

# Board Agreement

## New Summit Charter Academy Policies and Procedures

**Policy Name** *Board Agreement*

**Policy Number** *BC-NSCA (incorporates BFA-NSCA)*

**Original Date** *March 9, 2019*

**Last Reviewed**

**Category** *Board*

**Author** *Executive Director*

**Approval** *NSCA Board of Directors*

## POLICY REVISION HISTORY

| Date           | Revision Details   | Revised By         |
|----------------|--|--------------------|
| March 9, 2019  | Drafted proposed agreement.<br>Reviewed proposed agreement in regular Board Meeting.                       | Executive Director |
| April 3, 2019  | Revised agreement based on discussion from 3-9-19 Board Meeting. Reviewed changes with Board of Directors. | Executive Director |
| April 23, 2021 | Revised agreement formatting to reflect new school letter  | Board Secretary    |

## BOARD AGREEMENT

*(Governing Style, Continuous Improvement, Code of Conduct, Compliance)*

1. The Board Agreement is a document that each NSCA Board Director will sign at the beginning of the August Board meeting when the newly elected Board Directors assume their official duties.
2. The Board Agreement outlines the Board's Code of Conduct that commits its Directors to ethical, moral, businesslike, and lawful conduct, including proper use of authority and appropriate decorum.
3. Additionally, the Board's governance style emphasizes the Board's willingness to cultivate a sense of group responsibility as well as its continued growth and self-regulation.
4. A signed copy of the Board Agreement will be included in the August minutes.
5. A copy of the Board Agreement and Bylaws will be included in election packages of potential Board candidates. Board candidates are expected to live up to the expectations outlined in the Board Agreement during the election or appointment process.
6. Once elected or appointed, newly elected Board Directors are expected to abide by the Board Agreement, but will not formally sign the agreement until August when their official duties begin.

## Attachments

1. Board Annual Evaluation Process
2. Board Annual Evaluation Form
3. Board Affidavit for Executive Sessions

4. Discipline or Removal of a Board Director

5. School Social Contract/Vision, Purpose, Mission statements and Core Principles

## BOARD AGREEMENT

Directors of the NSCA Board will have a firm commitment to the charter school philosophies and we believe statements that were developed by the founding board of New Summit Charter Academy, these include:

- ☐ We believe that the parents are primarily responsible for the education of the child, and that public schools are responsible to give viable choices to parents to assist in that endeavor.
- ☐ We believe that all children are able to learn, and deserve a positive caring environment to do it in, regardless of race, creed, color or religion.
- ☐ We believe that success in education comes from raising what is expected of students, parents and schools, not lowering it.
- ☐ We believe that early detection and remedy of learning difficulties is ultimately more cost effective and provides the best hope of success for children.
- ☐ We believe the ability to read and understand the English language is fundamental to success in our modern society.
- ☐ We believe that a sound knowledge of science and mathematics is essential to maintaining and restoring America's place in the world as innovator and inventor, and instilling this in children is the best possible defense against economic decay in our country.
- ☐ We believe that a lifelong pursuit of knowledge is crucial to success in this rapidly changing world that we live in, and that teaching children to love to learn is critical to causing that to happen.
- ☐ We believe that parent's economic circumstances should not preclude the ability to choose high quality education for their children.

The Board recognizes that it being a school that focuses on creating a culture that believes in a love of learning requires a strong relational capacity with the stakeholders and in doing so agrees to the schools Social Contract as an agreement of behavior in how we treat each other in the school. The Board of Directors also agrees to follow, a communication model that focuses on clarity and understanding for all stakeholders.

The Board Members will ensure that New Summit Charter Academy will abide to follow and instruct the students in the original intent of the United States Constitution and the Declaration of Independence.

The original intent is defined as:

1. The US Constitution used the Declaration of Independence as a template. At its core, the belief that the "Natural Rights", Life, Liberty and the Pursuit of Happiness are rights given to us by our creator and must be protected at all costs.
2. The only legitimate government is government by consent of the governed.
3. The government is limited in purpose and power as described in the enumerated powers.
4. The United States Constitution defines the essentials of our economy.

