



Governance and Operations

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Governance and Operations will be in two separate sections this year.

- From the charter school act - (8) a description of the governance and operation of the charter school, including **a detailed school start-up plan, resumes and background information on the charter committee members, the capacity and experience of the school leadership and management team, any involvement with the replication of existing successful public charter schools, any proposed management company or educational service provider responsibilities,** and the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school;

8. Governance - The application should include the following:

- A description of the governance of the proposed charter school
 - An explanation of the proposed transition from a charter committee to the initial governing board, including the identification of individuals making the transition and timeline
 - A plan for ongoing board training and capacity building
 - An explanation of the proposed board meeting frequency and focus, and the role of any standing subcommittees
 - A plan for how a lead administrator will be hired and how the transition of leadership will happen
 - A description of the relationship between the governing board and the school administrator, which includes the amount of authority the governing board will convey to the school administrator
 - A description of the relationship between the charter governing board and the sponsor
 - A description of parent involvement in the governance of the school, along with volunteer requirements and opportunities after the school is open
- And - The application must include a statement that the proposed charter school and its governing body will comply with the Freedom of Information Act (FOIA) and specifically address policies regarding student records, administrative records, and meetings. For FOIA information, see <http://www.scstatehouse.gov/code/t30c004.php>.

Governance - The Charter Narrative and Bylaws should clearly

- Describe the election process of the governing board, including when elections will occur and the voting procedures. Procedures should include that parents/legal guardians will have one vote for each student enrolled in the school.
- Describe the authority of the charter committee to develop policies, make decisions, and execute each of the following responsibilities:
 - employing and contracting with teachers and nonteaching employees;
 - ensuring that all certified personnel, teachers, and noncertified teachers undergo background checks and other investigations before they are employed in the school;
 - contracting for other services including, but not limited to, transportation, accounting, and legal;
 - developing pay scales, performance criteria, and discharging policies for its employees, including the school's administrator;
 - deciding all other matters related to the school's operation, including budgeting, curriculum, and operating procedures; and
 - ensuring that the school will adhere to the same health, safety, civil rights, and disability rights requirements applicable to all public schools operating in the same school district.
- Detail a plan for dissolving the charter committee and instituting the first governing board. Procedures should specifically describe how nominations will be taken, when the vote will occur, how eligible voters will cast their ballots, and when training will be provided for these governing board members.
- Explain powers and duties, size, terms, composition, qualifications, term limits, officer positions and duties, election procedure, vacancy replacement, minimum number on the board, quorum and decision-making process, how board members are elected or appointed, and when this takes place.

Governance - In the **appendices**, include the following corresponding information:

- K. Bylaws
- L. Articles of Incorporation and signed Certificate of Incorporation
- M. Organizational Chart (include school administration, employees, and the relationship to the sponsoring district).

9. Operations

The application should include a description of the operation of the charter school. The application should include the following:

- A detailed school start-up plan
- Any involvement with the replication of existing successful public charter schools
- Any proposed management company or educational service provider responsibilities
- The nature and extent of parental, professional educator, and community involvement in the operation of the charter school
- The capacity and experience of the school leadership and management team along with job descriptions of the administrative positions, including the principal and guidance counselor, with a clear delineation of employee classification and who is responsible for employment decisions and oversight at each level
- A plan of support and funding for staff development

In the **appendices**, include the following corresponding information:

- N. Sample Job Descriptions (for administrator, teachers, and key employees)

From Charter Act

(D) Except as provided in subsection (F), an applicant who wishes to form a charter school shall:

- (1) organize the charter school as a nonprofit corporation pursuant to the laws of this State;
- (2) form a charter committee for the charter school which includes one or more teachers; and
- (3) submit a letter of intent and a written charter school application to the board of trustees or area commission from which the committee is seeking sponsorship.

