

Constitution and By-Laws of Palo Verde High Magnet School

We the constituents of Palo Verde High Magnet School establish this Constitution and By-Laws in order to provide the framework for the creation of a school decision-making process in which all of the people affected by and who have a stake in the success and outcomes of our school are democratically represented. Through the will of this Constitution, Arizona State Statutes, and the Policies of the TUSD Governing Board, our School Council makes decisions and implements actions for the betterment and development of our students, their academic achievement, and our school.

Article I - Membership

A. Pursuant to Arizona State Statutes, the Palo Verde School Council (hereafter called School Council) must have an equal number of teachers and parents/guardians of students who attend the school and who are not employees of the school district. State Statutes also require that the teacher and parent/guardian groups together must constitute a majority of the School Council. The Statute also provides that the School Council must take into consideration the ethnic composition of the local community. The selection of representatives by each of the constituency groups must comply with these guidelines and the School Council will make a good faith effort to accomplish this.

1. The School Council membership shall be selected by the following constituency groups. On an ongoing basis, each constituency group shall elect their representative per their established procedures.

a. Parent/Guardian Representatives.

The School Council will include four (4) Parent Guardian Representatives. A Parent is defined as the legal, custodial parent of a current student or students enrolled at Palo Verde High Magnet School. A Guardian is defined as a person who has legal custody of a current student or students enrolled at Palo Verde High Magnet School. Parent/Guardian Representatives will be selected by the parents/guardians of students enrolled at the time of the elections. It will be the responsibility of the School Council Parent/Guardian Representatives to determine the method by which the elections will be held, hold the elections, and certify the results.

b. Certified Staff Representatives.

The School Council will include four (4) Teacher Representatives. A Teacher is defined as a Certified Staff member of Palo Verde High Magnet School per the TUSD/TEA Consensus Agreement in effect at the time of the member selection. Teacher Representatives will be selected by the teachers of Palo Verde High Magnet School at the time of the elections. It will be the responsibility of the serving Teacher Representatives to determine the method by which the elections will be held, hold the elections, and certify the results.

c. Administration Representative.

The School Council will include one (1) Administrative Representative, which shall be the Principal of Palo Verde High Magnet School, or their designee. The Principal shall serve as the only permanent member of the Council.

d. Classified Staff Representative.

The School Council will include one (1) Classified Staff Representative. The Classified Staff Representative will be selected by the classified staff of Palo Verde High Magnet School at the time of the election. It will be the responsibility of the serving Classified Staff Representative to determine the method by which the election will be held, hold the election, and certify the result.

e. Student Representatives.

The School Council will include two (2) Student Representatives. One of the Student Representatives will be the President of the Palo Verde High Magnet School Student Council or his or her designee for short periods of absence. In the event the President is unable to serve on the School Council, the Student Representative will be another Student Council Member selected by the Student Council in office during the year that the President would have served. The other ~~two~~ Student Representatives will be chosen by the student council.

f. Community Representative.

The School Council will include one (1) Community Representatives. The Council will entertain nominations for these positions from any of the diverse groups and community organization that have a relationship with the school. Any member of the School Council may also recommend Community Representatives to the Council for approval. The Community Representatives should be elected from community organizations or groups that have a stakeholder relationship with Palo Verde High Magnet School.

g. Ex Officio Representative(s).

The Council by majority vote may from time to time appoint one or more ex officio members. These members selected from educational interest groups (e.g. SCPC) may share in all forms of debate and discussion. The Council will evaluate these appointments annually.

1. All members of the School Council must meet all legal requirements to be on a High School Council which may hold some of its meetings in a High School facility where students may be present recognizing that there are some restrictions on adults interacting with students. Failure to meet legal requirements is grounds for disqualification from acting as a School Council member and for removal from the School Council.

B. Length of Service.

1. Representatives to the School Council are selected for the following length terms.

- a. Parent/Guardian Representatives one year

- b. Certified Staff Representatives - two years with two representatives memberships expiring in even numbered years and two representatives memberships expiring in odd numbered years.

- c. Administrator Representative – the principal is a permanent member.

- d. Classified Staff Representative - two years.

- e. Student Representatives - one year.

- f. Community Representatives - two years.

- g. Ex Officio Representative(s) – one year.

2. Initial Election of Representatives.

- a. To accomplish the staggering of the expiration of the Certified Staff membership expirations, the first election held to select representatives for Certified Staff will select two representatives each to two year terms and two representatives each to one year terms. At all subsequent elections, representatives will be selected to two-year terms.

