



NATIONAL RESOURCE CENTER ON

**CHARTER  
SCHOOL**

**FINANCE & GOVERNANCE**

**A GUIDE FOR STATE  
POLICYMAKERS**

# Creating and Sustaining High-Quality Charter School Governing Boards

NOVEMBER 2008

## ABOUT THE NRC

The National Resource Center on Charter School Finance and Governance was established in fall 2006 with funding from the U.S. Department of Education's Office of Innovation and Improvement (Grant No. U282N060012) under the Charter Schools Program National Leadership Activities Grant Program. The National Resource Center (NRC) develops and disseminates tools, information, and technical assistance to help charter leaders at all levels—operators, authorizers and state policymakers—take steps to improve charter school finance and governance.

For more information, visit the NRC website at [www.CharterResource.org](http://www.CharterResource.org) or email the Center at [info@CharterResource.org](mailto:info@CharterResource.org).

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The NRC is a collaborative effort among:

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## PREFACE

This report on creating and sustaining high-quality charter school governing boards is one in a series of state policy guides on charter school finance and governance created by the National Resource Center on Charter School Finance and Governance (NRC). The policy guides were created as a result of research conducted by the NRC between January and August of 2007. The charter school laws in 40 states and the District of Columbia were reviewed to gain a better understanding of the policy context affecting charter school finance and governance. In addition, approximately 80 interviews were conducted with administrators from charter school offices in state departments of education and with leaders of state charter school associations, resource centers, or technical assistance centers.

The policy guides are intended to help state policymakers understand the charter school finance and governance legislative and policy landscape nationwide, the range of approaches available to states, and the challenges and opportunities these approaches pose for strengthening charter school finance and governance. Each guide begins by identifying the challenges posed by the particular finance or governance area. Policy options showcase the range of strategies currently undertaken in different states to address these challenges, highlighting specific examples in the legislation as well as experiences in the field. The NRC does not advocate one policy option over another; the guides provide the pros and cons of each option so states can decide for themselves what course to take. Finally, additional resources are identified in each finance and governance area so policymakers can learn more about topics of importance to their state.

The contents of this state policy guide do not necessarily represent the policies of the U.S. Department of Education and endorsement by the federal government should not be assumed.





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## SUMMARY

This guide for state policymakers examines the laws, policies, and programs that states are using to create and sustain high-quality charter school governing boards. In particular, the guide focuses on the two aspects of governing boards that interviews with state administrators revealed are most critical for a board's success: board composition and recruitment and board training.

States address board composition and recruitment in three ways. First, charter school laws in 14 states require (or prohibit) each charter school's governing board to include specific types of people, most commonly, teachers or parents. Second, three jurisdictions have created pools of potential board members to help match schools with qualified board members who have the time, skills, and aptitude to serve. Third, in four states, authorizers appoint or approve board members rather than placing this authority with individual charter schools.

Although board training is mandated by law in only one state, interviewees in eleven states reported that training requirements are imposed by the state department of education or charter school authorizers. In addition, numerous states provide voluntary board training opportunities.

The guide outlines the pros and cons of the prevalent policy options related to board composition and recruitment and board training with illustrative examples from existing state law and practice. It also raises issues state policymakers may want to consider in adopting new policies and aims to help them identify approaches that best meet the needs of charter schools in their state.

## INTRODUCTION

In all but a few of the 41 jurisdictions—40 states and the District of Columbia—with charter school laws, charter schools are required to be governed by boards set up to fulfill the responsibilities traditionally held by local school boards.<sup>1</sup> Typically, charter school founders initially are responsible for recruiting board members. Board members subsequently are appointed or, in some cases, elected by parents of the students attending the school.

School-based governance is a cornerstone of the charter school concept of autonomy; serving on a charter school board affords an opportunity to involve diverse stakeholders in the decision-making process. However, research consistently has found that creating and sustaining high-quality boards is one of the most formidable challenges facing charter schools. The considerable time, knowledge, and expertise required to govern results in many charter schools operating with dysfunctional boards. For example, a 2006 charter school governance guidebook states, “Many charter schools report serious difficulties in creating and operating good working boards. Tensions among board directors, conflict between board and staff and non-functioning boards are among the problems that have plagued charter schools in many places.”<sup>2</sup> Smith, Wohlstetter, and Brewer argue, “The practical problems involved with identifying and recruiting board members, delineating their roles and responsibilities, providing training and development, and setting a structure for decision-making are never-ending and complex. Initially, charter schools frequently operate in a chaotic atmosphere of enthusiastic zeal coupled with the grinding day-to-day realities of securing funding and facilities, hiring staff, and recruiting students. Establishing the conditions under which a charter school

board can function effectively may not be a priority.”<sup>3</sup> Hill and Lake have found that “many [boards] have become sources of instability and disruption.”<sup>4</sup>

Interviews with state charter school administrators reinforce the challenges of creating and sustaining effective governing boards (see *The Challenges of Creating and Sustaining High-Quality Governing Boards*). They also reveal the importance of governing boards to charter school success. For example, one interviewee noted, “Charter schools don’t typically fail because of their academic program. It’s because their business and their oversight [are] not adequate. So having the right governing board in place from the beginning . . . back in the application phase, is absolutely critical.” Similarly, another state administrator reported, “There have been five charter schools that have closed down in the past ten years, and they have all been due to either dysfunctional school boards or financing issues.” Another interviewee observed, “We have identified board governance—strong board governance—as one of the indicators of charter school success.”

