

Charter School Accountability: The Case for Quality Governance

As Michigan's charter school movement enters its second decade, it is time to learn from our past and plan for an even better future.

Charter academies are, by law, Michigan public schools, and will, for the most part, face essentially the same future challenges as traditional K-12 programs. Following the path of history, these challenges will be portrayed in the familiar language of resource concerns, facility needs, potential teacher shortages and the search for new and better ways to meet student needs. And these challenges, while important unto themselves, will be met in an atmosphere likely characterized by increased public demand for educational improvement and decreased public tolerance for excuse-making and mediocrity.

But it is this very atmosphere which may present the greater challenge to public education...**the challenge to accept and demonstrate accountability for school performance!** And this challenge will fall most squarely on the shoulders of those entrusted with responsibility for school governance, our Michigan charter school boards. Failure to successfully meet this challenge will seriously diminish ability to address the others; and more important, present the risk of damaging the public trust we have thus far earned and enjoyed.

But most charter boards are not well prepared to successfully meet this challenge...and for understandable reasons:

1. Michigan's charter history did not foster an environment conducive to **board leadership** or to sufficient clarity of board authority and responsibility.
2. Michigan's charter boards often lack proper and sufficient guidance in pursuing the **governance skills** necessary for effective and accountable performance.

Reason #1 provides an explanation for the charter board "*identity crisis*" which has often compromised board ability to lead and govern. And although history was what it was, it is important to learn its lessons and be wary of repetition.

Reason #2 identifies the major *obstacle* to effective board performance. But this obstacle will be successfully overcome if boards find a path to attainment of their **leadership and governance potential**.

It is the mission of the **Michigan Association of Charter School Boards (MACSB)** to help boards realize this potential!

MACSB initiatives to promote quality governance are anchored by an unshakable commitment to **academic achievement and life-long success for charter students**...and by recognition of charter board responsibility to ensure the academy experience makes that a **reality for every charter student!**

In demonstration of our commitment, we are developing an ever-expanding *governance menu* for board selection. At present, offerings include:

...our Leadership Governance Program - which provides a practical framework for development and use of the governance skills necessary to effective performance.

...the Charter Board Member Code - which highlights the top dozen member practices that promote board unity, accountability and public trust.

...our “*Boardworks*” series of mini-conferences emphasizing **governance** discussions and interactions among boards/members.

...a variety of web-based opportunities for inter-board communication/problem solving.

...tailored consultation and assistance to address issues of board choice.

...dissemination of MACSB *Messages* to promote discussion on topics of board interest.

Further information on these initiatives (and other board-friendly items) can be viewed on our website @ **MACSB.org**

Need for Accountability

If ever there is need to portray the proverbial gap between preaching and practice, “*accountability*” serves as a worthy poster child. All too often, accountability for school performance can transform instead into explanation and apology for educational shortcomings. These defense mechanisms then take the place of objectivity and commitment to excellence.

Failure to accept proper accountability may buy a little time and lots of temporary (though false) relief, but is purchased at great expense. And it is wise to recognize that charter boards/schools can succumb to this human and organizational weakness as easily and conveniently as any traditional public school district.

Although accountability at all levels of Michigan’s charter structure should be expected, our intent is to focus on the critical position and role of *charter governing boards*, and to set the stage for ensuring boards are better prepared to step up to the plate, take the right stance and realize their own potential.

Some History

Before discussing a path to greater accountability, it is helpful to appreciate and learn from Michigan's charter board history, and thus better understand the context for board accountability.

Michigan's charter movement was built with accountability in mind. It took the form of the State granting certain institutions, most demonstrably public universities, the power and responsibility to authorize and oversee charter academies. And any objective review of the record will show this power was quite responsibly exercised...despite the fact universities were themselves novices at the task of creating other public entities, much less overseeing them.

Evidence of university (and other authorizer) effectiveness was, at a minimum, demonstrated by the near total absence of material misfeasance, malfeasance or nonfeasance by authorized academies, and by authorizer responses to those problems which did arise. In retrospect, it is accurate to maintain that authorizers set a wise first priority on ensuring academy actions were legal and ethical, a challenging task considering charter academies were themselves as novice at being public schools as were universities at authoring their existence. And, as we well know, the Michigan public school rule book is a thick one, applying equally (with very limited exception) to charter academies. All things considered, authorizers deserve respect and credit for rather successfully meeting their challenge.

