

Rhode Island Charter Public Schools **Governance Handbook**

Office of College and Career Readiness
Rhode Island Department of Education

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Overview

As of January 2014, twenty-two (22) charter schools are operating in Rhode Island, serving over 6,000 students. Recent research indicates that the Rhode Island charter sector is strong, increasing opportunities for Rhode Island's children and demonstrating what is possible for public education, especially for children of disadvantaged backgrounds¹.

At the helm of every charter school is an independent governing board, whose actions and oversight is integral to the success of the charter school. An effective governing board creates policies that move forward the vision and mission of a school, building the infrastructure and oversight mechanisms that allow the school to focus on students and their achievement. At the same time, boards need to be able to distinguish between the roles and responsibilities of its members, and those of school administration and staff. Charter school governing boards in Rhode Island oversee public organizations and are accountable to the Rhode Island Board of Education for their actions and performance.

This Governance Handbook, created by RIDE's Office of Charter Schools, provides charter schools and their boards with guidance and resources on the best practices of effective boards. It is designed to inform practices of new as well as existing charter school boards. This document was created to serve as guidance, not law, for Rhode Island charter school boards and their members, with the goal of maintaining a high level of quality in governance across Rhode Island's charter sector. If a charter school board implements the procedures outlined in this Governance Handbook, then the board has addressed its foundational obligations and duties as a public board in service of students and families.

Each section in this guide presents a specific area that should be addressed by each charter school board, as well as policies that should be approved by the board. All board policies should be written, approved, and implemented by each charter school's board of directors.

This resource would not be nearly as useful without the publicly sourced materials that have informed and been included in this document. Acknowledgements to: the Colorado Charter School Institute; the Colorado League of Charter Schools; the High Bar; the Center for Charter Schools at Central Michigan University; the Nonprofit Resource Center; and National Council of Nonprofits. Please note that these resources are not exhaustive. Board members should expand and deepen their understanding of best board practices by seeking out the many quality resources that are publicly and/or commercially available.

Finally, this Handbook should not be considered a substitute for legal advice.

For any additional questions regarding the Handbook, please contact Drew Allsopp, Charter School Coordinator, at drew.allsopp@ride.ri.gov.

¹ The *National Charter School Study*, released in 2013 by the Center for Research on Education Outcomes (CREDO), examined the performance of charter schools in 27 states. CREDO's analysis found that the impact of attending a charter school in Rhode Island was significant: on average, students attending Rhode Island charter schools experienced 86 additional days of learning in reading, and 108 additional days of learning in math, compared to their counterparts in other public schools.

Board Roles and Responsibilities

A charter school board of directors must ensure that its charter public school:

- fulfills its mission
- achieves academic success for its students
- manages funds appropriately, and
- earns charter renewal.

These are multi-faceted tasks that each touch on the academic, fiscal, and operational components of schools.

The responsibilities of charter school boards fall under several different statutory and regulatory parameters. Boards must understand and comply with Rhode Island state laws and regulations as well as federal laws and regulations relating to public charter schools. As public boards, charter school boards must also attend to state laws and regulations applicable to public entities. Critically important for charter renewal is an understanding of the accountability system implemented by the Office of Charter Schools at the Rhode Island Department of Education. The charter school standards developed by the Office of Charter Schools evaluate charter schools on academic performance, the conditions for school success, and organizational strength and viability. Board members must understand what is expected of the school, where the school stands in relation to those expectations, and ensure that the school is prepared to undertake the process for renewal of its charter, which includes active participation of board members.

1. Academic Oversight

Charter school boards in Rhode Island are responsible for proactively setting goals for implementation of the school's mission, and monitoring student learning and continuous improvement. After establishing these goals, it is the responsibility of the board to implement a system of tracking progress toward meeting its goals. It is the responsibility of the board to find the means for understanding academic progress at the school, which will likely mean becoming familiar with various kinds of assessments and methods of evaluating student outcomes, if oversight is to be effective.

Mission. A board must understand the mission of its school. Highly motivated board members may even work to memorize its mission statement. What will this charter school provide? To whom? Using what methods? Strong mission statements clearly identify the school's core purpose, and should meaningfully orient all board members (and everyone else at the school) toward the school's particular focus and goals for its students. Strong board members will be vocal proponents of the charter school and its mission.

