

ORGANIZATIONAL PERFORMANCE FRAMEWORK & GUIDANCE

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INTRODUCTION

The Washington State Charter School Commission (Commission) Organizational Performance Framework (OPF) was developed by NACSA in collaboration with the Commission. The starting point for the draft was NACSA's Core Organizational Performance Framework (OPF), which is based on NACSA's Principles & Standards and experience from the field (RCW 28A710.170). NACSA reviewed publically available information related to Washington State charter law to align NACSA's Core OPF with Washington's laws, rules, regulations, and the charter contract.

The purpose of the OPF is to communicate to the charter schools and public compliance-related standards that all charter schools authorized by the Commission must meet. The OPF lists the standards which align to state and federal laws, rules, regulations, and the charter contract that charter schools are required to meet.

The Commission's OPF is intended to lay out the legal requirements for charter schools. It is designed to treat all charter schools as though they are the same only in terms of meeting minimum legal and ethical requirements. This performance assessment enables charter schools to retain the flexibility and autonomy to be different in the ways that matter most for a school's mission, vision, and educational program. The expectations set out in the OPF derive from state and federal law as well as the operating terms in the charter contract. Of the three frameworks, the OPF is most closely aligned with the charter contract in terms of documenting operational expectations such as special education, accounting practices, reporting requirements, and the like.

One of the Commission's core responsibilities concerning charter schools is to protect the public interest, and the OPF is the primary lever for carrying out this responsibility. It enables the Commission to ensure that charter schools are respecting rights of students, staff, and families within the schools as well as the interests of the general public in ensuring that charter schools meet the legal obligations that state and federal legislatures have determined should apply.

The central premise of charter school autonomy is that the Commission will articulate the expected outcomes, and the school will have maximum flexibility to determine the best way to achieve those outcomes. In other words, the Commission articulates the ends, and the school decides the means of getting there. Whereas the academic and financial performance frameworks focus almost exclusively on results, the OPF inevitably mandates process. Whether it is meeting requirements for minimum instructional days and minutes or ensuring that the facility meets applicable health and safety codes, the OPF is the place where the school becomes externally accountable for how it operates.

The Commission intends to maximize school operational autonomy by articulating the base set of state and federal laws, rules and regulations about legal, operational and ethical expectations that are common to all public schools. Everything else related to school operations can remain within the school's purview to manage, control and change as school leadership sees fit.

The OPF is not intended to incorporate the Commission's process for monitoring and holding schools accountable against these requirements. The Organizational Framework establishes the standards; the Commission's evaluation/review process is a secondary process that stipulates reporting and compliance review procedures.

The Commission developed an evaluation/review process that determines whether the school is meeting each expectation and how best to evaluate the school's overall organizational effectiveness. Some measures in the Organizational Performance Framework require periodic monitoring to ensure compliance, while others will be analyzed annually during site visits. There are several ways the Commission will collect data to evaluate a charter school's organizational performance and effectiveness to determine a school's rating on each measure as well as a rating for the framework as a whole.

Additionally, while the Commission provides oversight to charter schools, many of the state and federal program compliance requirements will be monitored and/or audited by the Office of Superintendent of Public Instruction (OSPI) and the State Auditor's Office (SAO) program staff. Charter schools will be required to submit to the Commission, OSPI and SAO program review and audit reports so that all agencies may work in collaboration regarding state and federal compliance.

This guidance document does guide possible monitoring and data collection activities based on NACSA's Principles & Standards and the experiences of other authorizers nationwide, though the Commission has developed a monitoring process to determine compliance with all benchmarks.

FRAMEWORK STRUCTURE

The OPF is divided into indicators, measures, metrics, and ratings, which are explained below.

Indicators

The framework includes six indicators or categories used to evaluate the school's organizational performance and compliance.

1. Education Program

The Education Program section assesses the school's adherence to the material terms of its proposed education program. As a legal term, something is "material" if it is relevant and significant. For purposes of defining educational program accountability, the Commission may consider whether the information would be relevant and significant to decisions about whether to renew, non-renew, or revoke a charter. In addition to capturing material terms of the education program, this section also captures certain aspects of an education program that are required by law (e.g., content standards, assessments, special education requirements, etc.).

2. Financial Management and Oversight

While the Financial Performance Framework is used to analyze the school's financial performance, the Commission uses this section of the OPF to set expectations for the school's management and oversight of its finances, without regard to financial performance. Audit results and audit findings are critical sources of evidence when evaluating schools against this indicator.

3. Governance and Reporting

A charter school must practice sound governance and adhere to reporting requirements of the Commission and other responsible entities. In this section, the Commission sets forth expectations of the charter board's compliance with governance-related laws as well as the board's bylaws and policies. Additionally, this indicator includes a measure to evaluate the extent to which the board oversees the individuals or organizations to which it delegates the duties of implementing the program, a fiduciary responsibility of the board.

4. Students, Parents, and Employees

While charter schools may be exempt from certain laws and allowed to function with greater autonomy, they still must adhere to federal and state laws regarding the treatment of individuals within the organization. In this section, the Commission measures charter school compliance with a variety of laws related to students, parents, and employees, including the

rights of students, parents, and employees as well as operational requirements such as teacher licensing and background checks.

5. **School Environment**

Charter schools must also follow laws related to the school's physical plant and the health and safety of students and the charter community. This section addresses the school's facility, transportation, food service, and health services, among other things.

6. **Additional Obligations**

The final indicator ensures that the Commission has the authority to hold the charter school accountable for any laws or requirements that are not explicitly stated in the OPF. The measures and metrics outlined in the OPF represent the Commission's priorities, thus certain, lower priority requirements may not be explicitly called out in the framework and would instead be captured in the Additional Obligations section. This indicator also captures any requirements that may have been enacted or changed after the OPF was adopted into the charter contract.

Measures

For each of the indicators, the framework provides several measures by which to evaluate schools. The measures take the form of questions about each school's performance. For example:

- Is the school implementing the material terms of the education program as defined in the current charter contract?
- Is the school protecting the rights of English Language Learner (ELL) students?
- Is the school meeting financial reporting and oversight requirements?