The next, and arguably most critical, element in the stream of charter accountability, were (and are) the appointed charter school boards destined to be on the receiving end of the authorizers' charter contracts. Charter Board membership candidates (or the search for same) for these soon-to-be governing bodies were typically proposed as one component of an initial charter application. And while official applicants for Michigan charters came in all forms and sizes, most applications featured impending and pre-determined school management arrangements with an education service provider (ESP) or with one or more individuals holding proven academic/administrative backgrounds. In this uncharted, after-the-fact environment, initial charter boards were often and predictably destined for a **bit part** rather than a **leadership role**, especially during an academy's developmental years.

Perhaps in a more perfect world, initial creative action at the local level would rather have taken the form of a gathering of individuals interested in subsequently applying for charter status. This group could have then identify a proposed governing body, which in turn would be charged with responsibility for crafting a unified vision for the academy, and exploring, determining and proposing their choice for school management. In this way, initial governing boards would have assumed their rightful leadership role and benefited from a clearer sense of accountability and responsibility from day one. In this sequential environment, persons or entities pursuing interest in school administration would then compete for the opportunity to operate the academy on behalf of and under contract with an established governing board.

But that world wasn't perfect. And this version of a possible past is perhaps a naive one. It may well have guaranteed a lengthy, high fall-out and far more difficult creation process, resulting in likelihood of far fewer academies to meet the pent up demand for educational choice. Initial boards, with no educational background, no map to read, no resources at their disposal and no governance history would have surely struggled to perform effectively.

Given the realities, however, it was also predictable that ESPs became the more predominant form of academy management, able to bring the expertise and ingredients for school start-up and operation in comprehensive form. Early ESP predominance should thus not be seen as either inherently good or bad, but an arguably attractive route to more efficient (and more easily replicable) academy start-up.

Fortunately, and despite the difficulties, most charter academies got off to a good start and subsequently succeeded, at least as measured by financial solvency and compliance with legal requirements.

But the price for the predictable lack of charter board role clarity was often paid in the form of the subsequent (and sometimes still continuing) board *identity crisis* as they struggled to understand, accept and demonstrate their authority and responsibility.

In some instances, initial charter boards wrestled with school administrations featuring a classic *founder syndrome* when school operations were led by individuals with an ownership in the academy, either by virtue of conversion to charter status or by opportunity to administer a school they themselves *created*.

In other instances, boards struggled for identity with school administrations (under either corporate or board-employed arrangements) seemingly in control of everything, even though such control (or its perception) was made possible by understandable charter board ignorance or default.

In still other instances, authorizer hand-holding was the necessary intervention when academies foundered without sufficient or unified local direction.

These struggles, though unfortunate, should not be judged the fault of a guilty party. Rather, they were the guaranteed conflicts destined to arise from an environment with built-in role confusion and uncertainty among and between people and organizations who otherwise shared a common goal and the best of intentions. Per a basic axiom of quality improvement theory, the fault was typically with the system, not the participants.

The Need for Good Governance

But time moved on, the charter movement is here to stay, academies are providing a much deserved choice for Michigan families and the future for Michigan charters is a

bright one. However, that future can and will be much brighter *if charter boards strive to reach their leadership and governance potential.*

At first glance, it is perhaps difficult to appreciate the value or even the need for effective academy governance, especially if things are seemingly okay. This is understandable. And it is so because the consequences of ineffective governance are not often anticipated, are a long time in the making, usually discovered a day too late and not subject to a quick fix.

When a school is not properly governed, it is an accident already in the making. Injury is a certainty, fatality a possibility. Absent effective governance, rudder-less drift replaces leadership and direction. The academy is then subject to influences and forces that are always unpredictable and sometimes misguiding.

Appreciation of these consequences can be derived from acknowledgement and acceptance of a charter board's **essential governing responsibilities**. They are:

1. To set the expectations for academic achievement and prudent/ethical administration.
2. To determine if those expectations are met.
3. To take fair and effective leadership action when they are not!

In short, it is the board's job to ***make sure the school works!*** Nothing more, nothing less...but more than enough. Everything else holds a distant second place to these governance fundamentals. And the need for effective charter school governance will assume an ever-increasing priority as public focus on academic success takes even greater hold.

Accountability Flows Upward

As noted, it is the board's job to exercise the responsibilities of governance. But the burden for boards is that these responsibilities bring with them the ultimate accountability for **everything** associated with the academy...the good, not-so-good and the sometimes embarrassing.

