



2018-2019

Authorizer Guidance

Agency Notes

This suite of charter school authorizing guidance is made available to serve as a model for Texas independent school district Board of Trustees seeking to authorize and oversee campus charters and (or) programs under Texas Education Code, Chapter 12, Subchapter C. Additionally, this guidance has been abbreviated to meet the needs of districts aiming to authorize an in-district charter during the 2017-2018 school year.

These policies will collectively refer to charter campuses and programs as a "charter school." Additional requirements regulate charter applicants that apply to the Board of Trustees (and subsequently approved).

Lastly, this document and all associated materials are general guidelines that attempt to meet all applicable state and federal statutory requirements. Adoption of board policy aligned to this material, in part or in whole, does not vest either a right or privilege to any subsequent Charter School Program grant funds.

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2017 – 2018 School Year Authorizer Guidance

INDEPENDENT SCHOOL DISTRICT

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SECTION ONE.

CHARTER AUTHORIZING MISSION AND CORE PRINCIPLES

This policy establishes the mission of the Board of Trustees ("Board") regarding its role as an authorizer of charter schools under Texas Education Code, (TEC) Chapter 12, Subchapter C. In addition, this policy sets forth the core principles the Board shall follow in executing this mission and role.

Mission.

In its role as a charter school authorizer, the mission of the Board is to authorize and oversee charter schools in a manner that advances the following purposes of Texas' charter school law as set forth in TEC §12.001:

1. Improve student learning;
2. Increase the choice of learning opportunities within the public-school system;
3. Create professional opportunities that will attract new teachers to the public-school system;
4. Establish a new form of accountability for public schools; and
5. Encourage different and innovative learning methods.

Core Authorizing Principles.

The Board will carry out this mission by upholding the principles set forth in this policy. The Board will in all of its endeavors as a charter school authorizer be guided by the following three core authorizing principles, in accordance with nationally accepted professional standards for charter school authorizing: 1) maintaining high standards for charter schools; 2) upholding charter school autonomy; and 3) protecting student and public interests.

These principles are described as follows:

Maintaining High Standards. To maintain high standards, the Board will:

- a. Set high standards for the approval of charter schools it authorizes;
- b. Maintain high standards for the charter schools it oversees; and
- c. Hold charter schools accountable for meeting the performance standards and expectations set forth in the charter contract and state law.

Upholding School Autonomy. To uphold charter school autonomy, the Board will:

- a. Honor and preserve core autonomies crucial to school success including - local governing board independence from the District, personnel decision-making, educational programming, and budgeting;
- b. Assume responsibility for holding schools accountable for outcomes, rather than inputs and processes; and
- c. Minimize, within state and federal law, administrative and compliance

burdens on all charter schools it oversees.

Protecting Student and Public Interests.

The well-being and interests of students will be the fundamental value informing all Board actions and decisions.

- a. The Board will hold its charter schools accountable for public education obligations including - access, fair treatment in admissions and disciplinary actions, and appropriate services for all students in accordance with law.
- b. The Board will hold its charter schools accountable for sound public governance, fiduciary responsibilities, and operational transparency in accordance with law.
- c. In its chartering responsibilities, the Board will focus on chartering only high-quality schools and will operate ethically, transparently, and in compliance with applicable laws.
- d. The Board will support parents' and students' ability to make informed choices about educational options by providing clear, accurate, and timely information regarding performance of the charter schools it oversees.

Public Annual Performance Report.

To be accountable and transparent to the public in fulfilling its charter authorizing mission and core authorizing principles, the Board will produce for the public an annual report that provides clear, accurate performance data for all the charter schools it oversees, reporting on individual school and overall charter school performance per the performance standards established in applicable law and the charter contract. The annual report shall at a minimum be posted on the District website.

SECTION TWO.

