



NATIONAL RESOURCE CENTER ON

CHARTER
SCHOOL

FINANCE & GOVERNANCE

ISSUE BRIEF

Maximizing Effectiveness: Focusing the Microscope on Charter School Governing Boards

INTRODUCTION

As charter schools have increased in number, studies of their success in ensuring the academic performance of students have likewise proliferated. Little attention, however, has been given to an appraisal of the boards that run them, despite the fact that board governance is a defining and requisite feature of charter schools, and experience suggests that effective boards are key to the quality and sustainability of charter schools.

More than 1.2 million students were enrolled in just over 4,300 charter schools operating in 40 states and the District of Columbia as of the 2008–2009 school year.¹ Research consistently finds that charter school closures—about 12 percent since 2002—are most often due to finance and governance challenges, not educational issues.² As charter schools increase in numbers, problems associated with their governing boards are also likely to grow. On the flip side, effective governing boards can help ensure the sustainability of high-quality charter schools. As Martinelli argues, “If we see a future for charter schools within the broader movement of school reform in America, we need to see ourselves as building organizations that will last, organizations that are healthy, thriving, and continuously learning and improving—organizations that are capable of sustaining dramatic improvements in student achievement. . . . The charter school governing board is a critical element in developing this kind of organization.”³

Functions That Charter School Governing Boards Fulfill

Before turning to the research on effective board operations, it is important to define exactly what charter school governing boards are tasked to do. In most of the 41 jurisdictions with charter school laws, charter schools are required to be governed by boards set up to fulfill the

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—Martinelli (2000), p.2

responsibilities traditionally held by local school boards.⁴ Typically, these boards are required by state law to be organized as tax-exempt 501(c)3 organizations. Relatively new rules in some states (e.g., California) specify that boards that oversee more than \$2 million in revenue need an audit committee,⁵ and that all nonprofit boards must have policies on conflict of interest, whistle-blowing, joint ventures, compensation for executives and document retention.

In most cases, charter school founders initially are responsible for recruiting board members. Board members subsequently are appointed or in some cases elected by parents of the student body. The roles and responsibilities of a charter school governing board can include the following:

- **Articulating the school's mission and purpose.** Board members prepare a clear statement of the school's mission and objectives and adopt a structure that is aligned to these goals.
- **Maintaining a strong relationship with the charter school administrator.** The board is responsible for hiring and collaborating with the school director and for reviewing the director's performance regularly.
- **Leading effective organizational planning.** The board organizes a strategic planning process for the school, which includes faculty, administrators, parents, students and alumnae, to create or adjust the school's vision/mission statement, institutional goals and priorities, and measurable action plan.
- **Ensuring financial sustainability.** The board accounts for the financial well-being of the charter school by approving capital assets and an operating budget. Board members often contribute financial support and/or are actively involved in fundraising initiatives.
- **Conducting oversight of the academic program.** The board determines standards of academic excellence aligned with the school mission and monitors educational programs and services to determine their success.
- **Creating a comprehensive public relations strategy.** The board enhances the image of the charter school and its mission through communication with the local community, broader public and the media.
- **Self-evaluating and improving performance.** The board bases its yearly goals on self-assessment. Additionally, board members plan a new trustee orientation as well as ongoing education for returning members.⁶

Each board member may be involved in these responsibilities to varying degrees based upon his or her particular role on the board. In a model of nonprofit board members, Widmer suggests five roles that generally arise on a board:

1. **Trustee.** An oversight role, characterized by long-range planning; monitors the work of the school director; arbitrates conflicts between executive and staff; manages funds; ensures that legal responsibilities are met.
2. **Worker.** Performs specific tasks for the board or school; serves as committee chair; provides client services; performs clerical tasks.
3. **Expert.** Provides specialized knowledge and/or professionalized skills to assist the organization (e.g. legal, banking, fundraising, real estate).
4. **Representative.** Carries information between different organizations and groups.
5. **Figurehead.** Brings prestige to the organization through presence on the board.⁷

Despite these specific responsibilities and the general roles that may occur on a board, there is little research on the dynamics of charter school boards in practice. Some state laws do mandate that governing boards follow specific requirements, generally focused on who can

and cannot serve. Before granting a charter, some charter school authorizers require those submitting a petition to include a list of initial board members and their qualifications; in some cases, the authorizers interview the prospective board. The importance of board training has also gained prominence, with state departments of education, charter school authorizers, resource centers and professional associations, consultants and others offering tips on board composition, structure and operations.

