

Teacher Empowerment in the Governance of Minnesota's Charter Schools

When Minnesota's Charter School Law was enacted in 1991, the empowerment of teachers was addressed by entrusting the governance of the schools to teachers through a **requirement** that the majority of the charter school board of directors be composed of licensed teachers employed by the school.

Thus, teachers were fully empowered to oversee the direction, policy and management of the charter school given their majority status on the board of directors.

The law did provide for a waiver to the teacher majority requirement if the board and teachers petitioned the Commissioner of Education to implement another innovative board governance model. The board governance models approved under the waiver provision included, parent majority board, a community member majority board and an equal representation of parents, teachers and community representative model.

The waivers approved were normally for the length of the charter contract, which until 2009, were a maximum of three years in length. Some waivers were renewed multiple times while others were only approved once by the Commissioner, and then the board reverted to a teacher majority board.

The number of schools that had waivers to the teacher majority requirement was never more than a dozen or so at any one point in time. The initiation of a waiver in many cases was by teachers, who wanted relief from this additional responsibility, especially in small schools, where teachers basically were constantly rotating on and off the board. (*A board of 5, which is the legal minimum, required at least 3 teachers, a board of 7, required at least four, etc.*)

Over the years there were a number of people who argued that the statutory requirement that teachers compose the majority of the board of directors presented a significant conflict of interest in relation to the nonprofit status of the charter school corporation.

On the other hand, the charter school law made it clear, that having teachers as the majority, or even as members of the board did not constitute a conflict of interest because charter schools were intended by design to *"create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site."* So others argued that there is no greater opportunity for teachers to be responsible for the program than to be the majority of the board of directors.



The issue of teacher majority boards blossomed into a full debate in the 2009 legislative session which undertook comprehensive revision of Minnesota's charter school law.

The Minnesota legislature made a number of significant changes in the governance of charter schools.

The 2009 law eliminated the statutory requirement for teacher majority boards, and it did away with the waiver process, which by this point in time had come to be seen by many as arbitrary in how it was being implemented.

The teacher majority board became one of four optional board governance models: 1] teacher-majority, 2] parent-majority, 3] community member majority, or 4] a no majority board structure. The legislature went further to ensure that teachers, parents and community members all had a voice by prescribing that no matter the board governance model, there must always be at least one teacher, one parent and one community member on every board.

In place of the waiver process the law defined a new process for changing the board governance model. That process included a majority vote of the board of directors and the teachers, and approval by the authorizer.

A number of schools quickly moved to change board governance model or to make their former waiver their ongoing board governance model. Some schools unfortunately did not follow the legally prescribed process in making the change.

One question that arose by those trying to follow the new process was whether there needed to be a separate majority votes by both the teachers and board, or whether it was one combined vote of both the teachers and the board.

When the legislation was introduced in February 2009, the language clearly called for three (3) step process; a separate vote by the teachers, a separate vote by the board and the approval of the authorizer. The separate vote by the teachers was to protect teacher empowerment outlined in the original law to have a voice in deciding the governance model of the school.

The three (3) step process and the language clearly stating that process was in the House and Senate bills until the very end of the session when it went to the Omnibus Education Conference Committee. Sometime during the conference process there was a change in the placement of a couple of words which ended up muddying this provision which caused the question of whether it was a three or two step process. Over the next four years there were competing interpretations and which caused this question to be argued back and forth.

Closely related this question was what was meant by the term "governance model". Again there were multiple interpretations; one said that governance model meant changing the number of board members, while another said that any change in the composition of the board membership and a third, that it meant changing the structure of the board.



In 2013, the legislature clarified both of these issues.

First, it eliminated the term “governance model” and replaced it with “governance structure” – which was then defined as meaning, “a teacher, parent or community member majority or a non-majority board.” Second, it clarified that changing the “board governance structure” was a three step process which required that there be two separate votes – one by teachers and one by the board.

As of August, 2013 the process of changing the board structure of the school from whatever is the original or current board governance structure outlined in the school charter is a three-step process.

1. A majority vote of the licensed teachers employed by the school as teachers,
2. A majority vote of the board of directors, and
3. Approval of the authorizer

The fact that either the board or the teachers may initiate the process to change the board structure also reflects a commitment to teacher empowerment.

While there have been changes and clarifications of the role of teachers in governance through the years, the original goal and intent of empowering teachers in the governance of charter schools remains a central tenet of Minnesota’s concept of chartering public schools.

The challenge today as it was twenty years ago is not whether, but how teachers choose to participate in the governance of the Minnesota’s charter schools.

The future of individual charter schools and the charter school movement depends on teachers educating and equipping themselves with the knowledge and skills they need to fulfill their responsibilities to be active participants and partners in the governance of Minnesota’s charter schools. It is not just the law - it is at the heart of the chartering concept in Minnesota.

Eugene Piccolo
MACS Executive Director