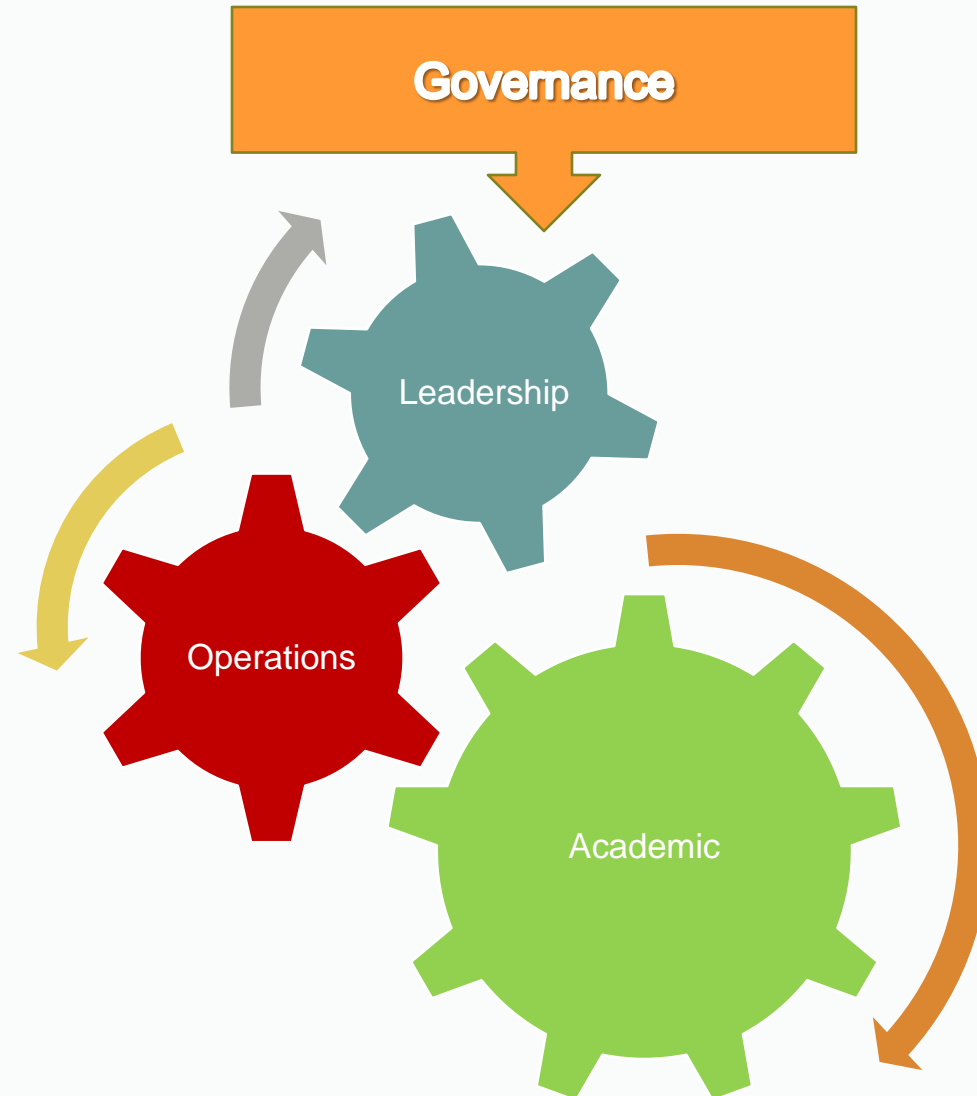
(E) A charter committee is responsible for and has the power to:

- (1) submit a letter of intent and an application to operate as a charter school, sign a charter school contract, and ensure compliance with all of the requirements for charter schools provided by law;
- (2) employ and contract with teachers and nonteaching employees, contract for services, and develop pay scales, performance criteria, and discharge policies for its employees. All teachers whether certified or noncertified must undergo the background checks and other investigations required for certified teachers, as provided by law, before they may teach in the charter school; and
- (3) decide all other matters related to the operation of the charter school, including budgeting, curriculum, and operating procedures.

Definitions in Charter Act

- (7) “**Charter committee**” means the governing body of a charter school formed by the applicant to govern through the application process and until the election of a board of directors is held. After the election, the board of directors of the corporation must be organized as the governing body and the charter committee is dissolved.
- (3) “**Applicant**” means the person who or nonprofit corporate entity that desires to form a charter school and files the necessary application with the South Carolina Public Charter School District Board of Trustees, the local school board of trustees in which the charter school is to be located, or the board of trustees or area commission of a public or independent institution of higher learning. The applicant also must be the person who or the nonprofit corporate entity that applies to the Secretary of State to organize the charter school as a nonprofit corporation.

