



Roles and Responsibilities

Steering the Course for Success: Authorizers and Effective Charter School Governance

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Researcher Gary Gruber has stated, “No other singular variable is more important for the health and vitality of a school than the way that it is governed. Teacher competencies, student achievement, parental and community support, adequate facilities and resources are all critical and essential for success.

Governance will determine how those characteristics are initiated, managed, supported and promoted.”¹ In the charter school setting, effective governance is vital for delivering on promises made to students, parents and the community.

Because of the importance of governance, charter school authorizers have a vested interest in ensuring that the schools they oversee are effectively governed. Therefore, it is important that authorizers understand governance and know what makes for effective governance. Presented in two parts,

this Issue Brief defines effective governance in the charter school setting (Part I) and highlights concrete strategies authorizers employ to promote, support and reinforce strong charter school governance (Part II).

Part I: Effective Charter School Governance Defined

“Charter schools have figured out what researchers and legislative commissions still fail to grasp: the real innovation of charter schools is nothing more than the power of

self-governance—the power to make changes that produce better results.”² A charter school governing body, commonly referred to as the board of trustees or board of directors (“board”), is an organized group of volunteers who, collectively, are legally and morally accountable to the public for the health, vitality and effectiveness of the charter school. As representatives of the public, the board is the primary force pressing the organization to realize its opportunities for service and fulfill its obligations to its constituencies. In other words, the board is ultimately responsible for meeting the terms of the charter.

The general term used to describe the role of the board is “governance.” The governance function encompasses legal responsibilities, management oversight, planning and policy-making, and fiduciary requirements. By its very nature, a board is a collective and its authority is a group function. No single individual within the board has authority for the board itself.

Although charter school boards vary in many ways, authorizers have found that effective boards share a number of characteristics:

Passionate, Unwavering Belief in the Charter School’s Mission and Core Values

“Fit” is the key to success for any board member. Every board member must passionately support the school’s core values. Quite often conflicts among board members or with the school’s leader can be traced back to value clashes. For instance, a proponent of progressive education may be a poor fit

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with a school with a rigid back-to-basics curriculum and discipline code.

Firm Understanding of the Charter Promises and Clear, Consistent Ways to Measure Them

Boards need to create ways to make the charter a living, breathing document that guides their work throughout the charter term.

Clarity of Collective Vision—Where the School Is and Where It Wants to Be in the Future

Effective boards have a clear, realistic grasp of their current performance and organizational viability and a road map to attain long-term goals.

Focus on Results

An effective board maintains a constant focus on results. Many boards and school leaders struggle with the distinction between charter results, which are the purview of the board to uphold, and implementation strategies, which are means to achieve the results and should be primarily in the purview of the school leader.

Clarity of Roles and Responsibilities: the Full Board, Individual Trustees and Committees

Well-defined “job descriptions” and performance expectations create clarity in the roles and responsibilities of the full board and individual members, respectively. In addition, the board as a whole should clarify the role of committees—what can be decided at a committee level versus what needs to be brought to the full board for discussion.³

The Right Structure

Board size

Charter school boards need the right number of members to accomplish the work. There should be enough people to have functioning committees and a diversity of opinions and perspectives needed to ensure public accountability.

Composition

Governing a charter school requires a host of essential skills: legal, financial, real estate, fundraising, strategic planning, academic oversight, marketing, human resources and public relations. Effective boards have members that bring diverse and critical skills to the table.

Officers

Officers, such as chair, vice-chair, treasurer and clerk, ensure an additional level of accountability by having a member responsible to the group for specific tasks and functions, and assist boards in not becoming overly dependent on the school leader.

Committee structure

Well-functioning committees are the heart and soul of any effective board. This is the place where a group of experts can really delve deeper into key issues and bring their findings back to the full board.

Board Meetings Focus on Strategic Questions, Not Just Reporting

Board meetings should be a venue for grappling with the most important issues facing the organization. Basic reporting can be more effectively handled in written materials sent out prior to each board meeting.

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Clear Understanding of the Difference Between Governance and Management

It is critical that boards and school leaders understand the distinctions between management and governance. A key factor is to acknowledge that it is not an either/or

proposition, but more a level of degree. For example, both the board and the school leader have responsibility for financial management, but at varying levels of degree. Together, the two should create documents that are adopted as policy to demarcate each party's responsibilities.⁴

Authorizers should emphasize that the charter is granted to a governing board, not to the lead founder, and that the board needs to have the requisite skills to govern effectively.

A School Leader Who Has the Time to Assist in the Creation of Effective Governance

The school leader is a critical ingredient to developing and sustaining an effective board. He/she serves as the primary information

source for the board and should work hand-in-hand with the board. Too many charter schools are structured so that the school leader does not have enough time to devote to creating effective governance.

