

# Urban Academy

Policy and Procedure:

## BOARD ELECTION PROCEDURES

Policy No.: 07.02

Originate: March 2011

Revised:

Adopted:

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# Urban Academy Charter School

## Board Election Process

March, 2011

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We have included the statute language to offer guidance and reassurance as to the structure and process of these recommendations to conduct School Board elections.

*From the Minnesota State Statutes regulating education*

124D.10 Charter schools.

Subd. 4(d) The operators authorized to organize and operate a school, before entering into a contract or other agreement for professional or other services, goods, or facilities, must incorporate as a cooperative under chapter 308A or as a nonprofit corporation under chapter 317A and must establish a board of directors composed of at least five members who are not related parties until a timely election for members of the ongoing charter school board of directors is held according to the school's articles and bylaws under paragraph (f). A charter school board of directors must be composed of at least five members who are not related parties. Staff members employed at the school, including teachers providing instruction under a contract with a cooperative, and all parents or legal guardians of children enrolled in the school are the voters eligible to elect the members of the school's board of directors. A charter school must notify eligible voters of the school board election dates at least 30 days before the election. Board of director meetings must comply with chapter 13D. (OPEN MEETING LAW)

Subd. 4(g) The ongoing board must be elected before the school completes its third year of operation. Board elections must be held during a time when school is in session. The charter school board of directors shall be composed of at least five nonrelated members and include: (i) at least one licensed teacher employed at the school or a licensed teacher providing instruction under a contract between the charter school and a cooperative; (ii) the parent or legal guardian of a student enrolled in the charter school; and (iii) an interested community member who is not employed by the charter school and does not have a child enrolled in the school. The board may be a teacher majority board composed of teachers described in this paragraph. The chief financial officer and the chief administrator are ex-officio nonvoting board members. Board bylaws shall outline the process and procedures for changing the board's governance model, consistent with chapter 317A. A board may change its governance model only:

- (1) by a majority vote of the board of directors and the licensed teachers employed by the school, including licensed teachers providing instruction under a contract between the school and a cooperative; and
- (2) with the authorizer's approval.

Any change in board governance must conform with the board structure established under this paragraph.

*From the Minnesota State Statutes regulating nonprofit corporations*

317A.201 BOARD.

The business and affairs of a corporation must be managed by or under the direction of a board of directors. All directors are entitled to vote and have equal rights and preferences except as otherwise provided in the articles or bylaws. The members of the first board may be named in the articles, designated or appointed pursuant to the articles, or elected by the incorporators under section 317A.171.

317A.205 QUALIFICATIONS; ELECTION.

The qualifications and method of election or appointment of directors may be imposed by or in the manner provided in the articles or bylaws, provided that directors must be natural persons and a majority of the directors must be adults. The articles or bylaws may provide for ex officio directors who are directors because they hold another office or position.

317A.207 TERMS.

*Subdivision 1.Length.*

- (a) Directors are elected or appointed and hold office for fixed terms provided for in the articles or bylaws. A term of a director, other than an ex officio director, may not exceed ten years. If the articles or bylaws do not

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provide for a fixed term, the term is one year. An ex officio director serves as long as the director holds the office or position designated in the articles or bylaws.

(b) Unless the articles or bylaws provide otherwise, a director holds office until expiration of the term for which the director was elected or appointed and until a successor is elected and qualified, or until the earlier death, resignation, removal, or disqualification of the director.

(c) A decrease in the number of directors or term of office does not shorten an incumbent director's term.

(d) Except as provided in the articles or bylaws, the term of a director filling a vacancy expires at the end of the unexpired term that the director is filling.

## *Subd. 2. Staggered terms.*

The articles or bylaws may provide for staggering the terms of directors by dividing the total number of directors into groups. The terms of office of the groups need not be uniform.