CHARTER APPLICATION AND REVIEW PROCESS

This policy sets forth the principles, process, and criteria the Board will use in inviting, reviewing, and deciding on charter school applications. The application and review process set forth in this policy shall apply to all Subchapter C applicants regardless of type, including those applying pursuant to Senate Bill (SB) 1882. This is important to ensure the Board upholds its core authorizing principles regarding all charter applicants and schools, in order to advance those principles and fulfill its mission as a charter authorizer.

Application with or without Petition.

The Board shall consider an application for a campus charter or program charter if the applicant:

1. Meets the eligibility requirements for a campus charter or program charter set forth in TEC §12.052, §12.0521, §12.0522, and §12.053;
2. Follows the application process established by the District; and
3. Provides evidence to the Board that the applicant will comply with the statutory and District requirements for a campus charter or program charter.

The Board welcomes charter school pursuant to various paths as set forth in TEC Chapter 12, Subchapter C. The Board specifically invites and encourages applications pursuant to TEC §12.0521. Regardless of authorization path, all groups and entities seeking to create a charter school under Subchapter C shall follow the Charter Application and Review Process set forth in this policy.

Application Information, Guidance, and Petition Forms.

Application guidance, requirements, and petition forms should be made available to the public on the District's website and in the Superintendent's office or in a designated place that is accessible to parents and teachers in the District. The application guidance and requirements should include deadlines for the application cycle and other key dates in the review process. The guidance will also include the evaluation criteria on which each application will be judged.

Application Process Overview.

The application process should include, at a minimum:

1. A comprehensive written application submitted by each charter school applicant in accordance with application guidance and requirements provided by the Board;
2. A rigorous review of the written application conducted by a Charter Application Review Committee ("Review Committee") of at least three internal and external evaluators;
3. A formal recommendation from the Superintendent to the Board for approval or denial of each application, based on and providing evidence from the Review Committee and staff recommendation, public forum, and interview panel; and
4. A formal vote by the Board to approve or deny each application, following deliberation of the Superintendent's recommendations in a public meeting.

The application process may also include:

5. An interview with each applicant group whose written application meets threshold standards established and published by the Board, conducted by a Board-designated panel and/or the Review Committee;
6. A public hearing to allow applicant groups an opportunity to present their application and school plans to the Board and to the community before formal consideration by the Board;

Standard of Review.

The Board should conduct a rigorous, evidence-based, and merit-focused evaluation of all charter applications consistent with state and national standards for quality charter authorizing, including evaluating the proposed charter school's capacity to meet the Board's established academic, financial, operational, and governance standards for charter schools. The Board shall grant a charter only where the Board determines that the proposed school is likely to:

1. Succeed in meeting academic, financial, operational, and governance standards established in applicable law and the charter contract;
2. improve student performance; and meet performance and legal compliance expectations for Subchapter D¹ (and) E² charter schools in the District;
3. Serve the best interests of the targeted students and community; and
4. Fulfill the purposes and intent of Texas' charter school law.

Application Content.

An application for a Subchapter C charter should include the following, at a minimum:

1. The purpose and community need for the proposed campus or program;
2. A statement of the school's mission and goals;
3. Identification of the targeted community and students to be served;
4. The academic plan including educational focus, program, curriculum to be offered, and a description of the proposed school day, calendar, and year;
5. The plan for meeting the needs of students with disabilities, English language learners, and other special populations;
6. The plan for measuring and reporting student achievement and increases in student achievement for all student groups;
7. The financial and business plan, including a proposed five-year operating budget and a contingency budget for lower than expected enrollment;
8. Identification and description, including the expertise and professional backgrounds, of the proposed governing body members and school leadership;
9. The governance and decision-making plan including governing board structure, school leadership and management structure, and organization chart;
10. Indications that that the proposed governance structure is conducive to sound fiscal and administrative practices and strong, accountable, independent oversight of the school;
11. The roles and responsibilities of school leadership responsible for personnel, the budget, purchasing, program funds, and other areas of management;
12. The school's staffing plan and employment plan consistent with federal and applicable state guidelines, including due process, employment contract nonrenewal, and termination procedures;
13. Information on the qualifications, experience, recruitment, selection,