With no compilation of the advice available across all these sources, board members are left to wade through piles of studies, which sometimes offer mixed messages, and to devise their own methods for making charter schools work.

This Issue Brief synthesizes the advice of research and key leaders on charter school governing boards and how to maximize board effectiveness. In addition, state law requirements related to charter school board governance are discussed. Further, we draw from studies of nonprofit boards and boards of independent schools, since they face many challenges similar to those confronting charter school boards, particularly with regard to fiscal accountability, including fundraising responsibilities.

The topics examined in this Issue Brief include:

- Stages of board development
- Board size
- Board composition and areas of member expertise
- Board membership
- Board member orientation and training
- Indicators of effective board operations

Within each of these topics, we offer recommendations to guide charter school governing boards in decision-making. Finally, we identify gaps in knowledge about charter school governing boards and highlight ideas for future research so that we will be better able to link board operations to charter school effectiveness.

Stages of Board Development

Research shows an evolution of board development; the responsibilities of the founding board differ from that of the board once the school is operational. A 2006 report by the New York City Center for Charter School Excellence differentiates the primary tasks inherent in three stages of a board's development:

- **Founding Board:** At this early stage, the board should be small and homogeneous, with the primary task of overseeing the development of the charter, submitting the application and creating an accountability plan.
- **Governing Board:** During this stage, the board is tasked with fulfilling the accountability plan, sharing work with the school leader and distributing the governance tasks to committees.
- **Sustaining Board:** At this point, the tasks broaden to include fundraising and attracting new members with access to key funders and donors. This board may have expanded to include the creation of an executive committee as well as patrons or members who serve an advisory role.

Such developmental stages reflect practical realities rather than requirements. State and charter school authorizer policies generally do not distinguish between the founding board

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—Leader, Charter Management Organization

and the operational board, and there are few guidelines on when one phase ends and another begins. One exception is the charter school law in South Carolina, which makes the distinction between the “charter committee,” which is the founding governing body only “through the application process and until the election of a board of directors is held”⁸ and the operational governing board. The founding board is required to include teachers; the operational board is not so required.

The transition from founding to governing to sustaining board does not always occur naturally or easily. This process takes time, patience and continual self-reflection. A September 2008 *Education Week* feature on charter governing boards reports, “Many boards find it tough to make the transition from early-stage startup to long-term vision. [They] started as friends of the school, or of the founder, with a very vested interest in the school’s day-to-day operations. It can be hard for them to get some distance, to work like a professional policymaking body.”⁹

Acknowledging the different stages of board development can help the board be strategic in recruiting members with the specific skill sets needed (see Board Composition and Areas of Member Expertise below). While board member longevity is valuable, so too is structuring the board to meet its changing needs over time or when a charter school expands from a single campus to a network of charter schools. “We need to change our board,” one leader from a Charter Management Organization said. “Our board was an excellent board for one school; they were very hands-on, they weren’t afraid to come paint the walls, or recruit kids, they weren’t afraid to roll up their sleeves and get their hands dirty. I don’t need that kind of board any more; I’ve got plenty of people to paint and to recruit, what I need is people who can write big checks, and who have political connectivity so that we can get additional charters passed, and so that we can get Title V-B funding approved, etc.”

Board Size

States, authorizers and on-the-ground consultants differ on the number of members recommended to sit on a charter school board, making it difficult for founding school operators, writing their charter applications, to know what size board to create. The lack of consensus also creates challenges for governing boards to decide how and when to grow. A board that is too small may not be able to fully complete its governance responsibilities, while a board that is too large may have difficulty with efficiency. Likewise, the appropriate board size may be linked to the board’s stage of development. In the early years of a charter school, the board may contain just enough members to fill key committees, such as finance, personnel and board governance. The number of committees may increase as the charter school matures, requiring more board members to share the workload.