## 317A.227 VACANCIES.

(a) Unless the articles or bylaws provide otherwise, and except as provided in paragraphs (b), (c), and (d), if a vacancy occurs on the board of directors, including a vacancy resulting from an increase in the number of directors:

(1) the members with voting rights, if any, may fill the vacancy; or

(2) the remaining members of the board, though less than a quorum, may fill the vacancy.

(b) If a vacant office was held by a director elected by a class, chapter, or other organizational unit or by region or other geographic grouping, only members of the class, chapter, unit, or grouping are entitled to vote to fill the vacancy.

(c) If a vacant office was held by an appointed director, only the person who appointed the director may fill the vacancy.

(d) A vacancy that will occur at a specific later date may be filled before the vacancy occurs but the new director may not take office until the vacancy occurs.

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## I. Board Election Process

### A. Announcing and publicizing the election process

It is important for charter schools to know that they were created to be a form of innovation to the Minnesota schooling system specifically designed in statute to:

**124D.10 Charter schools.**

Subdivision 1. **Purposes.** (a) The purpose of this section is to:

- (1) improve pupil learning and achievement;
- (2) increase learning opportunities for pupils;
- (3) encourage the use of different and innovative teaching methods;
- (4) measure learning outcomes through the creation and use of different and innovative forms of measuring outcomes;
- (5) establish new forms of accountability for schools; or
- (6) create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.

The dynamic of the charter school movement was to empower parents, teachers, and students in their educational experiences and to provide a governance structure that supported that empowerment. With that in mind, it is important to communicate to parents, the community, staff, and students just how important, unique, and democratic charter schools are and to stress the importance of democratic participation and involvement in their charter school and, indeed, the movement as a whole.

The operation of public charter schools is based on non-profit law. Consequently, it is important to inform those with the right to vote for charter school directors (board members) and those who seek to become directors the privilege and serious responsibility the board of directors carries as a body and that directors carry as individuals. The school board is the body that manages or directs the business and affairs of the school. These people together are accountable for all that happens in the school. This means that the board needs individuals who together have the experience, knowledge and commitment to lead and guide the school to fulfill its purposes with quality and success.

### B. Recruiting a field of candidates and qualifications

Part of a school's annual calendar should be devoted to celebrating and supporting the school's governance model timeline for nominating and voting in the directors of the School Board. At various times through the year the school should publicize the Board's role, meeting times, accomplishments, members and officers, the nominating and election processes and the Annual Meeting. This can be done through regular school events, celebrations, school announcements, newsletters and on the school's website.

Using all of the above opportunities, the School Director and School Board Chair should communicate how important parental involvement is to both student achievement and the success of the school. Parental involvement in charter schools means not only a more active role in the education of their

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children but direct participation in serving in the governance of the school through the School Board. The new charter school statute (2009) further strengthens the role of parents by explicitly giving them the right to vote for board directors and by giving schools the option to include parents and community members as board directors.

The composition of the Board for Minnesota charter schools is defined as:

- No less than 5 members who are not related.
- Membership must include at least one of the school’s licensed teachers; a parent or legal guardian of a student enrolled at the school; and an interested community member (not employed by the school and not someone who has a child enrolled in the school).
- A Board member may not have an interest in or have a family member or partner with an interest in a for-profit or nonprofit company doing business with the charter school (124D.10, Subd. 4a).

Urban Academy’s Bylaws (Article III, Section 1) provide that *The Board of Directors shall consist of no fewer than 5, and no more than 15, members. The members of the Board may not be related to each other, nor to a staff member employed by the corporation. At least one member of the Board must be a licensed teacher, at least one must be a parent or guardian of a child currently enrolled at UA, and at least one must be a community member who is not a parent or staff member and a administrator(s), such as the Executive Director and/or Principal to serve as ex officio members.*

*Licensed Teacher(s) who are nominated/elected to the board should have at least (2) two years of experience working at Urban Academy. If the teaching staff does not have the limited requirements or a teacher that has the qualifications but not interested in becoming a board member, the Board Chair has the option to make it available to all licensed teachers.*

### **C. General Timelines and Planning for the Board Election**

As stated above, the role of the Board and the involvement of parents and community should be talked about and promoted all the time. Keeping Board meetings and member names visible through prominent bulletin boards, web sites, newsletters, and other media keeps the subject alive and in the forefront. Make board meetings a welcome place and time for parents, students and community members to attend.