Board Members will ensure that candidates for open board positions will actively support the above definition of the original intent of the United States Constitution.

The Board's purpose is to ensure the implementation of the Vision, Purpose, and Mission of NSCA through its Strategic Plan. Furthermore, Directors shall foster positive relationships with other Directors, school personnel, the school community and the community at large, oversee the financial stability of NSCA, and deal with school related issues as prescribed in the Bylaws.

## BOARD GOVERNING STYLE

The Board will govern with an emphasis on:

1. Outward vision rather than internal preoccupation;
2. Consideration of diversity of viewpoints;
3. Strategic leadership more than administrative detail;
4. Clear distinction between Board Governance and administrative management roles;
5. Collective rather than individual decisions;
6. Future rather than past or present; and
7. Proactivity rather than reactivity.
8. Solution Oriented

The Board will govern with the NSCA Core Principles, NSCA Bylaws, and Charter Agreement with ASD20, policies, and NSCA's Strategic Plan with which the NSCA Board will communicate its vision with one voice.

The Board will cultivate a sense of group responsibility. The Board, not the staff, will be responsible for excellence in governing. The Board will be the initiator of policy, not merely a reactor to staff initiatives. The Board will use the expertise of individual Directors to enhance the ability of the Board as a body rather than to substitute individual judgments for the Board's values. The Board will allow no officer, individual, or committee of the Board to hinder or be an excuse for not fulfilling Board commitments.

The Board will establish and monitor carefully written Board policies reflecting the Board's values

and perspectives about ends to be achieved and means to be avoided.

The Board will operate under the following principles:

1. Only majority votes of the NSCA Board constitute binding instructions to NSCA Staff.
2. The NSCA Board will not take any action on any matter until the President has had an opportunity to resolve the same matter.
3. The NSCA Board will follow a Governance Model of leadership and not a Co-Management Model. In general, this Governance Model means that NSCA staff will decide how Board directed objectives and instructions will be accomplished and the Board will evaluate how well they are being accomplished. We recognize that exceptions to the Governance Model have already been made and accepted in our Core Principles document via a thorough collaborative process between the Board and Staff. The Governance Model does not exclude such collaborative exceptions.

## CONTINUOUS IMPROVEMENT

Continual Board development will include orientation of new Board Directors in the Board's governance process and the completion of the Charter School Board Director Online Training Modules.

Each year the Board will conduct a self-assessment to determine its effectiveness in implementing the vision and performing its other responsibilities. Further, the Board Training Committee may conduct a needs assessment to determine which topics the Board needs additional training and will schedule resources (workshops, books, etc.) to meet those training needs. Information garnered from the self-assessment may be incorporated into the Board's Strategic Plan, Board Policy, or in any manner deemed appropriate by the Board.

## BOARD CODE OF CONDUCT

The Board commits its Directors to ethical, moral, businesslike, and lawful conduct, including proper use of authority and appropriate decorum. Board Directors and Directors elect shall exemplify integrity, honesty and respect and shall abide by this policy. Candidates for the Board, during the campaigning and or appointing period, will be held to the same standards and be expected to comply with all relevant sections of this agreement. Failure to consistently abide by this policy may result in Board discipline, Board censure, or removal of a Board Director as set forth in the Bylaws and Attachment 4 of this document.

1. Board Directors will serve the students, staff and parents of the School in accordance with its mission, charter application, Core Principles, Bylaws, School Social Contract, charter contract, policies and any other governing documents approved by the board of NSCA.
2. Board Directors will attend all scheduled Board meetings (Regular and Special) in order to be fully informed and available to vote on matters affecting NSCA. If an individual Director is

unable to regularly participate, he/she will put the needs of NSCA first and resign from the Board. If a Director misses or is late to more than four scheduled meetings within a twelve month period, the Chair will notify the Director in writing of his/her having reached this threshold and the Director will resign from the Board before the next scheduled monthly meeting.