Information and guidance specific to each measure are provided below in the *Measures in Detail* section.

Metrics

Metrics are expectations set forth in evaluating a measure. For example, to evaluate the question, "Is the school following Generally Accepted Accounting Principles?" authorizers should look to several areas where the school must meet existing expectations established bylaws, rules, regulations, or provisions of the charter contract. Examples of metrics for this measure are:

- An audit devoid of significant findings and conditions, material weaknesses, or significant internal control weaknesses
- An audit that does not include a "going concern disclosure" in the notes or an explanatory paragraph within the audit report

Targets and Ratings

For each measure a school receives one of two ratings (WAC 108-30-030):

- **Meets Standard:** The school materially meets the expectations outlined per state and/or federal laws, rules and regulation, or the charter contract.
- **Does Not Meet Standard:** The school failed to implement the program in the manner described; the failure(s) were material and significant to the viability of the school, or regardless of the severity of the failure(s), the board has not instituted remedies that have resulted in prompt and sufficient movement toward compliance to the satisfaction of the Commission.

Ratings will be determined through the Commission's quality assurance on-site and desk reviews as well as through the Commission's Online Reporting System. Additionally, the charter school board's signed assurances and school contract will be reviewed for evidence of compliance. All schools are obligated to comply with all state and federal public school reporting and compliance requirements as monitored by OSPI and the SAO. See the Commission's website for the following resources for assistance in meeting appropriate reporting and compliance obligations:

- Online Reporting System—EpiCenter
- Annual Compliance Calendar
- Charter School Site Visit Guide
- OSPI website: k12.wa.us

CONSIDERATIONS FOR USING THE ORGANIZATIONAL PERFORMANCE FRAMEWORK

As with the academic and financial performance frameworks, the Commission uses the OPF to collect evidence of performance and to evaluate schools annually, to monitor schools throughout their charter terms, to report to schools and the public annually, to intervene in schools that do not meet expectations, and to make high-stakes decisions, including whether to renew, non-renew, or revoke a school's charter or to expand or replicate a school.

Collecting Evidence and Evaluating Schools on the Organizational Performance Framework

The Commission determines the amount of evidence that is necessary to assess whether the school is meeting each target and assess staff capacity when deciding how best to evaluate school organizational performance. Some measures in the Organizational Performance Framework require periodic monitoring to ensure compliance, while others can be analyzed annually through reports submitted to the Commission and periodic school site visits. Others still may only require an assurance of compliance by the charter school board but may require a follow up if concerns are raised.

Due to the complexity in verifying compliance with some metrics, evidence of compliance may be determined only after the collection and analysis of multiple data points. For example, the Commission may periodically evaluate whether a school is compliant with special-education requirements by gathering evidence through multiple sources at different points in the school year (e.g., the Commission may annually verify compliance by review of special-education audits conducted by OSPI).

The sections below outline common ways that the Commission may collect data to evaluate charter schools' organizational performance, beginning with the least intensive approach.

Required Reporting

The Commission requires that the charter school report or verify compliance to the Commission, in which case evidence of compliance would be at the disposal of the Commission for reference during monitoring. For example, the Commission requires that the charter school submit a list of teachers' proof of credentials on an annual basis.

Excessive required reports may be burdensome on both the school and Commission and could cause the Commission to spend more time and resources monitoring reporting requirements than evaluating the school's performance outcomes. To ease the burden, the Commission has established two processes.

First, the Commission has created and annually distributes a calendar of required reports to communicate regular reporting deadlines to its charter schools. The calendar outlines required reports, the form the reports should take, and the point(s) in the year when reports are due to the Commission. Second, the Commission requests access to each charter school's Educational Data System (EDS) that OSPI manages. The information contained within EDS provides the Commission direct access to information it needs to conduct several oversight processes, and by attaining access to EDS, the Commission reduces a school's need to submit information to the Commission that is already contained within EDS.

Third-party Reviews

Another way to verify compliance is to seek reviews from a third-party reviewer (e.g., an authorizer may rely on the special-education department of OSPI for part of its assessment of compliance with special-education laws). This allows for the Commission to access expert opinions while at the same time reducing redundancy in review and evaluation of the school, which could tend to lower charter school autonomy. Another form of third-party review could be the hiring of a consultant with the necessary expertise to verify compliance. For instance, if the Commission, through initial review, has reasonable suspicion of noncompliance with graduation requirements, it may hire a consultant to review a school's transcripts, credit assignments, and written graduation requirements.

Observed Practice

The Commission may verify compliance for certain measures in the Organizational Performance Framework through direct observation. The Commission may observe mandatory state assessments to ensure compliance with required procedures.

Investigations

At times, the Commission may receive complaints or assertions from individuals that a school is not in compliance. In most cases, the Commission will refer the complainant to the charter school board, which is responsible for investigating such cases. However, from time to time, the Commission may receive complaints that it must investigate directly, especially if the complaint is a major infraction (e.g., school leadership is accused of cheating on state assessments) or if it involves the charter school board (e.g., accused violations of open meeting law). In some instances, the Commission may be required by law to take action or notify appropriate authorities, including OSPI, of its findings. The Organizational Performance Framework allows space for the Commission to investigate potential grievances and determine whether or not the school is meeting organizational expectations.

High-Stakes Decision Making

The Academic Performance Framework should generally be seen as the primary tool for accountability decisions largely because the Commission uses this framework to measure schools' academic outcomes;

the Organizational Performance Framework is used to measure compliance, which is not always directly related to school performance. In most cases, the Commission uses the evaluation of the Organizational Performance Framework as a way to communicate unsatisfactory performance, as a basis for intervention, or as secondary evidence when making a case for closure. Only when the school falls far below the standard, which would indicate major concerns with organizational effectiveness, will the Commission consider findings on organizational effectiveness as the primary reason for non-renewal or revocation. Regardless of the point in the life of the charter, whether during an interim review or at the time of renewal, schools that have multiple occurrences where they fall below the standards should be considered for non-renewal or revocation, especially if these instances put students in danger, are pervasive within the charter school, or are egregious in nature.

