

Principals of Effective Charter School Governance

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SCSC– School Governance Training
November 4, 2015

Essential Questions

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Every charter school has challenges.
How do you mitigate these challenges
through effective governance?

How do you contribute to effective
governance?

Reflecting on Organizational Effectiveness

3



What factors contribute to your organizational effectiveness?

Reflecting on the Current Charter Term

4

Effective Governance

- **Define “effective governance”.**

Academic Program

- What are two adjectives that best describe the academic program at your school?

Looking to the Future....

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Fiscal Health

Student
Achievement

Governance

The year is 2020, what is your vision for performance in these three areas.

Thinking Strategically....

6

What are your top priorities in the current charter term?

What are the board's primary responsibilities?

Responsibilities of a Governing Board

Strategic Plan and Policy-Making

- Adopt a three to five-year strategic plan
- Adopt policies that ensure the charter is implemented with fidelity and promotes student achievement

Budget

- Adopt a budget to fund the implement the charter
- On-going fiscal health monitoring and resource development

CEO/Principal

- Hire a leader to implement the strategic plan within budget
- Ratify hiring decisions
- Adopt and keep updated a succession plan

Accountability

- Monitor through committees to ensure charter promises and compliance requirements are met
- Hold the leader accountable for implementing the strategic plan within budget
- Conduct regular self-evaluation to hold the governing board accountable
- Conduct regular training and capacity building activities

What are the greatest barriers to effective governance?

- ◆ Dominated by a founder of the school
- ◆ Violations of the duty of loyalty, oversight, obedience
- ◆ Lack of internal cohesion
- ◆ Individual board members acting outside the scope of their authority
- ◆ Micromanagement – failure to delegate authority to school leader
- ◆ No plan for rotation, succession, on-boarding and transition
- ◆ Failure to remove unproductive members

What are the greatest barriers to effective governance?

- ◆ Shortage of time
- ◆ Lack of Preparation
- ◆ Lack of functioning committee structure
- ◆ No strategic plan

What do you think are the most common barriers to effective governance?

THE FUNDAMENTALS

of Effective Governance

Fiduciary Duties of Boards (1)

1. **Duty of Care** - Duty of care means that a board member must exercise reasonable care when making a decision as a steward of the charter school.
 - Active participation
 - Committees
 - Board actions
 - In the best interests of the organization & students
 - With prudence
 - Devote time, attention, and resources necessary to fulfill director obligations
 - Meeting minutes (accurate record keeping and transparency)
 - Protecting organizational property
 - Resource development
 - Investigations (warnings/grievances)

Fiduciary Duties of Boards (2)

2. **Duty of Loyalty** - Duty of loyalty means a board member will put the good of the charter school first and avoid engaging in transactions with the school from which the member will benefit.
- Set aside personal or conflicting interests
 - Have a written policy to avoid conflicts
 - Act solely in the best interest of the organization
 - Avoid self-dealing
 - Compliance with governing documents (by-laws)

Fiduciary Duties of Boards (3)

3. **Duty of Obedience** - Duty of obedience means that board members are not permitted to act in a way that is inconsistent with the school's mission.
- Ensure compliance with state and federal statutes
 - Filing requirements (990), annual report, audit
 - Obey all laws, rules, and regulations pertaining to charter schools
 - Act in furtherance of the organization's charitable purposes (education)

CONFLICTS OF INTEREST



Conflicts of Interest

Non-Profit board members have an ethical and legal obligation to protect the public interest

◆ How does your board guard against conflicts of interest?

Tips for Conflicts of Interest

□ SELF MONITOR

□ SYSTEM OF CHECKS AND BALANCES

□ CONFLICTS OF INTEREST POLICY:

1. Full disclosure of personal and business connections
 - ◆ Annual disclosure kept on file
 - ◆ As situations arise
2. Abstention from discussion, influencing, and voting when conflict or potential conflict exists

- Sample conflict of interest policy suggested by the IRS (pg. 25):
<http://www.irs.gov/pub/irs-pdf/i1023.pdf>

Operating in the Sunshine (1)

- **Open Government Guide:**
<http://www.rcfp.org/ogg/index.php?op=browse&state=GA>
- **MEETING** defined:
 - Gathering of a quorum of board members or committee of the members
 - Official business, policy or public matter is:
 - formulated
 - presented
 - discussed
 - voted upon

Operating in the Sunshine (2)

◆ What is not a MEETING:

No official business is permitted at non-meetings gatherings.