2. Fiscal Oversight

The board is responsible for ensuring the financial wellbeing of the school, for establishing policies and practices that are in compliance with statutory requirements, and for providing sufficient oversight to ensure that policies are followed. The board should include members who have experience in non-profit or public sector finance. As may be defined in the school's bylaws, the board may establish a finance committee, charged with conducting general oversight of fiscal operations and participation in

the annual budget process, while not overstepping the boundary between administrative and board functions. Boards must ensure, at a minimum, that:

- qualified staff are in charge of the day-to-day fiscal operations at the school;
- a financial audit is conducted annually by a qualified, independent auditor;
- written fiscal policies and procedures are established and implemented at the school, including internal controls that meet auditing requirements;
- financial reports are delivered in a consistent format, including balance sheet, cash flow, and profit and loss statement, and are reviewed by the board on a monthly basis. Budget adjustments are flagged for the school leader and changes in the budget are approved by vote of the board;
- if receiving federal funds, the school has established policies and assigned financial duties in a manner that complies with federal requirements, including a system for maintaining receipts/invoices for all purchases made with federal funds;
- the school's accounting system is compliant with Rhode Island's uniform chart of accounts (UCOA);
- quarterly reports are filed as required in the charter school statute with the state Office of Municipal Finance;
- budgets are adhered to and the school remains solvent, with reserves established as deemed appropriate by the board and in line with RIDE's requirements.

Charter school funding. Revenue for all Rhode Island public schools is calculated using Rhode Island's student-based funding policy, enacted in 2011. The operating revenue for Rhode Island charter schools is based primarily on the combination of a "state share" and a "local share". Charter schools may also apply for various public and private grants, and federal aid including Title I, II and IDEA Part B.

The state share is calculated annually using a formula that is based on a core funding amount for each student, a supplement for disadvantaged students, and each local community's ability to pay. State aid amounts for each upcoming school year are typically provided in the spring, after the Governor's Budget is reviewed and approved by the General Assembly. Local shares for charter schools are calculated by RIDE based on the local effort of each municipality for public education. The funding system is designed such that charter schools receive 100% of state and local operating funding, equivalent to the amount received by district public schools. More information on charter school funding in Rhode Island can be found at the "resource" link below.

3. Operational Oversight

It is the board's role to ensure that key operational elements are in place, implemented, and periodically evaluated for effectiveness:

Strategic planning. The board is responsible for the long-term health and development of the school. In that capacity, strategic planning falls into the board's purview. Boards may wish to create a strategic planning team or committee, that includes board members as well as chief administrators, teachers and/or other stakeholders, to produce a document that can be understood by all stakeholders. The strategic plan may include: mission and vision statements; the school's strengths, weaknesses,

opportunities, and threats (SWOTs); annual and long-term goals; and strategies for achieving those goals.

Facility. A critical operational issue for charter schools is ensuring that the school's facility meets the program needs of the school as well as the health and safety standards established for public schools in Rhode Island. It is the board's role to work with school leaders and external expertise, as needed, to determine the needs of the school and the financial implications of meeting those needs. Boards must oversee a plan, with timeline, for how and when facility issues will be addressed.

Policy development and implementation. The board holds the responsibility for ensuring that key policies are in place and are implemented, including those related to:

- human resources, including salary structures/pay scales, job descriptions, background check, and status of employees;
- student enrollment, including outreach and recruitment, lottery procedures, waiting list procedures, records maintenance, and enrollment procedures;
- financial policies and procedures, including cash management, controls, debt, contracting and procurement policies;
- board policies, including conflicts of interest policies;
- school or mission-specific academic policies, including graduation and retention policies;
- school safety and security policies;
- student discipline policies, including policies on bullying and harassment;
- complaint policies; and
- any other policies as required by state or federal law or regulation.

A written copy of each school policy should be available to anyone who requests it. Once a policy is adopted by the board, the date should be noted on the document, as should the date of future amendments, to maintain a written history of the policy.

Fundraising. Many charter schools determine that external funds are needed to support programs in the school. Boards are typically a key part of fundraising activities, using their contacts and expertise to build a group of private and business supporters who can contribute financially or with other resources to support the school. Boards or committees may opt to produce a development plan, which would include fundraising goals, strategies for cultivating donors and community supporters, individual responsibilities and timelines, and evaluation measures.

School leader. Hiring the school leader(s) is a key function of the board. It is the board's responsibility to determine the process for hiring and make the decision on which candidate is best qualified for the position.

Hiring the Leader. Given the autonomy and independence afforded to charter schools, leadership duties typically expand well beyond those required of district school principals. Charter school leaders must have plans for managing the instructional and business elements of the organization. Boards should work from a job description that clearly identifies the requirements of the job. Rigorous

selection and interview processes should be used to identify fit with mission, management competency, and commitment to academic excellence.

