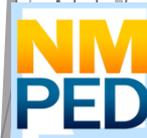


# The Role of the Governing Board in School Success



Driving student success in New Mexico by supporting both excellent authorizing practices and charter schools that provide innovative, quality education



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# Consider Your Purpose



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*All charter schools are someone's creation. A visionary or, more likely, a group of people sees a need or opportunity and decides to start a school. To be effective, a charter school begins with a mission and stays mission-driven: Everyone associated with the school knows what it stands for and believes in its vision. Each school engages parents as real, not nominal, partners. Each school fosters a culture that is highly collegial and focused on continuous improvement. And each effective charter school has a strong accountability system, not just to please its authorizers but also its "clients," the children.*



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# What does it mean to have a successful school?

- Lead with a mission
- Be innovative
- Promote continuous learning
- Partner with parents & the community
- Be accountable
- Provide an effective & engaging educational experience for your students



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# What does it mean to be a successful governing board member?

- Exercise your Duties of Care, Obedience, Loyalty, & Oversight
- Attend governing board meetings
- Be prepared for governing board meetings
- Serve on a board committee
- Separate your personal bias from the needs of the school
- Build an Integrity Infrastructure
- Know and understand your School Charter Contract
- Be proactive in implementing effective oversight
- Ensure that the school's funds are managed in accordance with the law, regulations, and the terms of any grants.



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# Exercise Your Duty of Care

## duty of care

n. a requirement that a person act toward others and the public with watchfulness, attention, caution and prudence that a reasonable person in the circumstances would. If a person's actions do not meet this standard of care, then the acts are considered negligent, and any damages resulting may be claimed in a lawsuit for negligence.



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# Exercise Your Duty of Obedience

## duty of obedience

- The duty of obedience requires a board to obey any and all requirements that originate from agencies or organizations that are senior in authority to the board's authority.



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# Exercise Your Duty of Oversight

## duty of oversight

- The duty of oversight (i.e. governance) requires that board members be *reasonably aware* of that which is occurring in the organization so they can make *informed* decisions.



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# Duty of Oversight

- ❖ The FULL BOARD is responsible for effective financial oversight.
- ❖ As a collective, you are responsible for ensuring the proper usage of millions of taxpayer dollars.
- ❖ The board may delegate some tasks to the treasurer and audit committees, but oversight remains with the entire board.



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# Exercise Your Duty of Loyalty

## duty of loyalty

- The duty of loyalty requires that board members always put the best interests of the organization above all other interests. This includes personal business interests, related party transactions, personal children/family interests, and other matters.



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# Duty to Employ, Oversee & Evaluate the Head Administrator