At the end of a charter term, the Commission will analyze both static and trend data related to organizational performance using the Organizational Performance Framework. It is important to analyze whether the school's performance in the one area is trending upward or downward, as that may impact both intervention and renewal decisions. A school may show a pattern of sporadic noncompliance throughout the life of the charter and in the most recent year. In this case, the Commission will evaluate the school's organizational effectiveness and determine whether the issues are systemic and if the school is likely to remain unstable in the next charter term.

MEASURES IN DETAIL

The OPF catalogs in one place the various requirements that the charter school must meet according to state or federal law, rules, regulations, and provisions of the charter contract. This section will help the charter school better understand the origin of each measure. Below are definitions of the measures included in the OPF and background information to help the Commission and the charter school better understand each measure and where to find evidence to evaluate schools against the measures.

1. Education Program

1.a. Material Terms of the Charter Contract

Overview: The Education Program section assesses the school's adherence to the material terms of its proposed education program. As a legal term, something is "material" if it is relevant and significant. For purposes of defining educational program accountability, the Commission will consider whether the information would be relevant and significant to decisions about whether to renew, non-renew, or revoke a charter.

In particular, this indicator assesses the school's adherence to the Education-Program-Terms and Design Elements as memorized in Attachment 4 of a school's charter contract. Once an approved school becomes operational, the Commission expects the educational program to be reasonably consistent with the one memorized in Attachment 4 of the school's charter contract. This expectation, sometimes called "fidelity to the program," is important because the school was approved on the premise that the educational program specifically proposed was likely to be successful.

The other consideration is that the Commission needs to be able to vouch for the school being what it purports to be. Families and their children will choose to attend based, in part, on the school's description of its program. The public will believe that the program is being implemented as advertised. Thus, part of the Commission's public accountability role is to ensure that the school is being reasonably accurate in how it presents itself.

This measure does not evaluate the performance of the school, which is the focus of the Academic Performance Framework. This measure only addresses the program itself, the organization's fidelity to that program, and organizationally whether the school is appropriately notifying the Commission of and gaining approval for major changes to the education program.

1a. Is the school implementing the material terms of the education program as defined in the current charter contract?

Meets Standard

The school implemented the material terms of the education program in all material respects, and the education program in operation reflects the material terms as defined in the charter contract, or amendments thereto. WAC 108-30-020 (5)(a); Commission 2018 Sample Charter Contract §8.1, Attachment 4 rev. 8/30/188/30/18

Does Not Meet Standard

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school, or regardless of the severity of the failure(s), the board has not instituted remedies that have resulted in prompt and sufficient movement toward compliance to the satisfaction of the Commission.

Data source

The Commission may verify the implementation of the material terms through site visit observations, interviews with stakeholders in the charter community, and required reports from the charter school (including annual reports and renewal applications).

1.b. Education Requirements

Overview

Some elements of a public school's education program are fixed in law and may not be waived for charter schools. This measure evaluates the school's adherence to education requirements, such as content standards.

1b. Is the school complying with applicable education requirements?

Meets Standard

The school materially complies with applicable state and federal laws, rules, regulations, and provisions of the charter contract relating to education requirements.

Does Not Meet Standard

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school, or regardless of the severity of the failure(s), the board has not instituted remedies that have resulted in prompt and sufficient movement toward compliance to the satisfaction of the Commission.

Additional Compliance Details

Areas for compliance include but are not limited to:

- Providing a basic education, including instruction in the essential academic learning requirements. RCW 28A.710.040 (2)(b); RCW 28A.150.210; RCW 28A.655.070; WAC 108-30-020; Commission 2018 Sample Charter Contract §8.3, Attachment 8 ¶17, rev. 8/30/18
- Cooperation in the development of and compliance with non-academic components of annual performance targets set by the school and Commission. Commission 2018 Sample Charter Contract §14.1, rev. 8/30/18
- Instructional days or minutes requirements, as applicable, RCW 28A.150.220
- Graduation requirements. RCW 28A.230.090; WAC 180.51.067; 2018 Sample Charter Contract §8.5, Attachment 8 ¶13, rev. 8/30/18
- Participation in state assessments developed under RCW 28A.655.070. RCW 28A.710.040(2)(b); WAC 108-30-020; Commission 2018 Sample Charter Contract §8.4, Attachment 8 ¶17, rev. 8/30/18
- Implementation of mandated programming as a result of state or federal funding (e.g., IDEA, McKinney - Vento Homeless Assistance Act, Title III). Commission 2018 Sample Charter Contract §§8.6, 8.7, Attachment 8 ¶3, rev 8/30/18

Data source

The Commission could choose to require an assurance from the charter school board of compliance and follow up if complaints or reports from OSPI indicate noncompliance. Follow-up review could include requests of data to verify compliance such as school calendars, student records, or reports the school may submit to OSPI (e.g., reports to verify state assessment compliance). When evaluating the requirement that the school implemented “mandated programming as a result of state or federal funding,” the Commission could work with divisions within OSPI that oversee these programs (e.g., Title IV), as they likely have processes in place to evaluate and report findings of noncompliance.

1.c. Students with Disabilities Rights

Overview: Charter schools must follow state and federal special-education laws and provide a high-quality learning environment for all students. In addition to an evaluation of how well a school is educating students with special needs (a component of the Academic Performance Framework), the Organizational Performance Framework includes an evaluation of how well the school is meeting its legal obligations regarding services to these students and protecting their rights under state and federal law. The elements within this measure include but are not limited to requirements for access and identification of students with disabilities, appropriate staffing, proper management and implementation of Individualized Education Plans (IEP) and Section 504 plans, and appropriate use of categorical funds. OSPI provides resources to assist schools in meeting their obligations. In addition to the Common Schools Manual, the OSPI website identifies applicable laws and regulations and provides

links to those laws.¹ It also includes an online resource library to provide guidance and professional development materials.² The U.S. Department of Education also provides guidance and resources.³

1c. Is the school protecting the rights of students with disabilities?