The reason for this burden is that *accountability* rests on the premise that each person or entity in the hierarchy is accountable for everything beneath. Accountability for boards therefore means being *held to judgment* for the successes or failures of the entire academy enterprise, including the actions of all others associated with school operations.

As illustration, a well supported but ineffective teacher is both responsible *and* accountable for his or her classroom performance. But everyone and everything organizationally above that classroom is also saddled with **accountability** for the consequence.

As demonstrated by this example, responsibility pertains to those things which the person or entity actually does...their job description. Thus, authorizers create and oversee the academy, charter boards govern the academy, administrators operate the academy and teachers teach. But, as previously noted, each layer is also *accountable* for all that occurs beneath. And although authorizers are also painted indirectly by the brush-stroke of accountability, it is the charter-specific governing board which clearly holds full and inescapable accountability for overall academy performance.

Uniqueness of Charter Board Accountability

It is important to appreciate that the charter school structure departs from the traditional public school model in one notably significant dimension...the *particular* characteristics of board accountability.

In contrast with traditional Michigan school boards, charter boards, although they share the identical powers and duties, are (literally all) appointed rather than elected. And even though some argue this appointment model makes for less accountability, examination shows otherwise.

While an elected board is by nature more democratic in the making, that feature does not guarantee or necessarily promote greater accountability. In fact, evidence indicates charter boards are held to as much, if not more, accountability.

1. Charter boards/members are accountable to the academy authorizer which has legal responsibility to establish the means for selection and appointment of board members. Thus, although procedures may differ, board members ultimately serve at the pleasure of their authorizing agent. And authorizers are public bodies, exercising their appointment, reappointment and removal powers on behalf of both the university (or other authorizing agent) and the public.

In this regard, some authorizers require *at will* appointment under the charter contract; others may remove board members for cause with defensible due process; and all may opt against appointment or reappointment without cause or threat of legal override.

This is not to suggest that *negative* authorizer actions are or should be frequently taken. But those options do provide a clear and exercisable means for holding boards accountable. And this authorizer power is arguably justifiable given the authorizer places its own reputation on the line, is charged with responsibility for school oversight and is itself held accountable (although indirectly) for academy performance.

2. There is also clear charter board accountability to the general public and, in particular, to its school constituency. Charter schools operate in public and for the

- public. Consequently, public and constituent dissatisfaction and concern can be conveyed to both the board and, if necessary, to the school's authorizer. And the board and/or authorizer can and should make objective use of such information to take action when justified.
3. Because charter schools represent a marketplace choice for families, charter boards have opportunity and responsibility to craft the vision for the school's nature, characteristics and performance. It is the board's responsibility to honor and uphold this vision, and thus be accountable both *for it* and *to it*. Accountability to a self-created school vision is in fact a unique and family-friendly challenge for charter boards. And it is equally important to recognize that school administrators and staff are responsible and accountable for giving daily life to that vision.
 4. Although the democratic nature of the traditional board election process is undeniable, it is not as wholly democratic as first appears. The electorate is typically a small percentage of eligible voters, is more representative of a particular education-involved slice of the population and more reflective of honorable, yet special interest, voting than the typical general election. And *removal* of an ineffective and/ or otherwise unacceptable board/member is a rare, tumultuous and taxpayer funded event.

The point is not to argue against an "election" model, even if a less than a perfect one. Rather, it is to maintain that Michigan's charter structure, although somewhat different, is at the least an equally defensible model for educational accountability.

In reality, however, true accountability does not automatically result from the means of arrival to public service or the environment in which that service occurs. Rather, it stems from an inherent sense of responsibility and devotion to the public trust that must live in the very character of those who serve.

Charter Boards: The Critical Link

Recognizing the built-in accountability of Michigan's charter structure, the real challenge is to *make it work* as intended. And making it work begins with the understanding that the **charter board** is, by design, the critical link in the accountability chain.

The charter board is that critical accountability link because it is the board's, and only the board's, responsibility to ***make sure the school works!*** And it is **this** responsibility for which the authorizer and the public must first hold the charter board accountable. If a school isn't working, the board must be appropriately held to account for failure to take the necessary governance actions, regardless that others may have failed in their own responsibilities. Yes, it's a lose-lose proposition if things go south, but is its own reward when students receive the education they deserve.