This guide explores the ways that states have addressed the need for charter schools to create and sustain high-quality governing boards. Specifically, it looks at state laws, policies, and practices concerning board composition and recruitment and board training, which interviewees reported as the two greatest indicators of successful boards as well as the two greatest challenges facing boards. In addition, interviewees deemed these areas as appropriate for state-level involvement. While they believed many decisions are better left to individual schools, such as how often to hold meetings, interviewees consistently noted that states could and should do more to regulate board training as well as board composition and recruitment.

<sup>1</sup> In Iowa, Kansas, and Virginia, charter schools are governed by the local school district’s board. In Indiana, the governance structure must be specified in the charter, but an independent board is not necessarily required. Wisconsin has two types of charter schools: instrumentality charter schools, which are governed by the district board, and noninstrumentality charter schools, which have their own boards.

<sup>2</sup> New York City Center for Charter School Excellence, *NYC Charter Schools Governance and Board Development Guidebook* (New York, N.Y.: New York City Center for Charter School Excellence, 2006), 1.

<sup>3</sup> Joanna Smith, Priscilla Wohlstetter, and Dominic J. Brewer, “Making the Most of Charter School Governance,” in *Hopes, Fears and Realities: A Balanced Look at American Charter Schools in 2007*, ed. Robin J. Lake (Seattle, Wash.: Center on Reinventing Public Education, 2007), 22-23.

<sup>4</sup> Paul T. Hill and Robin Lake, “Charter School Governance” in *Charter School Outcomes*, ed. Mark Berends et al. (Washington, D.C.: National Center on School Choice, 2007).

## The Challenges of Creating and Sustaining High-Quality Governing Boards

Interviewees reported several challenges that charter schools face in creating and sustaining high-quality governing boards.

*“Trying to sustain the interest is a challenge. Oftentimes what’ll happen is a charter school will start with great participation, maybe nine board members, and then the number quickly dwindles, after the commitment required of the board starts to become apparent to members. And so, sometimes schools can’t even conduct business because enough people do not show up for board meetings.”*

*“The biggest challenge that I’m aware of involves the makeup of the board . . . whether or not the board members should be appointed [and] whether or not parents or teachers should have positions on the board—how to put together a board and who should have a position on the board.”*

*“The basic challenge is . . . that the growth of the charter school movement runs the risk of outpacing the capacity to populate boards with people who are experienced in nonprofit governance.”*

*“The interesting hybrid nature of a charter school board, which is both a 501(c)(3) nonprofit and a public entity creates a challenge . . . because you have cases when the board is populated by people who do have experience in nonprofit boards, but this is their first venture onto a charter school board. [S]o part of the challenge is educating them about what their responsibilities are in the public sector, in addition to those things you’re subject to in the nonprofit codes.”*

*“The biggest challenge, first and foremost, is finding enough people with the right types of expertise to create a board that has people who complement [one another] and provide all of the skills that are needed for oversight and support of the school’s success.”*

*“The challenge is that sometimes schools recruit these folks with great skills, but they view it as kind of a pro bono opportunity and don’t commit much time. It’s not enough to have, say, an attorney who’s willing to come every other meeting; you’ve got to have an attorney who’s willing to review vendor contracts [and] look over the due process procedures for student grievances—somebody who takes an active role.”*

*“If you join a public agency, you have to divulge your financial profile completely, so that the knowledge about any potential conflict of interest is not left to just you deciding when to recuse yourself, but rather there’s a public record where somebody could look and say, “Well, you’ve got to recuse yourself because you’re involved in this investment.” So, it’s really kind of laying yourself out naked financially. It’s not like we’re talking drug dealers from Colombia, but people whose financial situations are complicated enough that they’re not particularly interested in laying it all out publicly beyond what they do in their tax returns. And that kind of issue seems to dissuade folks that we’d like to attract to charter school boards.”*

Data for this guide come from a review of the charter school laws in each state and the District of Columbia—a total of 41 current as of January 2007—as well as interviews conducted in each state with charter schools to identify the common challenges and opportunities shared by the charter community nationwide. Nearly 80 interviews were conducted with

administrators from state department of education charter school offices and with leaders of state charter school associations, resource centers, or technical assistance centers. The guide is intended to assist state policymakers in identifying approaches to governing board composition, recruitment, and training that best meet their state’s goals and their schools’ needs.

## GOVERNING BOARD COMPOSITION AND RECRUITMENT

Recruiting board members who have the time, skills, and aptitude to serve is the first step in forming a charter school board. States are pursuing several policy options to meet charter schools' need for appropriate candidates; some of these policy options have been written into law, while others have been adopted in practice.

### The Challenge

One major challenge consistently noted across the interviews is the inability of charter school leaders to find qualified people to serve on their school's governing board. As one interviewee reported, "I think one of the big challenges across the state is with the recruitment of good solid board members who understand what they're getting into and have the capacity to follow through and come up to speed and actually be responsible through whatever challenges the school may have." Another interviewee noted, "One of the problems we see our schools encountering is finding people to participate on their boards who have adequate and diverse qualifications. There often isn't a large pool of possible board members to choose from. So if high turnover occurs, it's difficult to replace the expertise that they're losing." Echoing this comment, another interviewee observed, "One of the issues that charter schools face is convincing people that they should be a part of the governing board of a school. I think that with peoples' harried schedules, they usually don't have a whole lot of time to dedicate to serving on a board."

Except for a few states that require governing board members to be elected by parents and/or teachers and staff, most charter school bylaws include a self-selection process for board recruitment. As one interviewee noted, self-selection has its advantages and disadvantages: "Some people appoint people whom they know to their boards . . . so sometimes the most qualified individuals—a person with fiscal experience or

legal experience or human resources experience—may not end up on the board." Another interviewee said, "Oftentimes the boards that come together have pretty good educators, but [these individuals] may not be good business managers."