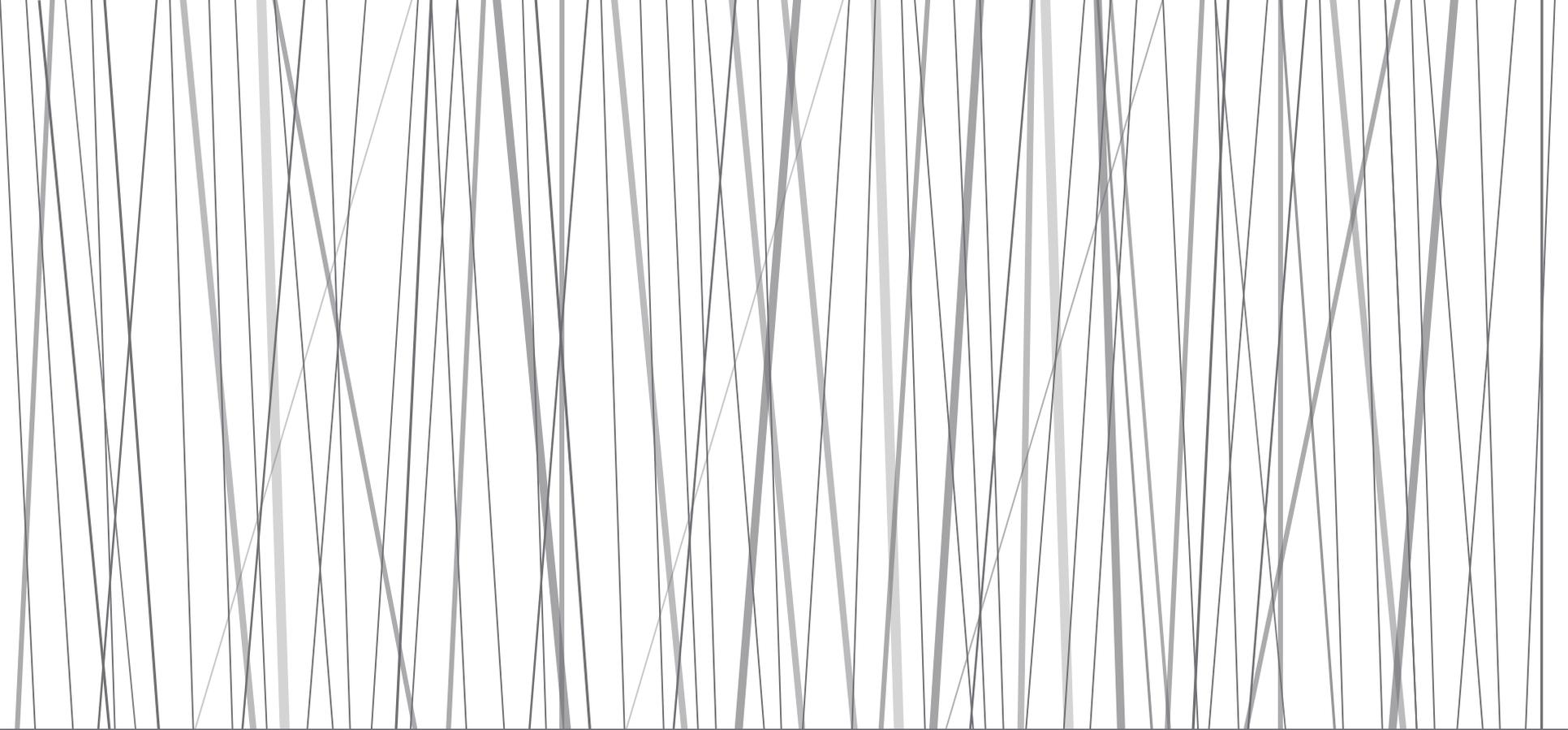
## NMAC § 6.29.1.9(2)

You only have one employee, the Head Administrator.

- The Governing Body hires, supervises, evaluates, compensates, and if necessary, terminates the administrator.
- Head Administrator evaluations are a significant component of a board's responsibilities. They are critical to ensuring the school leader is in sync with the board, and is driving the school forward, in a positive way, towards its mission. Evaluations also help clarify expectations and set goals for the future.



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# The Yin and the Yang



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# Complementary Forces

## Governing Board

- Selects, supports and evaluates the Head Administrator
- Makes strategic decisions
- Monitors and strengthens the quality of the program
- Protects assets and provides proper financial oversight
- Builds and maintains a competent board
- Enhances the School's benefit to the community
- Establishes the mission & purpose

## School Leader

- Operates the school in line with the board's direction
- Implements decisions & policies of the board
- Keeps the board informed and educated
- Supplies the board with clear, honest, and comprehensive documentation to support oversight responsibilities



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# Relations to the Whole

## Governing Board

- Has the fiduciary responsibility to ensure that the School Leader may continue to provide the vision.
- Provide the strong business ethics and knowledge to enable the school to be compliant with State and Federal laws.

## School Leader

- Has the vision of possibilities!
- The passion to provide a particular pedagogy or educational experience to students.
- Has the licensure appropriate for the job!



