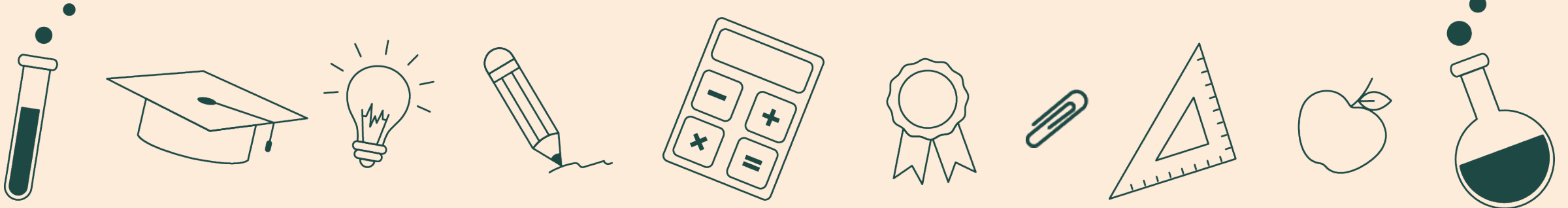




Board Overview & Building Capacity

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State Charter Schools Commission of Georgia





Mission

The mission of the State Charter Schools Commission of Georgia is to improve public education by authorizing high quality charter schools that provide students with better educational opportunities than they would otherwise receive in traditional district schools.





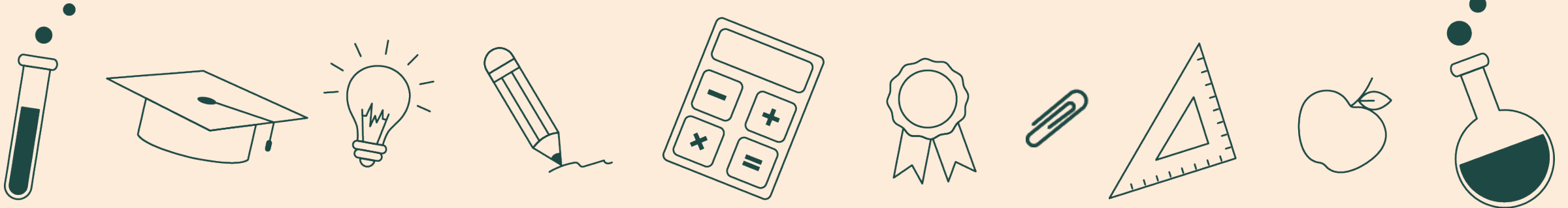
Presentation Overview

- What is a “governing board?”
- Composition
- Conflict of Interest
- SCSC Expectations





What is a charter school governing board?



Governing Board

O.C.G.A. § 20-2-2081 (4)

The governing board of the nonprofit organization which is the charter petitioner for a state charter school, and which is the same as the governing board of the state charter school which is involved in school-level governance of the state charter school.





Governing Board

State Board of Education Rule 160-4-9-.04

The nonprofit governing board that will serve as a school level decision-making body at a local charter school, participates in the state charter petition review process, is a party to the charter contract, and is responsible for ensuring the implementation of and compliance with the charter contract.





Basic Legal Requirements

The members of the governing board for the state charter school shall meet the following qualifications:

- (A) Must be a United States citizen;
- (B) Must be a resident of Georgia; and
- (C) Must not be an employee of the state charter school.





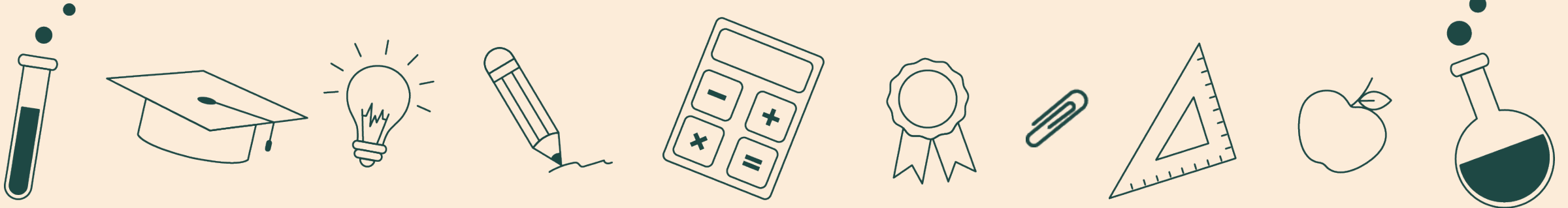
Basic Legal Requirements

- public, nonsectarian, nonreligious, nonprofit school that is not home based;
- Organized and operated as a nonprofit corporation under Georgia law.
- Subject to specific legal requirements