Meets Standard

Consistent with the school's status and responsibilities as a Local Education Agency (LEA), the school materially complies with applicable state and federal laws, rules, regulations, and provisions of the charter contract (including but not limited to the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act, RCW 28A.155, RCW 28A.710.040, Commission 2018 Sample Charter Contract §8.7, rev. 8/30/18, and the school's local policies and procedures governing the education of students with disabilities, relating to the treatment of students with identified disabilities and those suspected of having a disability.

Does Not Meet Standard

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school, or regardless of the severity of the failure(s), the board has not instituted remedies that have resulted in prompt and sufficient movement toward compliance to the satisfaction of the Commission.

Additional Compliance Details

Areas for compliance include but are not limited to:

- Equitable access and opportunity to enroll
- Identification and referral
- Appropriate development and implementation of Individualized Education Plans and Section 504 plans
- Operational compliance, including the provision of services in the least restrictive environment and appropriate inclusion in the school's academic program, assessments (with appropriate accommodations), and extracurricular activities
- Discipline, including due process protections, manifestation determinations, and behavioral intervention plans
- Access to the school's facility and program to students in a lawful manner and consistent with students' IEPs or Section 504 plans
- Appropriate use of all available, applicable funding

¹ <https://www.k12.wa.us/SpecialEd/LawsProcedures.aspx>

² <https://www.k12.wa.us/SpecialEd/ResourceLibrary/default.aspx>

³ <http://idea.ed.gov/explore/home>

Data source

The Commission may evaluate this measure through data from student information systems or other regular reporting mechanisms, site visit observations, record reviews, interviews of stakeholders, or third-party reports or monitoring. The Commission may also coordinate oversight activities and data collection with other entities that are responsible for ensuring appropriate provision of services to students with special needs such as a special education collaborative, board of cooperative services, or OSPI.

1.d. English Language Learner (ELL) Student Rights**Overview**

Similar to their responsibilities regarding special education, charter schools must follow state and federal laws governing access and services for students who are English Language Learners (ELLs). In addition to an evaluation of how well a school is educating ELL students (a component of the Academic Performance Framework), the Organizational Performance Framework includes an evaluation of how well the school is meeting its legal obligations regarding services to these students and is protecting their rights under state and federal law. The elements within this measure include but are not limited to requirements for access and identification of ELL students, testing, exit and tracking requirements, support provision, and communication with family members in their native languages. The OSPI provides resources to assist schools in meeting their obligations through the State Transitional Bilingual Instruction Program (STBIP).⁴ In addition to the Common Schools Manual, the OSPI website identifies applicable laws and regulations and provides links to those laws.⁵ It also includes an online resource library to provide guidance and professional development materials.⁶ The U.S. Department of Education also provides guidance and resources.⁷

1d. Is the school protecting the rights of English Language Learner (ELL) students? **Meets Standard**

The school materially complies with applicable state and federal laws, rules, regulations, and provisions of the charter contract (including but not limited to Title III of the Elementary and Secondary Education Act [ESEA] as amended by the Every Student Succeeds Act, U.S. Department of Education authorities, Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunities Act of 1974 (EEOA), RCW 28A.180, and Commission 2018 Sample Charter Contract §8.6, rev. 8/30/18 relating to requirements regarding English Language Learners (ELLs).

⁴ <http://www.k12.wa.us/MigrantBilingual/BilingualProgram.aspx>

⁵ <http://www.k12.wa.us/MigrantBilingual/TBIP-Guidelines.aspx>

⁶ <http://www.k12.wa.us/MigrantBilingual/BilingualProgram.aspx>

⁷ <http://www2.ed.gov/about/offices/list/ocr/ellresources.html>

❑ **Does Not Meet Standard**

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school, or regardless of the severity of the failure(s), the board has not instituted remedies that have resulted in prompt and sufficient movement toward compliance to the satisfaction of the Commission.

Additional Compliance Details

Areas for compliance include but are not limited to:

- Equitable access and opportunity to enroll
- Required policies related to the service of ELL students
- Compliance with native-language communication requirements
- Proper steps for identification of students in need of ELL services, including administering the Washington English Language Proficiency Test
- Appropriate and equitable delivery of services to identified students
- Appropriate accommodations on assessments
- Exiting of students from ELL services
- Ongoing monitoring of exited students

Data source

The Commission may evaluate this measure through data from student information systems or other regular reporting mechanisms, review of school policies, site visit observations, record audits, interviews of stakeholders, or third-party reports or monitoring. The Commission may also coordinate oversight activities and data collection with other entities that are responsible for ensuring appropriate provision of services to ELL students such as a board of cooperative services or OSPI.

2. Financial Management and Oversight

2.a. Financial Reporting and Compliance

Overview

The financial reports included in this measure are used as a basis for the analysis of a school's financial viability (i.e., Financial Performance Framework) and financial management (see Measure 2b below). The purpose of this measure is to determine whether the school is submitting accurate and timely information to the Commission. Charter schools are public organizations that use public funds, and the Commission is the entity charged with ensuring that schools are responsible stewards of those funds.

2a. Is the school meeting financial reporting and compliance requirements?

Meets Standard

The school materially complies with applicable state and federal laws, rules, regulations, and provisions of the charter contract relating to financial reporting and compliance requirements (e.g., submits reports on time or within a reasonable grace period), as required by RCW 28A.710.040 (2)(e). All policies and requirements issued by the Office of Superintendent of Public Instruction and Washington State Auditor's Office concerning accounting for public school districts in the state of Washington. Commission 2018 Sample Charter Contract §§9.9, 9.14, 10.1, rev. 8/30/18.

Does Not Meet Standard

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school, or regardless of the severity of the failure(s), the board has not instituted remedies that have resulted in prompt and sufficient movement toward compliance to the satisfaction of the Commission.