These actions create several advantages. It means that parents and staff, community and students know how their school is run and who is running it. Opening the school for parents to participate in the school’s affairs deepens awareness and commitment. Providing one or more seats for parents on the Board gives parental perspectives and expertise not available from within the school and it gives parents a true stake in the school’s success. The participation of or attendance by parents, students and community members leads to well informed stakeholders.

Your school’s election timeline is now directly linked to the end of Board terms and the Annual Meeting to elect officers. The election must happen while school is in session. By law, notice must be provided at least 30 days before the election. Assuming that notice regarding the election is sufficient, a month to

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six weeks for the actual process should suffice to hold a fair, efficient and meaningful election process. A two to three week window to garner nominations for the open Director seats and a two to three week window to conduct the voting and ballot counting allows for the maximum participation of all stakeholders. The goal should be an inclusive, open, and transparent process that encourages participation and maximizes the democratic process. A charter school should avoid strict or confining nomination and voting procedures such as one-day polling or e-mail only nominations. The goal is to have an orderly and efficient process that invites participation, but is rigorous and accountable.

The Minnesota charter schools statute explicitly states that school staff and parents or legal guardians of students vote for new Board members. Time and budget (e.g. for printed materials and postage) must be provided to prepare materials, announcements, ballots, ballot list/s and addresses so that all who have the right to vote can vote within the allotted time frame. While 4 to 6 weeks may suffice for announcing the election, calling for nominations, mailing ballots and holding the election, more time will be needed to prepare these things before the announcement date.

A general timeline, in approximate order, would go like this:

- General and specific steps for the election and time required are calculated
- The Board sets the Annual Meeting date, sufficiently far in advance to cover all steps
- Nomination and Election Committees are set and commissioned by the Board
- Nomination and Election Committees prepare a detailed plan for the election including announcements, materials, advertising, budget and criteria for phases of the election
- Board announces the election at least 30 days before the election (required by law) and at least 30 days before the Annual Meeting
- Call for Nominations is published with requirements for nominees/candidates. Call includes specific information about the school, the Board, board seats available and who can be nominated/candidates, what the Nominating Committee is looking for in quality candidates
- Schedule and deliver reminder announcements to prepare voters for the election
- Nominating Committee interviews nominees/candidates
- Nominating Committee creates a list of candidates to match available seats.
- Nominees submit information sheets, to be distributed to voters
- Nomination and Election Committees prepare all election materials
- Election Committee launches election plan including:
  - o Date to mail ballot packets
  - o Printing ballot packet materials
  - o Preparing ballot locations and boxes, train ballot box guardians
  - o Holding candidates' presentation meeting
  - o Preparing election judges (election committee could fill this function)
  - o Providing reminders to voters
  - o Preparing in-school voting space and materials (optional)
  - o Preparing lists of eligible voters for check-off

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- Specifying election days and process for receiving ballots
- Defining how election Judges count ballots – private and secure
- Defining how ballots will be secured and an election results report created
- Board determines timing of announcement of election results (good practice may be to present Election Report and results to Board at Annual Meeting, with the announcement of results to the school and parents to follow Annual Meeting)
- Board acts on the election results, and publishes action to the school and stakeholders including the MN Dept. of Education and the school’s authorizer. (Election results and updated roster must be submitted within ten business days of the election to MDE via mail or email to mde.school-choice@state.mn.us; the roster is to include names of all Board members and members-elect, identification of officers, affiliations, terms of office and contact information.)

**D. The Annual Meeting**

A charter school Board’s Annual Meeting is the once yearly meeting where new members are instated onto the Board and the Board elects its officers: a Chair, Vice-Chair, Secretary, and Finance Chair. A Board’s Bylaws typically spell out the offices to be held, the general timeline, and the composition of the Board.