In addition, appointed boards often end up being staffed by friends of the school's founders who do not necessarily come equipped with a lot of background knowledge about charter schools. Interviewees reported that some board members do not initially realize that charter schools are public schools. As one interviewee noted, "The initial applicant can be the one that recommends the board of directors to the authorizer, which . . . gives that applicant a lot of control up front as to who may end up serving on the board and being responsible for the school. In some ways, that may be a strength. We will assume that the people are credible and known to them and competent. On the other hand, if I was a head of a for-profit management company and I recommended six of my best friends . . . that would be an issue."

Another challenge is constructing a board composed of people with the different skills and expertise needed to effectively govern a charter school. Interviewees reinforced findings from prior research that effective governing boards benefit from having members with a range of specific skills.<sup>5</sup> As one interviewee noted, "We'd like to see healthy compositions on boards of maybe someone with some finance or accounting experience, someone with some legal experience." Another interviewee recommended that boards include "people with a variety of experience related to school operation, a person with a legal background, a person with a finance accounting background, and a person with an education background." Another interviewee noted the need for continuity to sustain high-quality boards over time, saying, "It's important to have board members who can have some continuity—who can stay with the board for enough time to be able to be trained or who are already knowledgeable to be really productive."

Furthermore, as the charter school movement grows and additional schools open, several interviewees

<sup>5</sup> See for example, Stella Cheung and Joe Nathan, *What Works? Governing Structures of Effective Charter Schools* (Minneapolis, Minn.: University of Minnesota, Hubert H. Humphrey Institute of Public Affairs, Center for School Change, 1999); Frank Martinelli, *Creating an Effective Charter School Governing Board* (St. Paul, Minn.: The Charter Friends National Network, 2000).



noted that the number of charter schools needing experienced people for their governing boards is outpacing the capacity to fill those slots without a strategic recruitment effort by a charter support organization, as highlighted as a policy option below. In Missouri, for example, the perceived shortage of qualified, willing board members has led to members with expertise sitting on more than one charter school governing board. “We have a couple of schools where one board member at one school is also on the board at another school, creating even bigger time burdens on members.”

## What States Can Do

Currently, states are using three policy options to help charter schools compose high-quality governing boards:

- Require boards to include specific types of people;
- Create pools of potential board members; and
- Have authorizers appoint or approve board members.

### Policy Option: Require Boards to Include Specific Types of People

The required composition of charter school governing boards varies greatly among states (see Table I). While charter school laws in 27 states are silent on the issue of board composition, the laws in 14 states either require or restrict certain types of people from sitting on charter boards—either parents, teachers, community members, or, in one case, the authorizer.<sup>6</sup> For example:

- Charter school laws in six states—**Connecticut, Delaware, Hawaii, New Hampshire, Tennessee, and Virginia**—and the **District of Columbia** require parent members on the governing board. For example, **New Hampshire’s** law specifies: “A charter school board of trustees shall include no fewer than 25 percent or two parents of pupils attending the charter school, whichever is greater” (Section 194-B:5(II)).
- Charter school laws in six states—**Connecticut, Delaware, Hawaii, Minnesota, Nevada, and**

**Virginia**—require teachers to sit on each charter school’s board and an additional state, **South Carolina**, requires teacher members on the founding, but not operational board.<sup>7</sup> **Connecticut’s** law, for example, states: “Applications . . . shall include a description of . . . the school governance and procedures for the establishment of a governing council that . . . includes teachers and parents and guardians of students enrolled in the school” (Section 10-66bb(d)(3)). **Minnesota’s** charter school law requires teachers to hold majority membership on charter school governing boards by the end of their third year in operation, and **Nevada’s** requires a minimum of three teachers.

- Charter legislation in **Hawaii** requires support staff to serve as board members, along with teachers and the principal, but restricts the person who runs the charter school from chairing the governing board. **Hawaii’s** law also requires each board to include a student member: “All local school boards, with the exception of those of conversion charter schools that are managed and operated by a nonprofit organization . . . shall be composed of, at a minimum, one representative from each of the following participant groups: . . . student body representatives selected by the students of the school” (Section 302B-7(a)).
- **California’s** charter school law requires charter schools to allot a seat on their boards to a member of the authorizing school district board. The legislation specifies: “The governing board of a school district that grants a charter for the establishment of a charter school formed and organized pursuant to this section shall be entitled to a single representative on the board of directors” (Section 47604 (b)).
- The charter laws in **Delaware and Louisiana** prohibit any member of charter school governing boards to have seats on any other local school boards or serve in any other locally elected position. For example, **Delaware’s** law states: “No

<sup>6</sup> See Joanna Smith, Priscilla Wohlstetter, and Guilbert Hentschke, *Partnerships Between Charter Schools and Other Organizations* (Washington, D.C.: National Resource Center on Charter School Finance and Governance, 2008).

<sup>7</sup> Although the law in Nevada requires teachers to serve on each charter school governing board, interviewees noted that authorizers require these to be teachers from other schools. Similarly, the law in Louisiana specifies that no teachers may serve on the board, but interviewees noted that this pertains only to teachers at the school; teachers from other schools may serve on Louisiana charter school boards.

## The Challenges of Having Parents Sit on Charter School Boards

No state laws currently prohibit parents from being charter school board members, though the challenges of including them as members were mentioned in numerous interviews. Challenges include finding parents with the needed skills, having parents understand the difference between their role as parents and their role as board members, and meeting legal requirements for the number of parents required to serve.

