

Charter Policy 101: Board Governance through Policy

What is policy?

School Board policies are statements which set forth the purpose and prescribe in general terms the organization and program of a school system. They create a framework within which the superintendent and staff can discharge their assigned duties with positive direction. They tell what is wanted.

National School Boards Association

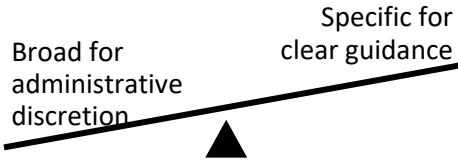
What other governing documents might a charter school have?

	Charter Policies	Administrative Regulations	Charter Agreement	Bylaws*	District Policies
How can it be changed?	Charter Board	Charter Administration	Agreement between sponsoring entity and charter	See Bylaws, generally charter board or membership	District, often with no charter communication.
Purpose	Provide the general terms for organization and programs of the charter school, create a framework, the WHAT.	Details around process and procedures. The HOW.	Document the agreement between the charter school and the sponsoring entity. Often duplicates much of the language in a charter application and ORS 338. See ORS 338.065.	Legal language regarding nonprofit status.	Provide general terms for the district. The focus of district policies in generally schools operated by the district, not charter schools.

*Entire districts that have converted to charter schools generally do not have bylaws.

A charter school board should consider each of these documents when amending policy. A copy of the charter agreement and bylaws should be readily available. Try to avoid duplication and ensure consistency.

NOTES

	POLICY	ADMINISTRATIVE REGULATION (AR)
WHAT IT IS	The WHAT and WHY Guideline Charts a course of action Broad for administrative discretion  Specific for clear guidance	The WHO, HOW, WHERE & WHEN Detailed Directions Puts policy into action
WHAT IT IS NOT	Detailed direction Forms Job descriptions	Handbook Plan Job description
WHY IT IS IMPORTANT	Direction Informs public, Board, staff & students Accountability Legal record May be required by law	Assigns detail needed to implement Informs Compliance indicator Satisfies laws
BOARD'S ROLE	Review, amend, adopt	Review after administrator development. Generally, the board does not have to adopt.

Not everything that is required is required to be in policy!

Sometimes less is more!

NOTES

What does it mean if OSBA says it's REQUIRED?

REQUIRED	HIGHLY RECOMMENDED	CONDITIONALLY REQUIRED	OPTIONAL
R7/01/20 SL Required by law to be in policy.	HR7/01/20 RS Required to do it and/or it is litigious or controversial in nature; not required to be in policy.	CR7/01/20 LF If you offer this program or service, this policy is required.	7/01/20 SL Not required, but can be beneficial.

338.115 Applicability of laws; restrictions; powers; student diplomas and alternative certificates. (1) Statutes and rules that apply only to school district boards, school districts or other public schools do not apply to public charter schools. However, the following laws do apply to public charter schools:

- (a) Federal law;
- (b) ORS 30.260 to 30.300 (tort claims);
- (c) ORS 192.311 to 192.478 (public records law);
- (d) ORS 192.610 to 192.690 (public meetings law);
- (e) ORS chapters 279A, 279B and 279C (Public Contracting Code);
- (f) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
- (g) ORS 326.565, 326.575 and 326.580 (student records);
- (h) ORS 181A.195, 326.603, 326.607 and 342.223 (criminal records checks);
- (i) ORS 329.045 (academic content standards and instruction);
- (j) ORS 329.451 (high school diploma, modified diploma, extended diploma,,);
- (k) ORS 329.496 (physical education);
- (L) The statewide assessment system developed ...under ORS 329.485 (2);
- (m) ORS 336.840 (use of personal electronic devices);
- (n) ORS 337.150 (textbooks);
- (o) ORS 339.119 (consideration for educational services);
- (p) ORS 339.141, 339.147 and 339.155 (tuition and fees);
- (q) ORS 339.250 (9) (prohibition on infliction of corporal punishment);
- (r) ORS 339.326 (notice concerning students subject to juvenile court petitions);
- (s) ORS 339.370 to 339.400 (reporting of suspected abuse and suspected sexual conduct);
- (t) ORS 342.856 (core teaching standards);
- (u) ORS chapter 657 (Employment Department Law);
- (v) ORS 659.850, 659.855 and 659.860 (discrimination);
- (w) Any statute or rule that establishes requirements for instructional time ...;
- (x) Statutes and rules that expressly apply to public charter schools;
- (y) Statutes and rules that apply to a special government body, as defined in ORS 174.117, or a public body, as defined in ORS 174.109;
- (z) Health and safety statutes and rules;
- (aa) Any statute or rule that is listed in the charter; and
- (bb) This chapter.

Special Policies

1. Board conversations. The conversation may be the most beneficial part.
2. Identify objectives. What are you seeking to accomplishment with this policy.
3. Involve stakeholders. Have you involved staff, community and students?
4. Look at options. Is policy the best place for this? Would it be better in a vision or mission statement, goals, resolution, internal document? Are there legal implications?

What LAW?

Federal Statute (USC)

Oregon Statute (ORS)

Federal Regulation (CFR)

Oregon Administrative Rules (OAR)

U.S. Supreme Court

Oregon Supreme Court

Federal District Court

Adopted Bills that haven't been put into statute (HB, SB)

Public Law

When reviewing policy, ask yourself:

- Is it legal?
- Does it reflect current practice?
- Is it working? What needs changed?
- Do we need it?

NOTES

General adoption process

1. Policies are recommended to the board. This is generally done by the superintendent or policy committee. These recommended policies are often provided to the board in the board packet.
2. First Reading. This needs to be at a board meeting, but the board does NOT need to read through every policy at the meeting.
3. Comments.
4. Second Reading and Adoption. The board incorporates any new changes and adopts the policies. The board does NOT need to read though every policy at the meeting. Often on the consent agenda, but individual policies can be pulled out for discussion.

Policy Organization	
AB	Board Governance
C	Administration
D	Fiscal Management
E	Support Services
F	Facilities
G	Personnel
H	Negotiations
I	Instructions
J	Students
KL	Community Relations

Review policy BFC for your district’s adoption procedures. May be collective bargaining impacts.

- Single Asterisk*** May be subject to collective bargaining agreement
- Double Asterisks**** “Parent” includes legal guardian or person in a parental relationship
- [Brackets]** You need to select language to put in the brackets
- {Braces}** Guidance language that is intended to be removed upon adoption.
- Double Codes** Same policy included in multiple sections. Should be identical.

Policy Services

- Rewrite, including charters, ESDs and community colleges
- Desk Rewrite
- Policy Update
- Manual Maintenance
- Online Policy Manual
- Policy Plus
- Handbooks, including staff, students and key dates
- Special Projects
- General Information and Workshops

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