**E. Roles and Responsibilities of a Board Member**

Many organizations, public and private, have boards as governing bodies. Minnesota charter schools are governed by boards which serve essentially the same functions as the boards of local school districts. They make policy for the school, ensure that the school is meeting its legal and contractual responsibilities, and provide long-term and oversight leadership. Given the much smaller scale of charter schools, their governing boards are much closer to day-to-day school operations than are "regular" school boards. Nevertheless, it is important to keep in mind that the Board’s responsibility is governance, not management. The Board makes decisions about what the organization will do; how these decisions will be carried out is the responsibility of the school director and staff.

Charter schools are legally organized as nonprofit corporations, the boards of which have specific duties under the law. Nonprofit boards have three essential duties:

\* The duty of care, which means actively participating and conscientiously carrying out your responsibilities as a board member for the good of the school. All members are expected to prepare for and attend Board meetings, which typically occur at least once every two months. The Board may form committees, which meet and carry out work between Board meetings according to the purpose and authority given the committee by the Board.

\* The duty of loyalty. In a larger sense, the duty of loyalty means putting what is best for the organization as a whole above your own interest or the interests of a group within the school. As a charter school Board member you must do your best to separate your role as a decision maker from



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other roles you may have with the school, as teacher, other employee, parent or community member. This means members must avoid conflicts of interest. Conflict of interest can involve voting on a contract in which a member has a personal material interest, e.g. a Board member's spouse owns an Internet company which is bidding to provide service to the school. Note the new definitions of conflict of interest in MN law. These extend a conflict of interest in a number of ways.

\* The duty of obedience, to the law and to the organization's governing documents. Board members should be familiar with the mission of the school, its charter proposal, and its contract with the authorizer. The Board provides leadership, but the purpose and essential aims of the school are laid out in the governing documents and should not be changed without careful deliberation and counsel. A major change of direction might require revising the contract with the charter authorizer. Refer to statutes 124D.10 and 317A.

The school board, acting as a body, is legally and functionally responsible for the school. Keep in mind that you can exercise your powers as a board member only through board action. Board members are responsible for supporting Board decisions, once they are made, even if individuals personally disagree with decisions. Decision making is team-oriented, so each individual must understand how to "fit" and function together on that team.

Serving on a Board is a great opportunity as well as a major responsibility. You will gain more insight into the operation of your school, have the opportunity to meet and work with others who are deeply committed to the school's success, and will be able to make an important contribution to the success of your school.

## **II. Board Composition and Voting Process**

### **A. Number, Eligibility, and Length of Terms**

Urban Academy's Board of Directors consists of eleven members: seven community supporters, two parents, one teacher, and one other staff member. Members of Urban Academy's Board serve three-year terms, with election staggered to ensure continuity. By law, changes to the composition of the Board must be approved by a majority of the school's licensed teachers and Board members; and by the school's Authorizer (M.S. 124D.10, subd 4g).

Board officer positions are for one year and those positions are elected at the Annual Board Meeting held each fall at the instatement of the newly elected Board members.

### **B. Voter Eligibility, Roster and Ballot Packet**

The Minnesota charter school statute provides that:

Staff members employed at the school, including teachers providing instruction under a contract with a cooperative, and all parents or legal guardians of children enrolled in the school are the voters eligible to elect the members of the school's board of directors.

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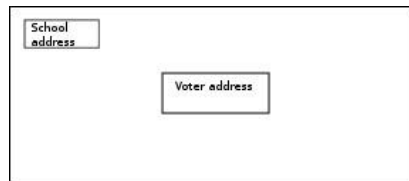
Using the school’s student and staff information data, a master voting roster list and a set of labels representing each parent and staff member is generated.

Two envelopes and ballot materials are needed: One larger envelope sufficient to hold all ballot materials; a smaller ballot return envelope (has the school return address on the front and voter-certification label on the back); ballots; and information on the school board, voting procedures and candidate information.

