

Frequently Asked Questions for Charter School Board of Directors

Charter Application Changes

What is the process for making changes to the original application, including changes to the mission of the school, the location of the school across LEA boundaries, the name of the school?

According to the charter agreement, any substantial change must be approved by the State Board of Education. The State Board's *Policy Regarding Charter Amendments for Existing Public Charter Schools* ([TCS-U-014](#)) provides guidance for this question. Some modifications may be approved by the Office of Charter Schools (i.e., class size changes), but most must be approved by the State Board of Education.

The formal process to submit an amendment includes the school providing three documents to the Office of Charter Schools, regardless of the scope of the change:

1. A strike-through/amended version of the applicable section
2. A clean/adopted version of the applicable section
3. The board meeting minutes evidencing the discussion and formal vote to adopt the changes

Charter School Board of Directors Meetings and Documents

Are charter school board of directors' meetings subject to the Open Meetings Law?

Yes. According to the signed Charter Agreement and charter school law, charter school Board of Directors must follow all provisions of the NC Open Meetings Law, G.S. 143-318.9-18. This includes posting the date, time, and location of all Board meetings on the school's website seven (7) days prior to the scheduled time of the meeting in accordance with the statute. Open meetings may be attended and recorded by any member of the public, including all school stakeholders: students, parents, teachers, administration, and the media. Official meetings held by telephone conference call or other audio electronic means are also open meetings and must include a way for the public to listen while the meeting is being held.

All meetings must be recorded by the taking of minutes. Board meeting minutes represent the legal actions of the governing board. The Office of Charter Schools encourages the board to post its approved meeting minutes on the school's website. Meeting minutes should be maintained in an accessible and consistent place as they are public records and fall under the Public Records Law. Meeting minutes must be provided to anyone who requests them in a timely manner.

The Office of Charter Schools recommends that an ethics statement or a conflict of interest statement be read at every official board meeting. The purpose of the statement is to remind board members to help each other be ethical under the law. If there are questions that arise regarding Conflict of Interest, they should be discussed with the Board attorney.

The board may only meet in closed session when a motion is made in the open meeting. The reason and rationale for going into closed session **must** be stated and recorded in the meeting's minutes. There are nine (9) legal reasons in which a board can go into closed session. If the closed session is taking place because the board is discussing confidential information, the motion to go to closed session must reference which law makes

the information confidential. If the closed session is taking place because of a lawsuit, the motion to move to closed session must reference the names of the parties in that lawsuit. Additional guidance about Open Meetings Law may be found [here](#). Please consult your board's attorney with regard to the board's compliance with the Open Meetings Law.

Are Board documents subject to the Public Records Law?

Yes. The Charter Agreement and charter school law require all charter schools to follow the Public Records Law. This provision has appeared in the Charter Agreement since 1996 and currently states, "The Nonprofit [charter board of directors] is subject to the Public Records Law, Chapter 132 of the General Statutes. This provision is effective upon the SBE's approval of the Charter Application." Public records are documentary materials made or received by government agencies in North Carolina in carrying on public business. Public records include materials written or created by the government and its employees. Public records include paper and electronic documents, emails, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics.

Are faculty salaries subject to the Public Records Law?

Yes. The opening line of the public records law defines a public record – "all documents....*made or received*." It is significantly broad. If it is "made or received" by the charter school (i.e., salary run of x dollars to y person), then it is public. Again, this law is extremely broad and ties to the use of public dollars for the conducting of public business (i.e., operating a public school). Any record "made or received" by the charter school is a public record unless specifically shielded by the Public Records Law.

What are important financial documents that should be reviewed at each regular board meeting?

1. The balance sheet (demonstrates current net worth of the organization; assets, liabilities and equity)
2. Cash flow statement (demonstrates all transactions for a period; what comes in and goes out)
3. Income and expense statement (makes a miniature budget for the particular period)
4. The budget versus the actual report (demonstrates whether the school is meeting goals, making a profit, etc.)

Compliance (Financial and Academic)

What happens if my school is noncompliant with financial and governance regulations?