Additional Compliance Details

Areas for compliance include but are not limited to:

- Complete and on-time submission of financial reports, including annual budget, revised budgets (if applicable), quarterly or other periodic financial reports as required by the Commission, and any reporting requirements if the board contracts with an Education Service Provider. WAC 108-30-040 (1)(c) and (3) -(4); Commission 2018 Sample Charter Contract §§9.7, 9.13, 9.17, 5.19, rev. 8/30/18.
- Appropriate financial controls (e.g., internal control procedures for cash receipts, cash disbursements, and purchases). Commission 2018 Sample Charter Contract §9.2, rev. 8/30/18

- On-time submission and completion of the annual independent audit and corrective action plans, if applicable. RCW 28A.710.180(4); Commission 2018 Sample Charter Contract §10.1, rev 8/30/18.
- On-time submission and completion of the State Auditor's Office audit and corrective action plans, if applicable. RCW 28A.710.180(4); Commission 2018 Sample Charter Contract §10.1, rev 8/30/18.
- All policies and requirements issued by the Office of Superintendent of Public Instruction and Washington State Auditor's Office concerning accounting for public school districts in the state of Washington. Commission 2018 Sample Charter Contract §9.8, rev. 8/30/18.
- The public school budget and accounting requirements, the Accounting Manual for School Districts, and the Administrative Budgeting and Financial Reporting Handbook. Commission 2018 Sample Charter Contract §9.8, rev. 8/30/18.

Data source

The Commission will maintain a record of schools' adherence to reporting requirements, including financial reports.

2.b. Financial Management and Oversight (GAAP)

Overview

Critical to an organization's health and stability is its ability to manage its finances well. The Commission has a responsibility to protect the public's interest and must evaluate the extent to which the charter school is responsibly managing its finances.

Auditors evaluate an organization's financial statements and processes against Generally Accepted Accounting Principles (GAAP). Schools that do not meet these standards will have findings in their financial audits. Findings may be considered deficient, significant, or material. Material weaknesses are findings that are considered more severe because there is a reasonable possibility that a material misstatement of the school's financial statements will not be prevented or detected and corrected on a timely basis.

Finally, audits may include a "going concern disclosure," which is a paragraph in the auditor's opinion. Organizations that are considered a "going concern" are, in the opinion of the auditor, financially viable to operate for at least one year. If an audit includes a paragraph with a "going concern disclosure," then the auditor has concerns about the organization's viability.

2b. Is the school following Generally Accepted Accounting Principles (GAAP)?

Meets Standard

The school materially complies with applicable state and federal laws, rules, regulations, and provisions of the charter contract relating to financial management and oversight expectations

(including but not limited to RCW 28A.710.040 (2)(e), WAC 108-30-020(4)(c) and Commission 2018 Sample Charter Contract §§9.1, 9.2, 9.6, 9.8, 10.1, rev. 8/30/18, as evidenced by an annual independent audit.

❑ Does Not Meet Standard

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school, or regardless of the severity of the failure(s), the board has not instituted remedies that have resulted in prompt and sufficient movement toward compliance to the satisfaction of the Commission.

Additional Compliance Details

Areas for compliance include but are not limited to:

- An audit devoid of significant findings and conditions, material weaknesses, or significant internal control weakness⁸
- An audit that does not include a “going concern disclosure” in the notes or an explanatory paragraph within the audit report⁹

Data source

The Commission requires charter schools to conduct and submit an annual independent financial audit. The Commission has a documented scope of audit requirements to ensure the independent financial audit includes information necessary to evaluate schools’ financial management practices and viability.

⁸ For definitions and discussions of these accounting terms of art see Accounting Manual for Public School Districts in the State of Washington, Appendix A- Glossary of Terms.

http://www.k12.wa.us/safs/ins/acc/1213/SDAM_1213_Complete.pdf

⁹ For additional information regarding these terms of art see Accounting Manual for Public School Districts in the State of Washington, Appendix B- Notes to the Financial Statements.

http://www.k12.wa.us/safs/ins/acc/1213/SDAM_1213_Complete.pdf

3. Governance and Reporting

3.a. Governance Requirements

Overview

Charter school boards hold fiduciary responsibility for the charter schools they oversee and must comply with applicable governance requirements.

3a. Is the school governing board complying with governance requirements?

Meets Standard

The school materially complies with applicable state and federal laws, rules, regulations, and provisions of the charter contract relating to governance by its board. WAC 108-30-020 (5)(d)

Does Not Meet Standard

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school, or regardless of the severity of the failure(s), the board has not instituted remedies that have resulted in prompt and sufficient movement toward compliance to the satisfaction of the Commission.

Additional Compliance Details

Areas for compliance include but are not limited to:

- Board policies, including those related to oversight of an Education Service Provider (ESP), if applicable. Commission 2018 Sample Charter Contract §§4.1, 5.19, rev. 8/30/18
- Board bylaws. Commission 2018 Sample Charter Contract §§4.5, 4.6, rev. 8/30/18
- Open meetings laws. RCW 28A.710.040 (2)(h); RCW 42.30; Commission 2018 Sample Charter Contract §4.9, rev. 8/30/18
- Maintenance of public records. RCW 28A.710.040 (2)(h); RCW 42.56; Commission 2018 Sample Charter Contract §§4.9, 5.6, rev. 8/30/18
- Contracting for services. Commission 2018 Sample Charter Contract §§5.17, 5.18, 5.19, Attachment 6, rev. 8/30/18
- Code of ethics, including conflicts of interest. Commission 2018 Sample Charter Contract §§4.8, 5.5, Attachment 5, rev. 8/30/18
- Board composition and/or membership rules. Commission 2018 Sample Charter Contract §4.5, rev. 8/30/18
- Appropriate managerial procedures (e.g., a checking account, adequate payroll procedures, and an organizational chart). Commission 2018 Sample Charter Contract §9.2, rev. 8/30/18
- The commission required Statement of Assurances (Commission 2018 Sample Charter Contract Attachment 8)

Data source

Governance requirements enumerated in this measure are purposefully narrow, in that they are requirements to which the Commission can legally hold the board accountable. The Commission will seek to verify board compliance through board meeting observations, analysis of board packets, including board minutes, and assurances of compliance. The Commission will collect and review the school's board policies and bylaws. Additionally, the Commission requires a statement of assurances of compliance with conflicts of interest and board membership requirements, among other things. When warranted, periodic attendance by the Commission at board meetings may allow the Commission to verify compliance with some elements of this measure beyond evidence that is collected through assurances or review of policies and other board reports.

