



BOARD GOVERNANCE

Recognized Best Practices

Regulatory Framework

The Revised School Code ([MCL 380.502](#)) requires charter public schools to be organized and governed by a board of directors. The board of directors is also responsible for adopting bylaws by which they will oversee the charter public school.

The primary responsibility of authorizers is to hold charter public school boards accountable to meet the terms of the charter contract and to ensure they are in compliance with all applicable law as required by the Revised School Code ([MCL 380.507](#)). Under Michigan law, authorizers are responsible for establishing the method of selection, length of term and number of board members for each charter public school they authorize. In addition, authorizers are responsible for ensuring that the board operates independently of any educational management company providing services to the school and maintains and releases information necessary to comply with applicable law.

MCCSA Guiding Principles and Standards

MCCSA has adopted Principles and Standards (Standards) that guide authorizers as they develop strong authorizing practices. Focusing on performance and accountability ensures that student success remains paramount to authorizing decisions. MCCSA Standards include Overseeing and Evaluating a Charter Public School which states, “Excellence in authorizing means understanding the responsibility of establishing a comprehensive system that monitors and evaluates school performance and compliance. This system should provide the necessary information to oversee, evaluate and periodically report the performance of the charter public school. An authorizer’s oversight system should preserve and protect the autonomy of the school while minimizing its compliance burden.” The standards state that one of the components of an authorizer’s comprehensive oversight system should include charter public school board membership and governance.

How is a charter public school board established?

Under Michigan law, authorizers are responsible for establishing the method of selection, length of term and number of board members for each charter public school they authorize. The authorizer must also ensure that the board members selected are representative of the local community.

A charter public school board may identify and recommend qualified candidates to the authorizer for consideration. This is an important part of the process as current board members can identify strong candidates who are members of the community, parents, and individuals with skill sets that would provide the expertise and perspective that is necessary for effective governance. Once board

candidates have been recommended, the authorizers will perform due diligence that includes background checks, review of qualifications, and an interview. Upon completion of due diligence, the authorizer will determine if the candidate moves forward. As board members enter into the last year of their term of service, the authorizer will conduct a reappointment process prior to a new term. See Board Governance – Public Officials and Appointment Process Recognized Best Practices Guide for more detail.

Charter Public School Board Roles and Responsibilities

Healthy board governance is critical to ensuring a charter public school's success. Boards are charged with the task of making sure the charter public school is achieving its mission and vision and producing excellent educational results for students. Boards also have an important fiduciary responsibility to ensure public funds are being appropriately stewarded and are being spent in a way that will ensure improved academic achievement for students. Further, it is the responsibility of the board to ensure the terms of the charter contract are being met and that the charter public school is in compliance with applicable law. In addition to its contractual and fiduciary responsibilities, the board also serves as a public voice for the great things the charter public school is achieving for its community.

To effectively fulfill their roles and responsibilities, board members should always have the three primary duties of nonprofit governing boards as their guide: the duty of care, the duty of loyalty, and the duty of obedience. The duty of care involves the obligation to oversee and hold accountable the people who run the charter public school. The duty of loyalty means putting the charter public school first and being sure that decision-making is in the best interest of the charter public school - by putting the kids first. The duty of obedience means that as a board member you are ensuring the charter public school is acting in good faith to follow its charter contract and all applicable laws. Effectively fulfilling the board's duties and responsibilities will provide board members with a peace of mind, reduce risk to the school, and lower the risk of organizational and personal liability.

What are the authorizer's responsibilities in holding charter public school boards accountable?

The authorizer is responsible for holding charter public school boards accountable for the academic, fiscal and organizational results of the school. The authorizer through their comprehensive oversight system must ensure that the charter public school board governs the school in a manner that ensures the educational goals of the charter contract are met and that the school is a viable organization both financially and operationally. The authorizer is also responsible for ensuring the charter public school board is in compliance with the charter contract requirements and all applicable law, including but not limited to ensuring that all necessary state and federal reports are completed and submitted in a timely manner.

Another important responsibility of the authorizer is to take necessary measures to ensure that the charter public school board operates independently of any Educational Service Provider (ESP) that provides services to the school. One way an authorizer does this is by reviewing and possibly disapproving any agreement that a charter public school board enters into with an ESP. See the Educational Service Provider Policies for Charter Public Schools best practices guide for more detail.

Best Practices for Board Governance – Roles and Responsibilities

The ability of a charter public school board to govern well stems from its clear understanding of its roles and responsibilities. The authorizer plays an important role in helping charter public school boards understand their roles and responsibilities. Board training and development can be an excellent vehicle for helping board members more clearly understand their governing duties. Board training and development can take many forms such as helping boards develop a new board member orientation program, providing a board training manual, offering in person or online board professional development opportunities, creating informational pieces on topics that are important to board members, and informing boards about any federal, state, or authorizers updates of which they need to be aware. It is important that the training charter public school board members receive includes a large variety of critical governing topics, such as:

- Board governance expectations and bylaws;
- Adopting legally sound governing policies and keeping them current;
- Implementing the goals of the charter contract;
- Running effective and efficient board meetings;
- Strategic planning and goal setting;
- Evaluating academic performance; and
- Financial oversight and risk management.

The more knowledgeable the charter public school board is on critical governance topics, the easier it will be for the board to make wise decisions that will positively impact students and ensure financial resources are wisely stewarded.

Authorizers can also ensure that charter public school boards understand their roles and responsibilities by creating policies and systems that hold boards accountable. Examples of effective policies and systems include: an annual calendar of reporting requirements, model board bylaws, policies and procedures for reviewing ESP agreements, model financial policies and procedures, and a contract reauthorization process.

Reflective Questions

Who is responsible for ensuring a fully seated board?

Who is responsible for the academic, fiscal, and organizational results of a charter public school?

Does your team provide effective professional development that will increase the knowledge and abilities of the charter public school board to fulfill their responsibilities?

Resources

[Board Bylaws](#)

[Board Training Example 1](#)

[Board Training Example 2](#)

[New Board Member Training](#)

[Board Resolution Samples](#)

[Board Self-Evaluation](#)

[Open Meetings Act](#)