Please review the State Board of Education *Policy for Charter Schools on Financial and Governance Noncompliance* ([TCS-U-006](#)). This policy provides actions (or inactions) that result in a school being deemed noncompliant. It also describes the sanctions associated with violation levels. Lastly, it provides the process used should the State Board of Education vote to revoke a school's charter.

What are the minimum academic performance standards for my school to prevent revocation of the charter?

According to Policy [TCS-U-010](#), "The State Board of Education shall revoke the charter of any charter school when, for two of three consecutive school years, the charter school does not meet or exceed expected growth and has a Performance Composite below 60%." Language was added into the charter statute in August 2011 that gives the State Board authority to terminate schools that fall below this standard.

On what grounds may a charter be terminated or non-renewed?

According to G.S. 115C-238.29(g), the following are grounds for termination or non-renewal:

These Frequently Asked Questions are prepared by the Office of Charter Schools to assist charter school boards for the school year 2014-15. The document is not intended to offer legal advice as schools have an attorney on retainer who can provide legal interpretations.

- (1) Failure to meet the requirements for student performance contained in the charter;
- (2) Failure to meet generally accepted standards of fiscal management;
- (3) Violations of law;
- (4) Material violation of any of the conditions, standards, or procedures set forth in the charter;
- (5) Two-thirds of the faculty and instructional support personnel at the school request that the charter be terminated or not renewed; or
- (6) Other good cause identified.

Criminal History Checks

Are criminal history checks required of all employees of the school?

According to G.S. 115C-238.29F(e1)(1), "If the local board of education of the local school administrative unit in which a charter school is located has adopted a policy requiring criminal history checks under G.S. 115C-332, then the board of directors of each charter school located in that local school administrative unit shall adopt a policy mirroring the local board of education policy that requires an applicant for employment to be checked for a criminal history, as defined in G.S. 115C-332. Each charter school board of directors shall apply its policy uniformly in requiring applicants for employment to be checked for a criminal history before the applicant is given an unconditional job offer. A charter school board of directors may employ an applicant conditionally while the board is checking the person's criminal history and making a decision based on the results of the check." Charter schools must meet the minimum policy standards adopted by the LEA, but the school may also have more stringent criminal history check policies.

Enrollment and Lottery

Who is eligible to attend a charter school?

If a child is qualified to attend a NC public school, then he or she is eligible to attend a charter school. Charter schools are not permitted to selectively admit students. Enrollment for a charter school is limited by the space available for student enrollment. Should the school have more students apply than seats available, the charter school must hold a public lottery to determine admission. *Read this letter for additional guidance on the enrollment and lottery process:* ([pdf, 128kb](#))

How does a school get permission to increase enrollment or add a grade?

According to G.S. 115C-238.29D(f), a charter school may, without the prior approval of the State Board of Education:

- a. "Increase enrollment during the school's second year of operation and annually thereafter by up to 20% of the school's previous year's enrollment;
- b. Increase enrollment during the school's second year of operation and annually thereafter in accordance with planned growth authorized in its charter;
- c. Expand to offer one grade higher than the charter school currently offers if the school has operated at least three years and has not been identified as having inadequate performance.
- d. Expand to offer one grade higher or lower than the charter school currently offers if the charter school meets all of the following criteria:
 - a. The charter school's student academic outcomes for the year prior to the expansion must have been at least comparable to the academic outcomes of students in the local school administrative unit in which the charter school is located.
 - b. The charter school has provided financially sound audits for the year prior to the expansion.

c. The charter school is in compliance with State law, federal law, the schools own bylaws, or the provisions set forth in its charter granted by the State Board of Education.

d. The charter school has been in operation for less than three years.

The charter school shall provide documentation of the requirements of this subdivision to the State Board of Education. The charter school shall be permitted to expand to offer the higher or lower grade unless the State Board of Education finds that the charter school has failed to meet the requirements of this subdivision or other exceptional circumstances exist which justify not permitting the grade expansion. G.S. 115C-238.29D(f)(4), as enacted by this section, expires September 1, 2015."

Schools should be strategic in their requests for the enrollment and grade expansion . They should not just check "grow 20%" if they do not intend to do so. Here is an example of what has happened in the past: schools select 20% growth but do not grow as indicated. Then years later, they want to grow beyond 20% and cannot because they are not within 10% of their approved ADM max (as stipulated in charter law). So, it is important for schools to properly plan and actually implement what they request.