C. Time of Representative Selections.

1. All selection processes for representatives for the School Council must be held and the results certified such that the selected representatives can be present at the School Council meeting held prior to the beginning of the next school year.

2. Each School Council shall serve from the meeting held prior to the start of the school year until the start of the same meeting held in the following year. The existing School Council Facilitator shall start the meeting and, as the first order of business, call for the election of the new School Council Facilitator. Once this election is held, the new School Council Facilitator shall take over the meeting and shall preside for the remainder of the School Council's year.

D. Vacancies.

1. Vacancies that occur in the School Council shall be filled by the affected constituency group within 60 days of the position becoming vacant or prior to the start of the next school year if the vacancy occurs within 60 days of the start of school.

a. A vacancy in either the Parent/Guardian, classified staff or Certified Staff representation shall be filled by the remaining School Council representative(s) from that constituency. The vacant position is to be filled using the same methods as for the normally scheduled representative selections.

b. A vacancy in the Administration representation shall be filled by the new school principal if the vacancy is that of the principal representative or by a selection of the second administration representative using the same methods as in the normally scheduled representative selections.

c. A vacancy in the Student representation shall be filled by the new Student Council President or by a method determined by the Student Council.

d. A vacancy in the Community representation shall be filled after the principal initiates the election process that selects the Community Representative

E. Resignation of Representatives.

A representative may resign his or her position at any time by giving written notice to the Facilitator of the School Council. The resignation shall become effective upon notification.

F. Removal of Representatives.

- A. A school council representative may be removed from office and replaced by another representative if he or she fails to adequately represent his or her constituency group.
- B. The School Council can recommend to a constituency group removal of a representative of that group if the representative is unable to serve or fails to adequately represent that group and/or due to three consecutive unexcused absences. A vote to make that recommendation must be made by motion and seconded, and must pass by a 2/3 majority of the School Council. The Facilitator of the School Council will take the action to notify the constituency group of the recommendation.
- C. A constituent group may also call for the removal of their elected representative. A petition with at least 20 signatures from that constituent group stating as such must be submitted to the school council. A recall election will then occur as outlined in section 4 below
- D. Should a recall election be called for, the school council shall elect 3 members to conduct the election (provided that none of the three are the member in question of the recall). The election must happen within 30 days of the petition being brought to school council, or the council voting to call for a recall election. The effected stake holder group shall be the only voters in the recall election. If 2/3 of the votes cast in the election are in favor of recall, the member in question shall be removed from their position. The constituency group shall have 60 days in which to conduct the election procedures outlined in section d above.

Article II - Duties, Powers and Procedures

The School Council is the governing body of the school making decisions regarding the educational policies and affairs, properties, and interests of the school. It may exercise all power that may be granted to any such association of staff, faculty, students, community representatives and parents/guardians except those powers which are expressly limited by appropriate laws, rules, policies or by these by-laws.

A. Authority to Act

1. Legislative Power

a. The legislative authority of Palo Verde High Magnet School shall be vested in the School Council. The School Council shall determine school policy and the goals for Palo Verde High Magnet School but shall defer to the administration the responsibility to implement these decisions during the course of the day-to-day operations of the school.

b. The School Council shall have the authority to review the status of its decisions and may address concerns regarding the implementation and operation of these decisions to PVHMS administrators and to the superiors of PVHMS administration when it deems such action necessary.

B. Referendum

For any action it deems necessary, the School Council may refer final decision making authority to any and/or all constituent groups that it determines will be affected by a particular issue or decision. The School Council in cooperation with the principal shall determine the procedures for the referendum vote.

C. Interaction with Other School Organizations and Groups

The School Council may meet with members of other organizations and groups as it deems necessary in order to gather information or discuss ideas.

B. Meetings

1. Meetings shall be conducted in accordance with the Arizona Open Meeting Law and all other applicable state laws, as well as ARS 7-2-101 or the State Board Rules. Any question of procedures not otherwise covered by statute, State Board Rule or Tucson Unified School District policies shall be governed by the current procedure of the School Council and may not be suspended except by a two-thirds (2/3) vote of the entire School Council.

2. Notices of meetings shall be posted in accordance with the Arizona Open Meeting Law and all other applicable laws.

3. The School Council shall have at least one regular meeting per 30-day period during the regular school year and will meet at least once between the time school ends for one academic year and prior to the start of the next academic year. The Facilitator shall call additional meetings at other times as needed by following the required rules and procedures of the agencies and laws stated above.