Governing Board Composition



Oversight Obligations

SBOE Rule 160-4-9-.06

1. Governance
 - Training Requirements
 - Public Records and Meetings Requirements
2. Operations
 - Employment
 - Contracts
 - Finance
3. Legal Compliance
4. Compliance with Charter Contract





Training Requirements

Each governing board member must participate in initial training and annual training thereafter conducted or approved by the commission.





Recruitment

- Establish an internal processes to support recruitment efforts.
- Develop a recruiting team.
- Create recruitment tools, including interview processes/questions and onboarding materials.





Composition

Needs Assessment

- School/Education Leadership
- Attorney/Legal
- Human Resources
- Financial Management/Business Administration
- Real Estate/Commercial Real Estate
- Fundraising
- Marketing
- Community Organization Development
- Building Community Partnerships
- Non-Profit Management





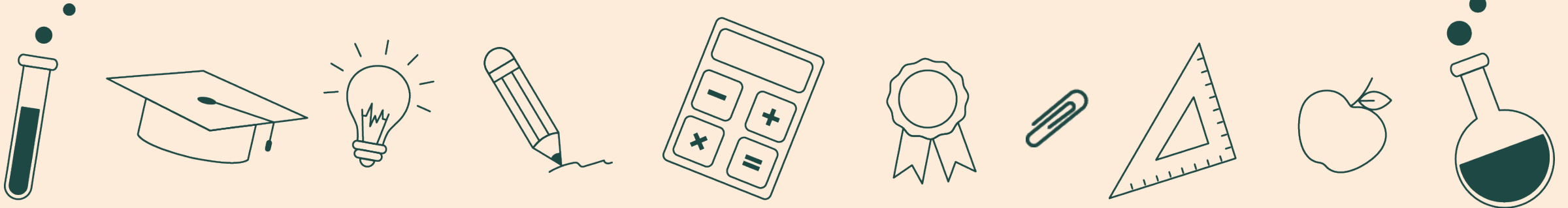
Onboarding and Training

- The SCSC Comprehensive Performance Framework (CPF)
- Local Education Agency Obligations
- School mission, vision, and educational goals
- Board member obligations
- Financial and time commitments (e.g., member fundraising or donation requirements)





Fiduciary Duties



Fiduciary Duty



A state charter school governing board has a fiduciary duty to the school – its students, staff, and community. Each member of a state charter school governing board must independently exercise their judgment with **care, loyalty, and obedience**.



Duty of Care



- Execute duties in good-faith and using that degree of diligence, care, and skill which ordinarily prudent persons would reasonably exercise under similar circumstances in like positions.
- Act in a manner reasonably believed to be in the best interests of the school.



Duty of Loyalty



- Act in a manner reasonably believed to be in the interests of the charter school and its public purposes rather than their own interests or the interests of another person or organization.
- Decisions must promote the purpose of the school.
- Closely evaluate potential conflict-of-interest transactions in good faith.



Duty of Obedience



- Ensure that the board is at all times acting in furtherance of its purpose and in compliance with the law.
- Ensure that board members can devote the time necessary to govern appropriately, including the time to evaluate reports and other data, to understand the school model and vision, and to prepare for and attend board meetings, beginning with petition development and participation in the capacity interview.