Some state laws prescribe a certain minimum or maximum number of members to serve on a charter school board. Minnesota and Ohio laws require a minimum of five board members, for example, while the District of Columbia law restricts governing boards to a maximum of fifteen members.¹⁰ Brian Carpenter, CEO of the National Charter Schools Institute, suggests that five to seven members is best in terms of efficiency, warning that larger boards can be less productive, less likely to reach consensus and take longer to make decisions.¹¹

Along these same lines, the nonprofit sector advises that an organization’s specific circumstances, including the level of commitment of its members, determines its ideal board size. DeKuyper suggests that the ideal number of board members is the smallest number that

allows your board to be effective.¹² This number may depend on the number of committees and committee assignments.

On the other hand, the National Association of Charter School Authorizers (NACSA) contends that a board of five to seven members is too small to be effective at any stage of development. NACSA recommends that during the charter application process, the founding board should be between seven and nine members. When the school first opens, the board should include nine to eleven members, and by the end of the first year, the board can grow to eleven to fifteen members. The end goal is not one particular number but “the right size to bring public credibility, the right mix of skills, and enough people to have functioning committees capable of accomplishing significant work in between meetings.”¹³

In sum, no single, perfect number of members can be recommended for the entire life of a charter school governing board. One approach: Start with the minimum number of members suggested by state law and charter school authorizers, then add members based on efficiency and productivity needs.

Board Composition and Areas of Member Expertise

All board members ought to have a passion for and commitment to the charter school’s mission; without this enthusiasm, board membership may feel like a chore rather than an opportunity for leadership.¹⁴ Creating written job descriptions for board members that outline member responsibilities and expectations helps facilitate a good fit between the school and the potential board member.

Diversity of perspectives, backgrounds and opinions is also an important feature of effective charter school governing boards. Diversity that reflects the charter school community is especially important. Diversity of board members may cut across ethnicity, race, gender, age, geography, socio-economic background, national origin, physical ability/disability, family structure, sexual orientation, marital status, religion and values.¹⁵ While considering these characteristics, it is also important to avoid board member “tokenism”, where one board member seemingly represents an entire community.¹⁶

A diverse board not only builds the school’s credibility within the community, but also offers community members channels for communicating with the school and vice versa.¹⁷ A guidebook published by the New York City Center on Charter School Excellence in 2006 warns, “Filling board vacancies through informal networking by the same small group of people may not provide the new blood and broader perspective that a charter school needs to grow and succeed.”¹⁸ For many of these same reasons, governing boards also may want to include representatives from key organizations with whom the charter school partners.¹⁹

Diversity in board member expertise is crucial when planning or expanding a governing board. NACSA recommends that governing board members have expertise in legal and financial affairs, real estate, fundraising, strategic planning, academic oversight, marketing, human resources and public relations.²⁰ Many of these areas present challenges for charter school leaders, so recruiting individuals with these skill sets can help charter boards operate more effectively. To this end, several jurisdictions have experimented with “board banks” in which potential board members are matched with charter school boards in need of members. Charter support organization New Schools for New Orleans (NSNO), for example, has instituted a multi-step approach to placing potential board members with new and established

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—NYC Center on Charter School Excellence, 2006, p. 31

In Colorado, 25 percent of charter schools have a “shared” governing board, consisting of parents, staff, and community members; 33 percent have parents and community members; 16 percent have parents only; and the rest of the schools have other combinations of parents, community members, and school personnel.
—Colorado Charter School Institute, 2007.

charter schools. After an information session for potential board members, NSNO holds “matchmaking events” to provide a forum for candidates to learn about the different schools’ philosophies and goals, the grades served, and the average time commitment expected of board members. The events are structured much like speed dating; school leaders are stationed around the room, and board bank groups rotate every 10 minutes.²¹

Governance experts also contend that the expertise required of a board may change based on the needs of the school. A school planning to expand its facilities would benefit from expertise in code compliance, real estate and contracting, suggests the Colorado Charter School Governing Board Training Handbook.²² A brand-new charter school may be most concerned about recruiting teachers and students, so marketing and human resource expertise would be vital.