C. Agenda

1. The agenda for all School Council meetings shall be in accordance with all rules and procedures required by the Arizona Open Meeting Law, State Board Rules, Tucson Unified School District policies and these By-Laws.

2. The Facilitator of the School Council, or his or her designee, shall be responsible for publishing the agenda for any meeting in a manner that meets all requirements of those agencies listed above.

3. Any School Council member may submit items for addition to the agenda. This shall be facilitated at the end of the previous meeting, or may be given later to the facilitator.

4. Constituents may request items be placed on the agenda by contacting their representatives.

5. Items for the next meeting agenda must be submitted within 72 hours of the time required for posting according to all applicable laws and policies.

6. The Facilitator will publish a preliminary agenda for each meeting 48 hours prior to the meeting for review and comment by any School Council member. The purpose of this review is for the members to recommend additions and/or edits to the proposed agenda and the rationale for these changes prior to the Facilitator's

finalization of the agenda and its final publication. The Facilitator publish the final agenda within 24 hours of the meeting. In any case, agenda items that are not submitted 24 hours prior to the time necessary for inclusion will be added to the following meeting agenda.

D. Quorum

A majority of all members of the School Council must be present in person to constitute a quorum for official business. A member of the School Council may request a quorum count at any time during a meeting. If the number of members present at the time of the quorum count is less than a majority, then the School Council is automatically adjourned.

E. Attendance

1. Member Attendance

Regular attendance or notification of absence is required of all members. Non attendance for three consecutive meetings may imply inability to serve in the elected capacity. The Facilitator shall approach said member to determine his or her intent.

2. Other Attendees

Other Attendees are invited to attend any open meeting. Unless requested by the Facilitator to comment on an issue while it is being discussed, other attendees will wait to make comments during the Call To The Audience portion of the meeting

F. Voting:

Except as otherwise provided by statute or this Constitution and By-Laws, any School Council action, other than the removal or selection or election of Committee members and voting on amendments to this Constitution and By-Laws, taken to a vote of the members, shall be authorized by a majority of the eligible votes cast at any meeting. Each member of the School Council has one vote.

The School Council may:

- a. Reach an Agreement by Consensus when the Facilitator ends the discussion on any non-substantive item, frames the discussion in the form of a question requiring a decision and asks if there is anyone in disagreement with the decision.
- b. Pass a resolution by a voice vote when a vote is called for by a member of the School Council and seconded by another member of the School Council. The Facilitator will then ask for discussion on the motion. When the discussion has ended, or when a vote on the motion is called by a School Council member, or when the time that the Facilitator has allocated for the discussion has ended, the Facilitator will take a vote on the item by saying "All in favor say 'aye'." The Facilitator will then announce the outcome of the vote.
- c. Pass a resolution by a roll call vote when a roll call vote is called for by a member of the School Council and seconded by another member of the School Council. The Facilitator will then ask for discussion on the motion. When the discussion has ended, or when a vote on the motion is called by a School Council member, or when the time that the Facilitator has allocated for the discussion has ended, the Facilitator will take a roll call vote on the item by asking each representative by name to cast his or her vote counting the votes and announcing the outcome of the vote.
- d. Pass a resolution by a ballot vote when a vote is called for by a member of the School Council and seconded by another member of the School Council. The Facilitator will then ask for discussion on the motion. When the discussion has ended, or when a vote on the motion is called by a School Council member, or when the time that the Facilitator has allocated for the discussion has ended, the Facilitator will take a ballot vote on the item by passing out the ballots, collecting them when the votes are made, counting the votes and announcing the outcome of the vote.
- e. To pass a resolution, a simple majority of the voting members of the School Council, present in person at a meeting, shall be required.

f. Voting may be conducted orally by requesting all members who chose to vote in the affirmative saying "aye," by a show of hands or by a secret ballot. The Facilitator will conduct a revote if any council member requests a show of hands or secret ballot on any item upon which the School Council is voting. Votes on official items must be recorded in the minutes.

g. Any School Council member may request a voice vote, a roll-call vote, or a ballot vote on any matter brought before the council for a vote. Upon such request, the Facilitator shall call for the vote in the manner that the School Council member requested.

h. The result of a voice vote takes precedence over a consensus vote the result of a roll-call vote takes precedence over a voice vote, and the result of a ballot vote takes precedence over a roll-call vote.

i. The School Council may not by any method pass any action which includes within the action, or is referenced by the action, any wording that would prohibit the present School Council, or any future School Council from reversing the action with the same majority of vote as was used to pass the action.

