

# ORGANIZATIONAL PERFORMANCE FRAMEWORK

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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 28A.710.170). NACSA reviewed publically available information related to Washington State charter law to align NACSA's Core OPF with Washington's laws, rules, regulations, and charter contract.

The purpose of the OPF is to communicate to 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 law, rules, regulations, and the charter contract that charter schools are required to meet.

The 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 application. Of the three frameworks, the Organizational Framework 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 authorizer 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 authorizer articulates the ends, and the school decides the means of getting there. Whereas the academic and financial 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 concerning 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 see fit.

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

The Commission has developed an evaluation 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 collects 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 OSPI and 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.

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## Rating Scale

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 authorizer

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 the Commission’s Reporting Calendar

- Online Reporting System
- Quality Assurance Ladder of Intervention
- Charter School Site Visit Guide
- OSPI website: [k12.wa.us](http://k12.wa.us)

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## Organizational Performance Framework Indicators and Measures

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  - d. English Language Learner Rights
  
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# 1. Education

## 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. 8/30/18

### **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

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not instituted remedies that have resulted in prompt and sufficient movement toward compliance to the satisfaction of the authorizer.

### **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 agreement 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 authorizer.

### **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 OPF 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. The 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.<sup>1</sup> It also includes an online resource library to provide guidance and professional development materials.<sup>2</sup> The U.S. Department of Education also provides guidance and resources.<sup>3</sup>

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

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

<sup>3</sup> <http://idea.ed.gov/explore/home>

**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, and the school’s local policies and procedures governing the education of students with disabilities, as approved by OSPI) 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 authorizer.

**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 OPF 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).<sup>4</sup> In addition to the Common Schools Manual, the OSPI website identifies applicable laws and regulations and provides links to those laws.<sup>5</sup> It also includes an online resource library to provide guidance and professional development materials.<sup>6</sup> The U.S. Department of Education also provides guidance and resources.<sup>7</sup>

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

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

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

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

***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 relating to requirements regarding English Language Learners (ELLs).

**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 authorizer.

## **2. Financial Management**

### **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**

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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 authorizer.

## **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 authorizer.

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### 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 authorizer.

#### 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 authorizer.

#### 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

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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 authorizer.

**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 authorizer.

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#### **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 exceeded 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.

#### **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; Commission 2018 Sample Charter Contract §5.13.

##### **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 authorizer.

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#### 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 limited to the Family Medical Leave Act, the Americans with Disabilities Act, employment contracts, Title VII of the Civil Rights Act of 1964, and chapter RCW 28A.642. RCW 28A.710.040 (1)(a); Commission 2018 Sample Charter Contract §§ 5.8, 12.2 and 12.3, Attachment 8.

###### **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 authorizer.

#### 4.e. Background Checks

**Overview:** Charter schools must conduct background checks to ensure the safety of students and employees in the school.

##### *4.e. Is the school completing required background checks?*

###### **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 RCW 28A.400.303, relating to background checks of all applicable individuals (including staff and members of the charter community, where applicable), and chapter 392-300 WAC. RCW 28A.710.040 (2)(d); WAC 108-30-020 (5)(c); Commission 2018 Sample Charter Contract §12.4.

###### **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 authorizer.

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## 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, and Attachment 7).

##### **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 authorizer.

### 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) and Commission 2018 Sample Charter Contract §§5.11 and 11.2).

##### **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 authorizer.

### 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

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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 authorizer.

## **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 OPF 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 authorizer.

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