Board Membership

Some state charter school laws are relatively prescriptive about which stakeholders should serve on charter school governing boards; however, there is little consensus across legislation. Six states—Connecticut, Delaware, Hawaii, Minnesota, Nevada and Virginia—explicitly require teachers on the charter school board. South Carolina’s charter law requires teacher representation on the founding board of its charter schools. On the other hand, laws in three states—Ohio, Missouri, and Louisiana—prohibit teachers from serving on the governing boards, although Louisiana’s law does allow teachers from other schools to serve. In addition, seven state charter school laws (Connecticut, Delaware, Hawaii, New Hampshire, Tennessee, Virginia and the District of Columbia) require parents to serve on a charter school’s board.²³

NACSA agrees that parent and teacher voices are essential to running an effective board and school, and suggests that students be included when appropriate.

Other experts stress the downside of having parents, teachers and students on charter school governing boards. While these stakeholders are generally committed to the school’s mission and have a vested interest in the school’s success, The Colorado Charter Schools Institute and Martinelli point out that “faulty” board structure and nepotism are two common board dysfunctions.²⁴ Boards should not include individuals who cannot be objective or disinterested. Parents, for instance, can be focused narrowly on their child’s experience and may have a difficult time adapting and embracing change. Similarly, teachers may want to emphasize operational matters instead of long-term goals. In addition, there is the potential for conflicts of interest, since the board oversees the performance of the school director and faculty contracts.²⁵

While states and charter school organizations argue the importance of stakeholder representation, Carpenter contends that it is less important to designate certain seats on the governing board and more important that all board members support the values/mission of the school, put the needs of the school above personal agendas, think critically and strategically, and be willing to engage in debate.²⁶

Board Member Orientation and Training

A wide variety of stakeholders may be interested and committed to serving on a charter school governing board, but may not have experience serving on a board. Further, at any given time, there will be a flux in board membership, as new and inexperienced members cycle in. Board orientation and ongoing training is critical to creating and sustaining an effective governing board.

Most state laws do not include any requirements for new member training: 40 of 41 laws have no specific provisions for training, leaving the responsibility to state administrators, charter authorizers or the schools themselves. Board training is a requirement for federal charter school start-up grants, so state recipients make some form of training available. Training requirements vary widely. Nevada's Department of Education requires board members to sign affidavits agreeing they have read literature that reviews their responsibilities; in Florida, board members must complete 12 hours of training.²⁷

Although state laws are generally silent concerning training, the performance of individual board members is clearly connected to board effectiveness. Borrowing from the nonprofit and independent school sectors, some charter schools have created annual orientation and training sessions for their boards, including a review of the school mission and school charter, expectations for and accountability of board members, and an overview of the governance responsibilities of different committees.²⁸ Some charter schools also teach committee members how to set a meeting agenda, conduct a meeting and reach consensus. The New York City Center on Charter School Excellence guidebook recommends focusing on the “big picture” when training new members, suggesting, “During new board member orientation, don't spend too much time on a detailed review of the board's bylaws or the organizational chart. Instead, focus on providing information that will help board members address the major decisions and policy questions facing the charter school.”²⁹

Potentially, board training could be aligned with the stages of board development. Heather Sheperd, the first head of school at Channing Hill, a K-8 charter school in Draper, Utah, identified three distinct stages of training that would benefit board members. Once during startup would support them as they secure facilities, funding, and staff members to open the school. A second training as the school opens would guide board members towards bigger-picture oversight, with a third session the following year to solidify that new role.³⁰

Indicators of Effective Board Operations

While state laws are silent on what makes an effective governing board, there is no shortage of advice on how to tell an effective board from a dysfunctional one.