Operating in the Sunshine (3)

◆ Open access of meetings:

How does your board ensure open access of meetings?

Operating in the Sunshine (4)

- ◆ Notice and Agenda:
What are the requirements?

Operating in the Sunshine (5)

- ◆ What are the *exceptions* to the Sunshine Laws?

Operating in the Sunshine (6)

◆ Executive Session Requirements:

- ❑ Requires a vote
- ❑ Regular minutes must show the specific reason for closing the meeting, those present, and those voting for closing the meeting
- ❑ Requires that the chair execute a sworn affidavit showing the basis for the executive session and that the closed part of the meeting was limited to these provisions
- ❑ Chair has the duty to keep the meeting limited to the proper purposes of the closed meeting, and if it is not, to adjourn the closed meeting

Operating in the Sunshine (7)

◆ Telephonic Meetings:

- “Governing board, agencies, or committees with statewide jurisdiction may hold telephone conference call meetings, provided that public access is assured and the public notification provisions of the statute are followed.....”

Freedom of Information Act (FOIA) or Open Records Act of Georgia

◆ What is a document?

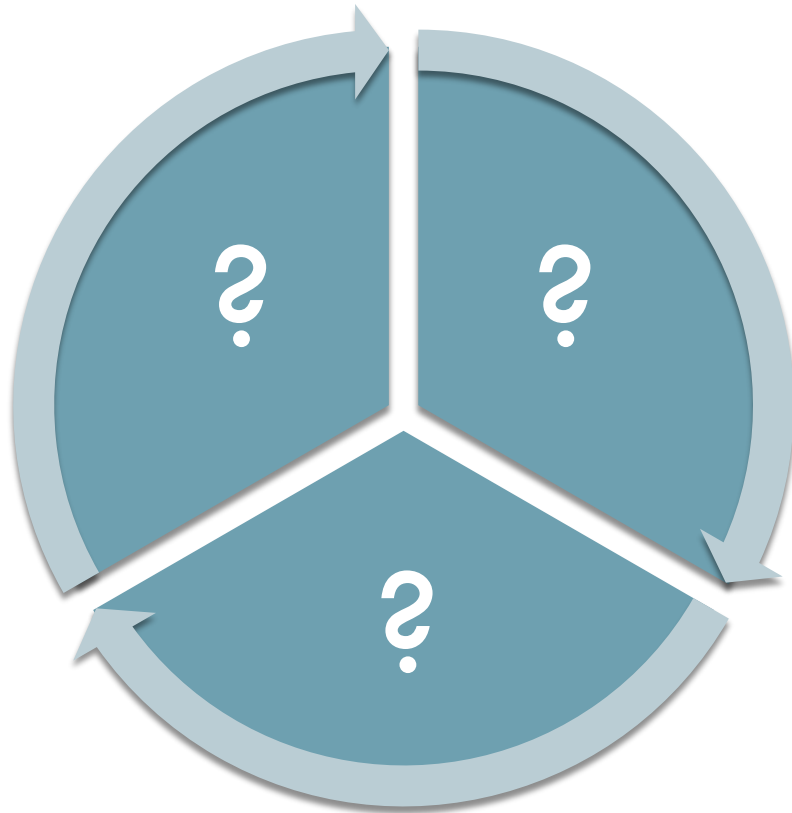
- *“Public record means **all documents, papers, letters, maps, books, tapes, photographs, computer based or generated information, data, data fields, or similar material** prepared and maintained or received by an agency or by a private person or entity in the performance of a service or function for or on behalf of an agency or when such documents have been transferred to a private person or entity by an agency for storage or future governmental use.”*

Discussion: How does the
your board ensure that
organizational risk is
mitigated to the greatest
extent possible?