None of this is to suggest schools cannot succeed absent a governing board. There are alternative models which incorporate workable forms of accountability. But Michigan's charter structure is, by intent and design, based on a ***governing board model***. And that model only works if boards effectively exercise their responsibilities. If boards do not perform effectively, the leadership and governance vacuum cannot be properly or successfully filled from other sources. As a result, accountability for school performance will be everywhere yet nowhere...a formula for trouble.

Unfortunately, most school boards (of all varieties) have yet to master the task of governance. And it's not easy. The limited time available to boards and the many distractions which can steer things off course combine to make it so. As a result, it is all too common for boards to passively preside rather than lead and govern. And because overall school board history is what it is, there are few worthy examples to follow.

There are numerous and often overlapping reasons for the shortfalls of board governance:

1. Boards may still struggle with some form and degree of identity crisis not of their own making, while trying to sort out their proper role.
2. Boards often do not have benefit of sound and sufficient guidance as they attempt to appreciate and develop the skills of good governance.
3. Boards are predictably distracted from their governance responsibilities by the temptations and trappings of administrative matters and issues.
4. Boards and board members often inherit the role of academy cheerleader or its polar opposite, the academy watchdog...neither of which constitute good governance.
5. Boards occupy that tenuous position between the "rock" of an authorizer and the "hard place" of school administration.
6. Boards sometimes suffer from knowing things aren't quite right but unable to put a finger on the underlying problem, much less the solution.
7. Boards, trying to keep up with so many of the wrong priorities in so little time, often simply rest in place rather than lead and govern.

In summary, charter boards have typically faced the challenge of governance in an island-like environment...an environment often clouded by uncertainty and without a clear path to more effective performance.

Quality Governance: A worthy and achievable goal

But there is promise for even greater charter success if our boards commit to **quality governance** and accept and demonstrate **accountability** for academy performance.

When boards truly govern, the *right things* happen:

- Boards focus on student achievement.
- Boards establish academic expectations for students by subject matter and grade level, as appropriate.
- Boards continually monitor test performance and other measures of success.
- Boards establish and monitor expectations for character development and other goals consistent with the school's vision and mission.
- Boards establish basic expectations for administrative operations, with emphasis on prudent and ethical practice.
- Boards rely on administrators to provide input to the establishment/monitoring of board expectations.
- Boards establish and monitor expectations for their own performance.
- Boards allow school administrators and staff to function without board meddling in management and classroom matters.
- Boards actively seek input from other boards, the general public and school families to ensure better understanding of academy needs and their solutions.
- Boards objectively evaluate their school administration based on acceptance and achievement of board-established expectations.
- Boards make mid-course corrections when justified.
- Boards rely on data
- Boards respect their public, their staff, their students...and themselves.

Most charter boards perform some (or all) of these “*right*” things, but often do so in haphazard, incomplete and not readily identifiable form. And that's not good enough. Good things, when done in less than clear, recognizable and repeatable fashion, will not stand for long. Rather, they will be likely lost, replaced or altered in the translation as board membership and make-up change over time. And while board membership may (and should) change, the fundamentals of good governance do not. They must be passed forward and inherited by new members as the governing board's legacy!

Michigan Charter boards can become better *governors* in the usual manner...by having the **will** and finding the **way**. In this regard, the previously noted MACSB **Leadership Governance Program** and practical **Charter Board Member Code** can be particularly helpful (view these offerings at **MACSB.org**). These tools, which are now available for board adoption and use, offer a solid start on the path to effective and accountable academy governance.

Everyone Must Help

It is often posed that the most important decision made by a charter board is selection of the academy chief administrator or its ESP. And even though decisions of such import are worthy candidates, appreciation of the necessity for charter board accountability suggests it will be the board decision to pursue and demonstrate the practice of *quality leadership and governance* that will carry the day.

Finally, it is important to recognize that promoting and supporting charter board leadership is also the responsibility of charter authorizers, school administrations/staff and charter families. And this support will be rewarded in the form of authorizer confidence and sharing in academy success, administration/staff appreciation for the freedom to apply their professional skills and, most important, student and family satisfaction with their choice of a Michigan charter school.

As we move forward through this second decade of Michigan's charter experience, we ask the support of all who appreciate the importance of educational choice, the efforts of charter authorizers, the service of those who educate and the contribution of those who serve as dedicated members of Michigan's charter school boards.