Evaluation of Leader. The board should establish goals for the school leader(s) regarding implementation of the standards and creation of an educational environment conducive to learning. The board is responsible for ensuring that school leaders are appropriately certified, as required by the state of Rhode Island. When setting goals, the board should also be aware of and consider the indicators regarding school leadership found in the protocol for charter renewal. Progress made on goals should be tracked throughout the year and will then be brought to bear in the annual evaluation process. The evaluation process is determined by the board and should be completed in a timely manner.

Leadership Change. It is particularly important that boards have a clearly defined plan of action in the event of an abrupt change of leadership. The plan should consider who would step in as interim leader, if needed, and what the immediate steps would be to find a permanent replacement. The plan should also include a communication strategy for all constituents of the school, including other administrators, teachers, students, and families, as well as the Charter School Office at RIDE. It is the board's responsibility to ensure that any transition is handled with care, that school leadership is in place immediately to support the day-to-day operation of the school, and that a permanent replacement is recruited and hired in a timely manner.

Self-evaluation. All boards would be well-served by a self-evaluation process, by which the board can identify areas of strength and weakness and work to strengthen its ability to ensure a school that best serves students.

4. The Duties of Care and Loyalty

Like board members of non-profit organizations, members of the board of directors of charter schools have a *duty of care* to the school. They must be diligent about fulfilling their board responsibilities and make decisions carefully, based upon full and complete information. The *duty of loyalty*, another duty of non-profit board members, forbids board members from profiting personally because of their involvement in the school.

Duty of Care. The duty of care places board members in direct responsibility for the management of the organizations they serve. Board members should follow the principles listed below:

- Always act in the best interests of the school, rather than the interests of any individual.
- Always serve with the mission of the school and its role in successfully educating children as a primary focus.
- Attend board meetings and participate actively in discussion and decision-making, offering support in areas of particular expertise.
- Carefully consider every vote made as a board member, using informed judgment and common sense.
- Proactively participate, on a regular basis, in the review of the school's charter, budget, code of conduct, financial reports, contracts with outside management organizations (if any), leases for facilities (if any), loan agreements, curriculum, and other significant documents and policies.

- Delegate responsibility to qualified staff while making sure the staff implements the board’s decisions as intended.
- The board as a whole must make sure that the school is in compliance with applicable state and federal law.

Duty of Loyalty. Like the duty of care, the duty of loyalty governs the actions of individual board members, prohibiting them from doing anything that would allow them to profit personally or indirectly because of their position. To comply with the duty of loyalty, trustees must:

- Not knowingly do anything that would harm the school;
- Not vote on any matter in which they have a personal interest or that creates a conflict; and
- Follow the charter school's governing documents (articles of incorporation and bylaws), to carry out the charter school's mission and to assure that funds are used for lawful purposes.

RESOURCES

Performance Review Handbook, Office of Charter Schools	http://www.ride.ri.gov/Portals/0/Uploads/Documents/Students-and-Families-Great-Schools/Charter-Schools/2013-2014-Performance-Review-Handbook.pdf
Rhode Island Office of Municipal Affairs – Charter Schools Quarterly Report of Financial Operations	http://www.muni-info.ri.gov/forms/
Rhode Island Department of Education Uniform Chart of Accounts	http://www.ride.ri.gov/InformationAccountability/RIEducationData/UniformChartofAccounts.aspx
Rhode Island Funding Policy	http://ride.ri.gov/FundingFinance/FundingSources.aspx

Board Composition

To be successful, boards must include members with diverse skills that support the school and its mission. For instance, it is wise to include education experts, particularly at the grade levels served by the school, and in the areas of curriculum and instruction. Since understanding the academic performance of a charter school is crucial, it would be sensible to include individuals who understand assessment and student data. A college professor of philosophy is undoubtedly an expert of a type; however, this person might not bring the kind of expertise that is most useful in understanding and encouraging strong academic performance at the grade levels served by the charter school.

Finance is another critical area in which expertise is needed. It is best if that expertise is in non-profit or school finance, if that person's role is to work with the school's leader and business manager to build and oversee the budget, establish appropriate policies, and serve as the source of finance information for the board. A lawyer, also, can recognize areas where the school would be best served by legal counsel. While a lawyer who is a board member is somewhat limited in providing that counsel directly, she might help the school find needed support when it is necessary.

