total of 15 years, When the term of a Board member resigns, the remaining Directors shall elect a new Director to fill the vacancy.
- (g) The School shall notify its sponsor and the Department of Education within ten days of the selection of a new board member and provide the sponsor and the Nevada Department Education with the new member's resumes and affidavits as required pursuant to NRS 388A.320 (1) and any other applicable statutory or regulatory provision.
- (h) Board members shall be fingerprinted according to NRS 388A.323 within 10 days after being appointed to the governing body as procedure for the employees of the school.
- (i) A person may serve on the Board only if he or she submits an affidavit to the SPCSA indicating that the person; has not been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude, and has received training or read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other material designed to assist the governing bodies of charter schools, if such material is provided to the person by the SPCSA.
- (j) A Board member may not be (1) an employee of the School, including, without limitation, an administrator or teacher; or (2) a contractor of the Board or the School.
- (k) If a person serves on the Board as a representative of a nonprofit organization or business, no other member of the Board may also serve as a representative of that organization or business or otherwise represent the interests of that organization or business.
- (l) No board members may be related by birth or marriage.
- (m) The Board will represent, wherever possible, a diversity of the community allowing no domination of any religious, ethnic, or racial group.

Section 3. Meeting Date and Location: The Board shall establish a regular date and place for regular meetings, which shall occur no less frequently than once a quarter and shall be held in Elko County. Special meetings of the Board may be called at any time by the Chairperson or by a majority of the Board.

Special meetings shall be held at such time and place as may be designated by the authority calling such meeting. The notice and conduct of all meetings shall comply with the Nevada Open Meeting Law. Notice of the time and place for every regular or special meeting shall be given to each member of the Board by e-mail at least three (3) business days before the date fixed for the meeting and to all those individuals who request notice of relevant meetings. The purpose of any regular or special meeting must be specified in the notice of such meeting. Minutes of each board meeting shall be approved by the Board and kept at the School.

Section 4. Agendas: An agenda must be produced for each board meeting except as otherwise permitted under the Nevada Open Meeting Law and these Bylaws. The agenda shall be prepared in accordance with NRS 241.020(3). In addition to previously requested agenda items, any Board member may provide additional agenda items for the following meeting by providing the requested agenda item, via e-mail, fax or regular mail, to the School's supervising employee or administrator, noting its appropriate place on the normal agenda format, and describing a realistic time requirement for such item. Such requests must be received at least 48 hours prior to the posting deadline pursuant to Nevada Open Meeting Law.

Section 5. Quorum: A quorum at all meetings of the Board shall consist of a majority of the number of board members then in office. Proxy voting is not permitted.

Section 6. Vacancies: Any vacancy occurring in the Board may be filled by the affirmative vote of a majority of the Directors at a regular or special meeting of the Board.

Section 7. Committees: The Board may designate from among its members, by resolution adopted by a majority of the entire Board members, as deemed necessary. All subcommittee meetings shall be conducted in accordance with Nevada Open Meeting Law.

Section 8. Removal of Board Members: Any member of the Board may be removed by the affirmative vote of two-thirds (2/3) of the board members then in office, excluding the member who is under consideration for removal, whenever in the Board's judgment such removal would serve the best interests of the School.

Section 9. Resignations: A resignation by a Board member shall be effective upon receipt in writing of such resignation by the Chairperson and presented to the Board during a regular or special meeting.

Section 10: Participation by Telephone or Other Means: To the extent permitted by law, any member of the Board or committee thereof may participate in a meeting of such Board or committee by means of a conference telephone network or similar communications method by which all persons participating in meeting can hear each other. Participation in that manner shall be equivalent to physical presence at the meeting.

Section 11. Voting by Proxy: Proxy voting is not permitted.

Section 12. Closed Sessions: Any Board member may call a closed session during any special or regular Board meeting for issues concerning personnel or other matters requiring confidentiality in accordance with the Nevada Open Meeting Law. The closed session must be asked for in written communication, delivered to the school by hand, at least 48 hours prior to the posting of the agenda. All persons except Board members may be excluded from such closed sessions at the discretion of the Chair. No action may be taken in a closed session.

Section 13. Robert's Rules of Order: The Board shall use Robert's Rules of Order, unless stated otherwise herein. If a Board member is unable to attend a Board meeting, the Board member shall contact the Chairperson, Administrator or designated supervising employee prior to the meeting.

Section 14. Public Comment: Time shall be set aside at each Board and Committee meeting for public comment in accordance with the Open Meeting Law. The Chairperson may impose any reasonable requirements and restrictions on speakers during the public comment period, to the extent permitted by law.