Framework for Success



Governance Resources

- [Watch the board orientation: http://www.scharterschools.org/board-training-and-elections](http://www.scharterschools.org/board-training-and-elections)
- [Review Charter Board Partners Standards for Effective Charter Board Governance http://charterboards.org/greatboards](http://charterboards.org/greatboards)



Focus
relentlessly on
student
achievement



Ensure
exceptional
school
leadership



Commit to
exemplary
governance



Act
strategically



Raise and use
resources
wisely



Maintain
legal and
regulatory
compliance

SC Non-Profit Status

Prior to charter submission you must file your Articles of Incorporation with the Secretary of State.

- <http://www.sos.sc.gov/forms/Non%20Profits/ArticlesofIncorporationNPDomestic.pdf>

AND for your future 501c3 status to attach with your 1023 form.

- <http://www.sos.sc.gov/forms/Non%20Profits/501c3%20Attachment.pdf>

Of note:

- You can do the process in person or by mail.
- A charter school **is not a mutual benefit corporation** when asked on this form.
- You are for **public benefit and when dissolved assets go back to sponsoring district – do not name another 501c3.**
- Think about the name of your school.
- Think about whose name and address will be on this form.

You do not need IRS 501c3 Status to Submit a Charter Application in SC.

- Wait until your charter is approved.
- You can start to work on Form 1023 once your charter is submitted.

Nonprofit Law SECTION 33-31-205. Organization of corporation.

Once incorporated, your school is considered a nonprofit corporation by the state of South Carolina.

By law, after incorporating:

- Hold an Organizational Meeting
- Adopt Bylaws
- Elect Officers

SECTION 33-31-205. (a) After incorporation:

(1) if initial directors are named in the articles of incorporation, the initial directors shall hold an organizational meeting, at the call of a majority of the directors, to complete the organization of the corporation by appointing officers, adopting bylaws, and carrying on any other business brought before the meeting;

(2) if initial directors are not named in the articles, the incorporator or incorporators shall hold an organizational meeting at a call of a majority of the incorporators:

(i) to elect directors and complete the organization of the corporation; or

(ii) to elect a board of directors who shall complete the organization of the corporation.

SECTION 59-40-40.

Definitions.

2)A charter school:

C) must be administered and governed by a governing body in a manner agreed to by the charter school applicant and the sponsor, the governing body to be selected as provided in Section 59-40-50(B)(9);

(7) "Charter committee" means the governing body of a charter school formed by the applicant to govern through the application process and until the election of a board of directors is held. After the election, the board of directors of the corporation must be organized as the governing body and the charter committee is dissolved.

Board Composition

According to SECTION 59-40-50 there are certain things you **MUST** do.

A charter school must:

- consist of a board of directors of **seven or more individuals** with the exact number specified in or fixed in accordance with the bylaws. Members of a board of directors **may serve a term of two years**, and may serve additional terms. A choice of the membership of the board must take place every two years. **Fifty percent of the members of the board as specified by the bylaws must be individuals who have a background in K-12 education or in business**, and the bylaws of the charter school also must provide for the manner of selection of these members. In addition, at **least fifty percent of the members of the board as specified by the bylaws must be elected** by the employees and the parents or guardians of students enrolled in the charter school. Parents or guardians shall have one vote for each student enrolled in the charter school. **All members must be residents of the State of South Carolina**. A person who has been convicted of a felony must not be elected to a board of directors. If the board of directors consists of an odd number of members, the extra member must be an individual who has a background in K-12 education or in business;

Board Composition

- Board consists of at least 7 or more members
- All members are residents of the state of SC
- 50% have a background in K-12 education or business
- At least 50% are elected by the parent body and staff. The other 50% can be appointed.
- May have up to 2 year terms and may run for more than one term.
- May need to amend your bylaws—material change and needs to be approved by your sponsor.

Note - if your application or bylaws are not aligned to these law changes there will be questions about from where you copied and pasted this section

Think about timing and process of elections

- Too many charters and bylaws and cut and pasted together with no understanding of what implementation will look like.
- Ballots - Will you do snail mail, home in back packs, or electronic ballots? Will you make families come to the school? How long will they have to vote?
- What time of year? Not too early in the first year.
- How will you stagger terms the first time?
- How will you fill vacancies – do not make the window too short or too long.
- Will you have a slate or popular vote? Will you have categories – majority parents? Minority parents? Will there be a nominating committee?