Depending on the school's situation, a person with professional experience determining facility needs and identifying sites might be a useful addition to the board. Later on, someone experienced in managing lease negotiations and maintenance contracts might bring more relevant skills. Remember that real estate experts or contractors must be careful of conflicts that may arise, should the school need to contract for facility development or related services. Individuals with management and human resources skills may prove vital in ensuring that proper human resources policies are in place in the school. Schools that conduct external fundraising may benefit from fundraising expertise on the board. If the school has a particular mission focus, it might be important to include a board member who has expertise in that area of focus. Finally, if the school serves a particular city or neighborhood, board members with expertise who also represent the school's families or wider school community may bring an important perspective to the organization and the children and families it serves.

In addition to skills, the school might consider gender balance on the board, as well as race and ethnicity, ensuring that the board represents the community it serves. It is important for the board, on a regular basis, to assess what skills are needed and to cultivate those individuals who can best serve the school's needs.

Board size. Boards should be large enough to provide strong oversight and diverse perspectives, but a very large board can be unproductive and unfocused. Often, charter school boards have between 7-11 members; odd numbers are important to remove the likelihood of tied votes.

There are many tools available to help analyze board needs and board composition. Several can be found in the table below. While several of these materials are focused on non-profit boards, they can be adapted for charter school use.

RESOURCES	
Board development tools	http://www.nprcenter.org/boards
Board development tools	http://www.councilofnonprofits.org/capacity-building/what-capacity-building/tools-capacity-building
Central Michigan University, Board Gear	http://www.thecenterforcharters.org/boardgear/

Board Recruitment, Appointment, and Orientation

The founders of the board should establish a board recruitment strategy that encourages the involvement of new board members for their energy and input, while maintaining a level of consistency and institutional memory on the board. For this reason, it is important to provide term limits, and stagger the terms of members.

Each board member's success should be supported by a thorough orientation to the school/board and creation of tools that provide baseline and ongoing information. After a potential member is identified, he/she should be invited to attend a board meeting, go on a tour of the school, and meet with at least the executive director, who can provide their perspective on the school, its challenges, and its successes.

If there is a mutual agreement that the board is a good fit because the new member is committed, her skills are needed, and she is voted onto the board, further orientation could include a deeper conversation with the board chair or other members and the school leader(s) about the academic and operational status of the school and a clear identification of where the new member can be the most helpful. The conversation might also include a discussion of the board's role versus the role of school administrators, as well as other topics identified by the school.

1. Board documentation

Board members should be provided with all critical baseline information about the school including:

- bylaws;
- the charter proposal (i.e. application);
- the charter issued by the Board of Education;
- contact information and terms for members;
- names, and titles of administrative staff and contact information for those reporting directly to the board;
- the meeting schedule for the year;
- minutes of meetings from the prior year;
- prior annual reports for the school;
- the annual budget and financial reports for the prior six months;
- reports from the prior year and to date on academic achievement in the school;
- Rhode Island Department of Education accountability documents, including the Performance Review Handbook and the Renewal Site Visit Protocol;
- Information on Directors and Officers (D&O) insurance policies;
- a copy of the Rhode Island Open Meetings Law;
- a copy of the Rhode Island State Ethics Regulations;
- the charter school's conflict of interest policy;

- the charter school’s lottery policy; and
- the charter school’s financial policies.

Agendas and materials for board meetings should be kept by each member, as well as by the school office, in electronic and/or paper format. In addition, boards should determine the best way to receive consistent and comparable information from the school. For instance, if interim assessments are used in a consistent manner by the school, how will the board receive that data in a way that shows how students are doing? Annual data from state standardized assessments should be handled in similar manner, including understanding of state-generated reports. Budget reports and cash flow analyses should be in a consistent format, with annual and year-to-date numbers, so members can have understanding in a context, and should be part of each board meeting.

2. Board meetings

Board meetings are usually held once a month receive updates and conduct business. Board meeting materials should be provided with enough advance for board members to review all materials prior to arrival. Rhode Island charter school boards are public boards, so all meetings must be posted according to Rhode Island Open Meetings Law, and open to the public. Open Meetings Law also describes the permissions and prohibitions for joining meetings telephonically or electronically.

The board chairperson usually begins meetings and plays an important role in keeping meetings moving, following rules of order, and maintaining decorum. *Roberts Rules of Order* sets the typical procedure for ensuring everyone is heard and keeping procedures clear. Minutes must be kept, and should provide a clear, accessible record of the decisions made and actions taken by the board during a meeting.

After the meeting, the secretary should distribute the minutes as soon as possible to be checked for accuracy. These minutes should not be released to the public until the board has approved them in the next meeting. Any unfinished business should be placed on the next meeting agenda.

