

# Bylaws of Association of Florida Evaluators, Inc., a Florida Not For Profit Corporation

Adopted <date>, Revised date

## Article I: General Provisions

1.1 Name and Description: The name of this organization is ASSOCIATION OF FLORIDA EVALUATORS, INC., A Florida not-for-profit corporation and will herein be referred to as “the Association”. The Association is a non-profit non-stock corporation incorporated in Florida pursuant to Florida Statutes, Chapter 617, the Florida Not For Profit Corporation Act.

1.2 Slogan: The Association’s slogan shall be “Professionalism in homeschool evaluations.”

1.3 Affiliation: AFE is an independent organization for teachers, psychologists, and school psychologists who meet the eligibility requirements in Florida law for performing home education evaluations. AFE is not affiliated with any other organization.

1.4 Logo: The Board of Directors has chosen to adopt, use, and may, at will, alter a logo which will include the name of the Association. This logo will be used on the Association’s website, stationery, forms, membership cards, etc. and a version of it shall be provided for members to use, if desired, on their websites, forms, business cards, etc. as long as their membership remains active and in good standing.

1.5 Restrictions: Notwithstanding any other provisions herein, the Association’s policies and activities shall be consistent with:

- A the Association’s Articles of Incorporation, as amended from time-to-time,
- B. the Association’s policies and procedures established by the Board of Directors,
- C. Florida Statutes, Chapter 1002.41, Home Education Programs, and any other pertinent laws related to home education programs or other education programs or related education laws,
- D. Florida Statutes, Chapter 617, Florida Business Corporation Act, and to the extent applicable, Florida Statutes 607, Florida Business Corporation Act, and/or
- E. Applicable Federal, state, and local antitrust, trade regulation, and other legal requirements, and/or
- F. Applicable tax-exemption requirements, including the requirement that the Association not be organized for profit and that no part of its net earnings inure to the benefit of any private individual.

## Article II: Purpose

2.1 General Purpose: The Association is organized exclusively for charitable and educational purposes, not organized for profit but operated exclusively for the promotion of social welfare, the net earnings of which are devoted exclusively for the promotion of social welfare, the net earnings of which are devoted exclusively for the promotion of charitable, educational, or recreational purposes that qualifies as an exempt organization under the Internal Revenue Code. The purposes of the Association shall be to promote professional knowledge and conduct in evaluating home education program students, to provide accurate and reliable information and training on home education evaluations, and related topics, and to serve as a clearinghouse of resources and information related to home education or other education options, including a list of members qualified to offer services to home education program parents.

2.2 Membership Pledge: As a member of AFE, I pledge to adhere to Florida law and Florida Dept of Education policies in regard to home education evaluations or other education services offered, to maintain professional standards and knowledge regarding Florida home education evaluations or other education services offered, and to serve the home education community well.

### Article III: Membership

3.1 Qualifications: Membership shall be open to individuals who are qualified to perform standard home education evaluations as described in Florida Statute 1002.41(1)(f)1 (a teacher who holds “a valid regular Florida certificate to teach academic subjects at the elementary or secondary level”—regular is understood to mean “professional level”) or 1002.41(1)(f)4 (“an individual holding a valid, active license pursuant to the provisions of s. 490.003(7) or (8)” —i.e., with a valid license as a psychologist or educational psychologist).

3.2 Classes of Membership: The Association shall have two formal classes of membership: Basic and Professional levels, and one informal category for public access to website classes or email lists.

- A. Basic members shall pay a lower level of dues as set by the Board on the AFE website. Basic level members shall have access to member’s only portions of the group website including access to the Association’s membership descriptions, access to the AFE’s logo, and coverage by liability insurance once organized by the group.
- B. Professional-level members will have a higher level of dues set by the Board on the AFE website. Professional level members will receive all the rights and privileges of the Basic members, but will also be included on a list of members with contact and other information that will be made available to the public.
- C. Website members are informal members who have signed up on the website for the purpose of being added to the AFE website or to view public online classes or to get updates on the blog, etc. These informal members do not pay dues and have no rights and privileges other than access to the website’s public pages.

