



(Template for School Boards)

Table of Contents

[Overview 3](#_TOC_250014)

Mission of Authorizer 3

[Mission of the School 3](#_TOC_250013)

[Purpose of Public Charter Schools 3](#_TOC_250012)

[Board Roles and Responsibilities 4](#_TOC_250011)

1. [Academic Oversight 4](#_TOC_250010)
2. [Fiscal Oversight 5](#_TOC_250009)
3. [Operational Oversight 6](#_TOC_250008)
4. [The Duties of Care and Loyalty 9](#_TOC_250007)
5. [Board’s Relationship with School Leader 10](#_TOC_250006)

[Board Composition 10](#_TOC_250005)

[Board Recruitment, Appointment, and Orientation 11](#_TOC_250004)

[Board Bylaws 14](#_TOC_250003)

[Open Meetings Law 15](#_TOC_250002)

Charter Amendment Process 16

[Potential Pitfalls 18](#_TOC_250001)

[Conclusion 20](#_TOC_250000)

# **Overview**

The South Carolina Department of Education received Erskine’s Sponsor Registration in May 2017. On May 02, 2018, the Charter Institute at Erskine moved to its permanent office in Columbia with full staff ready to support our schools.

**Mission of the Authorizer, The Charter Institute at Erskine**

The mission of the Charter Institute at Erskine is to authorize high-quality charter schools that elevate educational opportunities through innovation and creativity.

## Mission of the School

 (Enter mission here)

## Purpose of Public Charter Schools

## improve student learning;

## increase learning opportunities for students;

## encourage the use of a variety of productive teaching methods;

## establish new forms of accountability for schools;

## create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site;

## assist South Carolina in reaching academic excellence; and

## create new, innovative, and more flexible ways of educating children within the public school system, with the goal of closing achievement gaps between low performing student groups and high performing student groups.

# **Board Roles and Responsibilities**

A charter school board of directors is ultimately responsible for ensuring 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 the school.

The responsibilities of charter school boards fall under the South Carolina Charter Schools Act of 1996. The board must understand and comply with South Carolina state laws and regulations as well as federal laws and regulations relating to public charter schools.

### Academic Oversight

A charter school board is 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 school and its mission.

### Fiscal Oversight

The board is responsible for ensuring the financial well-being 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 as defined in their bylaws, and if stated in the bylaws, may establish committees to carry out oversight in certain areas. The board is responsible for overseeing 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;
* all financial resources are to be allocated, expended, and accounted for in accordance with accounting practices specified and the Financial Accounting Handbook, Annual Audit Guide and LARS Template, and the Guidelines for Retaining Documentation to Support Expenditures which may be found on the State Department of Education website;
* budgets are adhered to and the school remains solvent, with reserves established as deemed appropriate by the board and in line with South Carolina’s requirements.

*Charter school funding.* Revenue for all public charter schools is appropriated using a calculation of each school’s proportion of the total weighted pupils in the district. Charter schools may also apply for various public and private grants, and federal aid, including Title I, Title II, and IDEA Part B, as applicable.

### Operational Oversight

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

*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 the following: mission and vision statements; the school’s strengths, weaknesses, opportunities, 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 South Carolina through the State Department of Education’s Office of School Facilities (OSF). It is the board’s role to work with school leaders and external expertise to determine the needs of the school and the financial implications of meeting those needs. Boards must oversee a plan, with a 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 conflict 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’s leader 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.

An effective board identifies and hires a capable administrator who shares the mission and vision of the school. The board is also responsible for the annual evaluation of the administrator and the setting of professional goals for improvement. Boards support administrators by ensuring that they have the necessary resources to accomplish goals and by conveying confidence in their day-to-day decisions. Boards should take the following steps when it is time to hire a leader:

1. Create a job description: Create a detailed job description that includes the minimum professional qualifications such as the type of degree, certification, and work experience; job duties including management (budget/finance, personnel); educational leadership; communication with school leaders, school boards, parents, and the community; facility maintenance, staff; and other tasks.
2. Form a search committee: The board may form a committee to develop an employment announcement, strategies for interviewing candidates, and expectations for what is considered a quality candidate.
3. Select candidates: Recruitment strategies may include contacting schools and trusted peers within the education community for candidate recommendations and advertising the position in places that cater to the charter community, such as the Public Charter School Alliance of South Carolina, the National Public Charter School Alliance, and the U.S. Charter Schools network.
4. Interview candidates: The board/committee should prepare a list of standard questions to ask all candidates such as:
* What strengths and weaknesses would you bring to the leadership position?
* What have you or are you doing to address the deficits?
* What is the most satisfying experience in education you have had?
* What has been your experience in teaching and leadership in other schools?
* How has your educational background contributed to where you are today?
* What do you believe are the greatest contributions of charter schools?
* How are charter schools different from traditional public schools?
* What experience do you bring to this position that you believe will be helpful?
* What will you do to help the school to fulfill its mission and vision?
* What concerns you most about taking over the leadership at this time?
1. Check references and prior job performance.