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# A Sporting Metaphor:

## Governing Board

**Governing Boards** assist the **Head Administrator** in developing to their **full** potential. They are responsible for ensuring that the Head Administrator attends appropriate **training and analyzes** their performance, ensuring relevant skills and by providing constructive feedback.



## Coach



**Sports coaches** assist **athletes** in developing to their **full** potential. They are responsible for **training athletes** in a **sport** by **analyzing** their performances, instructing in relevant skills and by providing encouragement.



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# Strive Towards Excellence

## Governing Board

**An exemplary board establishes an expectation of standards that their one employee must abide by. This is beneficial to both the board and the Head Administrator.**

## Coach

**There is an expectation that a coach will tell you how to perform better. The athlete wants to be the best they can be, they want to improve their skills and outcomes.**



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# Evaluations



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# What does it mean to evaluate

One of the major ways a board supports the Head Administrator is to conduct a fair, written evaluation of the head's performance every year. This evaluation is often based on key elements of the head's job description, which needs to be up-to-date, and annual goals agreed upon by the board and head at the start of the year.

Does the board have a plan as to how to evaluate the head administrators ability in executing the duties of their job? You know how the head interacts with the governing body, but are you familiar with how they function in the day to day running of the school?



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# Evaluations

- The orientation of a new head should include a discussion of the evaluation process and the basis for evaluation during that first year of headship.
- Often an executive committee of the board oversees the performance evaluation. The committee gathers the information and develops the written report, which is then shared with the board and the head administrator. The head administrator receives the opportunity to respond.



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# Evaluations

- The full board should participate in setting the head's compensation, based on the recommendation of the head evaluation or executive committee. It is important that the whole board participate in the information gathering process, but if others are involved in this stage, it is equally important that these people truly understand the head's responsibilities and that the head agrees that they be included in the process.



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# The Risks of not doing an evaluation or of doing one poorly

A veteran sixteen-year Head noticed that many of his peers were being evaluated by their Boards. He suggested to his own Board that perhaps it was time that he was evaluated also.

The Board agreed with the suggestion. Key trustees met with focus groups of teachers, parents, alumni and students to ask for feedback on the Head's performance. One month later the Board Chair's first comment was: "I regret to say that we will not be renewing your contract."

The incredulous Head asked why.



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The Board Chair gave two telling answers:

- “We should not have waited sixteen years to evaluate your performance as there were too many “long festering” issues; and
- We should not have used focus groups because we stirred up a hornet’s nest, and now we cannot shut the “Pandora’s box” we’ve unleashed.”

While this unfortunate message draws laughter when the story is told, the key elements remain all too sad and all too true. Many heads are not evaluated annually and they should be. Boards forget or put the topic on the back burner. Heads are at fault as well because they tolerate this state of affairs.



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# The Correct Approach to an Evaluation

It is not best practices to involve faculty and other representatives outside of the board in the evaluation of the head of school.

Fewer than 10% of all independent schools seek faculty feedback as part of a head evaluation process.

A possible consequence for including outside sources;

- Heads evaluated by the faculty learn not to rock the boat, make many changes, demand accountability or terminate an incompetent teacher because the price he or she will pay may be a heavy one.



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# The Correct Approach to an Evaluation

Who should be charged with the evaluation of the Head? The board.

How can you assess a head's performance if you do not ask the teachers and the parents for their evaluative feedback?

The answer is: Look at all the indicators of school success. If they are up, or most of them are, then you have the "outside assessment" you need.



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# The Correct Approach to an Evaluation

Those outside indicators, or benchmarks of school success include: enrollment demand, retention of students and teachers, teacher professional development is encouraged and provided, parent morale, established through parent opinion surveys, is high, test scores, alumni loyalty, all forms of giving, school and college placement, community reputation, school spirit as reflected through athletics and other extra curricular programs; and many other indices.



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# What does an Annual Evaluation look like?

It does not require long checklists, “instruments”, a 15-item job description or a personality inventory.