3. Board member agreement

Boards may choose to use a written agreement or a Code of Conduct, signed by each member prior to the board vote, to make explicit the expectations of those who become members, certify that they are free of conflicts of interest, and that they understand the legal requirements of charter schools. A sample agreement can be found in **Appendix A** of this Governance Handbook.

4. Board training

Strong boards are committed to frequent professional development and improvement. Boards should seek training courses and opportunities to strengthen areas of need at the board level.

5. Board evaluation

Successful boards engage in an honest self-evaluation process that enables discussion of areas of strength and weakness and results in further board development. A link to sample board self-assessment tools can be found below. Although focused on non-profit organizations, they can be adapted for use by a charter school.

RESOURCES

Sample board member agreement	http://www.nps.gov/partnerships/model_board_member_agreement.htm
Sample board member agreement	Appendix A
Example board self-assessment	http://www.councilofnonprofits.org/resources/resources-topic/boards-governance/board-member-self-assessment
Roberts Rules of Order	http://www.rulesonline.com/
<i>Developing Training Programs for Charter School Governing Boards</i>	http://www.charterschoolcenter.org/resource/developing-training-programs-charter-school-governing-board-members-promising-practice-prof
<i>Board Effectiveness Quiz (from the High Bar)</i>	http://www.thehighbar.com/images/downloads/thb_board_effectiveness_quiz.pdf

Board Bylaws

Bylaws govern all actions made by the board of the charter school, in the context of the school's mission and role as a public school existing to successfully serve children. Applicant groups should make use of the following checklist, which can be useful both for new school proposals in development as well as for an existing school with bylaws ready to be reviewed and revised (though bylaws should be written such that frequent revision is not required). Please remember that if bylaws are revised at any time, updated versions must be shared with the Office of Charter Schools at RIDE. Finally, these recommendations are not a substitute for legal review by counsel.

Bylaws should, at a minimum, include the following:

- The purpose of the corporation (i.e. to operate a charter public school);
- The nonprofit status of the corporation;
- Name of the school and its mission;
- The type of charter school;
- Board composition, including:
 - minimum and maximum number of directors;
 - titles of officers of the board, and desired qualities and qualifications including participation by teachers, staff, and/or parents of enrolled students;
- Powers and duties of the board of directors;
- Designation of how directors join the board and the process to be followed, including appropriate, non-majority limitations on the number of seats held by any affiliated entity;
- A statement of the autonomy of the board in appointing its directors ;
- Board term limits and the number of total terms a director may serve;
- Staggered terms, to ensure consistent membership over time;
- Designation of what constitutes a quorum and that action by the board requires a quorum;
- Designation of the school's fiscal year, as articulated in its approved charter;
- A process for revision of the bylaws;
- A statement on Conflicts of interest and Ethics responsibilities of the Directors;
- Any committees and their purposes;
- Process for appointing officers;
- Procedure for amending bylaws;
- A procedure for responding to any complaints brought to the board;
- A process by which a director may resign or be removed from the board;
- Designation of the number of meetings to be held each year by directors;

- A description of the process for hiring and evaluating the school director(s)/staff who report directly to the board;
- The provision for an annual meeting and when it will occur.

Development of bylaws. Charter school bylaws in Rhode Island are developed in two steps:

1. Rhode Island charter school proposals (i.e. applications) require submission of draft board bylaws, which are evaluated within the context of the overall proposal review.
2. If the proposal is moved forward and the Board of Education issues preliminary approval, the proposal group must form a board of directors in the context of the draft bylaws. If the draft bylaws are revised between the application and final approval, the revised draft must be submitted and approved by RIDE prior to enactment by the Board.

Steps for Creation of Bylaws. Groups proposing a new charter school should:

- Hire or obtain legal counsel.
- Use this guidance and the advice of legal counsel to create bylaws that meet the needs of the public charter school.
- Submit bylaws to RIDE as a component of the charter school proposal.

After preliminary approval, groups should:

- Use existing legal counsel or obtain legal counsel to review and revise bylaws if necessary.
- Document approval of the bylaws by the newly established board of directors in the minutes of an open meeting.

As the board begins to meet, the chairperson must ensure compliance with the requirements of the Rhode Island Open Meetings Law regarding posting of meetings and minutes of meetings.

Open Meetings Law

As public bodies, charter school governing boards are required to adhere to the Rhode Island Open Meetings Law. Reference to this law should be made in the school’s bylaws. The checklist provided in Appendix B is provided by Rhode Island Attorney General’s office. It is important that the board understands in detail, the requirements of the statute and ensure that requirements are fulfilled. The Open Meetings Law rules and regulations require the designation of a filing coordinator, who could be a member of the board or a member of the administrative staff of the school. The responsibilities of this position are found in the Open Meetings Law Rules and Regulations.