Best Practices: Fiduciary Duty

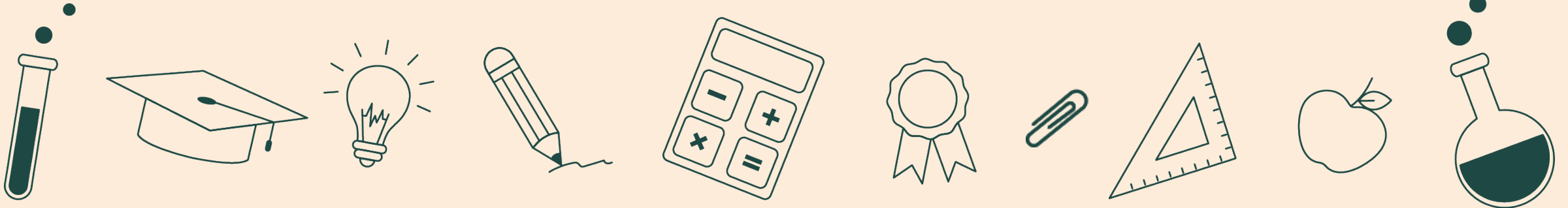


- Implement an ongoing recruitment program to develop and vet prospective governing board candidates.
- Develop, update, and implement conflict of interest policies.
- Consult experts to increase competence.
- Regularly assess the board effectiveness in adhering to its fiduciary duties.





Conflicts of Interest



Conflict of Interest

Governing board members **MUST NOT**:

- Act in an official capacity in any matter where the board member has a material financial interest that would reasonably be expected to impair objectivity;
- Solicit, accept, or knowingly accept something where there is an understanding that item was offered to influence the board member's execution of their duties.



Conflict of Interest

A governing board member MUST NOT:

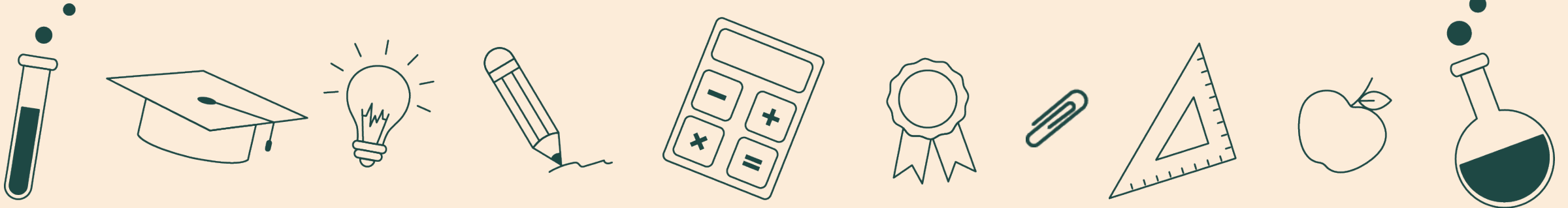
- Use their position (or information acquired exclusively by reason of their position, and which is not publicly known) for the purpose of securing financial gain.
- Be an officer or serve on the board of directors of any organization that sells goods or services to that state charter school.

O.C.G.A. § 20-2-2084(e)(2)





SCSC Expectations



Transparency

- Georgia Open Records Act Compliance
- Georgia Open Meetings Act Compliance
- Conflict of Interest Compliance



Compensation

If approved, the resulting charter contract will include a provision that states that no member of the governing board shall receive compensation for his or her service on the Governing Board in excess of reasonable expenses incurred in connection with actual attendance at board meetings or with performance of duties associated therewith.



Assessing Board Capacity

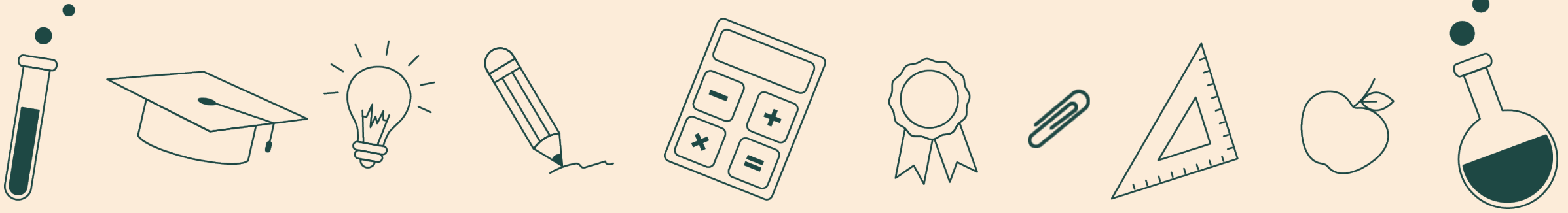
Petition & Capacity Interview

- Board selection process.
- Board make-up and experience.
- Required training and/or assurances.
- Extent of participation in developing the petition and engaging the school community.
- Substantive participation in relevant issue areas during the capacity interview.



Questions





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