In addition, consultants have created checklists for boards to self-assess. A report from the federally-funded National Consensus Panel on Charter School Operational Quality identifies eight measures of board performance with accompanying metrics:

1. Board-member skills, knowledge and commitment;
2. Setting expectations;
3. Ethical conduct;
4. Regulatory and reporting compliance;
5. Leadership oversight and evaluation;
6. Contract management and oversight;
7. Public accountability and transparency; and
8. Securing the future/continuous improvement.³¹

A consistent theme is that an effective board focuses on policy and governing, not managing day-to-day operations.³² Carpenter stresses this idea, arguing that the board's role is to delegate authority to the school head and ensure accountability.³³ There is also the notion that charter boards need to be “visionary” and “future-focused,” with an “entrepreneurial

spirit” that doesn’t shy away from risk-taking. Martinelli identifies common barriers to board effectiveness (see below).

Barriers to Board Effectiveness

- Temptation to micromanage
- Ineffective nominating committee
- No plan for rotation
- Failure to remove unproductive members
- Too small or too large
- Lack of a functioning committee structure
- No strategic plan
- No plan for orientation for new and old members
- No proactive plan to manage founder’s syndrome

—Martinelli, 2000

Creating a committee structure that assists the school in carrying out its mission and short-term goals can help a board run efficiently. Board committees can be created for finance, personnel, board development, resource development, facilities, and strategic planning. Committees also can be added based on time-specific goals: A board working on a technology initiative may form an ad hoc technology committee to oversee the work.³⁶

Effective governing boards annually evaluate their individual board members, the board as a whole and the school leader.³⁷ Boards also may consider creating a handbook for trustees

that contains the school’s mission, job expectations, and a description of the committee structure and responsibilities. Additionally, Cornell-Feist suggests that board membership should include term limits and staggered terms for a continuous flow of new ideas to the board.³⁸

Gaps in Knowledge— Areas for Future Research

Although the charter school movement is approaching 20 years old, there is no comprehensive profile of who serves on charter school boards from the local, state or national perspective. This information gap impedes efforts to guide and strengthen charter school boards.

Without systematic studies of charter

school governance, it is difficult to connect the characteristics of effective boards with the quality and sustainability of charter schools. Despite the availability of recommendations for creating effective governing boards, little empirical data exist on the characteristics of charter school governing boards, further complicating the task for charter operators of unpacking the sometimes conflicting advice. If we know who serves on charter school governing boards, then we could better highlight promising governance practices and pinpoint areas for improvement.

Do’s and Don’ts of Charter School Governance

Do focus on issues of governance, like strategic plans, policy development, and the legal and financial health of the school.	Don’t micromanage the day-to-day school activities.
Do create a functional committee structure based on the school’s current needs.	Don’t misappropriate board authority, allowing certain members more power.
Do establish a board full of qualified, effective and diverse members who offer appropriate expertise.	Don’t retain unqualified board members, choose members based on nepotism, or fill the board with members of the same background or perspective.
Do govern as stewards, acting on the public’s behalf.	Don’t act like stakeholders, acting in the interests of board members.
Do speak and act as one voice.	Don’t allow individual board members to take action on their own behalf.

Adapted from Carpenter, 2006; Carpenter, 2007

Further research is needed to uncover core baseline information on the “average” charter board’s size, composition, structure and operations. Does board size vary by school size? Do conversion boards differ from start-up charter school boards? Is there a configuration that works best? Does what is best depend in part on certain key factors such as the level of board autonomy, the age of the school, or the school’s scale? Do certain board configurations work more effectively with charter management organizations? What sorts of capacities are most needed for boards that oversee multiple charter schools or more than one campus of a single school?

There is an additional need to identify objective measures of board performance, such as turnover, financial stability and student achievement. It would be valuable to compare expert advice on the traits of high-quality boards to what happens in practice. With such information, studies could discern the factors most correlated with board success, and whether (or not) there is a life cycle of boards that should be supported with various resources at different points in time. The proposed three-stage life cycle (founding board to governing board to sustaining board) is one way to conceive of board development, but to date there is not enough data to test the effectiveness of this sort of approach.