If the Commission, through monitoring or evaluation, finds that it needs to follow up and monitor board governance more closely, it can look for additional evidence through the following, which are often viewed as best practices of governing boards:¹⁰

- The strategic plan that includes goals and objectives for meeting the school's mission
- Board oversight and evaluation of the performance of the charter school

3.b. Management Accountability**Overview**

The central role of the charter school board is to responsibly delegate the work of actualizing the board's vision and mission. To that end, the board has a responsibility to oversee and hold accountable the charter school management, whether it chooses to contract with a management organization or hire an individual or management team.

3b. Is the governing board holding the school management team accountable? **Meets Standard**

The governing board materially complies with applicable state and federal laws, rules, regulations, and provisions of the charter contract relating to oversight of the school management team.

 Does Not Meet Standard

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school, or regardless of the severity of the failure(s), the board has not instituted remedies that have resulted in prompt and sufficient movement toward compliance to the satisfaction of the Commission.

¹⁰Cornell-Feist, Marci. Board Meetings: A Guide for Charter Schools. The High Bar, August 2011.

Additional Compliance Details

Areas for compliance include but are not limited to:

- (For schools contracting with Education Service Providers [ESPs]) the school governing board is maintaining authority over management, holding it accountable for performance as agreed under a written performance agreement, and requiring annual financial reports of the ESP, Charter Contract, §5.19, Attachment 6 ¶3 and 4, rev. 8/30/18
- (For schools not contracting with ESPs) The school governing board is conducting oversight of the school management team that includes holding it accountable for performance expectations that may or may not be agreed to under a written performance agreement. WAC 108-30-020 (5)(d)
- (For all schools) The school governing board's willingness and skill in identifying issues with the school management team, taking corrective action, and implementing any corrective actions imposed by the Commission. WAC 108-30-020 (5)(d)

Data source

Expectations for the board to hold the school management accountable should be established in a written performance agreement to which the Commission requires access.

3.c. Reporting Requirements***Overview***

Reports from schools are required to allow the Commission to monitor and evaluate the school's academic and operational performance and form the basis for renewal recommendations. The Commission, to effectively evaluate charter school performance, must receive reports from the charter schools. Additionally, charter schools are responsible for other entities, including OSPI, for certain reporting requirements. Many reporting requirements may be fixed in law while others are outlined in the charter contract or are required for monitoring purposes (e.g., required reports for intervention). This measure includes broad categories of reports.

3c. Is the school complying with reporting requirements? **Meets Standard**

The school materially complies with applicable state and federal laws, rules, regulations, and provisions of the charter contract relating to relevant reporting requirements to the Commission, state, and/or federal authorities.

 Does Not Meet Standard

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school, or regardless of the severity of the

failure(s), the board has not instituted remedies that have resulted in prompt and sufficient movement toward compliance to the satisfaction of the Commission.

Additional Compliance Details

Areas for compliance include but are not limited to:

- Annual performance report. RCW 28A.710.040 (2)(f); RCW 28A.655.110; WAC 108-30-040 (1); Commission 2018 Sample Charter Contract §14.2, Attachment 9, rev. 8/30/18
- Data, documentation, or other evidence to establish compliance with the performance framework and terms of the charter contract. WAC 108-30-040 (1); Commission 2018 Sample Charter Contract §14.1, Attachment 9, rev. 8/30/18
- Attendance and enrollment reporting. RCW 28A.710.220 (1); Commission 2018 Sample Charter Contract §5.7, Attachment 8 ¶41, rev. 8/30/18
- Compliance and oversight. 26 U.S.C. 501(c)(3); WAC 108-30-040 (1); Commission 2018 Sample Charter Contract Article XIV, rev 8/30/18
- Notification of crises. Commission 2018 Sample Charter Contract §5.21, rev. 8/30/18
- Corrective action plans if applicable. WAC 108-30-040 (1); Commission 2018 Sample Charter Contract Attachment 8 ¶37 and 38, rev. 8/30/18
- Additional information required by the Commission. WAC 108-30-040 (1), (3) and (5); Commission 2018 Sample Charter Contract Attachment 8 ¶39 and 42, rev. 8/30/18

Data source

To help monitor this measure, the Commission developed a reporting calendar to track all required reports to the Commission; this will help both the Commission and school keep track of when reports are due, which will minimize duplicative reporting.

4. Students, Parents, and Employees

4.a. Rights of Students

Overview

Charter schools must protect the rights of the students they serve. The Commission has a responsibility to ensure that the charter school complies with a range of state and federal requirements from admissions policies to protections of students' civil rights.

4a. Is the school protecting the rights of all students?

Meets Standard

The school materially complies with applicable state and federal laws, rules, regulations, and provisions of the charter contract relating to the rights of students.

Does Not Meet Standard

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school, or regardless of the severity of the failure(s), the board has not instituted remedies that have resulted in prompt and sufficient movement toward compliance to the satisfaction of the Commission.