¹ Texas Education Code Chapter 12, Subchapter D - Open Enrollment Charter School

² Texas Education Code Chapter 12, Subchapter E – College or University or Junior College Charter School

- professional development, and ongoing evaluation of teaching staff to be hired for the school;
14. The proposed student recruitment, enrollment, and withdrawal processes, and a plan for ensuring equitable access in accordance with law;
 15. The plan for maintaining and reporting PEIMS data in accordance with state requirements;
 16. The student discipline plan and procedures;
 17. The petition indicating evidence of support for the approval of a charter as required by TEC §12.052 or TEC §12.053, if applicable;
 18. A pre-operational start-up plan detailing tasks, responsible parties, and timeline for completion.

Additional Content & Eligibility Requirements for Existing School Operators or Replicators.

In addition to the minimum content requirements for all Subchapter C charter applications,

1. Applications from existing Texas school operators or replicators should meet the following eligibility requirements:
 - a. Eighty-five percent of the campuses operated under the existing charter must also have received an overall performance rating of “met standard”;
 - b. The existing operator has received an overall performance rating of acceptable or higher under Subchapter C, Chapter 39 for the previous three school years;
 - c. The existing operator has received a financial accountability rating under Subchapter D, Chapter 39, indicating financial performance of satisfactory or higher for the previous three school years;
 - d. The existing school operator may not have been previously revoked; and
2. Applications from existing Texas school operators or replicators should include the following:
 - a. Clear evidence of the operator's capacity to operate new schools successfully while maintaining quality in schools it currently operates;
 - b. Documentation of the operator's academic, financial, operational, and governance performance records based on all existing schools;
 - c. Explanation of any never-opened, terminated, or non-renewed schools (including terminated or non-renewed third-party contracts to operate schools);
 - d. Presentation of the operator's growth plan, business plan, and most recent financial audits.

Additional Content for Applicants Proposing to Contract for Education Management Services.

In addition to the minimum content requirements for all Subchapter C charter applications, applications from applicants proposing to contract with an education service provider to manage or operate the school shall provide:

1. Evidence of the service provider's educational and management success;
2. A proposed (or existing) service/management contract that sets forth proposed key terms, including roles and responsibilities of the local governing board, the school staff, and the service provider; the services and resources to be provided; performance evaluation measures and mechanisms; detailed explanation of compensation to be paid to the provider; financial controls and oversight; investment disclosure; methods of contract oversight and enforcement; and conditions for contract renewal and termination;
3. Disclosure and explanation of any existing or potential conflicts of interest between the school governing board and proposed service provider or any affiliated business entities; and
4. Assurance that the applicant understands the applicability of TAC §100.1157 and TAC §§100.1001(13) and (14).

Substantive Application Review.

The Board, through a Review Committee assembled by the District (described below), should conduct a substantive, in-depth, and merit-focused evaluation of each application submitted in accordance with the Board's published application procedures and submission instructions.

The District staff should be able to request additional, non-substantive information or documents from the charter applicant to assist in the review. The Board should be able to impose deadlines for the submission of such additional information or documents, if requested.

The District should establish a Review Committee composed of highly competent teams of internal (district staff) evaluators and/or external (non-district staff) evaluators with relevant and diverse educational, financial, operational, governance and legal expertise. The District should provide training to Review Committee members to ensure consistent standards of review and fair treatment of all applicant groups. The District staff should coordinate the work of the Review Committee, including compiling the committee's evidence and recommendations into formal District recommendations regarding each application, for presentation to the Board.

The Board should ensure that the application review process and parties are free of conflicts of interest, and should require full disclosure of any potential or perceived conflicts of interest between Review Committee members and charter school applicants.

Public Hearing.

The Board is encouraged to hold a public hearing to allow applicant teams that meet a scoring threshold on the written application an opportunity to present their application and school plans to the Board and to the community before formal consideration by the Board. Multiple applications may be scheduled for presentation at the same public hearing.