It includes seven simple steps:

1. An evaluation/compensation committee of the board is appointed. It usually includes the chair, the finance chair, and perhaps the vice chair, or immediate past chair or likely next chair.
2. The committee meets with the head in late spring, summer or very early fall to set mutually agreed upon goals for the year. There should be no more than 3-5 goals, and they should be tied to the school’s own strategic planning needs. A long list of unmanageable goals sets the head up for not meeting expectations and for disappointment by both parties.
3. Once the committee and head agree upon these goals, they should be taken to a full board meeting for full and frank discussion and for the imprimatur of approval of the entire board.



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4. In the middle of the year, perhaps in January, the evaluation/compensation committee should meet with the head, informally. The head should outline progress towards the agreed upon goals, and a dialogue should ensue with the committee members.
5. In late spring, the head should write a self-evaluation of progress against goals. Each member of the Board should also write a confidential evaluation of the head's performance against those same earlier approved goals. Each board member should be counseled by the chair to evaluate the head's performance relative only to those goals, and to exclude personal agendas and assessment of intangibles, such as the head's personal style.
6. The committee should meet again and compare the head's self evaluation with the board's combined evaluation. A dialogue should ensue that provides both praise and affirmation for success achieved and constructive feedback about areas that still need work. These areas will become a part of the next year's goal setting process.
7. The board chair should write a one to two page summary for the file, and report back orally to the entire board on the closure of the process.



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## What does an Annual Evaluation look like?

The evaluation/compensation committee should then set the head's compensation for the coming year or undertake a formal contract renewal. This should occur AT LEAST 12-18 months before the head's current contract ends.

One of the most common occurrences on boards is to ignore the head's evaluation and compensation until long after all other staff members have been reviewed. The head, whose evaluation and compensation process should come first, is often last or forgotten entirely.



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# How SHOULD a head of school be evaluated?

- This process is open, fair, clean and honest. It should occur annually. It will make the head feel valued and help the head to grow and improve. It should also develop more “buy in” by the board.
- This process is not bureaucratic, nor should it be. The process should affirm, guide, support and critique, as necessary, the head of school.



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# Getting on Track: how about a school with a seasoned Head Administrator who has never been evaluated by the board?

## Honest Assessment

- Become “comfortable” with the realization that you must evaluate the head of school.
- Discuss the state of the school, your report card, position in the community, your vision and mission statements.
- Evaluate what your schools strengths and weaknesses truly are.
- Analyze whether or not the best interests of the school are being served.



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# SWOT Analysis

## Strengths

- Resources, assets and people
- Experience, knowledge, and capabilities

## Weaknesses

- Gaps in fiscal literacy
- Lack of clarity and understanding of contract

## Opportunities

- Board development and training
- It's never too late to make improvements

## Threats

- Poor management & oversight strategies
- Not enough fiscal internal control



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# Getting on Track: how about a school with a seasoned Head Administrator who has never been evaluated by the board?

## Honest Feedback

- Give praise where it is warranted.
- Give constructive feedback where it is warranted.
- Allow the head of school time to reflect and respond to the evaluation.
- Expect the head to present how they will address needed improvement.
- Maintain the focus on the performance and needs of the school.



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## Evaluation Results: Now What?