Additional Compliance Details

Areas for compliance include but are not limited to:

- Policies and practices related to admissions, lottery, waiting lists, fair and open recruitment, and enrollment (including rights to enroll or maintain enrollment). RCW 28A.710.050; WAC 108-30-020 (5)(b); Commission 2018 Sample Charter Contract §6.1, Attachments 8 and 10 ¶¶28, 31, 41, and 42, rev. 8/30/18
- Appropriate handling of student information that could be used in discriminatory ways or otherwise contrary to law. FERPA, 20 U.S.C. 1232(g); RCW 28A.710.040 (2)(a); WAC 108-30-020 (5)(b); Commission 2018 Sample Charter Contract §§5.7, 5.10, 17.9 rev. 8/30/18
- Due process protections, privacy, civil rights, and student liberties requirements, including First Amendment protections and the Establishment Clause restrictions prohibiting public schools from engaging in religious instruction. RCW 28A.710.040(2)(a); WAC 392-400-215; Commission 2018 Sample Charter Contract §§5.2, 5.3, 5.8, Attachment 8 ¶26 rev. 8/30/18
- McKinney - Vento Homeless Assistance Act,¹¹ 42 U.S.C. §§11431 through 11435; Commission 2018 Sample Charter Contract Attachment 8 ¶3, rev. 8/30/18

¹¹ The Office of Homeless Education at the OSPI provides guidance and resources to assist schools in complying with the requirements of the law. <http://www.k12.wa.us/HomelessEd/default.aspx>

- State nondiscrimination laws,¹² including RCW 49.60 (general prohibition on discrimination); RCW 28A.642 (prohibition of discrimination in public schools); WAC 392-190 (Equal Education Opportunity); RCW 28A.640 (sexual equality); Commission 2018 Sample Charter Contract §5.8, rev. 8/30/18
- Conduct of discipline (discipline hearings and suspension and expulsion policies and practices). WAC 108-30-020 (5)(c); Commission 2018 Sample Charter Contract §§5.15, 5.21, rev. 8/30/18

NOTE: Proper handling of discipline processes for students with disabilities is addressed more specifically in Section 1c.

Data source

The Commission evaluates this measure through reports to the Commission and/or OSPI, charter school board policies and examples of forms (e.g., student enrollment form), and site visit observations and interviews with charter school community stakeholders. The Commission may also need to require that the board assures compliance with certain elements of this measure that may be difficult to verify unless through investigation (e.g., implementation of discipline policies).

4.b. Recurrent Enrollment

Overview

Charter schools are required by Washington law to have indicators, measures, and metrics related to year-to-year recurrent enrollment. The Commission defines “recurrent enrollment” as the number of students continuing to be enrolled in the school from one year to the next expressed as a percentage of the total number of students eligible to continue their enrollment at the school. The Commission, in collaboration with each charter school sets recurrent enrollment targets annually after the school has completed its first full year of operation.

4b. Does the school’s recurrent enrollment rate indicate equitable access to the school?

Meets Standard

The school has met or exceed the enrollment target that was established in collaboration with the Commission.

Does Not Meet Standard

The school has not met the enrollment target that was established in collaboration with the Commission.

Data source

¹² See the OSPI publication [Prohibiting Discrimination in Washington Public Schools: Guidelines for school districts to implement Chapters 28A.640 and 28A.642 RCW and Chapter 392-190 WAC](#) Published February 2012

¹² See the OSPI AYP Frequently Asked Questions and other AYP resources on the OSPI website: [AYP FAQ](#)

The Commission will evaluate this measure through the school's student enrollment data that is contained within OSPI's Comprehensive Education Data and Research System (CEDARS).

4.c. Teacher and Staff Credentials

Overview

Public schools must employ appropriately qualified and credentialed staff, including administrative, teaching, and educational support staff as required by law. For schools that receive Title II funding, staff must meet Highly Qualified Teacher and Paraprofessional requirements.

4c. Is the school meeting teacher and other staff credentialing requirements?

Meets Standard

The school materially complies with applicable state and federal laws, rules, regulations, and provisions of the charter contract relating to state certification requirements as required in RCW 28A.410.025 (with exceptions specified in RCW 28A.150.203(7)) and Title 181 WAC. RCW 28A.710.040(2)(c); WAC 108-30-020 (5)(c); Title II of the Every Student Succeeds Act; 2018 Sample Charter Contract §5.13, rev. 8/30/18

Does Not Meet Standard

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school, or regardless of the severity of the failure(s), the board has not instituted remedies that have resulted in prompt and sufficient movement toward compliance to the satisfaction of the Commission.

Data source

The Commission will evaluate this measure through reports to the Commission and/or OSPI. Through an annual report, the Commission may require the charter school to submit a list of their staff's license numbers for review. OSPI likely already collects this information, in which case the Commission will work with OSPI to verify compliance with this measure.

4.d. Employee Rights

Overview

Charter schools must follow applicable employment law. Note that allegations of violations of employee rights may not be evidence of noncompliance.

4d. Is the school respecting employee rights?

Meets Standard

The school materially complies with applicable state and federal laws, rules, regulations, and provisions of the charter contract relating to employment considerations, including but not

5. School Environment

5.a. Facilities and Transportation

Overview

The Commission must ensure that the school's physical plant is safe for occupancy as a school and that the school complies with laws related to the provision of transportation services.

5a. Is the school complying with facilities and transportation requirements?

Meets Standard

The school materially complies with applicable state and federal laws, rules, regulations, and provisions of the charter contract relating to the school facilities, grounds, and transportation; Commission 2018 Sample Charter Contract §§5.12, 11.1, 11.2, 11.4, 11.5, Attachment 7, rev. 8/30/18.

Does Not Meet Standard

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school, or regardless of the severity of the failure(s), the board has not instituted remedies that have resulted in prompt and sufficient movement toward compliance to the satisfaction of the Commission.

Additional Compliance Details

Areas for compliance include but are not limited to:

- Transportation. RCW 28A.160; RCW 46.61.380; WAC 392-141; WAC 392-142; WAC 392-143; WAC 392-144; WAC 392-145; Commission 2018 Sample Charter Contract §5.12, rev. 8/30/18
- Title II of the Americans with Disabilities Act, 42 U.S.C. 12131; Commission 2018 Sample Charter Contract §§11.1, 11.4, rev. 8/30/18
- Viable certificate of occupancy or other required building use authorization. Commission 2018 Sample Charter Contract §§11.5, 13.2, Attachment 7, rev. 8/30/18
- Health code, safety code, and fire code requirements. WAC 246-366 (health and safety code); WAC 51-54A (building and fire code); Commission 2018 Sample Charter Contract §11.2, rev. 8/30/18
- Maintaining and documenting requisite insurance coverage. Commission 2018 Sample Charter Contract §13.1, Attachment 8 ¶45, rev. 8/30/18

Data source

The Commission evaluates this measure through the assurance of compliance by the board, review of relevant documentation, and periodic verification of compliance, possibly during site visits.