Governance

What are the primary functions of each school's board of directors?

Each public charter school is governed by the board of directors of the non-profit organization that holds the charter. The board governs through its adopted policies and clear evaluative metrics. Its primary duties are to ensure that:

- a. the academic programs are successful;
- b. the school's operational programs comply with all terms of its charter;
- c. the school is compliant in all statutory and regulatory requirements;
- d. the school is financially solvent; and
- e. competent, professional staff are hired to carry out the operational plan.

At every meeting, the board should discuss the financial stability, academic standing, and any compliance situations to ensure it is making adequate progress toward renewal.

What is the major distinction between school leadership and the board of directors for the school?

School leadership is responsible for leading and developing plans that drive the school's performance. They execute the mission of the school. The school leadership should routinely answer "how will" questions. The board of directors is responsible for making sure that the school performs through clear evaluative measures. It ensures that the mission of the school is achieved. The board of directors should routinely ask "how well" questions.

What are four things the board should evaluate every year?

Each year, the charter school board should evaluate (1) its goals in the approved charter application (2) its progress toward charter agreement renewal; (3) the performance of the school leader; and (4) the performance of the board.

What are some helpful reminders for the strategic planning process?

1. Follow a clear process for plan development. Identify your top 3-5 priorities.
2. Clarify a purpose for having a strategic plan. Determine the crucial tasks the team must interdependently tackle and communicate and recruit key stakeholders to create and implement those tasks.

3. Identify the leadership for the creation and the leadership for the implementation of the plan. Remember that the plan is only as good as its execution.
4. Include fidelity measures when planning strategies to ensure measurement of the execution process. These measures should include: specific targets, planned checkpoints, concrete data indicators and milestones to ensure all stakeholders receive feedback needed to determine how well improvement strategies are working.

Insurance

Are charter schools required to have liability insurance?

According to G.S. 115C-238.29F(c)(1), the board of directors of a charter school may sue and be sued. The board of directors shall obtain at least the amount of and types of insurance required by the rules of the State Board of Education. Those rules are located in section 13 of the charter agreement (*Insurance and Bonding*).

New Board Members

What suggestions do you have for recruiting new board members?

A good charter school board is crucial to the school's success. A key characteristic of a good board is diversity in the areas of expertise/professional skills contributed by each board member. A sample questionnaire and interview questions are available [here](#).

Is it necessary for new board members to go through a formal orientation process?

Yes, while it is not required, it is a great practice to follow. This will enable the new board member to become acclimated to the board more quickly. The quicker this happens, the better able the new board member will be to make contributions for the good of the board and the school. The Office of Charter Schools recommends that boards adopt a formal orientation process and use it each time a new board member joins. Part of this orientation process should include having the new member read the application and Charter Agreement before joining the board.

Policies

What is the difference between a policy and a procedure?

The board of directors is responsible for creating policies. The school leadership team is responsible for creating procedures. Policies provide a broad application and serve as a general guiding principle. Policies rarely change and are generally fashioned as statements of "what" and "why." Policies must be approved by the board of directors via vote, but they are not required to be approved by OCS or the SBE. Procedures provide a narrow application and describe in detail specific processes, protocols or steps. Procedures are prone to change and are generally fashioned as statements of "how," "when," or "who." Procedures do not need board approval.

Why is it important for charter school boards to create policies?

Through policy-making, the board is able to delegate authority and still retain ultimate responsibility and control. Policies assure consistency of actions, especially in difficult and stressful situations. Policies also minimize "re-deliberation" on matters that the board has previously decided. Finally, policies define the methods the school wishes to operate and the board wishes to govern.

What policies should every charter school have?