3.3 Admission: An individual shall be admitted as a member after

A. completion of the Association's membership application, **and**

B. showing either

i. a copy of a current professional-level Florida teaching certificate at the elementary or secondary levels, or

ii. a verifiable link to an entry for such a teaching certificate (see A. above) through the Florida Dept. of Education's online teacher look-up feature, or

iii. a copy of a valid, active license pursuant to the provisions of s. 490.003(7) or (8), OR

iv. a verifiable link to an entry for such a valid, active license through the state of Florida's online service to verify such licenses pursuant to the provisions of s. 490.003(7) or (8), **and**

C. completion of a class showing basic knowledge of Florida laws and Florida Dept. of Education policies related to evaluating students, **and**

D. current annual dues are paid in full for the level of membership chosen.

3.4 Membership renewal: An individual shall have member renewed after

A. updating membership information, **and**

B. confirming membership eligibility with one of the following:

i. a copy of a current professional-level Florida teaching certificate at the elementary or secondary levels, or

ii. a verifiable link to an entry for such a teaching certificate (see A. above) through the Florida Dept. of Education's online teacher look-up feature, or

iii. a copy of a valid, active license pursuant to the provisions of s. 490.003(7) or (8), OR

iv. a verifiable link to an entry for such a valid, active license through the state of Florida's online service to verify such licenses pursuant to the provisions of s. 490.003(7) or (8), **and**

C. completion of at least one class or training session or live discussion event conducted by AFE or approved by AFE in regard to homeschool evaluations or related topics, **and**

D. current annual dues are paid in full for the level of membership chosen.

3.5 Membership cancellation:

A. Loss of credentials/Renewal Required: If a member's teaching certificate and/or license as a psychologist or school psychologist has expired or been revoked, membership in the Association will be cancelled unless proof of renewal or reinstatement of the certificate and/or license is provided to the Association.

B. Failure to Renew: Members who fail to renew membership and/or fail to submit the required annual dues (for the type of membership chosen) will have their membership cancelled.

C. Cancellation by member: A member may cancel the AFE membership at any time by canceling the member's account on the website. Notifying the Board of the cancellation is also recommended. An email may be sent to [AFEvaluators@gmail.com](mailto:AFEvaluators@gmail.com)

D. Misconduct/Due Process: If an accusation of misconduct is brought to the Association, a committee of at least three evaluators, named by the Board of Directors, with at least one Board member on the committee, shall be convened. This can be a standing committee unless a committee member (or members) have a personal relationship with the accused member or other ethical need to recuse themselves from the committee. This committee should investigate, seeking information from both the accuser and the accused, and/or any pertinent documentation, and/or any witnesses, and/or any other pertinent evidence.

i. The committee should be cautious, with care taken to be objective, not overly quick to judge, and careful with interpretation of the evidence. The accused must be given due process with an opportunity to rebut any accusations.

Examples of complaints could include, but is not limited to, such as: not discussing student progress with the student as required by Florida law for a portfolio review, or not submitting the evaluation paperwork to the parent as directed by Florida law, or applying unreasonable evaluation standards, or unethical behavior towards a student and/or parent, or providing false credentials, etc.

ii. If the committee finds evidence that an accusation is warranted, that a member of AFE has acted in a manner that is not in accordance with AFE policies, and/or Florida law, and/or Florida Dept. of Education policy, and/or acceptable professional behavior, the committee may recommend a written warning be given, and, if deemed necessary, corrective action, such as, but not limited to, giving an apology or providing missing paperwork or completing a training session or class, may be required to remain a member of AFE.

iii. If repeated accusations are brought forth, care shall be given to make sure the accusations are not a form of harassment or otherwise a form of bad faith accusations. If, however, more than one accusation is found warranted, and/or a problem is habitual, and/or a problem is egregious, in the judgement of the committee, reasonable corrective action was not taken, the committee may recommend a temporary suspension or permanent removal of the member from AFE or other consequences deemed appropriate.

iv. If the committee finds that any problem or situation reaches the level of misconduct as described by the Florida Dept of Education, such as at <https://www.fldoe.org/teaching/professional-practices/what-is-educator-misconducta.stml>, or by Florida law, the committee will take action to remove the member as well as any other action as advised by the Florida Dept of Education or other official or legal sources.

v. Members may appeal the committee recommendations to the Board unless the issue leads to conviction in a court of law or revocation of the member's certificate or license by state officials.

## Article IV: AFE Board

4.1 Board – AFE has a Board consisting of a President, Vice President, Secretary, Treasurer, and Member-at-Large. Board members must be members in good standing or retired members who retired in good standing. Members shall serve for terms of three years unless they submit a formal resignation prior to the end of their term.

4.2 Function – The Board shall be the policy-making body of the Society, subject to these Bylaws and the laws of the state in which AFE is incorporated. The Board shall make budgetary and other business decisions. While only the Board can vote in Board meetings, formal members may attend Board meetings.

### 4.3 Meetings –

Annual Meeting – The Board shall meet annually online or via conference call, unless a majority of the Board agrees to meet in person at a conference. The time and place of the meeting will be determined by the Board. Notice of the meeting will be given at least thirty (30) days in advance.