3. If the Director is going to be physically absent from or late to a scheduled meeting he/she will make every practical effort to participate to the best of his/her ability by phone or virtually.
4. Board Directors will respect the opinion of others, listen, speak their mind, share all relevant information with the Board, and express their honest and most thoughtful opinions frankly and respectfully, in an effort to have all decisions made for the best interest of the students and the school.
5. Board Directors will make decisions based on what is best for the students and school as a whole.
6. Board Directors will be aware of the implications of their role and how it affects relationships with other school community members.
7. Board Directors shall conduct themselves in a manner that does not imply or give the perception of an advantage over other members of the school community due to board Director status.
8. Board Directors will support the Board's Conflict Resolution Policy. When receiving criticisms from parents or others in the school community, Board Directors shall refer to the conflict resolution policy and direct the critic to the appropriate party or process for resolution.
9. Board Directors will only conduct Board business in compliance with the Sunshine Laws, will vote for an executive session if the situation requires it, and will consider secret Board meetings unethical.
10. Board Directors will uphold their fiduciary duties of care, loyalty and obedience. Board Directors will exercise reasonable care as a steward of NSCA, be loyal to NSCA, not act for personal gain, be faithful and obedient to NSCA's mission. Board Directors will not use the school or any part of the school program for their own advantage or for the advantage of friends, either financial or non-financial.
11. After notifying the Board, Board Directors shall excuse themselves from the deliberation and vote of an issue for which they have an unavoidable conflict of interest.
12. Board Directors will not attempt to exercise authority over the school or speak for the Board except to repeat explicitly stated Board decisions.

13. Board Directors will make no disparaging remarks, in or out of Board meetings, about other Directors of the Board, NSCA faculty and staff, or members of the school community.
14. Board Directors will not communicate in a way that compromises the value and dignity of another person.
15. Board Directors will encourage all Directors of the Board to participate fully in Board discussion and action.
16. Board Directors will abide by, support majority decisions of the Board, past, and present.
17. Unless appropriately delegated, Board Directors will not discuss the confidential business of the Board outside of Board meetings with non-board members. Each year, Board Directors are required by Colorado statute to sign an affidavit of non-disclosure with respect to discussions occurring during Executive Sessions. Newly elected NSCA Board Directors will sign the affidavit in August.
18. Board Directors will not individually evaluate the Executive Director or staff performance outside of the formal Executive Director evaluation process defined in the evaluation policy.
19. Board Directors will carefully read all information and ask critical questions so that they are carefully informed about issues facing the Board.
20. Board Directors will not make decisions without a careful examination of all sides of an issue.
21. Board Directors will recognize their role as servant leaders and uphold the expectation for maintaining a professional demeanor at all board and school functions, whether attending as Board Directors, volunteers, or parents.
22. It is each Board Director's responsibility to set the tone for the culture of NSCA.
23. Each Board Director will make financial contributions to the organization according to his/her ability, hold high standards for parent involvement, and citizenship and character while remaining fiscally responsible to NSCA at all times.
24. Board Directors will commit to resolving conflict directly with each other or with the appropriate school personnel and not share the conflict with anyone outside of the conflict except as necessary to follow the approved conflict resolution policy of NSCA, including, but not limited to, other parents, other school personnel, or the media. Directors shall understand that resolving interpersonal issues is not an acceptable reason for the Board to move into Executive Session.