Governance v. Management

(E) A charter committee is responsible for and has the power to:

- (1) submit an application to operate as a charter school, sign a charter school contract, and ensure compliance with all of the requirements for charter schools provided by law;
- (2) employ and contract with teachers and nonteaching employees, contract for services, and develop pay scales, performance criteria, and discharge policies for its employees. All teachers whether certified or noncertified must undergo the background checks and other investigations required for certified teachers, as provided by law, before they may teach in the charter school; and
- (3) decide all other matters related to the operation of the charter school, including budgeting, curriculum, and operating procedures.

Implementation of law - The Charter Committee serves as the governing board until the first election. Once the board has hired a school leader they hold them accountable for these items and the charter should explain what that look like in the operation section.

(C) A charter must be revoked or not renewed by the sponsor if it determines that the charter school:

(1) committed a material violation of the conditions, standards, performance expectations, or procedures provided for in the charter application or charter school contract, or both;

(2) failed to meet the academic performance standards and expectations as defined in the charter application or charter school contract, or both;

(3) failed to maintain its books and records according to generally accepted accounting principles or failed to create an appropriate system of internal control, or both; or

(4) violated any provision of law from which the charter school was not specifically exempted.

(D) A sponsor summarily may revoke any charter school that is determined by the sponsor to pose an imminent threat of harm to the health or safety of students, or both, based on documented and clear and convincing data.

(E) Any charter school shall automatically and permanently close at the conclusion of the school year in which the school first becomes subject to automatic closure for receiving the lowest performance level rating as defined by the federal accountability system for three consecutive years beginning with student achievement data from the 2013-2014 school year. The determination of closure is considered final. Automatic closure shall not apply to any charter school serving fifty percent or more students with disabilities or any charter school designated as an Alternative Education Campus (AEC) by its sponsor as outlined in Section 59-40-111.

Ultimate Board Responsibility: Ensure Revocation Does Not Happen

Simple –

Be excellent stewards of public funds and ensure students are excelling academically.

Legal and Ethical Expectations

Charter school boards are subject to the:

- **State Ethics Act and Code of Conduct**
 - No person can use their official position for economic gain for himself or his family.
 - No person can use their position to influence a governmental decision. You cannot endorse candidates!
- It is recommended board members sign a document each year of service--statement includes such topics as confidentiality, treatment of sensitive information, and placing the best interests of the school ahead of the best interests of any individual child.

Legal and Ethical Expectations

- Conflict of Interest
 - Board members who may benefit from an action of the board must recuse themselves from any vote regarding that action.
- Implementation of Conflict of Interest—
 - When a board members recuses themselves they must do so in writing to the board chair.
 - They should not be part of the discussion either.
 - And it is suggested that they leave the room.

FOIA

- The application must include a statement that the proposed charter school and its governing body will comply with the Freedom of Information Act (FOIA) and specifically address policies regarding student records, administrative records, and meetings. For FOIA information, see <http://www.scstatehouse.gov/code/t30c004.php>.

FOIA and Open Meeting Laws

- As public schools, charter schools are subject to the requirements of the SC FOIA
- Advance public notice of meetings/agendas posted
- Board approved minutes are public record
- Meeting takes place only if a quorum is present
- A quorum is a simple majority
- Open Meetings—all charter board meetings must be open to the public unless there is a valid legal reason to go into executive session.

Examples include:

- Discussion of personnel actions or issues
- Student matters (when dealing with a specific student)
- Contractual issues
- Receiving legal advice
- Board appointments

Your Bylaws:

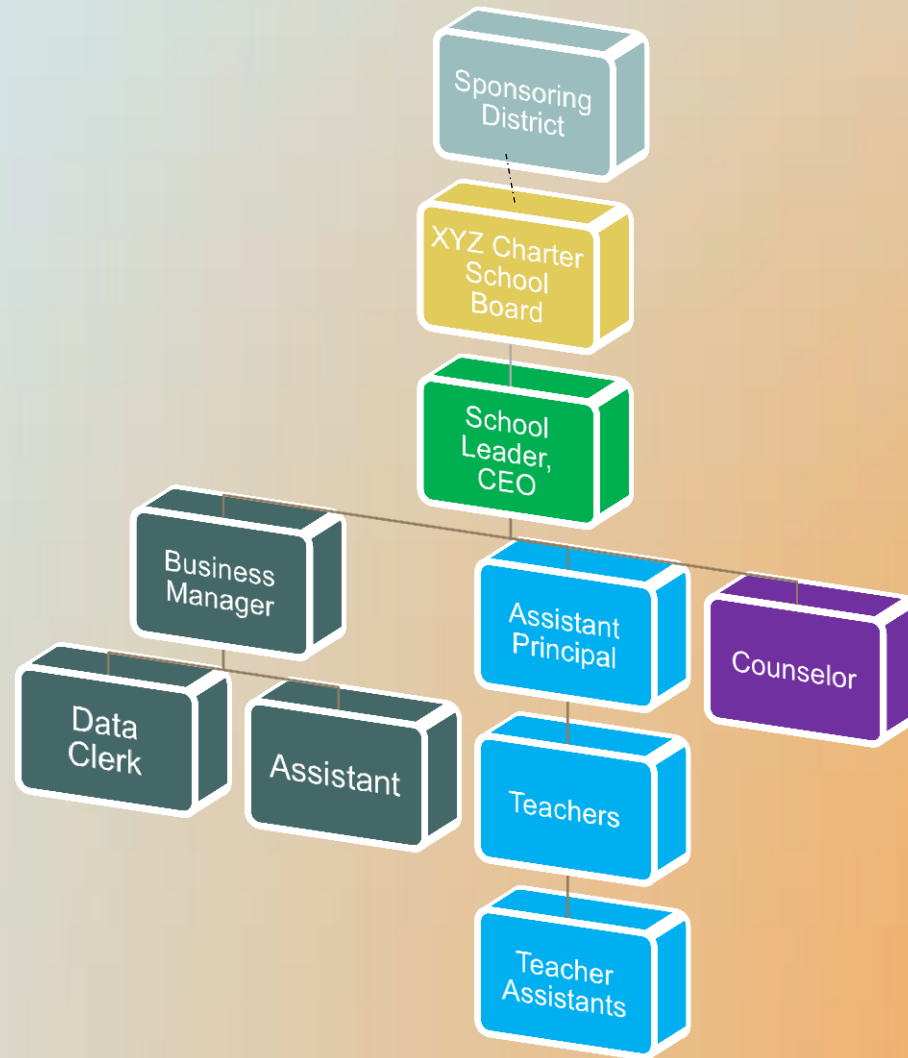
Some of the application requirements are above and beyond what non-profit law requires, but are needed for a public charter school.

Remember - **SHARE** the Application requirements **WITH YOUR LAWYER.**

Your bylaws should be clear and in compliance.

Your bylaws should reflect your narrative and vice versa.

Sample Org Chart



Parent and Community Involvement – Creating the Culture with Stakeholders.

Discuss how community members and parents are involved in the development of the school and the start up.

Explain the diverse stakeholders and how you will keep them engaged.

Make sure to have a solid plan for recruiting and retaining a diverse student body.

Document true, genuine partnerships that advance the mission of the school



Will the school:

- Do annual surveys for families?
- Invite the community to special events at the school?
- Participate in community events that provide broad exposure to the school.
- Have a robust communication plan – with current families and with the broader community?
- Have a public comment period at board meetings?

Include things that will make the school unique and will support high student achievement for all students.

A detailed school start-up plan

- New addition to the charter due to too many schools getting approved, but not opening.
- This is your chance to show capacity and shine.
- Make it more than a cut and paste to do list.
- Ensure it aligns with the rest of the narrative and your facilities plan.
- And think about how you are going to fund it.

Holding Productive Meetings

- #1 Rule for a productive meeting—work in *between* board meetings, circulate documentation prior to the meeting (and that doesn't mean the night before!)
- Set the agenda—create a template for each meeting
- Stick to the agenda
- Secretary expands the agenda to capture minutes
- **Executive Session:** Contracts, Personnel and Legal. That is it!

Tips for Charter Committees: Making Motions – Hold the Emotion

- Priority: Set consistent cultural norms for your meetings.
- [Robert](#) vs. [Democratic Rules of Order](#) vs. [Consensus Building](#)...what do your charter/bylaws say?
- How you conduct the business of the meeting should be aligned with the culture of the school and sets clear expectations.
- Are the motions being made advancing the mission of the school?
- Do you say you are doing Policy Governance?

Remember:

Board Work v. Volunteer Work

- Do not let the charter committee acting as the governing body inhibit the progress of the development of the school.
- There needs to be some organic work process.
- Do not need to micromanage the work of volunteers.
- Know which hat you have on.
- The board can only take action in a meeting with a quorum.
- Detail this in your start up plan.