



BOARD GOVERNANCE – PUBLIC OFFICIALS AND APPOINTMENT PROCESS

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 ([MCL 380.503](#)). 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 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.

Are charter public school board members public officials?

Charter public school board members are public officials. The board is the entity of record for the state, so board members play a critical role as public officials. It is important to remember that being appointed as a charter public school board member means you have the same authority and responsibility as board members elected to serve traditional public schools. Board members are required to be United States citizens and residents of the State of Michigan. Board members must take an oath of public office that affirms the support of the Constitution of the United States before the start of their term.

How are board members appointed?

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 that are 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 similar to the appointment process prior to a new term.

Due Diligence

The authorizer may search for qualified board member candidates or the charter public school board may recommend a candidate. To ensure that quality board members are in place to effectively govern the charter public school, the authorizer should have a due diligence process in place. An effective process includes an application (including resume and letters of recommendation), back ground check, conflict of interest disclosure, and an interview. Through this process, not only should the authorizer determine if they meet technical criteria and have the necessary expertise and experience needed, the authorizer should also ensure that the candidate's desire to serve as a board member are aligned with the school's purpose and mission.

The authorizer staff should thoroughly evaluate each board member's qualifications, readiness, and fitness to serve as a board member. If the board member represents the qualities needed and fitness throughout the due diligence process, the authorizer may choose to appoint the individual to the board. If the individual does not represent the qualities needed or fitness, that individual should not be moved forward for appointment.

Conflict of Interest

Ensuring no conflict of interest exists is part of the due diligence process, but an extremely important responsibility of the authorizer. The authorizer has the duty to ensure and certify

charter public school board member conflicts to not exist. This means that all board members are governing independently and making decisions in the best interest of students and families. Board members should be free from conflict in all matters involving the school including staffing, facilities, contracting, and the Educational Service Provider (ESP).

Authorizers can fulfill this duty by requiring that board members complete an annual conflict of interest disclosure form. Authorizers may also collect resumes and conduct online searches and interviews to further understand if a conflict may exist. Any disclosures or findings should be followed up on and resolved as having no conflict. If a conflict exist that calls into question the ability for the individual to make independent decisions solely in the best interest of students, the individual should not be appointed as a board member. If a new conflict arises or is discovered during the term or service or at the time of reappointment, the authorizer should take appropriate action to not allow the individual to serve as a board member.

Appointment

After the authorizing office has identified a board member candidate, has completed due diligence, and has determined that the candidate would be an effective and committed board member at the charter public school, the authorizing board will vote and appoint the board member to the charter public school board for a specific length of term. This process also should include a new board member orientation and ongoing professional development offerings.

Reappointment Process

Each board member shall have a specified term length for their service on the charter public school. Before the end of the term of service, the authorizer should conduct a reappointment process. This process may include a reappointment application, interview, background check, and conflict of interest disclosure. The authorizer may also choose to speak with the board chair to understand the demonstrated effectiveness and the commitment of the board member.

Quality Board

Authorizers in Michigan have the responsibility to appoint quality board members to ensure that each charter public school has effective governance. Part of this process is to ensure that the expertise and experience needed is in place. Each board should have members that represent the critical areas of governing a charter public school: education, finance, and community. Depending on the school's focus, other areas of expertise and experience should also be taken into account. Legal, special education, parent voice, leadership, and business expertise can also be valuable to have represented on a board. The needs of a charter public school may change and any changes should be taken into account.

During the new school, renewal and reappointment processes, the authorizer could utilize a skills matrix to ensure that all critical areas of expertise and experience are represented on the board. Authorizers may choose to work with the design team if it is a new school, the board of an existing charter public school, or community groups, such as the area chamber of commerce, to identify effective and committed board members. All of these groups can be extremely valuable in identifying a quality board member.

Reflective Questions

How does your team communicate regularly?

What does it mean for a board member to be a public official?

How does your organization provide training for board members to ensure that they are fulfilling their duty as a public official and effectively serving as a charter public school board member?

What is the process in place to ensure that no conflict of interest is present at the charter school board level?

What is the process in place for appointing and reappointing board members, appointments, and reappointments?

How has your organization built relationships with other community organizations to help identify committed and quality board member candidates?

Resources

[Board Member Appointment and Reappointment Process with Related Resources– Example 1](#)

[Board Member Appointment and Reappointment Process with Related Resources– Example 2](#)

[Board Member Appointment and Reappointment Process with Related Resources– Example 3](#)

[Board Member Appointment and Reappointment Process](#)

[Board Member Application](#)

[Board Member Conflict of Interest Annual Disclosure](#)

[Board Member Applicant Interview](#)

[Board Member Oath of Office](#)