G. Facilitator and Officers

1. The School Council is authorized to elect a Facilitator, vice facilitator, and a Recording Secretary. The Facilitator and other officers shall be elected by a majority of the entire School Council at the first meeting of each school year and shall serve for one year.

A. The Facilitator shall be elected from the parent/guardian or the teacher representatives.

2. The Facilitator shall preside at all meetings of the School Council and may sign all letters, reports and other communications of the School Council. In addition, the Facilitator shall perform all duties incident to the office of Facilitator and such other duties as may be prescribed by the School Council from time to time. The Facilitator shall, with the input of school council members, develop the agenda for school council meetings. The principal, with the previous year's facilitator shall set the initial meeting and agenda of the new school council. If the previous facilitator is no longer on the council, the principal shall designate a current member to set the initial meeting and agenda with them. After this meeting, the facilitator will work with the recording secretary to ensure the unofficial minutes of the meeting are sent to all stakeholder groups within 24 hours.

3. The vice facilitator shall assume all the duties of the facilitator in their absence, including presiding over a meeting, ensuring the agenda is posted, and minutes are distributed after. If there is an vacancy of facilitator, the vice facilitator shall act as the facilitator until the school council can meet and elect a new facilitator.

4. The duties of the Recording Secretary or his or her designee shall be to record the minutes of the meeting and to publish those minutes as well as to perform other duties necessary to conduct the activities of the School Council. During an absence of the Facilitator, or vice facilitator, the Recording Secretary will substitute for the Facilitator and will Constitutionally act in his or her behalf. When substituting for the Facilitator, the Recording Secretary will select another member of the School Council to record the minutes of the meeting.

5. Any officer may be removed from office by a vote of two-thirds (2/3) of the members sitting on the School Council whenever, in the judgment of the School Council, the best interests of the School Council would be served.

6. In the event that any officer resigns from either his or her position and/or the Council itself, the council will elect a replacement as soon as possible using the procedures described above.

H. Minutes

Minutes of each meeting will be recorded by the Recording Secretary or his or her designee. Unofficial Minutes of a meeting will be delivered to the School Council members prior to the next meeting, and be made public within 24 hours of the meeting. Once corrected and voted on for approval at that next meeting they become official.

I. The School Council Committees

1. Committees, whether standing or ad hoc, are formed by an action of the School Council, with the number of committee members and the constituency makeup of the committee determined by the School Council. All committees serve at the direction of and at the pleasure of the School Council.
2. Committees may be made up of individuals who are not part of the School Council but at least one member of any such committee must be a School Council member. That member will be the Facilitator of that committee.
3. The Instructional Council is a standing committee. The Instructional Council, with the principal as its chair, has as its primary goal the day-to-day management of the school's curriculum and instruction. It is comprised of the various department chairs.
4. Standing committees can only be dissolved by a change in the Constitution and By-Laws of Palo Verde High Magnet School.
5. Ad Hoc Committees
 - a. Ad Hoc Committees can be dissolved by the School Council by a simple majority vote on the issue.
 - b. Only The School Council may create temporary committees to study, investigate and make recommendations about any area of the school or school activities that it deems necessary to allow it to meet its primary goal. Ad Hoc Committees are created through the introduction of a resolution at the School Council meeting and a vote taken at that meeting on this issue.
 - c. The School Council member or members who will serve on any Ad Hoc Committee shall be selected by the School Council.

Article III – Relationship of Site Administration, School Council, District Officials, and Other School Organizations

- A. The principal supports and implements the decisions and policies made by the School Council in accordance with all appropriate State Statutes and Board Policies.
- B. The School Council and the site administration collaborate to develop Council meeting agendas.
- C. The School Council and site administration collaborate to communicate actions of the school council to all constituency groups.
- D. The School Council and site administration communicate school needs to the TUSD Governing Board, Central Administration, and educational interest groups (e.g. SCPC).

Article IV - Amending the Constitution and By-Laws

The Constitution and By-Laws of Palo Verde High Magnet School may be amended by the introduction of an amendment resolution at a School Council meeting. An amendment resolution may be initiated by a member of the School Council or by any member of any of PVHMS's constituency groups.