QUALITY BOARD OVERSIGHT & DEVELOPMENT



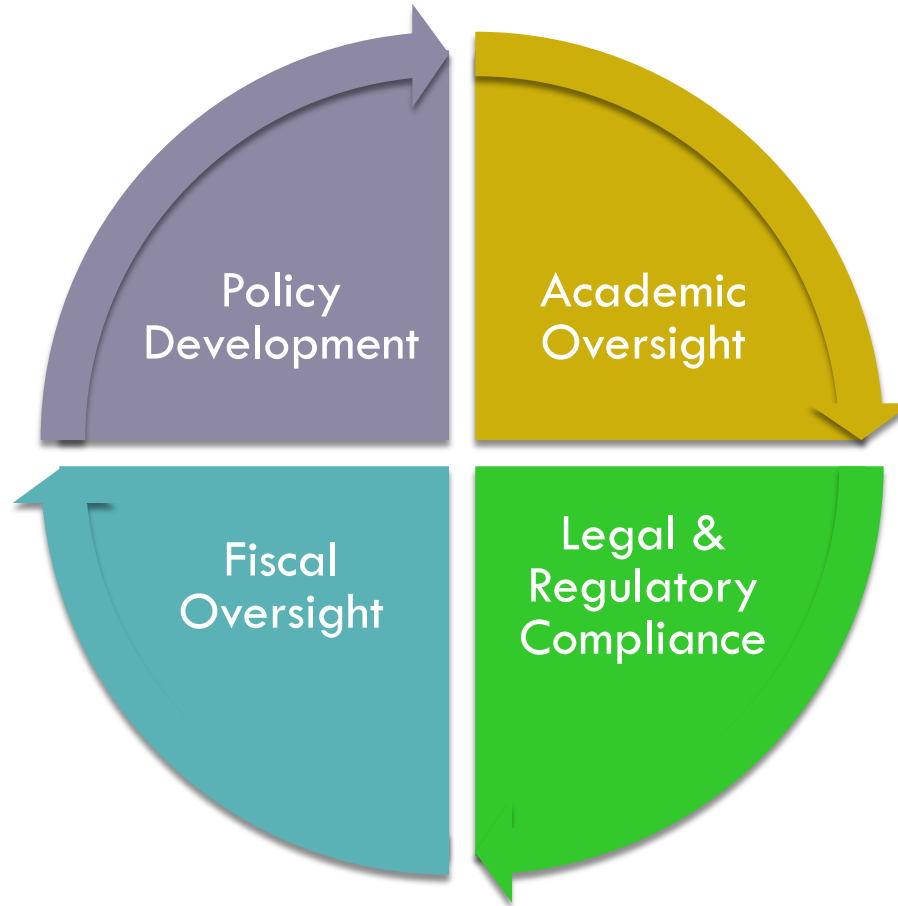
Top Priorities for Boards



How does the
your board
establish
priorities?

What are your
top governance
priorities?

Top Priorities for Boards



Common Governance Challenges

- ◆ Succession
- ◆ Strategic Planning
- ◆ On-boarding
- ◆ Selection / Vetting
- ◆ Effective oversight

Activity #1

- Rank these in order of how these challenges manifest in your board's governance practice, with #1 being the greatest challenge.

GOVERNING EFFECTIVELY...

Key Elements

Key Elements of Effective Governance:

- Understand the difference between **Governance** and **Management**. Create a document that delineates the differences.
- Always think **strategically** about **succession**, **composition** and filling **vacancies**...plan ahead.
- Have a sound **committee** structure in place to monitor **academics**, **finance**, **governance**, and **compliance** on a **monthly** basis.
- Have a method for developing **policies** in a **pro-active** rather than **reactive** manner.
- **Comply** with all **laws** pertaining to charter schools.
- Compose your board of mostly **stewards**, not stakeholders.
- Have a plan in place to **support** your **top executive** while holding him/her **accountable**.
- **Contingency** plans.....
- Have a **strategic plan** in place to reconcile present conditions with future goals / aspirations.
- Understand your **weaknesses** as a board and be **intentional** about **mitigating** them.
- **Set an example for other boards.**

Questions?

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