RESOURCES

Rhode Island Secretary of State Open Meetings information	http://sos.ri.gov/publicinfo/openmeetings/
Rhode Island Open Meetings Rules and Regulations	http://sos.ri.gov/documents/publicinfo/openmeetings/SOS_2992.pdf
Appendix B	Open Meetings Act Checklist

Rhode Island Code of Ethics & Conflict of Interest

Charter school boards, as public bodies, are subject to the Rhode Island Code of Ethics. To ensure that governing boards are operating in the best interest of the schools and students they serve, schools should develop and adopt a policy that aligns with this code, including the filing, by each of board member, of an annual financial disclosure statement with the Rhode Island Ethics Commission. If the school uses an agreement form for new members, it is appropriate to include the understanding and compliance with this policy in the agreement. The board chair must ensure that all members of the board are in compliance with required filings. The following points, at a minimum, should be addressed by governing boards when developing this policy:

- submission, by all board members, of an annual financial disclosure statement with the Rhode Island Ethics Commission;
- a statement that when a board member has identified a real or apparent conflict of interest, he/she does not participate in the review, selection, administration, or voting process;
- a statement that when a board member has identified a real or apparent conflict of interest, he/she will file the required statement of conflict with the Rhode Island Ethics Commission;
- board minutes document when a member has a real or apparent conflict of interest and/or when individuals abstain from voting on any related business items;
- the school does not enter into lease/rental contracts where any board member has a real or apparent conflict of interest.
- board members may attend a conflict of interest workshop led by the RI Attorney General.

RESOURCES

Rhode Island Ethics Commission <http://www.ethics.ri.gov/code/>

Potential Pitfalls

Charter school boards must avoid actions, practices, or habits that will impede progress, decision-making, enable conflicts of interest, overwhelm the administration, micromanage activities, or squander resources. The very existence of the charter school is at stake if boards cannot avoid the following and other pitfalls:

Indecision. Charter school boards may need to make difficult or potentially unpopular decisions. Discussions can be heated, and it can be all too easy to avoid discussions that must occur for the good of the school.

Mishandling Conflict. Conflict can arise within a board when a school is undergoing major changes, has failed to achieve its goals, and/or is under pressure from the charter school's authorizer, administration, or school community. It can also stem from poor communication. Boards should establish procedures that enable them to handle conflict in ways that stress honesty, transparency, respect, where the commitment to the school is paramount.

Nepotism. Nepotism is the practice of having relatives of the board or the administration employed within the school. It can create problems by creating conflicts of interest, unequal treatment, or the perception of unequal treatment.

Personal Agendas. It is never appropriate to pursue personal agendas that are in the interest of a subset of students, or a single student, at the expense of the best interest of all students. It is important to put aside the emotional attachment board members may have with one student in order to make decisions based on the long-term best interests of all.

Rapid Growth. The entrepreneurial types drawn to charter school administration and boards frequently have a grand vision of growth. However, it is wise to pursue a plan that is measured in steps. There are many problems to be solved in the world of public education; however, taking on too much too quickly can hinder excellence and exhaust an organization's resources. Growth should only be attempted once a foundation has been laid and specific objectives have been met. Growth is never the solution to an existing problem, except in Ponzi schemes.

Micromanagement. Boards must remain focused on policy development and oversight while allowing day-to-day responsibilities to become the purview of administration and staff. When boards interfere, they impede operations, discourage administrators, lose focus on the big picture, and ultimately prevent the school from meeting its goals.

Absenteeism. On the other end of the spectrum from micromanagement is absenteeism, where the board rubber-stamps the decisions of the administrator and does not provide effective oversight and support for the long-term vision.

Overdependence. Boards must not rely on any one individual for an organization's success. The board must have a contingency plan in place in case a single individual leaves unexpectedly.

Financial Mismanagement. Nationally, the majority of school closures occur because of financial mismanagement. In most cases, the board failed to set up strong policies for financial procedures and did not provide regular oversight of budget and expenditures. *Expertise and training in this area is a must for charter school boards.*

Overextension of Leader. Boards must ensure that the job description of the charter school leader is not too much for any one individual to handle. The board should permit the leader to effectively delegate and develop leadership capacity among the staff. Overextension leads to burnout and turnover.

