

KROKIDAS & BLUESTEIN

ATTORNEYS

CLIENT ALERT

"BACK TO SCHOOL" REMINDER:

SCHOOL COUNCILS

With the start of the school year for many new charter schools, principals should be reminded that charter schools are required by state law to create school councils. A school council is a body comprised of parents, teachers and community leaders for the purpose of providing advice to the school's principal. The school's principal is responsible for forming and convening the school council.

What Charter School Principals Should Know:

The basic statutory requirements are summarized below:

- **Membership** - The school council must include the following individuals:
 - The Principal, who serves as co-chair with an elected co-chair;
 - Parents of students attending the school, who are either elected by the parent teacher organization (PTO) or, if there is no PTO, chosen by a representative process approved by the charter school board of trustees.
Note: A Horace Mann Charter School should confirm that its charter and MOU do not require school committee or superintendent approval of the representative process for the school council;
 - Teachers selected by the teachers at the school;
 - Other members of the community, such as members of municipal government, business and labor organizations, colleges and universities, human services agencies, or school-age child care programs; and
 - For high schools only, at least one student of the school.
- **Composition** - The principal is generally responsible for setting the size and defining the composition of the school council. However, there are a few statutory limits on his or her authority:
 - Approved Process – The principal must develop a representative process for determining the members of the school council (which process must be

approved by the board of trustees of the charter school). *(Please see Note above regarding Horace Mann Charter Schools);*

- **Parent Representation** - The number of parents on the school council must equal the number of teachers on the school council plus the principal;
 - **Limit on Non-School Members** - No more than 50% of the members of the school council can be “non-school members” (i.e. members who are not parents, teachers, students or staff at the school); and
 - **Diversity** - The membership of the school council “should be broadly representative of the racial and ethnic diversity of the school building and community.”
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- **Timing and Frequency of Meetings** - The principal must convene the first meeting of the school council for the school year no later than *forty (40) days* after the first day of school. After that, the school council should meet regularly.
 - **Open Meeting Law** - Meetings of the school council are subject to the state Open Meeting Law requirements (M.G.L. c. 30A, § 18-25).
 - **Role** - The school council generally provides advice to the principal. In particular, the school council is asked to undertake the following:
 - Help identify the educational needs of the students at the school;
 - Make recommendations to the principal regarding the development, implementation and assessment of the curriculum accommodation plan;
 - Assist in the review of the annual school budget;
 - Assist in the formulation of a school improvement plan; and
 - For high schools, consult with the principal in connection with the preparation of the student handbook, and review the student handbook each spring to consider changes in disciplinary policy that will take effect in September of the following school year.

The Department of Elementary & Secondary Education has provided some additional guidance on establishing and operating school councils. While some of this guidance reflects a prior version of the statute (in particular, guidance relating to the school improvement plan) and the guidance is not targeted to charter schools, it may assist school principals in establishing membership categories and processes for determining membership:

<http://www.doe.mass.edu/lawsregs/advisory/schoolcouncils/default.html>

A copy of M.G.L.c. 71, §59C is located at:

<http://www.malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section59C>

Please contact Attorney Elka Sachs (esachs@kb-law.com) or Attorney Sheryl Howard (showard@kb-law.com) with any questions.