25. In our continuing effort to further Board development and training, Board Directors will be required to attend a minimum of one conference in their first two years on the Board. Board officers will be required to attend a minimum of one conference every year that they are serving as an officer of the Board. A non-officer must attend one conference in each term they serve.
26. Any Board Director who is arrested or charged with one of the following offenses must notify the Board Chair and Vice Chair within three business days and the Board Chair must notify NSCA's President immediately upon notification:
- a. Any felony offense
  - b. A misdemeanor or municipal violation involving unlawful sexual behavior
  - c. A misdemeanor or municipal violation involving children
  - d. A misdemeanor or municipal violation involving indecent exposure
  - e. A misdemeanor domestic violence, as defined in C.R.S. § 18-6-800.3 (I)
  - f. A misdemeanor sexual assault, as defined in C.R.S. § 18-3-402
  - g. A misdemeanor unlawful sexual conduct, as defined in C.R.S. § 18-3-404
  - h. A misdemeanor child abuse, as defined in C.R.S. § 18-3-401
  - i. A misdemeanor sexual exploitation of children, as defined in C.R.S. § 18-3-403 j.
  - A misdemeanor or municipal violation involving the illegal sale or possession of controlled substances, as defined by C.R.S. § 12-22-303(7)
  - k. A crime of violence, as defined by C.R.S. § 18-1.3-406
  - l. Indecent exposure, as defined by C.R.S. § 18-7-302(2)
  - m. Any felony offense in another state, the elements of which are substantially similar to the elements of the offenses described above

[Attachment 1](#)

# Board Annual Evaluation Process

New Summit Charter Academy

Board Annual Evaluation Process

## Background:

- 📄 The Board Self-Evaluation is distributed to the following participants for their responses:
  - 5 Board Members
  - 1 Executive Director
  - 1 D20 Liaison
- 📄 The Board periodically reviews and updates the questions.



- 📧 Responses to the self-evaluation are anonymous.
- 📧 The self-evaluation is sent out to participants via Google Forms.

#### Timeline of events:

- 📧 April Board Meeting: The Board reviews the questions on the self-evaluation.
  - By the end of the week, the self-evaluation is updated and sent out to the participants by e-mail (Google Forms).
  - Participants have one week to complete the survey.
  - A reminder is sent to participants who have not completed the survey.
- 📧 May Board Meeting: The Board Clerk (Admin Assistant) compiles the results and gives them to the Board for review.
- 📧 June Board Meeting: NSCA Board Chair presents an Action Plan, based upon the results of the self-evaluation, to the Board for further discussion and implementation.

#### Attachment 2

# New Summit Charter Academy Board of Directors Annual Evaluation Form

**Instructions:** Thanks for your willingness to help us with our annual board evaluation. You are a part of a process that involves the Board, Cabinet, and ASD20 Liaison. It is an effort to make sure that the NSCA Board continues to develop and learn as a group and as individuals. Your honest reflections and feedback are necessary. Please answer questions by circling the appropriate number, 1 being disagree the most and 5 being agree the most; and of course feel free to use the "don't know" for items with which you are not familiar. Then, add any comments you would like to help us better understand your answer.

Thank you again!

#### Mission/Vision/Strategic Plan

1. NSCA has well-drafted bylaws and articles

1 2 3 4 5 Don't Know Comments:

2. The Board at least annually reviews the Strategic Plan to ensure compliance and consider changes

1 2 3 4 5 Don't Know Comments:

3. The NSCA Board effectively promotes the unique culture of NSCA 1 2 3 4 5 Don't Know Comments:

4. NSCA Board Members' decision making is based on the Vision, Purpose, and Mission of NSCA

1 2 3 4 5 Don't Know Comments:

## Educational/Instructional Philosophy

5. NSCA's instructional programs are in alignment with state requirements an terms of the charter

1 2 3 4 5 Don't Know Comments:

6. Board Members understand the educational mission of NSCA and keep abreast of new developments in curriculum and instruction

1 2 3 4 5 Don't Know Comments:

## Relationship with Executive Director

7. The Board has developed a comprehensive job description for the Executive Director

1 2 3 4 5 Don't Know Comments:

8. The Board develops reasonable performance goals/targets and evaluates the Executive Director each year

1 2 3 4 5 Don't Know Comments:

9. The Board develops confidence and trust with the Executive Director by inviting on going communication and feedback between the Executive Director and Board 1 2 3 4