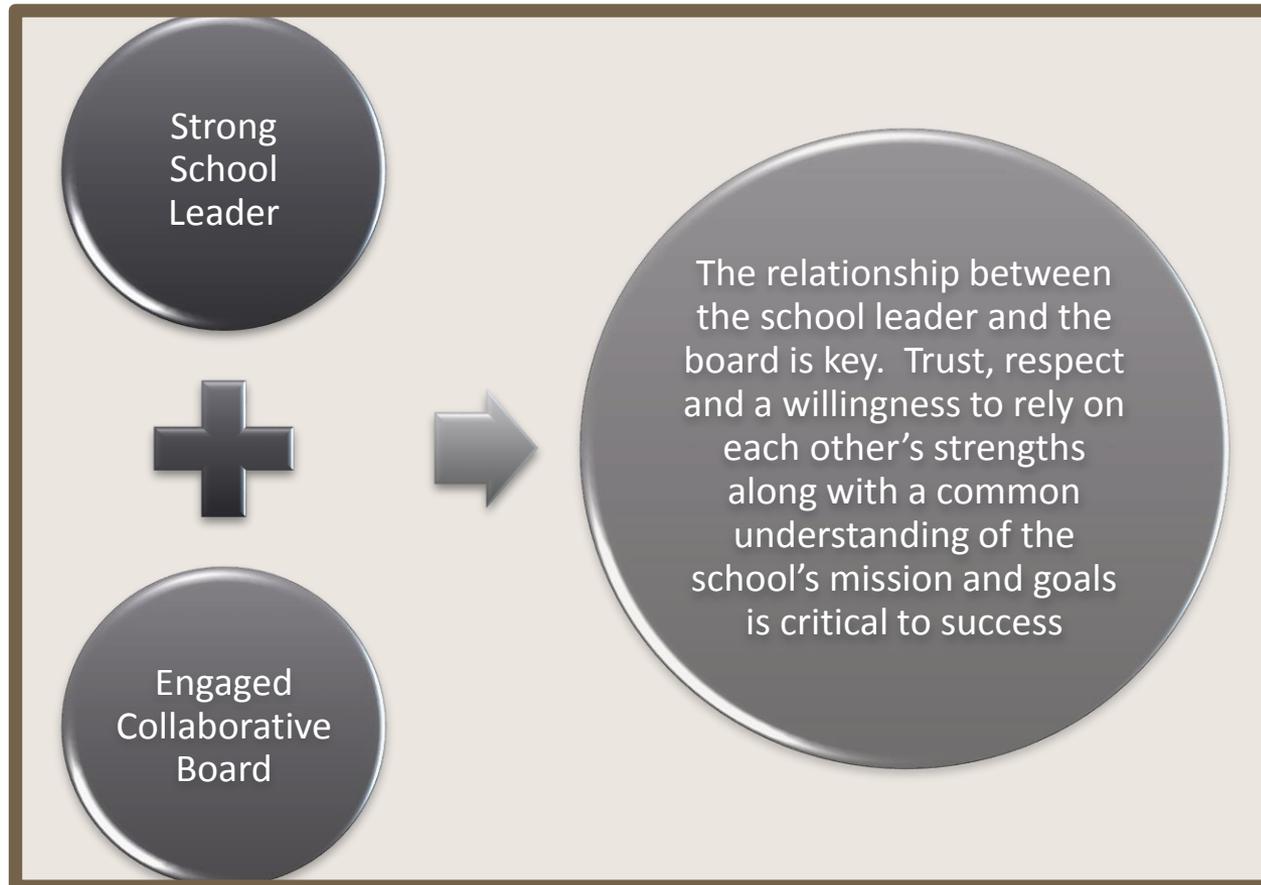
This should be viewed as a supportive exercise not necessarily a punitive one. If you determine that your head administrator is not performing the way you would like, you must then also determine why.

- Are you providing the head administrator with enough appropriate training?
- Are you providing the head administrator with enough support staff?
- Are you providing the governing board members with appropriate training to conduct oversight?
- **Are you committed to ongoing governing board development in order to ensure that a full and robust board can provide the support and oversight necessary for a successful school?**



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# Collaboration



# Follow Up

- Is the head administrator following through with the recommendations of the board?
- Are they allotting time for or submitting requests to attend appropriate trainings?
- Are they actively engaged in upholding the promises of the Charter Contract?
- Are you following through with holding the head administrator accountable?

**If you feel that the head administrator is merely paying “lip service” to making improvements, then you have choices to make regarding discipline measures or removal. With appropriate understanding of roles, this should not be difficult.**



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# Government Conduct Act Refresher



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# You are now government officials!