A Strong Partnership Between the Board and School Leader, Which is Built on Mutual Trust and Respect

Establishing a partnership rather than an adversarial relationship is essential. In addition, the board needs to counterbalance the common problem of blindly following one dynamic individual (often the school's leader).

With an understanding of what effective charter school governance is, authorizers can play an important role in ensuring that board members, in turn, understand their role and conduct their duties effectively.

Part II: The Authorizer's Role in Promoting, Supporting and Reinforcing Effective Governance

Actions by authorizers can send a clear message about the relative importance of charter school governing boards. There is a broad range of actions that authorizers take in influencing charter school governance. A great deal of the variation stems from the amount of financial and human resources a particular authorizer has to allocate to governance issues. There are, however, many concrete actions authorizers can take to promote, support, and reinforce effective governance, regardless of staff size or budget, which can be conducted in tandem with core authorizer responsibilities.

Emphasize that the Board (a Group) Holds the Charter, Not the School Leader or One Dynamic Founder (an Individual), and Ensure that the Board Has the Capacity to Govern Effectively

Authorizers should emphasize that the charter is granted to a governing board, not to the lead founder, and that the board needs to have the requisite skills to govern effectively. Practical ways that authorizers evaluate board capacity include the following:

Characteristics of an Effective Charter School Governing Board

1. Passionate, unwavering belief in the charter school's mission and core values
2. A firm understanding of the charter promises and a clear, consistent way to measure them
3. Clarity of collective vision—where the school is and where it wants to be in the future
4. Focus on results
5. Clarity of roles and responsibilities of the full board, individual trustees and committees
6. The right structure in terms of board size, composition, committees and officers
7. Board meetings focused on strategic issues, not just reporting
8. Clear understanding of the difference between governance and management
9. A school leader who has the time to assist in the creation of effective governance
10. A strong partnership between the board and the school leader, which is built on mutual trust and respect

Interview the Founding Board

As part of the charter school application process, authorizers are increasingly conducting in-depth interviews with the full founding board rather than just the lead founder or a representative sample of founders. The purpose of these interviews is to probe whether the full board understands and supports the details of the charter and that the school is not just the vision of one person. It also sends the message that a group will be accountable to the authorizer not just an individual.

Ask for Resumes and Statements of Interest from Proposed Board Members

Resumes allow the authorizer to assess the skill sets an individual will bring to a charter school board. Key skills to look for include: financial, real estate, fundraising, legal, academic oversight, previous governance experience, marketing, human resources and public relations. Taken together, board members should have the skills and capacity necessary to effectively govern the charter school. Moreover, statements of interest often reveal much more than a resume about the person and their motivation for taking on the weighty task of governing a charter school. Statements of interest (See *Using the Charter Application to Assess Governance Capacity and Will*) allow the authorizer to look for a logical match between the individual and the collective vision of the school; tangible ties to the community intended to be served; and whether the individual can maintain an appropriate level of objectivity with the school leader.

Ensure that the Governing Board is Structured to Deliver Effective Governance

Much of good governance hinges on creating the right structure. Key elements that authorizers should look for include:

Bylaws

Bylaws provide the basic parameters/general guidelines for how the board operates. Although authorizers do not need to dictate specific requirements, they should identify elements (See *Key Elements of Quality*

Using the Charter Application to Assess Governance Capacity and Will

Knowledge of the skill set and motivation of charter school board members helps authorizers determine if the applicants have the capacity to operate a quality charter school. In addition to interviewing potential board members early in the application process, the State University of New York (SUNY) requires each potential board member to complete a *Request for Information from Prospective Charter School Board Members*. The instrument requires prospective board members to explain, among other things, their understanding of the school's mission and proposed educational program, why they want to serve, the specific knowledge and experience they would bring to the board, and their understanding of the appropriate role of a charter school board member.

See www.newyorkcharters.org/howto/appkit.html⁵ for additional information.

Bylaws) that must be included in the bylaws to ensure that parameters are set to promote good governance. For example, an authorizer need not determine the specific length of term limits, but should require that there are term limits to ensure that founders do not dominate the board in perpetuity, and that the term limits are staggered so that the board has continuity even as individual members change.

In addition, authorizers should ensure that bylaws do not violate federal or state laws and regulations. For example, bylaws should not allow for the board to meet via conference call if this is in violation with the states' open meeting law. Authorizers may also play an important role in determining if the bylaws are realistic—is the board planning to meet too frequently or not enough times? Is the number of proposed committees practical given the proposed size of the board?