*Evaluation of School Leader.* The board should establish goals for the school’s leader. The board is responsible for ensuring that the leader is appropriately certified, as required by the state of South Carolina, or has the experience required for the position. 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.

The board should annually evaluate the performance of the administrator to identify opportunities for professional growth and acknowledge areas of excellence in the following areas:

* Personnel Management
* Vision and Mission
* Communication
* Finance and Operations
* Overall School Student Achievement

*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, as well as the State Department of Education. 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 the students.

### The Duties of Care and Loyalty

Like all board members of non-profit organizations, members of the board of directors 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.
* Ensure 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 board's governing documents (articles of incorporation and bylaws), to carry out the mission and to ensure that funds are used for lawful purposes.
1. **Board’s Relationship with School Leader**

The school leader is the one person to whom the board delegates its authority to execute the operations of the school and is the contact for board-related communications. The school leader will then contact staff, if needed, to clarify board questions or provide information for the board.

# **Board Composition**

The Board 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.

To be successful, boards must include members with diverse skills that support the mission of the school. 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. 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, he or she might help the school find needed support when it is necessary.

In addition to skills, the board might consider gender balance on the board, as well as race and ethnicity, ensuring that the board represents the stakeholders 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 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.

**Newly Appointed Board Members**

The following are requirements of new Board members:

* Within one year of taking office, all persons elected or appointed as members of a charter school board of trustees after July 1, 2006, shall successfully complete an orientation program in the powers, duties, and responsibilities of a board member including, but not limited to, topics on policy development, personnel, instructional programs, school finance, school law, ethics, and community relations. The orientation must be provided at no charge by the State Department of Education or an association approved by the department.
* All Board members must complete a Conflict of Interest form.

Newly appointed or elected board members should be provided with all critical baseline information about the school including:

* bylaws;
* the charter proposal/application;
* the charter issued by the authorizer;
* contact information and terms for members;
* names, titles, and contact information for administrative staff of the school;
* 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;
* 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, in electronic and/or paper format. In addition, boards should determine the best way to receive consistent and comparable information from the school.

**Resignation of a Board Member, Removal of a Board Member, Board Vacancies**

Procedures for the resignation of a board member, removal of a board member, and handling vacancies are to be followed according to the procedures as spelled out in the bylaws.

**Board Meetings**

Board meetings are usually held once a month to receive updates and conduct business; however, some established boards choose to meet every other month, etc. Board meeting materials should be provided with enough advance notice for board members to review all materials prior to arrival. Board meeting agendas are required to be posted at least 24 hours prior to the meeting, and notification of the meeting should be sent to the Authorizer at least 48 hours prior to the meeting.

The board chairperson usually begins meetings and plays an important role in keeping meeting 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 at the next meeting. Any unfinished business should be placed on the next meeting agenda.

**Schedule of Regular Meetings**

Each board member should have a schedule of the current year’s regular meetings, and the schedule should be posted on the school’s website.

**Special meetings**

Special meetings may occasionally be required and should be scheduled as necessary at the convenience of the majority of the Board members.

**Quorum**

One-half of the members in office immediately before a Board meeting shall constitute a quorum for the transaction of business at any meeting of the Board members. If only two members are currently in office, both must be in attendance to constitute a quorum.

**Order of Business**

The order of meetings may vary slightly depending on needs, however, most meetings shall be as follows:

1. Call to Order
2. Invocation
3. Roll Call (determination of a quorum)
4. Approval of Agenda and prior meeting minutes
5. Public Comments
6. Executive Session, if needed
7. Action Items
8. Informational Items
9. Principal/School Updates
10. Adjournment

**Protocol and Procedures for Public Comments**

The protocol and procedures for public comments should be set by the board prior to meetings and should be included on the agenda or posted for public display. An *example* is as follows:

The board welcomes and encourages public participation. We respectfully ask that you adhere to the procedures below:

1. The public will be allotted three minutes to address the Board.
2. Speakers may offer objective criticism of school operations and programs. The chair may direct the member of the public to the appropriate means to address concerns brought before the Board; however, the board will not respond with action but will take comments under advisement and direct the comments to the appropriate staff member to address outside of the board meeting.
3. Anyone wishing to speak to the board on specific agenda items or on other topics relevant to board business must complete a Public Comment Request Card and submit it to the Clerk prior to the opening of the meeting.
4. If a group wishes to speak, please designate one spokesperson for the group.
5. Please state your name and the topic you are addressing before you begin.
6. Speakers are asked to direct their questions and comments to the chair.
7. Considering that we need to be a model for students and young adults in the board meetings, defamatory and personal attack on other schools, staff, and the board members will not be allowed.