At a minimum, every charter school should have the following policies (according to the Ready to Open Framework):

- (1) Grievance Policy
- (2) Conflict of Interest Policy
- (3) Admissions and Enrollment Policy
- (4) Calendar and Length of School Day Policy
- (5) Classroom Policies (i.e., grading scales, report cards, etc.)
- (6) Promotion and Retention Policies
- (7) Accountability Policies
- (8) Student Behavior Policies
- (9) Hiring and Termination Policies
- (10) Criminal Background Check Policy
- (11) Staff Evaluation Policy
- (12) Student Health and Safety Policies
- (13) Student Records Policy
- (14) Family and School Communication Policy
- (15) Board Operational Policies
- (16) Board Committee Policy
- (17) Nepotism Policy
- (18) Third-Party Agreements Policy
- (19) Employee Agreements Policy
- (20) Budget Approval Policy
- (21) Third-Party Contracts Policy
- (22) Access to Funding Policy
- (23) Audit Policy
- (24) Purchasing Policy

When is it time to create new policies?

Boards should consider creating new policies when issues arise that are not adequately/acceptably addressed by the current board policies or when changes in operating practice have accumulated over time so that the current policies do not reflect reality. Boards should also consider changing or creating new policies when there are internal or external transitions. Internal transitions would be things like leadership, facility, enrollment numbers, grade levels served, services offered, or methods of delivery of services. External transitions would be things like federal or state regulations, equal employment, safety, provisions of the state charter school legislation, etc. Lastly, boards should consider creating new policies when the current policy does not adequately reduce ambiguity and ensure uniformity of decisions across the charter school.

What are characteristics of effective policies?

Effective policies are mission-oriented, product-driven (not process), legal (do not deny constitutional rights), communicated to all stakeholders, evolve over time, written within the scope of the full board's authority, are adopted properly, and ethical. Core policy elements include:

- Title of the policy
- Adoption or approval date
- Effective date (if different)
- Revision dates (if any)

- Location(s) (i.e., employee handbook, school web site)
- Common numbering system (i.e., 1.1, 1.2, 1.3)
- Who approved the policy (signature)
- Who the policy affects

What are best practices for policy writing?

Policy writing requires the use of a consistent writing format and writing style. A policy writer should be someone who understands how to gather the information, document a process, present the words in a logical fashion, and publish and train the audience to ensure the content is understood. Writing policies involves research, writing a draft, hosting reviews, and getting approvals. Widespread communication of the policies and training, as well as, timely revisions are also important. Stakeholder involvement is key to a successful policy writing campaign. It is also important to make sure that all policies align with the school's mission, purpose, and targeted population.

What steps are recommended to adopt a policy?

1. A need is identified. Previous policies may be examined to determine if the need is already addressed in some way.
2. Relevant data is collected based on the need.
3. Recommendations are made by several groups. Seek input from those that the policy will directly impact (students, parents, staff, etc.).
4. The recommendations are debated by the board (or assigned committee) to decide the framework for the eventual policy.
5. A draft policy is created (by appointed team) that follows a standard format:
 - Focus on outcomes
 - Establish boundaries within which the staff will operate.
 - Sensitive issues should be reviewed by legal counsel
6. Notice is provided for first reading where public comments may be made. Based upon comments/feedback revisions could be made.
7. Notice is provided for second reading where policy is adopted. The new policy is printed and provided to each member of the board and administration team to keep the policy manual updated.
8. The policy is implemented. Implementation procedures are developed by the administration.
9. The policy is evaluated at least annually and, if necessary, revised. The evaluation should include information from administration, staff, students, and parents.

Transportation

Is a charter school required to offer transportation for its students?

According to G.S. 115C-238.29F(h), "The charter school may provide transportation for students enrolled at the school. The charter school shall develop a transportation plan so that transportation is not a barrier to any student who resides in the local school administrative unit in which the school is located. The charter school is not required to provide transportation to any student who lives within one and one-half miles of the school. At the request of the charter school and if the local board of the local school administrative unit in which the charter school is located operates a school bus system, then that local board may contract with the charter school to provide transportation in accordance with the charter school's transportation plan to students who reside in the local school administrative unit and who reside at least one and one-half miles of the charter

school. A local board may charge the charter school a reasonable charge that is sufficient to cover the cost of providing this transportation. Furthermore, a local board may refuse to provide transportation under this subsection if it demonstrates there is no available space on buses it intends to operate during the term of the contract or it would not be practically feasible to provide this transportation.” Thus, charter schools are required to have a transportation plan; however, the statute does not prescribe the specifics of transportation format or cost.