### Finding Parents with the Needed Skills

*“Some start-up charter school governing boards have nine members, eight of whom are parents, and the parents aren’t fully equipped to deal with thorny issues of policy and finance, grievances of teachers, and due process hearings and all of that.”*

*“Sometimes parents will come in and try to micromanage the school leader or else will work around the school leader or work at cross-purposes, which leads to conflict. So parents need to be trained in how to govern, not manage.”*

*“I’ve seen many schools that will talk about wanting parents on the board and sometimes that’s not easy because it’s hard to find a parent that really wants that level of responsibility and involvement. Being a board member is sometimes too much, or more than they imagine, so I’ve seen slots that are identified as being for parents that sometimes go unfilled on boards for quite some time.”*

### Differentiating Between Parent and Board Roles

*“One challenge in having parents on the board occurs when they may appear to be focused more on their individual child’s needs and issues versus a parent collectively representing all parents at the school.”*

*“What can happen is parents decide that they want something for their son or daughter. Then they become very influential over the administrator, making threats like, ‘I’m a board member. I can vote you out. I can get rid of you.’ It becomes adversarial.”*

*“People need to be taught how to check their profile at the door. I tell them when you walk into the room, you’re no longer a parent at the school, you’re a board member, and you’ve got to look at the school from the 30,000-foot level. You can’t use the board as a sounding board or a forum for complaining about the third-grade teacher who did something your kid, or your kid’s friends, didn’t like.”*

### Meeting the Requirement to Have Parent Members

*“We don’t have a lot of charters in high minority areas. And one of the reasons is the socioeconomics of opening a charter school. You have to have a lot of time to devote to get that charter school up and running. A single parent or a single parent working two jobs doesn’t have time to do that.”*

*“Our law requires that two parents be on the board. One issue with this requirement is how those parents are identified to serve. We have to make clear to folks that it’s not necessarily the president of your PTA who should be on the board, because [parents’] role on the board is to make decisions. They’re able to give insight as a parent, but [they’re] not necessarily there as the parent advocate.”*

*“It’s important to have parents on a governing board, but requiring them to be a majority, as our law did in the past, sometimes prevents other folks from joining a board who would be able to bring a specific talent.”*

person shall serve as a member of a charter school board of directors who is an elected member of a local school board of education” (Section 504(b)).

- Three state charter school laws include requirements for a minimum or a maximum number of board members: **Ohio** and **Minnesota** require a minimum of five board members, and the **District of Columbia** limits boards to seven members.

Requiring certain types of members to serve on charter boards helps ensure broad stakeholder participation and having teacher representation on the governing board increases teachers’ “ownership” of the school. Yet interviewees consistently noted that there are many examples of successful boards with different types of members as well as numerous examples of dysfunctional boards with state-prescribed membership. Interviewees also reported that including teachers on boards raises potential conflict of interest issues.<sup>8</sup> Including parents poses unique challenges as well (see *The Challenges of Having Parents Sit on Charter School Boards*).

In response to the potential conflict of interest raised by having teachers set policies affecting their own working conditions, or make decisions regarding hiring and firing of personnel, interviewees from six states reported that some charter schools in their state have more than one board—one for governance of education issues and another for business and operational issues and/or fundraising. For example, one state administrator noted, “The charter holder board must be a 501(c)(3). Sometimes there is a second board to run the school.” What these laws do not prescribe, however, are the skills needed for an effective board, which numerous interviewees believed were more important than the types of people serving. Although not codified into law, numerous interviewees noted that they encourage their charter schools to recruit members with a range of skills (financial, legal, etc.).

### **Policy Option: Create Pools of Potential Board Members**

Three jurisdictions—**New Orleans**, **New York City**, and the **District of Columbia**—are addressing the

need for charter school boards to recruit high-quality governing board members with a diverse range of skills by using candidate pools. In these cases, community members with a variety of skills are recruited for board membership, are provided training on what they need to know and the commitment they are expected to make, and are then matched with schools that need governing board members.

- In New Orleans, **Louisiana**, nonprofit New Schools for New Orleans (NSNO) has established a board bank to serve the city’s charter schools, including “incubator” schools that undergo a year of planning and training prior to opening. NSNO matches the leaders of these incubator schools with available board members, who work with the school leader during the incubation year on everything from submitting the charter application to recruiting students to attend the school. For more on NSNO’s board bank, see *Turning a Desire to Give Back into Action*.
- The **New York City** Center for Charter School Excellence, a nonprofit charter support organization created in 2004 to serve charter schools in the city, works with a nonprofit called the Volunteer Consulting Group. The group developed boardnetUSA, a national online system. An interviewee described boardnetUSA as “an online system where you advertise your school by completing a profile. Then people looking to serve on a board input their areas of interest and expertise, and [the system] matches [people with boards]. And it’s really been effective for us to find some high-level people. Corporations have purchased the right to be on boardnetUSA and make it open to their employees.”
- In the **District of Columbia**, the D.C. Association of Chartered Public Schools has created a consortium of people with expertise who are available to serve on governing boards. One interviewee described the process: “This is our third cycle, where we go out and recruit people who are interested in serving on a charter school board, provide them with the training to help them understand what charter schools are and what’s expected

<sup>8</sup> See Cecilia Sam, Joanna Smith, and Priscilla Wohlstetter, *Involving Teachers in Charter School Governance* (Washington, D.C.: National Resource Center on Charter School Finance and Governance, 2008).

## Turning a Desire to Give Back into Action

After Hurricane Katrina, the New Orleans school district was restructured as an open-enrollment district with a mix of charter schools, private schools, and traditional public schools. To support the restructuring effort, Sarah Usdin founded New Schools for New Orleans (NSNO) in April 2006. As part of NSNO's mission to achieve excellent public schools for every child in New Orleans, NSNO created a board bank to recruit, train, and place charter school governing board members in the city's charter schools.

The recruitment, training, and placement process involves multiple steps that occur during a period of several months.

