



MN ASSOCIATION OF  
CHARTER SCHOOLS

*Unleashing education from convention*

TOPIC: **CHARTER SCHOOL BOARD STRUCTURE & COMPOSITION**

LAW: 1] The board may **include a majority of teachers** described in this paragraph **or parent or community members, or it may have no clear majority.**

*The law was amended to define the four basic charter school boards governance structures.*

2] A board may change its governance structure only: (1) by a majority vote of the board and **a majority vote** of licensed teachers employed by the school **as teachers**, including licensed teachers providing instruction under a contract between the school and a cooperative; and (2) with the authorizer’s approval. Any change in the board governance **structure** must conform with the **composition of** the board under this paragraph.

*The law was amended to clarify: 1] that a separate vote of the licensed teachers is required to change the governance structure, 2] that it is only licensed teachers who are employed as teachers can vote in a ballot to change the governance structure, and 3] to clarify that the structure and composition of the board have two distinct meanings.*

**QUESTIONS & ANSWERS**

**Q.1 – What does “governance structure” mean?**

Governance structure refers to whether a board configuration has a majority group (teachers, parents or community members) or whether no group has a majority group on the board.

**Q.2 – What does it mean to change the governance structure?**

A change in the “governance structure” means:

a] changing which group that has the majority (e.g. from a teacher to a parent majority board), or

b] changing from a majority group to a non-majority configuration ( e.g. from a parent majority board to a equal representation of the 3 groups – parents, teachers and community members), or

c] changing from a non-majority configuration to a configuration with a majority group. (e.g. from a board with equal representation of the 3 groups to a configuration where parents are the majority)

**Q.3 – What are the steps to change the governance structure of the board?**

There is a 3 step process: 1] a majority vote by the board of directors, 2] a majority vote by the licensed teachers who are employed as teachers in the school, and 3] the authorizer’s approval.

**Note:** *The vote of the board of directors and the vote of the licensed teachers are two separate votes.*

**Q. 4 – Which group can initiate a change in the governance structure of the board – the board or the licensed teachers?**

The law does not stipulate which group (board of directors or licensed teachers employed as teachers) can initiate a change in the governance structure. Since the original governance structure of a board is established by the board in the articles of incorporation and/or by-laws of the corporation, normally a change would be initiated by a board of directors. However, since a change in the governance structure of a charter school board requires separate votes by two distinct groups, it probably does not make any difference which group initiates the process.

**Q.5 – What is the “composition” of the board?**

The composition of the board refers to the three groups of individuals that are the only people legally permitted to be members of a charter school board. No matter the board structure the board must have:

- (i) **at least one licensed teacher** employed as a teacher at the school or providing instruction under a contract between the charter school and a cooperative;
- (ii) **at least one parent or legal guardian** of a student enrolled in the charter school who is not an employee of the school; and
- (iii) **at least one interested community member** who resides in Minnesota and is not employed by the charter school and does not have a child enrolled in the school.

**Q.6 – What other school employees can be on the board of directors?**

**No** charter school employees shall serve on the board other than teachers under item (i) referenced in the previous answer.

**Q.7 – When a board wants to change the number of people on the board, is it considered a change in the governance structure?**

It depends. If the board increases or decreases the number of board members but it does not change the structural configuration of the board the answer to the question is no.

*(e.g. A 7-member board has a teacher majority configuration of 4 teachers, 2 parents, and 1 community member and the board decides to reduce the board to 5 member board, 3 teachers,*

*1 parent, and 1 community member- this is not a change in board structure because there is still a teacher majority.)*

On the other hand if the board increase or decrease the number of board members and it changes the structural configuration of the board the answer is obviously yes.

*(e.g. A 9-member board with a structural configuration of 4 teachers, 4 parents, and 1 community member decides to increase board membership by adding 2 additional persons – another parent and another community member so that the board configuration would be 4 teachers, 5 parents, and 2 community members – this would be a structural change in the board because it would change the board from non-majority board to a parent-majority configuration. To make this change would require the school to follow the process to change board structure.*

### **Q.8 – When must a board comply with the new requirements?**

1] Any changes in the governance structure after July 1, 2013, must have separate votes of the board of directors and the majority of licensed teachers employed by the school.

2] The composition requirements of individuals that are legally permitted to serve on the board was enacted in May 2009, so all charter school boards should have at least one licensed teacher, at least one parent or legal guardian, and at least one community member .

3] School employees serving on the board, who are not licensed teachers employed as teachers, may finish serving their current term. However, they may not seek re-election, and if they were elected this spring but have not taken office before July 1, 2013 they may not take office. In that case the board shall declare a vacancy on the board and fill the seat with a legally permitted individual in accordance with the corporate by-laws of the board.

#### **Comment:**

The purpose of these particular changes was to 1] eliminate the term “governance model” which never had a clear meaning, but was compromise language adopted in 2009, 2] clearly delineate the difference between “board structure” and “board composition”, which were vague in the context of the term governance model.

These changes also clarify that when a school contemplates a change in the board structure that it is a 3 step process – involving separate and distinct votes by the board and the licensed teachers who are employed as teachers. The previous language related to this process lacked proper punctuation and therefore was being read in three different ways.

Finally, it makes legislative intent as clear as possible that the only school employees that can be board members are licensed teachers who are employed as teachers in the school.

While some folks may not like the intent of the legislature, since 1991 one of the six purposes of chartering is the empowerment of teachers in the operation of public schools. The elimination of the requirement in 2009 that all board structures had to be configured as teacher majority boards recognized that one board structure does not fit all situations.

However, that did not change the intent of the legislature to empower teachers. In fact, the changes reinforced the idea that teachers are to be empowered active partners in the governance of public charter schools. Teacher empowerment is a great strength of the charter movement, not an obstacle to it. It is time for everyone to focus on recruiting, educating, and training teachers to be effective board members so that they can fulfill their role as active partners in the governance of charter schools.