## You now have to comply with the Government Conduct Act

(NMSA § 10-16-1)



- ❖ You must use your position to advance the public interest and not to obtain personal benefits.
- ❖ You must act ethically and with integrity.
- ❖ You must disclose any potential conflicts of interest.
- ❖ At all times, reasonable efforts shall be made to avoid undue influence and abuse.
- ❖ You must keep sensitive and personal information confidential.
- ❖ You must comply with the Open Meetings Act and operate with transparency.
- ❖ You must communicate in a professional and appropriate manner.
- ❖ You must work to resolve conflicts.
- ❖ You must look out for the best interests of your students and your school -- this always takes precedence over the best interest of any single student, parent or administrator.



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# What is Favoritism?

❖ Basically favoritism is just what it sounds like; it's favoring a person not because he or she is doing the best job but rather because of some extraneous personal likes and dislikes, etc. Favoritism can be demonstrated in hiring, honoring, or awarding contracts. A related idea is patronage, giving public service jobs to those who may have helped elect the person who has the power of appointment. Favoritism has always been a complaint in government service. You do not want people to believe that connections, partisanship, and other factors played a role.



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# What are Cronyism & Nepotism?

- ❖ Cronyism is a more specific form of favoritism, referring to partiality towards friends and associates. As the old saying goes, "It's not what you know but who you know." Cronyism occurs within a network of insiders.
- ❖ Nepotism is an even narrower form of favoritism. Coming from the Italian word for nephew, it covers favoritism to members of the family. Both nepotism and cronyism are sometimes at work when people recruit candidates for a public office. Remember! Governing Board members are public officials!



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# Nuts & Bolts



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**Are you comfortable in your understanding of what the authorizer requires? Do you know what is due, when and why? A lot of necessary paperwork must be submitted annually for your school to be successful.**

- Annual Evaluation of Head Administrator
- Annual Audit
- Financial Framework
- Performance Framework
- Annual OMA resolution
- Bylaws
- Governing Board Changes
- Renewal Timeframe
- School Improvement Plan (if school grade is a D or F)
- Amendments to Charter Contract
- School Safety Plan
- Applicable waivers



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# Healthy Board Development



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# How do we recruit new members?

Look to your mission and vision statements. Create a clear synopsis of what makes your school important to your community. Keep it brief, factual and engaging. Consider reaching out to:

- Retired teachers, educators, and administrators
- Active or retired bankers, accountants, tax preparers
- Active or retired lawyers
- Community organizers
- Local non profit organizations
- Young professionals
- Retired professionals
- Local merchants

Where do you feel your board needs more strength? Analyze your strengths and weaknesses, then review what local resources are available to your board.



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# Expectations



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# Characteristics of An Effective Governing Body

- Appropriate structure, size, and composition.
- Understands the School Charter.
- Works with the authorizer to ensure quality.
- Shares a clear vision for the future.
- Focused on Results and Strategic issues.
- Understands roles and responsibilities.
- Understands the difference between governance and management.
- Maintains a professional relationship with the school leader.
- Maintains a strong relationship with the community.
- Implements a clear plan to conduct oversight of the academic program.
- Has the proper experience and expertise to conduct proper fiscal oversight.
- Maintains sufficient functioning committees.
- Is not afraid to make difficult decisions.



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# Board Duties

## Duty of Care.

- Requires meeting attendance & active participation.
- Requires Good Business Judgment –
- (You do not have to be financial or academic experts!)
  - This means a duty to exercise diligence.
  - This means you need to protect the school from waste and fraud.
  - This means you have to have an informed reason for a decision.
- Duties of Loyalty and Obedience. (No, these terms do NOT mean to be loyal to your school regardless of any issues within your school)
  - This requires compliance with bylaws and ethical codes of your school.
  - This requires compliance with the (legally required) conflict of interest policy and anti-nepotism policy.
  - This requires compliance with policies enacted by the Governing Body.
  - This requires no self-dealing – no personal benefits.