1. **Contact Community Gatekeepers.** NSNO works with community contacts to identify potential board members by having them circulate an appeal to their colleagues, coworkers, and friends apprising them of the need for engaged citizens to serve on charter boards.
2. **Conduct Information Sessions.** NSNO conducts general information sessions for people considering charter board service to explain what serving on a board entails.
3. **Offer a Charter Boards 101 Workshop.** NSNO presents a workshop for those who express interest in serving on a board after attending an information session. Workshop participants discuss the responsibilities given to charter school boards, the time commitment required to serve, and the specific skill sets, expertise, and qualifications that help charter boards run effectively. As part of this workshop, current school board members share their experiences and field questions from the potential board members about the rewards and challenges of board service.
4. **Hold a Matchmaking Event.** NSNO convenes board bank members, school leaders, and existing board members. The matchmaking event is structured much like speed dating: school leaders are stationed around the room, and board bank groups rotate around the room every 10 minutes.
5. **Follow Up.** NSNO provides ongoing governance training throughout a new school's first year and in future years to help create and sustain highly effective charter school governing boards.

At a Charter Boards 101 workshop in June 2008, a highly skilled and diverse set of potential board members attended; most of them had no or limited experience serving on a nonprofit board, but all noted a desire to give back to the community as their reason for attending. Attendees included medical professionals, faculty of local universities, a shipping broker, attorneys, a state planning consultant, a public relations/advertising executive, and former educators. Some prospective members were retirees looking for a meaningful outlet for their skills. Others were young professionals who wanted to serve on a charter board and saw board membership as a meaningful addition to their lives despite limited spare time because of work and family commitments. Some attendees were recent "transplants" to New Orleans, while a few had attended New Orleans public schools themselves. Nearly all attendees spoke of their belief that strengthening the city's public schools was the best way to rebuild New Orleans after the devastation of 2004's Hurricane Katrina.

NSNO has trained and/or placed board members on nearly every open-enrollment charter school board in New Orleans. NSNO incubated four new charter schools that opened in August 2008, and four more are scheduled to open in August 2009. Each of the incubator schools is set up to have a founding board of approximately seven members recruited and matched through NSNO's board bank. The board bank has brought new players into the charter school community and to public education at large. "So many members in the community are getting involved in public education for the first time. They are typically people who did not send their own children to public schools, but they see serving on a charter board as a way to get involved. At the same time, graduates of New Orleans public schools also want to get involved to ensure the schools recover from the devastation of Katrina along with the rest of the city," reported Nancy Burvant, NSNO's Charter School Board Development Director.

of a board member, and then get these people matched with particular schools . . . . [We assess] each board's needs and look at all the candidates to figure out which ones help fill in the gaps, and then present the slate of candidates to the school's board and [it makes] decisions on which folks to add to the board."

### **Policy Option: Have Authorizers Appoint or Approve Board Members**

To help create high-quality charter school governing boards, four states—**Idaho**, **Massachusetts**, **Michigan**, and **New York**—involve authorizers in appointing or approving the boards for the charter schools they oversee.

- In **Massachusetts** and **New York**, charter applicants must identify initial governing board members as a part of the charter application process. Authorizers then have the right to veto any choices they consider inappropriate. As one interviewee reported, charter schools “have to submit names to the authorizer every time a new board member is appointed, and if the authorizer doesn't get back to the school within 30 days, the person is considered approved. [It's] a guard against conflicts of interest . . . and ensures there's an ongoing level of expertise and not everybody's related, and it's not going to turn into some family business or something.”
- In **Michigan**, charter school governing board members are appointed by the school's authorizers. An interviewee noted that this process “makes them public officials, [who are required to] take an oath of office and are held accountable for the school, both in terms of compliance with the law and compliance with the contract with the authorizer.”
- Charter school administrators in **Idaho** currently encourage specific board composition but do not have legislative support to require that revisions or additions be made to governing boards in charter school applications. “The commission cannot force them to have a certain board composition or anything like that, though if they really felt that things were inadequate they could decide not to charter the school . . . but once the school is chartered [the commission] can strongly encourage but not require changes to the board.”

## **Weighing the Options**

Finding people with the time, skills, and aptitude to serve on a charter school's governing board can be a daunting task for school leaders. States and districts have implemented practices and policies to aid in recruiting high-quality charter school governing board members. Several considerations can guide state decision-making on board recruitment strategies.

- Requiring certain types of board members broadens participation in school-level governance but also has its disadvantages. On the one hand, allowing teachers and parents to serve on charter school boards provides members who are heavily invested in the success of the school. On the other hand, interviewees noted that requiring teachers to serve on charter school boards without allowing for reduced teaching loads or other compensation can increase time burdens as well as create conflicts of interest. Similarly, requiring parent members can create additional biases, if parents make policy decisions based on their own child's needs rather than the school's needs. There is also a danger that parents will take a short-term view of the school's needs, focusing on the duration of their child's enrollment rather than the long-term needs of the school.
- Creating pools of potential board members can help alleviate the challenge of individual schools finding a sufficient number of qualified people to serve. However, not all potential board members will necessarily be committed to the mission of the schools in need of members. Moreover, willing candidates may not have the skill sets most needed by the charter schools.
- Having authorizers appoint or approve board members can ensure that nepotism does not occur and that members with a wide range of skill sets serve on each school's board. However, requiring authorizers to approve board members can reduce a charter school's autonomy and its ability to select members it views as best suited to serve.