Section 15. Contracts: The Board may authorize any office or officers, agent or agents, employee or employees to enter into any contract or other instrument on behalf of the School, and such authority may be general or confined to specific instances. Except as herein provided or as authorized by the Board, no officer, agent, or employee shall have any power or authority to bind the School by any long-term contract or engagement, or to pledge its credit, or to render it liable for any purpose or for any amount, other than the day-to-day operational needs.

ARTICLE IV OFFICERS

Section 1. Officer: The officers of the School shall include a Chair, Vice-Chair, Secretary, Treasurer, and such other officers as the Board shall deem necessary.

Section 2. Election and Appointment: The Board, at its first meeting of the academic year and at every annual meeting thereafter, shall elect a Chair, Vice-Chair, Secretary and a Treasurer, to hold office for one year, and until their successors are elected and qualify.

Any vacancy in any appointed offices may be filled by the remaining members of the Board, and any officer so elected shall hold office until his successors shall be duly elected or until the next realignment of board roles.

Section 3. Powers and Duties of the Chair: It shall be the duty of the Chair to preside over meetings of the Board. The Chair shall cause to be called to order all regular and special meetings of the Board in accordance with these bylaws. The Chair shall sign all contracts and agreements in the name of the School, which are authorized by the Board. The Chair shall be the executive officer of the School and shall have full power to execute all resolutions and orders of the Board not specifically entrusted to some other officer of the School. The Chair shall perform all such duties as prescribed by the Board.

Section 4. Powers and Duties of the Vice-Chair: The Vice-Chair of the School shall generally assist the Chair and shall perform such duties as may be assigned to him/her by the Board. In the event of the death, resignation, absence, or inability to act of the Chair, he/she shall assume and discharge pro tempore the powers and duties of the Chair of the School.

Section 5. Powers and Duties of the Secretary: The Secretary shall be the secretary to the Board and shall keep the minutes of all meetings of the Board.

Section 6. Powers and Duties of the Treasurer: The Treasurer shall serve as an ongoing resource and advisor to staff on financial issues and work closely with staff on financial issues/oversight.

Section 7. Returns and Statements: It shall be the duty of each officer of the School to make and file any and all returns, reports, lists, or statements required by law to be made and filed by him/her.

ARTICLE V MISCELLANEOUS

Section 1. Fiscal Year: The fiscal year of the School shall be July 1 to June 30.

Section 2. Disposition of Monies Received: All checks and drafts of funds of the School shall be deposited to the credit of the School in such banks, trust companies, or to other depositories as the Board designates. All checks, notes, drafts, bills of exchange, acceptances, or other orders for payment of money or other evidences of the indebtedness of the School shall be signed by a minimum of two authorized signers on the respective accounts. Monthly financials shall be placed on the agenda and presented to the board for approval.

Section 3. Notice: Whenever, under the provisions of these Bylaws, notice is required to be given to any board member, it shall not be constructed to be limited to personal notice, but such notice may be given in writing by depositing the same in a Post Office or letter box in a postpaid, sealed wrapper, addressed to such member at the latter's last known address, and the time when the same shall be this mailed shall be deemed to be the time of the giving of such notice.

Section 4. Books and Records: The bylaws and such other books and records of the School as are required by law or as may from time-to-time be prescribed by the Board, shall be kept at the School premises for inspection by all who are authorized or have the right to inspect the same.

Section 5. Singular and Plural, Etc.: It is understood that any and all references to the plural shall include the singular and any references to the masculine shall include the feminine and vice versa, as indicated by the context and number of parties involved.

Section 6. Electronic Signatures: An electronic signature of any director shall have the same force and effect as an original signature.

Section 7. Amendments to Bylaws: The Board shall have power to make, amend, or repeal the bylaws of the School at any regular meeting or at a special

meeting called for the purpose. A majority vote is required to amend, alter, or repeal the bylaws. Any amendments to the bylaws must be approved by the SPCSA, before the amendment takes effect.


Section 8. Unenforceable or Illegal Provisions: In the event any provision contained in these Bylaws are found to be illegal or unenforceable, that provision shall be stricken and all other provisions contained herein shall remain in full force and effect.


These Bylaws are adopted for the sole purpose of facilitating, in an orderly manner, of the purpose of the School. These Bylaws shall never be construed in any such way as to impair the efficient operation of the School. In Witness Whereof, we being all of the members of the Board of the Elko Institute of Academic Achievement, have hereunto set our hands, day of , 20__.


Chair


Vice Chair


Member


Member


Member

Member

Member

ATTEST: 

SECRETARY