Finally, future research needs to investigate intergovernmental relations with respect to charter school boards. Charter schools are autonomous, self-managing organizations: Which level of government, if any, is best suited to shape governing boards and with what policy instruments—mandates or incentives? Research on charter school governing boards will reveal how government can help ensure that charter schools meet their core mission of providing high-quality educational opportunities to the students they serve.

Notes

- ¹ See <http://www.publiccharters.org/aboutschools/factsheet>.
- ² See, for example, Carpenter, 2008a; Carpenter, 2008b; Center for Education Reform, 2001.
- ³ Martinelli 2000, p.2.
- ⁴ http://www.charterresource.org/files/Governing_Board_v3.pdf.
- ⁵ See Siegel, 2006.
- ⁶ Chait, Ryan & Taylor, 2005; Colorado Charter School Institute, Colorado Department of Education Schools of Choice Unit, & Colorado League of Charter Schools, 2007; Dambach, 2003; DeKuyper, 2006; Ingram, 2003; Martinelli 2000; Massachusetts Department of Education, 2007; New York City Center for Charter School Excellence, 2006.
- ⁷ Widmer, 1993.
- ⁸ Section 59-40-40.
- ⁹ Gewertz 2008, p. 1.
- ¹⁰ Butler, Smith & Wohlstetter, 2008.
- ¹¹ Carpenter, 2007.
- ¹² DeKuyper, 2003.
- ¹³ Cornell-Feist, 2007 p. 4.
- ¹⁴ Cornell-Feist, 2005; DeKuyper, 2003; Martinelli, 2000.
- ¹⁵ DeKuyper, 2003.
- ¹⁶ New York City Center for Charter School Excellence, 2006.
- ¹⁷ Cornell-Feist, 2007.
- ¹⁸ New York City Center for Charter School Excellence, 2006 p.31.
- ¹⁹ Wohlstetter, Smith, Malloy & Hentschke, 2005.
- ²⁰ Cornell-Feist, 2007.
- ²¹ See http://www.charterresource.org/promising_results.cfm?category=28.
- ²² Colorado Charter School Institute, Colorado Department of Education Schools of Choice Unit, & Colorado League of Charter Schools, 2007.
- ²³ Butler, Smith & Wohlstetter, 2008.
- ²⁴ Colorado Charter School Institute, Colorado Department of Education Schools of Choice Unit, & Colorado League of Charter Schools, 2007; Martinelli, 2000.
- ²⁵ DeKuyper, 2003.
- ²⁶ Carpenter, 2006.
- ²⁷ Butler, Smith, & Wohlstetter, 2008.
- ²⁸ Butler, Smith, & Wohlstetter, 2008; Center on Educational Governance, 2008a; Center on Educational Governance, 2008b.
- ²⁹ New York City Center on Charter School Excellence, 2006, p.30.
- ³⁰ Gewertz, p. 3.
- ³¹ Charter School Quality Consortium (forthcoming).
- ³² Colorado Charter School Institute, Colorado Department of Education Schools of Choice Unit, & Colorado League of Charter Schools, 2007; Dambach, 2003; DeKuyper, 2003; Martinelli, 2000; Massachusetts Department of Education, 2007; New York City Center for Charter School Excellence, 2006.
- ³³ Carpenter, 2007.
- ³⁴ Martinelli, 2000; New York City Center for Charter School Excellence, 2006.
- ³⁵ Martinelli, 2000.
- ³⁶ Colorado Charter School Institute, Colorado Department of Education Schools of Choice Unit, & Colorado League of Charter Schools, 2007; Dambach, 2003; DeKuyper, 2006; Martinelli, 2000; Massachusetts Department of Education, 2007; New York City Center for Charter School Excellence, 2006.
- ³⁷ Cornell-Feist, 2007.
- ³⁸ Cornell-Feist, 2007.

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The NRC develops and disseminates tools, information, and technical assistance to help charter school leaders at all levels—operators, authorizers and state policymakers—take steps to improve charter school finance and governance. For more information or to download a copy of this Issue Brief, visit the NRC website at www.CharterResource.org.

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