5.b. Health and Safety

Overview

Charter schools must meet state and federal health and safety requirements related to health services and food services.

5b. Is the school complying with health and safety requirements?

Meets Standard

The school materially complies with applicable state and federal laws, rules, regulations, and provisions of the charter contract relating to safety and the provision of health-related services. RCW 28A.710.040 (2)(a); WAC 108-30-020 (5); Commission 2018 Sample Charter Contract §§5.11, 11.2, rev. 8/30/18

Does Not Meet Standard

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school, or regardless of the severity of the failure(s), the board has not instituted remedies that have resulted in prompt and sufficient movement toward compliance to the satisfaction of the Commission.

Additional Compliance Details

Areas for compliance include but are not limited to:

- Unsafe conditions and potential hazards. WAC 246-366-140¹³
- Health and screening requirements. RCW 28A.210
- Immunization. WAC 392-380
- Reporting of child abuse. RCW 26.44.030; Commission 2018 Sample Charter Contract §5.11, rev. 8/30/18
- Accident prevention. Commission 2018 Sample Charter Contract §5.11, rev. 8/30/18
- Notification of criminal conduct to law enforcement. Commission 2018 Sample Charter Contract §§5.11, 5.21, rev. 8/30/18
- School Safety plans (crisis management and response plans). RCW 28A.320.125; Commission 2018 Sample Charter Contract §5.11, rev. 8/30/18
- Appropriate nursing services and dispensing of pharmaceuticals, if applicable¹⁴
- Foodservice requirements, if applicable. WAC 246-366-130; WAC 246-215; WAC 246-217

¹³ This provision requires OSPI and the state Department of Health to create a guide to good safety practices in public schools. See Health and Safety Guide for K-12 Schools in Washington, Second Ed., January 2003.

¹⁴ See OSPI publication Staff Model for the Delivery of School Health Services, April 2000 and Washington State School Staff Health Training Guide, August 2012.

Data source

The Commission evaluates this measure through the assurance of compliance by the board and periodic verification of compliance during site visits and/or third-party reviews.

5.c. Information Management**Overview**

Both charter school boards and school management must appropriately handle sensitive information, which often includes student-level data protected under federal law. Additionally, charter school boards may receive requests for documentation from parents, community members, other stakeholders, and/or the media and must comply with the Public Records Act.

5c. Is the school maintaining and handling information appropriately? **Meets Standard**

The school materially complies with applicable state and federal laws, rules, regulations, and provisions of the charter contract relating to the maintaining and handling of information.

 Does Not Meet Standard

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school, or regardless of the severity of the failure(s), the board has not instituted remedies that have resulted in prompt and sufficient movement toward compliance to the satisfaction of the Commission.

Additional Compliance Details

Areas for compliance include but are not limited to:

- Proper and secure maintenance of education records. FERPA, 20 U.S.C. 1232(g); 34 C.F.R. §99.33; RCW 42.56; RCW 28A.710.040 (2)(a); RCW 28A.605.030; WAC 108-30-020(5)(b); WAC 392-500; WAC 392-415-050 and following provisions; Commission 2018 Sample Charter Contract §§5.2, 5.7, 5.10, 17.8, 17.9, rev. 8/30/18
- Compliance with the Public Records Act. RCW 42.56; WAC 180-08-006; Commission 2018 Sample Charter Contract §§5.2, 5.6, 5.7, rev. 8/30/18
- Transferring of student records. RCW 28A.195.070; RCW 28A.225.330; WAC 392-415-100; Commission 2018 Sample Charter Contract §6.5, rev. 8/30/18
- Proper and secure maintenance of testing material. RCW 28A.635.040; WAC 181-87-060; Commission 2018 Sample Charter Contract §8.4, rev. 8/30/18

Data source

The Commission evaluates this measure through board assurance of compliance, authorizer investigation, and/or review of third-party investigations.

6. Additional Obligations

6.a. Additional Obligations

Overview

Designed to be a “catch-all,” this measure ensures that the school is held accountable to obligations that are not explicitly stated in the Organizational Performance Framework but that the school is held accountable to through some other account. Additionally, this captures any new requirements that may come after both parties agree to the performance agreements.

6a. Is the school complying with all other obligations?

Meets Standard

The school materially complies with all other legal, statutory, regulatory, or contractual requirements contained in its charter contract that are not otherwise explicitly stated herein.

Does Not Meet Standard

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school, or regardless of the severity of the failure(s), the board has not instituted remedies that have resulted in prompt and sufficient movement toward compliance to the satisfaction of the Commission.

Additional Compliance Details

Areas for compliance include but are not limited to:

- Mission-specific goals that the school agreed to in its charter contract. WAC 108-30-020(3)(f) and (5)(a); WAC 108-30-020 (5)(f); Commission 2018 Sample Charter Contract §14.1, rev. 8/30/18
- Intervention requirements by the Commission. RCW 28A.710.180; WAC 108-30-040(1)(e), and (3) -(5); Commission 2018 Sample Charter Contract §§15.1, 15.2, 15.3, 15.4, 15.5, 16.1, 16.2, 16.3, Attachment 8 ¶, rev. 8/30/18
- Revisions to federal or state laws, state regulations, or Commission policy. RCW 28A.710.040 (2)(i) and (3); WAC 108-30-020 (5)(g); Commission 2018 Sample Charter Contract § Article II rev. 8/30/18
- Court orders and consent decrees, if applicable

Data source

Sources to verify compliance will depend on the requirement being evaluated.