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# Attendance

So why is it important for governing board members to attend the governing board meetings? Here are some of the basic reasons;

- Governing Board members are legally and fiscally responsible for the actions of their charter school and they can be held personally accountable for the decisions and actions of the board.
- Duty of care is a legal obligation imposed on an individual requiring adherence to a standard of reasonable care while performing any acts that could foreseeably harm others.
- The full board is responsible for effective financial oversight.
- As a collective, the board is responsible for ensuring the proper usage of millions of taxpayer dollars.
- Board members must act ethically and with integrity. Failure to attend meetings is neither ethical nor a sign of integrity.
- You are a child advocate now! They need you!



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# Effective Governing Boards

Boards can and should compel the Head Administrator to perform at their best without interfering in the day to day operations of the school. Each board member should understand:

- Why he or she has been selected
- What facets of the board member's competency and business experience are most helpful
- What the board member is expected to contribute on the organization's behalf

The basic functions expected of every board also include board recruitment and succession planning.



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# How well would your school do if your students didn't prioritize attendance?

## Students

Attendance is important because students are more likely to succeed in academics when they attend school consistently. It's difficult for the teacher and the class to build their skills and progress if a large number of students are frequently absent

## Board Members

- The governing board cannot act on ANY financial issues without a quorum. Members must be well informed in order to carry out the business of the school. It is difficult for a board to ensure quality in their charter if some of the members are frequently absent.



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# Identify Warning Signs

- Audit Findings
- Budget problem
- Findings by the PEC or PED
- Complaints
- Lack of attendance by board members to governing board meetings
- Failing to achieve school goals
- Failing Letter Grade
- News Reports
- Difficult relations with head administrator



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# A strong charter school system begins with you

The governing body could consider themselves as the PED for their school. The PED requirements are there to ensure that charter schools are doing what they have promised. A governing body should also be committed to ensuring that your particular charter school is fulfilling their promises. These are promises made to the State of New Mexico, your students, staff, parents, your community and the tax payers of New Mexico. A strong state wide charter school system really does begin with you.



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# No Bullying, No Assumptions

- Don't allow others to bully or harass you into silence.
- Don't assume that others "know better than you".
- Don't succumb to intimidation.
- Don't assume that a problem will work itself out.
- Don't ignore your gut feelings if you have questions.
- Don't be ashamed to ask questions.
- Don't forget – you are a child advocate and they need you.



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# Don't let Fear Constrain your School's Success

Fear can paralyze a governing body and extinguish the possibility of correcting a problem.

- Fear of looking foolish can keep you from asking the questions that need to be asked.
- Fear of having difficult conversations can delay critical actions.
- Fear of admitting that there is a problem.
- Fear of being embarrassed.
- Fear of confrontation.
- Fear of upsetting the status quo or rocking the boat.

**All of these can compound the problem.**



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# Top 10 Mistakes to Avoid



- Not understanding the charter.
  - Every board member needs to understand the charter promises, the methods proposed to deliver the promises, and how the promises will be measured.
- No clear plan to conduct oversight of the academic program.
  - Even though you may not be an educator, you need to fully understand the academic plan and have a consistent method of measuring academic performance.
- Not enough expertise to conduct proper financial oversight.
  - The #1 reason why charter schools fail is financial mismanagement.
- Original Board Composition.
  - More often than not, these initial boards lack a level of objectivity and or the skill sets necessary to provide appropriate oversight.
- Board size.
  - Many boards are too small, generally 5 to 7 people, 11 to 15 is preferred.



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# Top 10 Mistakes continued

- Lack of previous governance experience.
  - School leader may also lack any previous governance experience.
- Lack of functioning committees.
  - One of the key transitions that need to take place as the board moves from being a founding board to a sustainable board is having functioning committees.
  - To have an effective board, it is essential that substantive work is done by committees in between full board meetings.
- Beholden to a lead founder.
  - The board needs to transition to taking the lead in governing and ensure that the board is leading and not being lead.
- Underestimating the amount of fundraising needed and your role.
  - Most charter schools need to raise a significant amount of private funds to augment their per pupil funding and the board needs to be active in these efforts.
- Lack of urgency.
  - It is important for founding boards to know that if a charter school is not excelling by the end of its second year, experience tells us that it probably won't make it.