Lack of Policy Infrastructure. Without a policy infrastructure and foundation, the organization may make decisions that lead to mistakes and possible legal infractions. The lack of a policy foundation can also lead to haphazard and inconsistent decisions that negatively impact the school in the short and long-term.

Lack of Continuity/Institutional Memory. As charter schools mature and original board members retire, new members may arrive with new agendas and varying perspectives on the original mission and vision for the school. A list of non-negotiable principles can help protect the critical and foundational elements of the organization, which must be built to maintain institutional memory and transcend the knowledge and personalities held by individuals.

Conclusion

Successful charter school boards:

- wholeheartedly support the mission of the school and are dedicated to student achievement;
 - take the time necessary to understand the school's academic program and challenges;
 - identify gaps in knowledge or information and find the means to fill those gaps;
 - set standards and expectations for school performance;
 - hold school leaders accountable;
 - hold themselves accountable for attendance at meetings, commitment to the school, and completion of work as individuals or on board committees;
 - act as appropriate stewards of public funds
 - conduct a self-evaluation and honestly deal with gaps in performance or unmet needs of the board;
 - conduct board activities in an ethical and transparent manner;
 - work cooperatively and as a team in support of education for children.
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Additional Resources

Many resources are available for boards of charter school who seek to develop and improve their practices. Consultants specialize in charter school board trainings and best-practices implementation. Many books have been written about governance, particularly in the non-profit sector, but also for charter schools. Some charter school boards, schools, and authorizers have released helpful materials for free via the internet. Boards and schools must conduct their own research and use good judgment to adopt practices that best meet their needs, are considered best practices, and keep the school in compliance with Rhode Island statutory and regulatory requirements.

Appendix A: Sample Board Member Agreement

I, _____ understand that as a member of the Board of Directors of _____,

I have a legal and moral responsibility to ensure that the school does the best work possible in pursuit of its goals. I believe in the purpose and the mission of the school, and I will act responsibly and prudently as its steward. As part of my responsibilities as a board member:

1. I will interpret the school’s work and values to the community, represent the school, and act as a spokesperson.
2. I will attend at least 75% of board meetings, committee meetings and special events.
3. I will make a personal financial contribution at a level that is meaningful to me.
4. I will actively participate in one or more fundraising activities.
5. I will act in the best interests of the school, and excuse myself from discussions and votes where I have a conflict of interest.
6. I will stay informed about what’s going on in the school. I will ask questions and request information. I will participate in and take responsibility for making decisions on issues, policies and other board matters.
7. I will work in good faith with staff and other board members as partners towards achievement of our goals.
8. If I don’t fulfill these commitments to the school, I will expect the board chair to call me and discuss my responsibilities with me.

In turn, the organization will be responsible to me in several ways:

1. I will be sent, without request, quarterly financial reports and an update of the school’s activities.
2. I will be offered opportunities to discuss with the school leader and the board chair the school’s programs, goals, activities and status and can request such opportunities.
3. The school will help me perform my duties by keeping me informed about issues in the field in which we are working, and by offering me opportunities for professional development as a board member.
4. Board members and staff will respond in a straightforward way to questions that I feel are necessary to carry out my fiscal, legal and moral responsibilities to this school. Board members and staff will work in good faith with me towards achievement of our goals.
5. If the school does not fulfill its commitments to me, I can call on the board chair and school leader to discuss these responsibilities.

Signed:

Member, Board of Directors

Date

Chair, Board of Directors

Date

Provide one copy of this Agreement to the new board member and retain one copy in school board records.

(Source: Robin Hood Foundation)

Appendix B: Open Meetings Act Checklist

(additional copies available from the RI Office of the Attorney General)



DEPARTMENT OF ATTORNEY GENERAL
PETER F. KILMARTIN, ATTORNEY GENERAL

OPEN MEETINGS ACT CHECKLIST OPEN GOVERNMENT UNIT



NOTICE REQUIREMENTS

Have you posted:

- annual notice (beginning of each calendar year only); **and**
- supplemental notice (minimum 48 hours before the date of the scheduled meeting).
R.I. Gen. Laws § 42-46-6.

