

# Sounding Board

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*Promoting Quality Charter School Governance*  
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## Duties and Responsibilities of Charter School Board Members Governance vs. Management

Charter School Board members collectively form the governing body of a charter school and as a group is the legal entity to which the school is granted authority to operate under Minnesota statutes. Without a board of directors (i.e. school board) charter schools cannot legally operate and would not be eligible for state or federal funding and other educational support. Charter school board members in Minnesota play a vital role in the overall success and sustainability of their schools and the school communities they serve. It follows then that there is a direct relationship between the effectiveness of a school board and the success of the school it is governing. In other words, school boards matter; thus school board members matter too.

This means that the most successful charter schools have the most successful school boards and since the boards are made up of individual members, it is the experience, training, interest, commitment, and energy that board members bring, both individually and as a group that creates the opportunity for success. Board members sometimes bring common experiences with them and often they bring unique qualifications and experiences with them. It is this mix of common experiences and commitment with unique experiences and energy that can form a cohesive, well-functioning, and effective governing body.

Charter school members are required to participate in initial training within the first year of their board service (see MN §124E Subd.7) and this initial training includes topics such as charter school finance, employment, and board member roles and responsibilities. Within the board member roles and responsibilities training, the concept of governance vs. management is often briefly discussed. However, based on the observations of Osprey Woods staff and consultants, it seems that further consideration of this topic is in order, not only for new board members, but also for experienced board members whose board service may span a number of years. In fact, a full board discussion where board members and school leaders can have an open and candid conversation about the specific roles of both parties is a worthwhile use of continuing Board development time. This Sounding Board is intended to contribute background information for those conversations about governance vs. management among school leaders and school board members.

**Note:** A professional facilitator can provide an environment for this discussion that allows everyone to participate in it without the need for a discussion leader who would otherwise need to be a board member.



## What Do Minnesota Statutes Say About the Duties and Responsibilities of a Charter School Board?

Per MN §124E (Charter School Law), the board is responsible for three main things:

1. Policy matters related to operating the school, including budgeting, curriculum programming, personnel, and operating procedures (MN §124E.07 Subd. 6)
2. Personnel evaluation policies and practices that result in specific outcomes (MN §124E.07 Subd. 6)
3. Establish qualifications for all persons who hold administrative, supervisory, or instructional leadership roles, and use those qualifications as the basis for job descriptions, hiring, and performance evaluations (MN §124E.12 Subd. 2)

***In other words: TO GOVERN***

### What Does This Mean in Practical Terms?

Note that the Minnesota statutes summarized above specifically calls out that the board's responsibilities are for policy matters related to operating the school, but not for the actual day to day operation of the school. That the board is solely responsible for policy matters for the school seems to be a straightforward enough concept; and, in general it is easy to understand that policy development is different from the day to day operational decisions that are made by school staff, school leaders and other staff members. Board adopted policies, including bylaws, along with MN Statutes provide the structure for all aspects of the school's operation. Board policies reflect the overall vision and priorities the board has for the school's success, and should align with the school's mission.

The flip side of the above concept of the board having responsibility for policy matters for the school is that school leaders' and school staff members' responsibilities are to carry out the policies adopted by the full board, and not to make board policy on their own. The board deliberates the parameters of school policies (hopefully and with the expectation of school leaders' input) and, after those deliberations and administrative input, a policy or policies are adopted by the board in as much detail as the board wishes to include. The school leader must then carry out those policies as adopted. If appropriate and/or necessary the school leader may report back to the board the effects of those policies (the intended and unintended consequences), and may, from time to time, make recommendations to the board about possible policy revisions.

The most successful schools intentionally work to create and maintain the proper relationship between the board's policy responsibilities, and school leaders' daily operations or management responsibilities. However, at times and even without malintent, there can be confusion, misunderstandings, and/or disagreements about which activities are policy related and which activities are management related. These situations can develop for a variety of reasons and the sooner clarity and agreement about the role of the board and the role of the school leader(s), the better for the board, for school leaders, and for the school.

## Sample Scenarios Where There Can Be Governance VS. Management Confusion

1. A parent contacts a board member about a concern s/he has about the teacher of her child's class. The board member should:

- A. Hear the parent out then talk with the teacher, and get back to the parent
- B. Tell the parent to contact the teacher
- C. Tell the parent to contact the board chair
- D. Tell the parent to contact school leader
- E. Tell the parent it's not their job to hear complaints about teachers

*Response: B or D. This is a management issue and in a most respectful way, early in the conversation, the board member should encourage the parent to contact the teacher and if they have already done so, then recommend that the parent contact the school leader. The board's role is to adopt a teacher evaluation policy in accordance with 124E.03, subdivision 2, paragraph (h), not to administer it on a daily basis.*

2. During a monthly board meeting, a board member notices that several categories (line-items) in the monthly financial report on the status of the school's current budget are already overspent for the entire school year and it is only February. One of the overspent categories is in the school leader salary and benefit area. The board member should:

- A. Ignore the situation and expect the finance committee to take care of it
- B. Talk with the school leader after the meeting
- C. At the meeting, ask for an explanation as to the reason for the over-expenditures, if none is provided in the financial reporting at the meeting
- D. Talk with the board chair after the meeting
- E. Talk with the board treasurer after the meeting

*Response: C. This is a governance issue since the school's annual operating budget was adopted by the board, as required by Minnesota Statutes, and it is the school leader's responsibility to implement/administer the budget within the parameters provided by the board when the budget was adopted or revised by the board. There may be a very reasonable explanation for the over-expenditures, i.e. there may be an error in the financial reporting, or there may be something amiss that the board should address. In any event, the topic should be discussed in an open meeting by all board members and not in private by a just a few board members.*

3. As a board member you hear that students at the high school are leaving campus during the school day, for lunch or for other purposes. You check with your own high school student and discover that it is true that students are leaving campus during the school day for lunch or for other purposes. This concerns you from student safety and school liability perspectives. The board member should:

- A. Check the student parent handbook to see if and or how this topic is addressed
- B. Check the board adopted policies to see if and or how this topic is addressed
- C. Talk to the school leader and tell him to stop allowing students to leave campus during the school day
- D. After doing A and/or B, raise your concern at an open board meeting
- E. Ignore the situation and assume the school leader approves of the situation and thinks it is okay

*Response: A and/or B and/or D. This could be either a governance issue or a management issue.*

**Management issue:** *If the board has approved a policy allowing students to leave campus during the school day for lunch or other reasons, then the only issue is whether or not the school leader is administering the policy as written. If the school leader is adhering to the board policy, then there is no problem. If the school leader is not adhering to the policy as approved by the board, then the topic warrants a discussion at the board table to understand the reason the school leader has administered the policy differently than as specified by the board. The board then can either modify the policy based on the school leader's rationale for the deviation from policy or require the school leader to adhere to the policy as written and approved by the board.*

**Governance issue:** *If the board has no policy in this regard, it could allow the practice to be an administrative matter, deferring to the school leader as to whether or not the practice should be continued and to allow the leader to set limitations on the practice, if any. However, if the board has not adopted a policy allowing students to leave campus for lunch or other reason and the board wishes to prohibit such from taking place, then the board should adopt a policy prohibiting the practice and the school leader would then stop the practice in accordance with the provisions the board adopted policy.*

4. The board is considering adoption of a new policy related to face coverings, including a medical verification for exemption form. While the policy is in line with guidelines from the Minnesota Department of Education and the Minnesota Department of Health, there are teachers and students who do not want to wear masks all day and oppose having a strict policy. The board member should:

- A. Contact a select group of teachers and families by email to discuss the ideas they feel would be a good fit for the policy
- B. Send an email to other board members to find out what their thoughts are about the policy ahead of time so the board has a united voice at the next meeting.
- C. Research other charter school and district policies to see how it has been addressed in similar settings
- D. Ask the school leader to gather feedback from teachers, staff, students, and families to present at the next board meeting
- E. Invite school stakeholders to share their thoughts during a public comment period at the next board meeting

*Response: C and / or D and / or E. A board member should not directly reach out to the teacher, parents, or any other stakeholders about a policy under consideration. It is appropriate, however, to ask the school leader to gather feedback or invite teachers, families and other stakeholders to share their opinions during the public comment period of an upcoming board meeting (or submit their comments via email to the board chair, which will then be read aloud during the public comment period). It is also acceptable (and good practice) to conduct additional research by reading relevant policies from other schools or studying the MDE and MDH guidance in preparation for the board meeting discussion.*

*In any instance, scenario B is inappropriate and illegal. Board discussion and decision-making should take place in a public forum. It is a violation of MN §13D.015 "MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS." This section applies only to "a state agency, board, commission, or department, and a statewide public pension plan..." and not charter school boards. What it means is that charter school boards may not have meetings via other electronic means, such as email, and may not hold votes via email. The school must ensure that any policy language complies with current law articulated in Mn State Statute or Executive Order.*

It is not unusual for governance vs. management situations, similar to the above, to occur in many nonprofit organizations such as charter schools. That the line is sometimes a bit blurred between governance and management is also not unusual and when this occurs, the savvy school board will recognize the situation for what it is and will conduct constructive activities to resolve the questions that have arisen. Having a public body discuss these matters in open public meetings can contribute to an environment of transparency, assist in building and/or maintaining staff, parent, and public trust, and model a safe and productive conflict resolution process for all.



In order to be proactive regarding the agreed upon boundaries between governance and management, your school board and school leaders may want to conduct a training session on this topic. During that session there could be a discussion about various situations, perhaps similar to the above examples, that have actually occurred in the recent past or situations that have not yet arisen and about which board members may wonder whether those situations are governance or management issues.

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More resources can be found on our [website](#)