All materials, ballot/s and return envelopes are sent in the larger envelope. The ballot/s are returned in the smaller sealed return envelope. Ballot/s should be sized to easily fit within the smaller envelope. Provide one voter certification label for each ballot. A #10 envelope is sufficiently large to hold all materials. A #6-1/4 envelope (3.5" x 6") easily holds a ½ sheet ballot folded in thirds. A larger ballot may require a larger envelope.

Labels needed:

For #10 envelopes: Address label for intended eligible residence or on staff (staff mail box).



voter/s at a

For #6-1/4 envelopes: Address label for school either as a label or envelope. Return address for eligible voters at a residence with voters’ names visible. The return label is placed on the flap of a #6- with the school’s address on the front of the envelope. This smaller stamped and mailed or taken to the school.



printed on the eligible 1/4 envelope envelope is

Specific sheets to include in this packet are:

- Voter certification labels according to the number of eligible voters at the address;
- Voting instruction sheet and information on the School, School Board and Board membership;
- Sheet/s with candidate information and picture (if available) – information should be limited to 150 words

### C. Voting-Balloting Process

Eligible voters can vote in two ways: mail in the ballot or come to the school and turn in the ballot into a ballot box. All ballots mailed in should be protected by being sealed in an envelope. Only one voter tally master roster is maintained. This is created from the parent and student data, also used to generate envelope labels. If more than one location for a ballot box exists, the master roster must be copied at the beginning of each voting day to create working lists. Working lists or the master roster are kept and updated by the ballot guardian/s. At least by the end of every voting day all working lists are turned in to the election master and these are used to update the master tally roster so that one complete record is kept. Before ballots are received the next day, the updated master roster is again copied to create working lists. This procedure reduces the risk of duplicate records of individuals submitting ballots.

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Voters are instructed to choose their candidate for each available board director seat as presented on the ballot. Room is provided on the ballot for write in votes. Upon marking the ballot the voter then initials the voter certification label. All ballots are placed in the return envelope, sealed and mark across the edge of the sealed flap

When the voting envelope is returned to the school:

1. One Election Committee person notes the name on the voter certification label, opens the envelope and removes the ballot. The name from the voter certification label is checked off of on the working or master voting roster
2. Ballots are placed in a locked ballot box. Envelopes are placed in a second protected box (retained for voter certification labels).
3. The labeled envelope is kept until the election has been verified.
4. When all ballots have been cast or the end of voting time is reached all ballots are delivered to election judges. These people tally votes and verify accuracy.
5. The election committee once satisfied with tallied votes, the number of which coincide with the labeled envelopes and master voting roster, creates an Election Report from the results. They present the results to the Board for certification.
6. The Board should be notified of the election results before they are made public or published,
7. The Board may certify the election, through the election committee, and invite the new members to the Annual Meeting where they will be instated on the Board.
8. The Annual Meeting will determine the officers of the Board for the coming year.

### III. Sample Forms

#### A. Current Board List

**Note:** The table below has been filled in to reflect Urban Academy Charter School's current Board status as of [date].

Name/position	Dates of term	Notes

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## B. Letter to Parents and Staff Regarding Board Elections

[date]

To: Parents and Staff

From: Urban Academy School Board Election Committee

Re: Board election

**There will be an election this month for members of the Urban Academy Charter School governing board!** Current Board members' terms expire this fall: *[name the members and their seat]*. New members will be elected to three-year terms beginning [fill in month & year].

Minnesota law requires that charter school Boards include at least five members who are not related. Members must include at least one of the school's licensed teachers; a parent or legal guardian of a student enrolled at the school; and an interested community member. Our School Board will have *[fill in details re Board composition]*. This is the Board that governs and oversees the school. The election will be held on *[fill in month and day]*. All eligible staff and parents are free to vote to determine the new board members. You are eligible according to our records. If for some reason this is not true, please contact the school office.

