

Developing Bylaws and Conflict of Interest Policies for Charter Schools

Questions and Answers

- 1. SUNY trustees file annual reports with CSI. Does that fulfill annual conflict report requirement?**

If that annual report covers the items that are required under the conflict provisions of the NPCL, then yes. There is no required format.

- 2. How often does an Authorizer receive amendments of a school's bylaws? Is it recommended to submit such amendment right before a Charter renewal or does that raise a red flag?**

There's no particular number or frequency of amendments that an Authorizer receives. Amending Bylaws right before a Charter renewal should not raise red flags; if anything, it's good to stay on top of things and get your Bylaws right before going into a Charter renewal.

- 3. Can the school leader be labeled an ex-officio of the board? Is that considered serving as a "member"?
Can school leaders be on the Board as non-voting members?**

As a general matter, school leaders should not serve on charter school boards. The GML prohibits participation of teachers and school leaders on charter school boards for conflict purposes. The prohibited conflict occurs when his or her employment contract comes up for renewal. At that time, the school leader or teacher would be required to either step down from the board or resign his or her employment with the school. While you could find a technical way around this, not only would it be complicated, but it is not recommended as a best practice.

An ex-officio member of the Board would be considered a Board member, so a school leader should not be appointed as an ex-officio member of the Board. Since a school leader can attend Board meetings, regardless of whether or not he or she is a trustee, having that person as a non-voting member of the Board does not serve much purpose and is not recommended.

- 4. Can a School Consultant be on the Board?**

If the consultant is an employee of the School, then no, that consultant should not serve on the Board. Boards should refer to their conflict of interest policies and check with their authorizer if there are any questions about who can be a trustee.