State Options	Pros	Cons
<b>Require boards to include specific types of people</b>	<ul style="list-style-type: none"> <li>■ Increases voices represented.</li> <li>■ Increases stakeholder participation.</li> <li>■ Provides opportunity for involvement in site-based school governance.</li> </ul>	<ul style="list-style-type: none"> <li>■ Can increase conflict-of-interest problems.</li> <li>■ Can increase recruitment difficulties.</li> <li>■ Reduces charter school autonomy.</li> </ul>
<b>Create pools of potential board members</b>	<ul style="list-style-type: none"> <li>■ Helps charter schools find a sufficient number of qualified people to serve on their boards.</li> </ul>	<ul style="list-style-type: none"> <li>■ Does not ensure all potential board members will be committed to the schools in need.</li> </ul>
<b>Have authorizers appoint or approve board members</b>	<ul style="list-style-type: none"> <li>■ Reduces conflicts of interest.</li> <li>■ Increases authorizers' accountability to and for charter schools.</li> </ul>	<ul style="list-style-type: none"> <li>■ Increases time spent during member transitions.</li> <li>■ May reduce charter school autonomy.</li> </ul>

**Table 1. State Requirements for Charter School Governing Board Composition**

	Must have parents	Must have teachers	Minimum number of parents	Minimum number of teachers	No teachers or staff allowed	Minimum or maximum number of members	May not be member of another board	Must allow seat for authorizer	No relevant provisions
Alaska									■
Arizona									■
Arkansas									■
California								■	
Colorado									■
Connecticut	■	■							
Delaware	■	■					■		
District of Columbia	■		2			Max of 7			
Florida									■
Georgia									■
Hawaii	■	■							
Idaho									■
Illinois									■
Indiana									■
Iowa									■
Kansas									■
Louisiana					■		■		
Maryland									■
Massachusetts									■
Michigan									■
Minnesota		■		Majority		Min of 5			
Mississippi									■
Missouri					■				
Nevada		■		3					
New Hampshire	■		At least 25% or 2				Less than 25%		
New Jersey									■
New Mexico									■
New York									■
North Carolina									■
Ohio					■	Min of 5			
Oklahoma									■
Oregon									■
Pennsylvania									■
Rhode Island									■
South Carolina		■*							
Tennessee	■		1						
Texas									■
Utah									■
Virginia	■+	■+							
Wisconsin									■
Wyoming									■

\* The law requires teachers to be part of 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” (Section 59-40-40). There are no requirements that the operational board include teachers.

+ Although Virginia’s charter schools are under the jurisdiction of the local school district board, each school is required to have a “management committee” that includes parents and teachers.



## TRAINING CHARTER SCHOOL GOVERNING BOARDS

The next step after recruiting board members is to train them on how to govern a charter school. Although state laws are generally silent on the issue of board member training, interviewees reported several policy options.

### The Challenge

As mentioned in the above discussion of board composition and recruitment, many charter school governing boards include parents, teachers, and other community members because of a requirement to do so or because schools chose to include these groups because the school views them as heavily invested in the school's success and they are willing to make the commitment to serve on the board. According to many interviewees, such charter school board members often do not have experience sitting on this type of board, which in many ways differs from traditional school district boards, non-profit boards, or corporate boards; this inexperience hinders effective governance. As one interviewee noted, "Some don't have public school experience but come from a private school background. This creates challenges regarding public meeting requirements and some of the nuances and reporting requirements of operating a public school." Another interviewee echoed this comment, saying, "Some people have nonprofit board experience, but these boards do not have to meet many of the requirements of the charter law in the state."

Interviewees consistently reported that the prevalence of inexperienced board members necessitates board training. "[We] have an issue with governing board members who don't have a basic knowledge of what their job is," as one interviewee noted. Another interviewee reported that part of the challenge is often "you don't realize you have a problem until you get into trouble. . . . Training is time consuming and, at the end of the day, people's time is precious and so if things are going okay . . . [people ask why] we have to spend time on that."

In addition, interviewees reported that board members with specific skills—attorneys, accountants, and people with public relations or fundraising background—are highly sought after by charter schools. Yet, with their expertise, these board members often do not see the value of training. "It's hard to get the point across. I think people view governance training as somehow a knock on them, when it really isn't. People need reminders of what it is they're governing, what their responsibilities are, how to run meetings, how they're accountable, what's in the charter." Interviewees stressed the importance of selecting qualified individuals willing not only to serve on charter school boards, but also to undergo the appropriate training as an essential first step toward sustaining high-quality boards.

Despite the acknowledged need for training governing board members, most state charter school laws are silent on the issue; 40 of the 41 laws have no specific provisions in this area, giving state administrators or authorizers discretion on the issue or leaving it up to the schools themselves to recognize the need. While state laws are mostly silent on the issue, board training is a requirement tied to federal funding for new charter schools. To qualify for federal startup grants, charter applicants must complete training; the training is not federally regulated, however. Generally, states apply for the federal grant and then make some form of training available for applicants wanting to take advantage of the funds. The training is voluntary for charter school governing board members, but it is mandatory for new schools using federal grants to finance their start-up.

Although the importance of training was stressed during interviews, state approaches before and after start-up vary widely and are generally very piecemeal. A continuum is evident in states that require their schools to undergo governing board training. At one end is the **Nevada** Department of Education's requirement that board members sign affidavits affirming they have read literature informing them of their responsibilities; at the other end is **Florida's** legislative mandate of 12 hours of prescriptive training. Most practice falls somewhere in between these two ends, and interviewees consistently recognized and voiced the need for more training.



## Bridging the Gap Between Traditional and Charter School Governing Boards

As a condition of enrolling in the state's insurance program, membership in the Minnesota School Boards Association is mandatory for charter school governing boards in the state. With their membership, charter school board members have access to trainings provided for all members. Some training workshops are offered to address issues relating only to charter school board members; however, Jan Rhode from the Minnesota School Boards Association believes charter school governance issues are more similar than different from governance issues faced by traditional school boards. As a result, most of the trainings offered by the Minnesota School Boards Association are cross-trainings.