A. Once an amendment resolution is introduced at a School Council meeting it may only be voted on by the School Council at any meeting in which a vote on the amendment is called if at least one member from each constituency are present. An absent representative can be represented by a proxy from that constituency group with a written notice of the proxy's authority to act in place of the representative and for the constituency.

B. Passage of an amendment resolution to change the Palo Verde High Magnet School Constitution and By-Laws requires agreement to the change by a two-thirds (2/3) or more majority vote of the School Council.

C. An amendment to the Constitution that is passed by the School Council must then be presented to the constituency groups for their approval. The School Council representatives of each constituency group will take the steps necessary to inform his or her constituency of the proposed bylaws within 30 days of the Council's passage of the amendment. An affirmative vote of more than 2/3rds of the members of the school community who cast their votes constitutes passage of the amendment to the Constitution. Actions necessitated by the new amendment shall take effect at the start of the next School Council meeting, unless otherwise specified in the amendment.

D. Any amendment vote by the constituent groups to amend The Constitution and By-Laws must be completed and the result presented to the School Council within 60 days of receipt of the notice of the requirement of the constituency groups to vote on the amendment. If a constituency group or groups fails to report its results on the vote on the amendment within the 60 days, then the result shall be based on the votes of all reporting constituency groups.

Article V - Federal, State and other Laws Affecting the School Council

This Constitution and By-Laws is written under the existing laws, procedures and requirements as understood by this School Council at this time. This Constitution and By-Laws, therefore, reflects those laws, procedures and requirements. The School Council recognizes that such laws, procedures and requirements may change as the bodies that make them act. Such changes may affect this Constitution and By-Laws.

A. Any changes in laws, procedures or requirements that are minor in nature and which do not directly contradict a significant area of this Constitution and By-Laws shall be incorporated into the Constitution and By-Laws by a simple majority vote of the School Council and will not require amending the Constitution and By-Laws to incorporate those changes.

B. Any changes in laws, procedures or requirements that contradict or change this Constitution and By-Laws in a substantive manner will require amending the Constitution and By-Laws to incorporate those changes. The School Council will be the sole group to determine which changes as noted above are minor and which are substantive.

Article VI – Ratification

The Constitution and By-Laws of Palo Verde High Magnet School will be ratified by the members of the Initial School Council and the Constituent Groups represented by the Initial School Council at the time ratification takes place.

A. Motion to Ratify the Constitution and By-Laws of Palo Verde High Magnet School must be moved and seconded at a School Council Meeting. The motion may only be voted on by the School Council at any meeting in which a vote on the ratification is called if all of the representatives from all constituencies are present. An absent representative can be represented by a proxy from that constituency group with a written notice of the proxy's authority to act in place of the representative and for the constituency.

B. Passage of the motion to ratify requires agreement to the ratification by a two-thirds (2/3) or more majority vote of the council members of each constituency group on the School Council.

C. The motion to ratify that passes the School Council must then be presented to the constituency groups for their approval. The School Council representatives of each constituency group will take the steps necessary to initiate a meeting for his or her constituency for the purpose of deciding on the proposed ratification. An affirmative vote of more than 50 percent of the members in each constituency group who cast their votes constitutes constituency group ratification.

D. Ratification vote by the constituency groups must be completed and the result presented to the School Council within 30 days of receipt of the notice by the constituency group that ratification is required. If any constituency group fails to report results on the vote on the ratification of the Constitution and By-Laws within the 30-day requirement, then the result of the ratification shall be based on the votes of all constituency groups that did report.

E. Ratification of the Constitution and By-Laws by each of the constituency groups reporting a vote constitutes official ratification of the Constitution and By-Laws by the constituency groups at Palo Verde High Magnet School. The Constitution and By-Laws take effect immediately, and any actions necessitated by the ratification shall take effect at the start of the next School Council meeting. The Initial School Council will be responsible for implementing the actions required by the Constitution and By-Laws in as expeditious a manner as possible.

Article VII - Records Preservation

The Facilitator shall be responsible for the preservation of the records of the School Council, including bylaws, motion logs, meeting minutes, and other materials needed to be in compliance with the requirements of the TEA/TUSD Joint Committee on Shared Decision Making. The records shall be located in the school library and shall be made available for inspection by any interested party.

Article VIII- Approval by an Approval Board

Minor changes which do not significantly alter the Constitution and By-Laws of Palo Verde High Magnet School resulting from the review and approval process of any Approval Board will be incorporated into the Constitution and By-Laws without the necessity to re-ratify.