Have the notices been posted/provided:

- at the principal office of the public body holding the meeting, **or** if no principal office exists, at the building where the meeting is to be held; **and**
- in at least one other prominent location within the governmental unit; **and**
- electronically with the Secretary of State; **and**
- to a member of the public upon request (annual notice only). *R.I. Gen. Laws § 42-46-6.*

Does the notice contain:

- the date the notice was posted (supplemental notice only); **and**
- the date(s), time(s), and location(s) of the meetings; **and**
- a statement specifying the nature of the business for each matter to be discussed (supplemental notice only). *R.I. Gen. Laws § 42-46-6.*

CONVENING INTO EXECUTIVE SESSION

Does the open call contain for each matter to be discussed in executive session:

- vote by a majority of the members to convene in executive session; **and**
- record in the open session minutes the vote of each member on the question of holding a meeting closed to the public; **and**
- state in the open call **and** record in the open session minutes the specific subsection of R.I. Gen. Laws § 42-46-5(a)(1)-(10) upon which each executive session discussion has been convened; **and**
- state in the open call **and** record in the open session minutes a statement specifying the nature of the business for each matter to be discussed. *R.I. Gen. Laws § 42-46-4(a).*

Does the executive session concern:

- any discussion of the job performance, character, or physical or mental health of a person(s), provided:
 - person(s) affected shall be notified in advance in writing; **and**

- person(s) advised they may require discussion held in open session; **and**
- during open call, state in open session and record in open session minutes that person(s) have been notified. *R.I. Gen. Laws § 42-46-5(a)(1).*
- sessions pertaining to collective bargaining or litigation. *R.I. Gen. Laws § 42-46-5(a)(2).*
- discussion regarding the matter of security. *R.I. Gen. Laws § 42-46-5(a)(3).*
- any investigative proceedings regarding allegations of civil or criminal misconduct. *R.I. Gen. Laws § 42-46-5(a)(4).*
- any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the public interest. *R.I. Gen. Laws § 42-46-5(a)(5).*
- any discussions related to or concerning a prospective business or industry locating in Rhode Island when an open meeting would have a detrimental effect on the interest of the public. *R.I. Gen. Laws § 42-46-5(a)(6).*
- a matter related to the question of the investment of public funds, which includes any investment plan or matter related thereto, where the premature disclosure would adversely affect the public interest. *R.I. Gen. Laws § 42-46-5(a)(7).*
- school committee sessions to conduct student disciplinary hearings **or** to review other matters that relate to the privacy of students and their records, provided in either case:
 - any affected student shall be notified in advance in writing; **and**
 - student(s) advised they may require discussion held in open session; **and**
 - during open call, state in open session and record in open session minutes that student(s) have been notified. *R.I. Gen. Laws § 42-46-5(a)(8).*
- any hearings on, or discussions of, a grievance filed pursuant to a collective bargaining agreement. *R.I. Gen. Laws § 42-46-5(a)(9).*
- any discussion of the personal finances of a prospective donor to a library. *R.I. Gen. Laws § 42-46-5(a)(10).*

MINUTES

Open and closed session minutes must contain:

- the date, time, and place of the meeting; **and**
- the members of the public body recorded as either present or absent; **and**
- a record by individual member of any vote taken; **and**
- any other information relevant to the business of the public body that a member of the public body requests included. *R.I. Gen. Laws § 42-46-7(a).*

Unofficial (unapproved) open and closed session minutes must be available at the principal office of the public body:

- within thirty-five (35) days of the meeting; **or**
- at the next regularly scheduled meeting, whichever is earlier. *R.I. Gen. Laws § 42-46-7(b).*

EXCEPTIONS

- when a closed session meeting has been properly convened **and** a majority of the members vote to seal the minutes, **or**
- where a majority of the members vote to extend the time period for filing minutes **and** publicly state the reason for the extension.
R.I. Gen. Laws § 42-46-7(b).
- All State Executive branch public bodies and all State and quasi-public boards, agencies, and corporations shall keep official/approved minutes **and** electronically file a copy of such minutes with the Secretary of State within 35 days of the meeting. *R.I. Gen. Laws § 42-46-7(d).*

EXCEPTION

- not applicable to public bodies whose responsibilities are advisory in nature.
R.I. Gen. Laws § 42-46-7(d).

VOTING

- all votes listing how each member voted on each issue shall be available at the office of public body within two (2) weeks of the vote. *R.I. Gen. Laws § 42-46-7(b).*
- if a vote is cast during executive session the vote must be disclosed once the open session is reopened.
R.I. Gen. Laws § 42-46-4(b).

EXCEPTION

- a vote taken in executive session need not be disclosed for a period of time during which its disclosure would jeopardize any strategy, negotiation or investigation undertaken pursuant to a properly closed meeting. *R.I. Gen. Laws § 42-46-4(b).*

NOTE:

This checklist is intended to assist public bodies and provide guidance concerning the Open Meetings Act's requirements. This checklist does not list all Open Meetings Act requirements and is not intended to replace the Open Meetings Act.