## What States Can Do

States are using two policy options to help schools create and sustain high-quality governing boards:

- Mandate a specific minimum amount of training; and
- Provide voluntary training opportunities.

### Policy Option: Mandate a Specific Minimum Amount of Training

Although **Florida** was the only state with legislation specifically requiring training for charter school governing board members at the time data was collected, 11 interviewees mentioned training requirements imposed by either state departments of education or charter school authorizers. The different types of training required vary greatly. For example:

- **Florida's** charter school law requires governing board members to receive training within 90 days of a charter being approved. The training must focus on best practices for governance, as determined by the trainers, as well as public-record and open-meeting requirements. The training must also include familiarization with state statute requirements and state board of education rules and requirements on, for example, accounting, insurance, facilities, and attendance.
- The charter school law in **Nevada** requires governing board members to sign affidavits confirming they have read material provided to them regarding their roles and responsibilities as charter school governing members.
- In **New Jersey**, the state education department requires legal training only for new charter school governing board members. Beginning in 2008, annual training for all board members on a range of topics is required.

Several interviewees noted that the time board members voluntarily commit to serving on charter boards makes requiring additional time for training unpopular. As one interviewee noted, "Schools can't get good board members if they have to attend trainings with no pay." Another interviewee explained, "Being a charter school board member, particularly to start up a school, is just a humongous amount of work. I think a lot of people are attracted to the idea of being on a board. . . . But to find people who have great skills and the time and energy to spend on training and the work of governing, I think that is definitely a big challenge." Consequently, requiring training may potentially reduce the pool of people willing and able to serve on charter school boards. However, incorporating training into board meetings, offering it on site, and tailoring it to the specific needs of an individual board can alleviate some of the reluctance to participate in trainings, according to interviewees.

### Policy Option: Provide Voluntary Training Opportunities

Voluntary training for governing board members is offered in various ways. Training can occur prior to or after an individual joins a board; can involve board members individually or collectively by school, district, or state; and can be held one time or be ongoing. Organizations outside state departments of education, such as state-level charter school organizations, provide training opportunities in many states. In **Minnesota**, charter school board members can attend governance trainings offered by the state's school boards association as part of their membership in the state's insurance program, sometimes in conjunction with traditional school district board members (see Bridging the Gap Between Traditional and Charter School Governing Boards).

Interviewees from four states mentioned authorizers' involvement in requiring, planning, implementing, or participating in charter school governing board training. As one interviewee noted, "University authorizers have taken a lead role in wanting to ensure board members have access to and participate in training." More than half of the interviewees reported that board training is offered in their state on a voluntary basis. Many states offer training and support at individual school sites, while others offer statewide retreats for charter school governing board members. One interviewee described an ideal program as "an annual retreat to make sure people are on the same page" but noted that many charter schools cannot afford the cost of this type of event. Another interviewee noted the importance of "really high-quality board training on an ongoing basis." The need to train new board members who join the board was also stressed, with one interviewee reporting, "As people transition, we often don't do a good job of updating and training new board members to make sure they understand what their role is as they come onto the board and as the school's operating staff transitions."

Current voluntary training programs vary widely from state to state, including:

- In **Michigan**, charter legislation allows authorizers to charge up to 3 percent of their school's operating budget to train board members or teachers and to provide technical assistance to charter schools. For example, the National Charter Schools

Institute, which evolved out of charter authorizer Central Michigan University, has developed curriculum and programs for training governing board members. Some authorizers in the state pay for training offered by other organizations such as the Michigan Association of Charter Schools.

- **Nevada's** and **North Carolina's** departments of education employ full-time staff responsible for taking requests for technical support from schools and matching schools with the appropriate resources. In Nevada this person is tasked with planning annual training sessions with experts from within Nevada as well as from other states and also addressing technical assistance needs of governing boards on an ongoing basis.

In addition to authorizer and state-level training support, 15 state administrators described the efforts of charter school networks and member associations to help provide the support necessary for governing board success (see, for example, *A Collaborative Model for Training and Improvement*).

One interviewee stressed that some charter schools welcome this type of support more readily than that offered by the more compliance-minded authorizers or state departments of education, saying, "The trainers have to be viewed by the people being trained as actually supportive of the charter school movement." In another state, an interviewee admitted there was a lack of good training programs in the state and noted

### A Collaborative Model for Training and Improvement

In addition to annual statewide charter school governing board trainings, the **Idaho Charter School Network** provides individual training sessions based on four areas of excellence developed by members of the network in collaboration with the Colorado League of Charter Schools: governance and administration, quality of the academic program, stakeholder satisfaction, involvement and support, and continuous school improvement plans. Charter schools that are members of the network can request a team assessment of their board. The team is composed of volunteers from charter schools around the state. It conducts interviews and makes observations on the areas of excellence and prepares an assessment with recommendations for the individual school. Sometimes the evaluation team has included governing board members who themselves need support and who learn new strategies by participating in the evaluation process for another school.

## Disseminating Local Expertise

In **Utah**, John Hancock Charter School drew on its start-up and operational experience to propose training that is paid for with federal charter school dissemination grant funding. When the grant was awarded in 2006, the school hired Steve Winitzky and colleagues with a background in Utah charter operations and training. Together they established **CharterSTAR** (Straight Talk, Answers and Resources) as a formal organization for charter school technical support and governing board member training in the state. CharterSTAR applied for a second year of funding to establish a permanent support infrastructure for future training of Utah's charter school governing board members.

the charter consortium was working on a program to “train the trainers.” Examples of voluntary training provided in individual states include:

- In **Florida**, the charter schools consortium plans to provide training on ethical governance. This will be in addition to the training required by law for new schools that the state department of education already offers.
- The charter school association In **Hawaii** has been “hired to create training modules to work on ‘interpersonal relationships’ [as well as] to empower board members to see the value they bring to the decision-making process.” The association also works with governing boards to counter any bad publicity the schools may receive if achievement results do not meet expectations.
- The **Missouri** Association of Rural Educators offers services to charter school governing boards for policy development “because by nature rural schools mimic in size most charter schools’ size, so the Association has been really willing to work with the charter schools, and the charter schools have been utilizing their services to help in policy development.”