Ensure that the Governing Board Understands Their Role in Accountability and Oversight

There are a variety of practices used by authorizers to help governing boards understand and act on their oversight role. Examples include:

Hold a Public Ceremony Emphasizing that Charter School Board Members are Public Officials

Some authorizers hold official ceremonies where the charter is awarded to the governing board. Central Michigan University holds a swearing in ceremony where each new board member is required by state law to take the constitutional oath of public office acknowledging that charter school board members are public officials. These types of public events do a great deal to underscore the weightiness of the governing responsibility.

Conduct Workshops to Clarify the Board's Responsibilities and the Authorizer's Expectations, and Require Board and School Leader Attendance

Authorizers have found it beneficial to conduct workshops on the responsibilities

and expectations of charter schools, including but not limited to: reporting requirements, performance expectations, and criteria for charter renewal. Requiring board and school leader attendance sends the message that the group will be accountable to the authorizer not just an individual. Holding such meetings in the early morning or evening so that volunteer board members can attend during non-work hours may produce better turnout and will demonstrate that the authorizer expects full board participation.

Produce and Disseminate Documents Detailing the Obligations of the Governing Board

There are several excellent examples of guidebooks detailing both the legal, financial, and oversight requirements of charter schools boards. These documents are intended to provide clear guidance and support to boards in fulfilling their obligations. The Resources and References section of this Brief contains website information for several quality guides.

Determine Ways to Monitor the Work of the Board and Its Effectiveness

Authorizers conduct a variety of activities to monitor the work of the board including

- requiring boards to submit open meeting postings, board meeting agendas and minutes,
- observing board meetings and
- tracking board meeting attendance.

The Indianapolis Mayor's Office *Charter School Governance Handbook*⁶ contains several excellent charts that detail how this authorizer monitors board meetings, board minutes, and other board business. (See Box: *Board Meeting Agendas and Minutes: a Valuable Tool to Monitor Board Effectiveness*)

To monitor overall board effectiveness, authorizers can require boards to report on the major policies that they have made over the course of the year; include interviews with the full board during site visits (See *Questions to Ask the Governing Board*, below); and require boards to complete an annual assessment of their performance (in the form of an annual report, for example).

Key Elements of Quality Bylaws

Bylaws should address the following elements that provide the scaffolding for effective governance:

Trustees

- Number of trustees
- Qualifications
- Selection process
- Procedures for filling vacancies
- Guidelines for trustee removal and resignation
- Term limits for trustees
- General powers
- Fees and compensation

Officers

- Number and titles of officers
- Officer selection process
- Job description for officers
- Procedures for filling vacancies
- Term limits for officers

Meetings

- Location and number of meetings to be held each year
- Policy on special meetings

- Compliance with open meeting laws
- Quorum and voting rules

Staff

- Who reports to the board?
- Is the school leader ex-officio, voting or non-voting board member?

Committees

- Number and purpose of board committees
- Job description for each committee
- Procedure for creating a committee or task force

Miscellaneous

- Beginning and end dates for the fiscal year
- Rules of order
- Amendments
- Consistency of bylaws with governance processes described in the charter and with federal or state laws and regulations

Boards should also explain how they use this data to drive strategic decisions for the upcoming year(s). Authorizers can use the *Characteristics of an Effective Charter School Governing Board* as a framework for developing questions and documentation to monitor key areas of board effectiveness.

Establish Clear Criteria to Determine Board Effectiveness

Authorizers should gather evidence to evaluate board effectiveness throughout the life of the charter. This evidence might include board meeting minutes, attendance, annual reports, major policy decisions and interviews with the board. When thinking about how to evaluate board effectiveness, the *Characteristics of an Effective Charter School Governing Board* can be a useful springboard for framing specific criteria. A board is only as good as the composition of its members—the skills, experience, insights and perspectives they bring and how this group is harnessed to conduct oversight—the processes by which they do the work, the information they use to make decisions and the effectiveness of their board meetings. Often at the renewal stage the fundamental challenge for the authorizer is to determine whether the board clearly grasps the challenges facing the organization and has a clear, viable plan to meet them. (See Box: *Questions to Ask the Governing Board*)

Authorizers Need to Connect Renewal to Governance, Not Just Academic Performance

A school may be demonstrating academic success, but have a weak or ineffective board. In the long run, this board will harm

Board Meeting Agendas and Minutes: a Valuable Tool to Monitor Board Effectiveness

Board meeting agendas, minutes and board packets can provide the authorizer snapshots of the effectiveness of a board. Meeting minutes are a formal record of transactions that happened at a particular time and place. Minutes should be a record of what was *done* at the meeting, not what was said by members. They are used for clarification of past activities and actions. Minutes help ensure continuity in the organization's transactions.