Regular Meetings – Regular meetings of the Board shall be called by the President. The time and place of the meeting will be announced in advance. These meetings can meet online or in person.

Special Meetings – Special meetings of the Board shall be called by the President upon written request of at least three-fifths of the members of the Board or two-thirds (2/3) of the members in good standing. Special meetings shall be held no less than within sixty (60) days of such requests. The time and place of a special meeting shall be posted on the AFE website. Not less than five (5) days' notice of a special meeting shall be given, and only that business specified in the call may be transacted.

4.4 Quorum – A quorum for the transaction of business at Board meetings shall be a majority of the Board members in good standing.

4.5 Report – The treasurer shall give reports of the AFE finances, including reports of tax documents filed, account totals, major expenses, etc., at least annually.

4.6 Voting on Action Items – Voting may be done online or via conference call or in-person, as appropriate to the meeting venue. A majority vote of Board members present at a meeting with a quorum is required to pass any action item. Formal members of AFE present at the meeting have the right to brief comment prior to the Board voting. The secretary will record minutes including the outcome of any votes.

## Article V: Nominations and Elections

5.1 Nominations and Election – At least sixty (60) days before a Board member’s term ends, nominations shall be taken for a replacement. Those qualified to be on the Board shall have been a member of AFE, in good standing, for at least a year prior to nomination, with at least one year of experience actively doing home education evaluations, and no records of disciplinary action taken against them within the past year. Active or retired members of AFE may be allowed to serve on the Board.

If there are multiple candidates for office, an election shall be conducted with at least 30 days’ notice on the AFE website in advance. The election may be conducted online or via mail or in person as agreed on by a majority of the Board at a duly-called meeting and announced on the AFE website at least 30 days in advance. A quorum of the Board members is required to hold an election.

5.2 Vacancies – A vacancy of a Board position should be filled within 60 days when possible.

5.2a In the event that there is no President, the Vice-President shall assume this role until such time as a new President is elected.

5.3 Resignation – Any elected Board member may resign by submitting that resignation in writing to the rest of the Board of Directors.

5.4 Removal from Office – A Board member may be removed from office by a two-thirds (2/3) vote of the formal AFE members at a duly-called meeting for violation of these Bylaws, for failure to perform the duties of the office, or for conduct unbecoming an officer. Removal may not be initiated prior to the end of the third month of the term.

## Article VI: Board

8.1 Composition – The Board of AFE shall be President, Vice-President, Secretary, Treasurer, and Member-at-Large. The officers shall perform the duties prescribed by these Bylaws and by the parliamentary authority adopted by the Society.

8.2 Position Descriptions -

President – Shall preside at all meetings of the AFE, shall serve as the face of AFE to the public, and shall provide leadership to the Board.

Vice-President – Shall be have the powers of and perform the duties of the President during any absence or disability of the President, and shall fill the vacancy until the President can resume the duties of that office or until annual election of officers.

Secretary – Shall act as recording secretary of AFE, and shall perform other such duties as prescribed in these Bylaws or as directed by the Board.

Treasurer – Shall be responsible for presenting financial reports at Board meetings at least once a year, keeping AFE bank or other financial accounts, sending tax documents as needed.

#### Article IX: Committees

9.1 Standing committees - Shall be established by the Board to deal with any accusations of misconduct directed at AFE formal members. The standing committee shall include three members: formal AFE members and at least one Board member. If any members have a personal relationship with the accused or other reason for ethically recusing themselves, a temporary member should be chosen to fill the vacancy.

9.2 Special committees – Shall be established, as deemed necessary, by the Board at the direction of the President.

#### Article X: Parliamentary Authority

10.1 The President of AFE shall run any AFE meetings, regardless of the type. If the President cannot run a meeting, then the Vice President should run the meeting. When necessary to conduct a meeting smoothly, the rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern AFE in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the AFE may adopt.

#### Article XI: Amendment of Bylaws

11.1 Proposed amendments of these bylaws may be submitted by a formal member or Board member of AFE. Amendments shall be reviewed by a bylaws committee. Amendments with the recommendation of the committee and the Board, shall be submitted to Board for voting on at a duly-called meeting.

Adoption shall be a two-thirds (2/3) vote of formal members and/or Board members voting as directed at a duly-called meeting; voting may be online, via conference call, or in person, as deemed appropriate by the Board.

11.2 Electronic Voting – Any issue or matter requiring a vote of the membership may be accomplished electronically using the Internet and/or email.