# Board Bylaws

Bylaws govern all actions made by the board, in the context of the school’s mission and role as a public school authorizer existing to successfully serve children. 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;
* Board composition, including minimum and maximum number of directors;
* Powers and duties of the board of 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;
* A process for revision of the bylaws;
* 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; and
* The provision for an annual meeting and when it will occur.

# Open Meetings Law

As public bodies, a public charter school’s governing board is required to adhere to the South Carolina Freedom of Information Act (FOIA). The purpose is to maximize citizen participation in government process and decision-making. With limited exceptions, all meetings of public bodies are open. FOIA’s intent is for public bodies, such as a public school board, to operate in the open. This applies to meetings of the board, as well as board committees and subcommittees. A meeting is defined as any convening of a quorum of a public body to discuss or act upon the business of the public body and applies to both in-person and electronic meetings. This also includes board work sessions, email conversations, and texts between a quorum of members. Written notice of the regular scheduled meetings must be given at the beginning of each year. The agendas must be posted at least 24 hours prior to the meeting for both regular and special-called meetings. Amendments to the agenda must be made at least 24 hours prior to the meeting or may be made for regular meetings during the meeting with a 2/3 favorable vote. Agendas may not be amended for special-called meetings. For emergency meetings, every reasonable effort should be made to notify the public of the meeting.

FOIA also requires minutes to be written and available to the public that include date, time and place of meeting, members present and absent, and substance of all matters proposed, discussed or decided.

FOIA allows for closed executive sessions and the board must vote in open session to enter executive session and the motion must state the specific reason for entering executive session. No action may be taken in executive session. Reasons for a closed session include receipt of legal advice, but only if it pertains to a pending, threatened or potential action; hiring, firing, discipline of an employee; discussion of contractual negotiations and proposed sale or purchase of property; discussion of development of security personnel or devices; investigations of criminal misconduct; or certain industrial development matters.

Charter Amendment Policy

The charter school amendment process refers to the formal procedure that a charter school must follow when seeking to make changes to its founding charter documents. Charter schools are publicly funded schools that operate independently of traditional school districts and often have greater flexibility in their curriculum, teaching methods, and overall educational approach.

However, any significant changes to their operations typically require approval through an amendment process. During the term of the charter, and prior to making any amendments to the charter or executing binding agreements, the School Board must submit a request to the Charter Institute at Erskine Board to make amendments to the current charter of the school.

All amendment requests must be submitted to the Authorization Department, allowing at least 60 days for processing before being placed on a Charter Institute at Erskine Board Meeting agenda. The Authorization Department may decide to waive the 60-day processing time requirement in the case of a time-sensitive amendment request that could negatively impact the school. Each amendment request will be reviewed on a case-by-case basis, and approval will depend on the term of the charter and the performance of the school in their academic, financial, and governance indicators on the Comprehensive School Snapshot.

The following sections of the school’s charter are considered material charter amendments and must be approved by the Charter Institute at Erskine Board in accordance with section 12.1 of the charter contract:

* Curricular Model or Educational Model
* Educational Structure
* Changes in the goals, objectives, and assessment plan
* Addition or removal of virtual offerings
* Change of location of the school\*
* Change of grade spans\*
* Any plans to procure, enter into a contract, or amend services provided by an Education Management Organization (“EMO”), Charter Management Organization (“CMO”), Charter Network Organization (“CNO”), incubator, Educational Service Provider (“ESP”), or other significant service provider
* School name\*
* Mission
* Changes to founding documents, including bylaws
* Changes to employment structure\*
* Changes to enrollment that exceed 10% of total student enrollment\*
* Student conduct (attendance, discipline, expulsion procedures)\*
* Changes to transportation and/or food services\*
* Addition or removal of preschool\*

The asterisk denotes material charter amendments The Charter Institute at Erskine Board has granted permission to be approved or denied at the Institute staff level. Additionally, the Institute staff has the authority to approve or deny amendment requests for delays in school openings.

Schools have the option to appeal the Institute’s decision to The Charter Institute at Erskine Board within 10 business days of the amendment request decision.

# Potential Pitfalls

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

*Indecision.* 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 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, and respect.

Remember that the perception of a conflict is just as bad as a real conflict. If your involvement in a decision could look like something is compromised, avoid it. Disclose anything that could be a conflict.

*Nepotism*. Nepotism is the practice of having relatives of the board or the administration employed within the school. It can create problems by creating a conflict 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 the school, subset of students, or a single student, at the expense of the best interest of all. It is important to put aside the emotional attachment board members may have 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.

# Conclusion

Successful charter school boards:

* Wholeheartedly support the mission of the school and are dedicated to student achievement;
* Hold the school leader 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.

 20