5 Don't Know Comments:

10. The Board has a clear understanding with the Executive Director regarding where Board responsibilities end and staff responsibilities begin

1 2 3 4 5 Don't Know Comments:

## Board Meetings

11. The Board's monthly agenda is focused on NSCA's Vision, Mission, and Core Principles

1 2 3 4 5 Don't Know Comments:

12. Board meetings are well planned with clear focus on appropriate policy and action items

1 2 3 4 5 Don't Know Comments:

13. Meeting agendas, read-aheads, and minutes are completed and distributed in a timely manner

1 2 3 4 5 Don't Know Comments:

14. Meets are conducted pursuant to common ground rules (e.g. Roberts Rules) and relevant state statutes (Sunshine Laws; calls to Executive Session, etc.) 1 2 3 4 5 Don't Know Comments:

15. The Board Chair is a strong, capable meeting facilitator

1 2 3 4 5 Don't Know Comments:

## Board Development

16. New Board Members are properly trained prior to being seated 1 2 3 4 5 Don't Know Comments:

17. The NSCA Board models the value of professional development and continuous improvement by regular Board training

1 2 3 4 5 Don't Know Comments:

18. NSCA Board Members understand their legal and ethical responsibilities (duty of care/loyalty, conflict of interest, etc.)

1 2 3 4 5 Don't Know Comments:

19. Board Members take leadership in developing a school-wide effort to find, persuade, and develop its most capable candidates for Board election/service 1 2 3 4 5 Don't Know Comments:

## Board Agreement/Personal Qualities

20. The Board has a process for addressing ineffective, disruptive, or absentee Board Members

1 2 3 4 5 Don't Know Comments:

21. Board Members demonstrate an ability to think independently, to grow in knowledge, to rely on fact rather than prejudice, and a willingness to hear and consider all sides of a controversial question

1 2 3 4 5 Don't Know

Comments:

22. Board members demonstrate respect for each other and administrators interpersonally, including communicating openly and inviting opinion/information as a team

1 2 3 4 5 Don't Know

Comments:

23. Board members have complied with confidentiality provisions of Colorado law and the NSCA Board Agreement by not discussing personnel matters, individual students, or negotiations inappropriately

1 2 3 4 5 Don't Know

Comments:

24. Board Members have refrained from abusing their authority while acting as parent or volunteer

1 2 3 4 5 Don't Know Comments:

## Policy Review/Development

25. Board committees have a clear scope of responsibilities and charges 1 2 3 4 5 Don't

Know Comments:

26. The Board correctly applies the practices and principles of its conflict resolution policy

1 2 3 4 5 Don't Know Comments:

27. The Board has a policy and/or procedures to solicit feedback from parents, teachers, and staff

1 2 3 4 5 Don't Know Comments:

## Financial Accountability

28. The NSCA Board fulfills their fiduciary responsibilities to understand the school's financial operations and make informed, wise financial decisions on behalf of NSCA 1 2 3 4 5 Don't Know Comments:

29. The Board has adopted a comprehensive set of fiscal management and control policies

1 2 3 4 5 Don't Know Comments:

30. The Board adopts an annual budget that maximizes NSCA's resources in support of the Mission and Vision, and monitors the budget throughout the year

1 2 3 4 5 Don't Know Comments:

31. The Board contracts with an independent auditor each year, reviews the audit

report, and takes any needed follow-up action

1 2 3 4 5 Don't Know Comments:

*The Following questions are for Board members only:*

32. The Board values differences of opinion and does not let differences degenerate into personality conflicts

1 2 3 4 5 Don't Know Comments:

33. During Executive Sessions, the Board is careful to discuss only topics agreed to in the agenda

1 2 3 4 5 Don't Know Comments:

34. Board members ensure that anything discussed during Executive Sessions are not discussed elsewhere

1 2 3 4 5 Don't Know Comments:

35. Each Board Member feels comfortable to express their viewpoints during meetings 1 2 3

4 5 Don't Know Comments:

36. As a Board Member, I read all read-aheads before meetings

1 2 3 4 5 Don't Know Comments:

37. As a Board Member, I support Board decisions even if I personally oppose them 1 2 3 4

5 Don't Know Comments:

39. As a Board Member, I visit the school regularly

1 2 3 4 5 Don't Know Comments:

Attachment 3

# Board Affidavit for Executive Session

STATE OF COLORADO )

) SS.