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# How Fit is Your Governing Body?

- ❖ We know the key charter obligations we have made to our authorizer.
- ❖ We know how these charter obligations are measured.
- ❖ We have a written job description that details the roles, responsibilities and expectations of the full governing body.
- ❖ Our governing body is large enough to have several active, well-functioning committees, who drive substantive strategic issues and report regularly to the governing body.
- ❖ Our governing body consistently demonstrates a clear understanding of the difference between governance and management.
- ❖ There is a clear expectation that our Governing Board leader takes an active role and has responsibility for shaping and creating effective governance.
- ❖ We have an effective process for communicating with our Head Administrator.



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# How Fit is Your Governing Body?

- ❖ Our governing body meetings are always well attended and we have a system in place to deal with chronic non-attending members.
- ❖ The Parent Advisory Council regularly provides reports to the governing body.
- ❖ We review financials monthly and every governing member has a firm grasp on the school's financial health.
- ❖ We regularly review the EPSS and every governing member has a firm grasp on the school's academic, financial, and operating performance.
- ❖ Our governing body uses academic achievement data to make policy decisions that will improve results.
- ❖ The majority of our governing body meeting time is focused on strategic-future issues and not on past events or current crises.
- ❖ Our governing body has formal tools and measures in place to capture overall organizational performance (finance, operations, staff retention, etc.).



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# How Fit is Your Governing Body?

- ❖ Each year the governing body establishes strategic governing body-level goals, articulating how the governing body will add value, that are specific and measurable.
- ❖ Our governing body conducts an annual performance appraisal of the full governing body, individual members, and the Head Administrator.
- ❖ Our governing body has a professional development plan for the Head Administrator and holds a mid-year conference to assess the Head Administrator's progress.
- ❖ We have a recruitment and succession plan for the governing body which will enable our membership number to be maintained.
- ❖ Our governing body meetings follow the OMA and our meeting notes can be understood by someone who did not attend the meeting.



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# The Case for Board Committees



Board committees help optimize individual expertise and diversity by allowing the board to use resources more effectively. By operating in committees, members can often accomplish more than if the board acted only as a whole!



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# Thank You!

Please complete a training evaluation survey.

We use your input to improve our training and better meet your training needs!

<https://www.surveymonkey.com/r/TPNS2J5>

Feel free to contact the *Charter Schools Division* with questions, concerns, requests:  
charter.schools@state.nm.us  
Melissa.brown@state.nm.us



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# Resources



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## **Governance Best Practices For Highly Effective Charter School Boards Charter Board Partners**

- [http://www.publiccharters.org/Paper-Governance-Best\\_Practices](http://www.publiccharters.org/Paper-Governance-Best_Practices)

## **Institute of Business Ethics**

- <http://www.ibe.org.uk/frequently-asked-questions>

## **Center for Nonprofit Management Non Profit Answer Guide Boards & Governance FAQ's**

- <http://www.nonprofitanswerguide.org/board-governance/>

## **Guidelines & Principles for Nonprofit Excellence**

- [https://guidelinesandprinciples.org/wiki/index.php?title=Board\\_Resolution\\_%26\\_Minutes\\_Book](https://guidelinesandprinciples.org/wiki/index.php?title=Board_Resolution_%26_Minutes_Book)

## **BoardSource Building Effective Nonprofit Boards**

- <http://www.bridgespan.org/bridgespan/Images/articles/what-should-i-know-before-joining-the-board/WhatShouldIKnowBeforeJoining.pdf?ext=.pdf>

## **The Center for Nonprofit Resources**

- <http://www.c4npr.org/main/board-governance/>

## **Understanding and Fixing Board Member Attendance Problems**

<http://www.professionalgrowthsystems.com/governing-board/fixing-board-member-attendance-problems/>



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