Board Meeting Minutes Checklist

- Attendance — Is there consistent attendance and a quorum?
- Agenda — Do items requiring board action appear to be within the scope of the charter and appropriate roles for the board to undertake?"
- Does discussion of past activities include qualitative evaluation or is it mere reporting?
- What major policy decisions were made?
- Are monthly financials being reviewed?
- Did the discussion and decisions further the mission of the school?
- Did school goals, standards and data drive decision-making?
- Were unresolved issues from the previous month's meeting carried over and resolved at this meeting?
- Is sufficient time being spent monitoring student achievement, fiscal health, legal compliance, faithfulness to the terms of the charter?

the school, and the authorizer needs to point this out to the organization for its long-term viability. Therefore, it is important that authorizers articulate the relative importance of governance for charter renewal and identify appropriate consequences for when the governing board is not meeting the standard.

A board is only as good as the composition of its members—the skills, experience, insights and perspectives they bring and how this group is harnessed to conduct oversight—the processes by which they do the work, the information they use to make decisions and the effectiveness of their board meetings.

Conclusion

Authorizers across the country are paying increasing attention to the role that governing boards play in the creation and sustainability of successful charter schools. In order to actively promote effective governance,

authorizers need to deliberately articulate the relative importance of a strong governing board and develop authorizing procedures and practices that work to promote, support and reinforce effective charter school governance. For charter schools will only thrive if they are lead by effective governing board.

Questions to Ask the Governing Board

Informed by the *Characteristics of an Effective Charter School Governing Board*, posing the following questions can help authorizers measure and analyze the effectiveness of a governing board:

- How do you characterize board-meeting attendance? If there are chronic non-attending board members, what will/is the board doing about it?
- Are there skill sets that are missing on the board? What is the plan to fill them?
- What is the process for filling vacant board seats? How many board members are rotating off next year and how will those seats be filled?
- What is the process for setting the school's annual budget?
- When you review the budget, how do you know whether or not you should approve it?
- Of the total organizational budget which items were discussed at length? What percentage of the budget do those items comprise? What percentage of the budget was passed without comment? Why?
- What are the organizational priorities for the upcoming year? What are the board's priorities?
- What major policy decisions did the board make last year? What do you think will be the major policy decisions that you will make next year?
- What is the process for evaluating the school leader?
- How does the board monitor academic achievement? What internal and external assessments are you using?
- How does the organization use data to make decisions and improve results?
- What tools and measures are used to monitor organizational performance?
- What are the organization's key challenges and how are you planning to address them?
- Is there a succession plan for both board and school leadership?

Endnotes

1. Gruber, Gary. Rural Education Program. *Charter Starters Leadership Training Workbook 4*. "Governance and Management." July 1999.
2. Ed Kirby, former Associate Commissioner for Charter Schools, Massachusetts Department of Education. Personal Interview.
3. Samples can be found in The Charter School Trustees Guide—available through www.buildingexcellentschools.org
4. Ibid.
5. Specifically Section VI and the Appendix C.
6. Indianapolis Mayor's Office. *Charter School Governance Handbook*.

About the Author

Marci Cornell-Feist is an independent consultant who has been focusing on charter school governance for the past seven years. She has worked with 80+ charter schools across the country. Formerly a staff member of the Massachusetts Charter School Resource Center, Marci is the author of *The Charter Schools Trustees Guide*.

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Resources and References

Visit the following websites to obtain additional information about practices highlighted throughout this brief:

Central Michigan University Charter School Office Board Orientation Guidebook

www.cmucso.org/charter.asp?Link=administrators/index.htm

Indianapolis Mayor's Office Charter School Governance Handbook
www.indygov.org/eGov/Mayor/Education/Charter/Schools/Operating/governance.htm

Massachusetts Charter School Administrative and Governance Guide: An Overview of Laws and Regulations that Board of Trustees and School Leaders Need to Know
www.doe.mass.edu/charter/governance/adminguide.pdf

The Charter Schools Trustees Guide

www.buildingexcellentschools.org
A guidebook designed specifically for charter school board members, in a Q&A format, containing tools and sample documents.

The following websites provide useful information and guidance on effective governance:

Creating an Effective Charter School Governing Board Guidebook

www.uscharterschools.org/gb/governance/contents.htm

An extensive compendium with lots of tools, samples, and tips.

The Board Café

www.boardcafe.org

A free, monthly electronic newsletter that offers a menu of ideas, opinions, news, and resources to help board members give and get the most out of board service.

Board Source

www.boardsource.org

Formerly the National Center for Nonprofit Boards, a comprehensive source for national standards of effective governance.

Help4NonProfits

www.help4nonprofits.com

A nonprofit library with very user-friendly articles.

Improving School Board Decision-Making: The Data Connection

<http://cmucso.org/boards/ImprovingSchoolBoardDecisionMakingTheDataConnection.pdf>

Written for traditional school boards, but very applicable to the charter school governing board context, it provides great examples of how boards should use data in making decisions.

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