COUNTY OF EL PASO )

## AFFIDAVIT

I,\_, being first duly sworn, do state and affirm the following: 1. I am a member of the Board of Directors of New Summit Charter Academy. 2. I am aware of and will comply with the confidentiality requirements and restrictions applicable to executive sessions of the Board as described in C.R.S. 24-6-402. 3. I will comply with these confidentiality requirements regardless of whether I participate in executive session in person or electronically in accordance with board policy.

By:

Subscribed and sworn to before me this day of\_, 201\_, by .

Witness my hand and official seal.

By:

Notary Public



My Commission Expires:

(SEAL)

*Attachment 4*

# Discipline or Removal of a Board Director

## DISCIPLINE OR REMOVAL OF A BOARD DIRECTOR

This process is intended to provide the mechanism by which the Board of Directors, acting as a whole, can discipline any of its Directors who violate state or federal laws applicable to school, or for violation of the numbered Codes of Conduct, other sections of the Board Agreement, NSCA policies, or the "overall intent" of the Board Agreement.

Notwithstanding any other provisions of state law or NSCA Governing documents, the Board explicitly acknowledges, regardless of Directorship by community election or appointment, its Directors are subject to removal, censure, or disciplinary procedures.

The following conditions will apply in the event of a complaint of misconduct:

1. Any such discourse must be held in public session via a scheduled Board Meeting or Special Meeting, with the conflicted Director present.
2. Voting Directors are required to declare any conflicts of interest in relation to the disciplinary proceedings.
3. Violations presented can include references to numbered Codes of Conduct, other sections of the Board Agreement, NSCA policies, or due to a Director's violation to the "overall intent" of the Board Agreement.
4. Votes are to be held separately for each specific violation (motion, discussion, vote).
5. Conflicted Directors (those subject to discipline or those with a conflict of interest) will not be allowed to vote.

## PROCESS

Upon completion of the presentation of each specific violation, the following process will be followed:

### Removal:

1. The Board will entertain a motion for removal of the Director.
2. If the motion carries, the Director is immediately removed from the Board.

### Censure:

1. If the motion for removal does not carry, the Board will entertain a motion for censure of the Director.
2. If the motion carries, the Chair (or Vice-Chair in the event the Chair is being censured) will publicly address the censured Director by name and issue the disapproval of the Director's conduct.

### Discipline:

1. If the Director has not been removed, and regardless of censure, the Board will next entertain a motion for disciplinary action as authorized by policy or NSCA Bylaws.
2. If the motion carries, the consequence\* is immediately enforced.

*\*Additional motions may be made to resolve the effects of those consequences (i.e., re-election of an officer, committee reassignment, etc.).*

## COMPLIANCE

The Board will enforce upon itself whatever discipline is needed to govern with excellence. Discipline will apply to matters such as attendance, preparation, respect of roles, and ensuring continuance of governing capability.

## CONFLICT OF INTEREST NOTIFICATION

Board Directors will describe below any relationships, transactions, positions they hold (volunteer or otherwise), or circumstances that they believe could contribute to a potential conflict of interest between New Summit Charter Academy and your personal interests, financial or otherwise (If none, please state, "none").

### SIGNATURES

Board Directors will adhere to the provisions of this agreement as evidenced by the annual signature of each director as signed below:

| Board Signatures | Date | Conflict of Interest Notification |
|------------------|------|-----------------------------------|
|------------------|------|-----------------------------------|

Approved