In other cases, governing board training is held as peer-to-peer. The underlying idea is that if one school sets up procedures and policies, others do not have to “reinvent the wheel” (see Disseminating Local Expertise).

## Weighing the Options

The paucity of state legislation on governing board training implies that policymakers assume members of charter school governing boards are aware of and understand their duties and responsibilities. Legal statutes are silent on the matter in most states until governing boards fail to meet those expectations and states exercise their legal options to place charter schools on probation or revoke their charters. Many authorizing agencies provide or require some training of governing board members before approving new or renewing existing charters, but their requirements are not grounded in state law, except for in Florida. Considerations include:

- Training charter school board members from the beginning of their membership can help boards avoid governance oversight problems that can lead to school failure.
- State departments of education and charter school authorizers that offer training to charter school governing boards at no or low cost help resource-strapped schools ensure their board members receive training.
- Charter school associations are well poised to provide training that is meaningful and relevant to the schools they support. They can also produce and disseminate resources to guide charter school design and sustain high-quality boards.

State Options	Pros	Cons
<b>Mandate a minimum amount of training</b>	<ul style="list-style-type: none"> <li>Ensures all governing board members know their responsibilities.</li> <li>Improves functionality of governing boards.</li> </ul>	<ul style="list-style-type: none"> <li>May reduce the pool of people willing and able to serve on governing boards.</li> <li>Increases costs borne at the state or school level to implement and monitor.</li> </ul>
<b>Provide voluntary training opportunities</b>	<ul style="list-style-type: none"> <li>Increases willingness to participate.</li> <li>Lessens fear of state or authorizer interference.</li> </ul>	<ul style="list-style-type: none"> <li>Increases costs.</li> <li>Not all schools will take advantage of such opportunities.</li> </ul>

## CONCLUSION

Charter schools often struggle to create and sustain high-quality governing boards. Two of the greatest challenges are recruiting an effective composition of board members and ensuring all board members are trained in their responsibilities. State departments of education, resource centers, and charter school support organizations can help match charter schools with appropriate board members. State laws that require certain types of board members (e.g., parents or teachers) ensure broad participation in decision-making, but they do not address the specific skill sets generally deemed beneficial to boards.

Board training, though mandated by law in only one state as of January 2007, can help ensure charter school board members understand their responsibilities and can help sustain highly functioning boards. However, requiring training carries associated costs and may deter some individuals from serving who feel the time commitments are burdensome enough without the additional time required to attend training.

State policymakers can use this guide to help develop a systematic approach to charter school governing boards in which different policy organizations—state departments of education, charter school associations, and charter school technical assistance centers—take on various training and recruitment roles depending on the state context. The guide can also be used to identify revisions to current state law or to develop new legislation that best supports the ability of charter schools to improve educational outcomes for the state’s students.

## ADDITIONAL RESOURCES

For more on charter school governing boards, see:

***Built to Last: Successful Habits of Visionary***

***Companies***, J. Collins and J. Porras, HarperCollins Publishers, 1997.

***The Charter School Administrative and Governance Guide: An Overview of the Laws and Regulations that School Leaders and Boards of Trustees Need to Know***, Massachusetts

Department of Education, 2005.

***Charter School Board University***, Brian L. Carpenter, National Charter Schools Institute, 2006.

***Charter Schools Board Governance: A Resource Guide for Developing Board Governance***

***Philosophy and Governance Policies***, Susan D. Hollins, S. Hollins Associates, 2003.

***Charter School Governance***, Paul T. Hill and Robin J. Lake, in *Charter School Outcomes*, ed. Mark Berends et al., National Center on School Choice, 2007.

***Charter School Governing Board Training***

***Handbook***, Colorado Charter School Institute, Colorado Department of Education, and Colorado League of Charter Schools, 2008.

***Charter Schools Trustees Guide***, Marci Cornell-Feist, Meetinghouse Solutions, 2<sup>nd</sup> edition, 2008.

***Creating an Effective Charter School Governing Board***, Frank Martinelli, Charter Friends National Network, 2000.

***Developing Training Programs for Charter School***

***Governing Board Members***, Center on Educational Governance, National Resource Center on Charter School Finance and Governance, 2007.

***First, Break All the Rules: What the World's Greatest Managers Do Differently***, Marcus Buckingham and Curt Coffman, Simon & Shuster, 1999.

***The Five Dysfunctions of Charter School Boards***, Brian L. Carpenter, National Charter Schools Institute, 2006.

***Good to Great: Why Some Companies Make the Leap***, Jim Collins, Random House Business Books, 2001.

***Good to Great and the Social Sectors:***

***A Monograph to Accompany Good to Great***, Jim Collins, HarperCollins, 2005.

***Governing for Results: A Director's Guide to Good Governance***, Mel D. Gill, Trafford Publishing, 2006.

***NYC Charter School Governance Board***

***Development Guidebook***, New York City Center for Charter School Excellence, 2006.

***7 Measures of Success: What Remarkable***

***Associations Do That Others Don't***, American Society for Association Executives and Center for Association Leadership, 2006.

***Weighing the Public-Private Balance of Charter***

***School Governance***, Ann Allen and Dwan Robinson, The Ohio Collaborative: Research and Policy for Schools, Children, and Families, 2006.

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