**This notice describes the procedure for nominating yourself or others as candidates for election to the School Board.**

The position of School Board member is an important responsibility. The School Board sets direction for the school, makes decisions about the program, budget, staffing and policies for the school. School Board members must attend meetings that will be held at times the Board will establish that are convenient for its members, probably early evenings. It is at and only at these meetings that Board action is accomplished. Members are expected to learn how to constructively contribute to board actions, become knowledgeable about the school and governance responsibilities. They are expected to vote their conscience for the good of the school, taking into account their knowledge of the school, the current situation, and the school's mission, which is ***to work in partnership with urban parents to provide an opportunity for every child to meet or exceed their individual potential in basic academic and life skills by utilizing research proven methods in a safe, structured and respectful community.*** Training is provided for Board members to become better informed about charter school governance and board responsibilities.

If you wish to nominate yourself or another person, please complete the attached form. If nominating another person, obtain that person's permission and have them complete the information about themselves. **The deadline for returning the nomination form to the school office is [fill in date].** Each candidate will be able to prepare a more carefully written statement for use with the ballots. A

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Candidate Information Session may be scheduled for eligible voters to learn more about the candidates.

By **[fill in date]**, a ballot and packet will be sent to parents and staff with the names and backgrounds of candidates. Each parent and/or guardian and staff member will get one vote. Ballots must be received in the office at 133 East 7<sup>th</sup> Street, St. Paul 55101 by **[fill in date and time]**. Ballots will be received starting **[fill in date]**. You may mail your ballot/s or deliver them to **[state exact location of ballot guardian]**. Please carefully follow directions included in the ballot packet for filling out, sealing and returning the ballot/s.

Following the election, the top vote candidates in each category will be seated on the Board. The term of office is three years.

If you have questions, please call the school at [fill in number] or [fill in other contact person, if any]

The Election Committee is:

[fill in names of election committee members].

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**C. Nomination Form**

[fill in date]

To: Parents and Staff

Re: **Nomination to the School Board**

If you wish to nominate yourself or another person (a staff member, parent or community member), please complete this form. If nominating another person, obtain that person’s permission and have them complete the information about themselves. Parent candidates must have a child in the school. **The deadline for returning the nomination form to the school office is [date].**

By **[date]**, a ballot will be sent to parents and staff with the names and backgrounds of candidates. Parents and staff will vote for open positions. Following the election, the top vote candidates will be seated on the Board.

You can make copies of this form or obtain copies from the school office. If you have questions, call the Election Committee [note election committee contact person and how to contact him or her] or [school director + their contact info].

I wish to nominate the following person as a candidate for the Urban Academy Charter School Board:

Name \_\_\_\_\_ Tel. \_\_\_\_\_

Address \_\_\_\_\_

Nominated as staff, parent, or community member? \_\_\_\_\_

Please include a statement about yourself that will appear on the ballot. Limit of 50 words. You might wish to comment on your reason for running or ideas you have for the school.

**Return to 133 East 7<sup>th</sup> Street, St. Paul 55101 by fill in date]**

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**D. Board Election Ballot**

Urban Academy Charter School

**[year] Ballot for School Board Election**

Seven community supporters, two parents, one teacher, and one other staff member will serve on the Board of Directors for Urban Academy Charter School.

**Please vote for up to [fill in specifics depending on number of positions open in the different categories].** Mark your choices with an **X** and return the ballot to the school in the enclosed return envelope **by [fill in date and time]**. Your vote remains confidential. The Voter Certification label is used only to assure the legitimacy of the vote.

First meeting of the newly constituted board is on [fill in date & time]. See the enclosed sheet for information on candidates.

<b>Community Supporters (Vote for [specify number])</b>	<b>Parents (Vote for [specify #])</b>
_____	_____
_____	_____
_____	_____
_____ write-in for _____	_____ write-in for _____
<b>Teachers (Vote for [specify #])</b>	<b>Other Staff (Vote for [specify #])</b>
_____	_____
_____	_____
_____	_____
_____ write-in for _____	_____ write-in for _____