Interviews.

The district is encouraged to have a Board-designated panel interview each charter school applicant group whose written application meets the scoring threshold identified in the application process. Members of each applicant group participating in interviews may include proposed governing board members and school leadership. The interview panel may include District staff, Board members, Review Committee members, and any other internal or external individuals whose knowledge and expertise would assist the Board in deciding whether to authorize the charter school.

The focus of the interview should be the governing board and school leadership's capacity to operate a successful charter school consistent with their submitted application and the Standard of Review set forth in this Policy.

All interview attendees (both on behalf of the charter school and Board) should attend the interview in person. However, the Board should allow certain attendees to participate remotely in extraordinary circumstances.

Transparency and Public Engagement.

The Board should be committed to employing fair and transparent procedures that promote evidence-based and merit-based decisions regarding all charter applications. The Board will inform all applicants of their rights and responsibilities at all stages of the process, promptly notifying them of approval or denial decisions, including the basis for the decision, in writing and in public record.

Decision-Making Principles.

The Board should commit to rigorous decision-making in granting charters only to applicants that have demonstrated competence and capacity to succeed in all aspects of the proposed charter school.

The Review Committee members should provide evidence-based recommendations addressing established approval criteria to the District staff, who in turn should assemble a formal recommendation for approval or denial of each charter application for the Superintendent and Board. The Superintendent should use the District staff's formal recommendation as the basis for his or her recommendation to the Board for approval or denial of each application, consistent with the approval criteria and processes set forth in this policy.

Post Application Approval.

No charter school may begin operation before obtaining the Board's approval of its charter contract and fulfilling pre-opening procedures. The following conditions should apply to all charter schools approved by the Board:

1. The Board's approval of a Subchapter C application is an initial step, separate and distinct from the Board's approval of the required charter contract and the school's right to open.
2. Once the Board approves an application, the Board will negotiate a charter

contract with the school's governing board, which must be signed by the Board and the principal or equivalent chief operating officer of the Subchapter C charter, and submitted to the Board.

The Board should establish a Pre-Opening Checklist. Substantial fulfillment of the requirements of the checklist should be a prerequisite for opening the charter school.

SECTION THREE.

CHARTER CONTRACT (FORM)

This section sets forth guidelines for the Board in executing charter contracts with the charter schools it authorizes. In accordance with TEC §12.060, a charter shall be a written contract signed by the Board President, the president or chair of the charter school governing board, and the principal or equivalent chief operating officer of the charter school. The local governing board should be the party that holds the charter, with legal authority and accountability for the school's performance and operations.

Function.

The Board should execute a charter contract with each charter school it oversees that articulates the rights and responsibilities of each party regarding school autonomy, funding, administration and oversight, outcomes, measures for evaluating success or failure, performance consequences, and other material terms. The charter contract is an essential document, separate from the charter application, that establishes the legally binding contract and terms under which the school will operate and be evaluated during the charter term and for renewal.

Essential Content of Charter Contract.

Each charter contract should articulate the rights and responsibilities of each party during the term of the charter, and will set forth the performance standards and expectations that the charter school will be accountable for achieving. In particular, each charter contract should:

1. Establish the material terms of the charter school's operation;
2. Satisfy the requirements of the law governing Subchapter C charters;
3. Be granted for a period of up to ten (10) years, with a high-stakes review every five (5) years;
4. Set forth the rights and responsibilities of the local governing body and the Board;
5. Describe the local governing structure of the charter school, including specifying the local governing board's independence and autonomy from the District and the local governing board's legal authority and accountability for the charter schools and operations;
6. Specify enhanced authority granted to the principal or equivalent officer to achieve academic goals, in accordance with TEC §12.0531;

7. Specify enhanced financial autonomy and authority granted to the principal or equivalent officer of the charter school if it is designated a neighborhood school under TEC §12.0532;
8. Broadly state the autonomies to which charter schools are entitled based on statute, waiver and Board policy, including those related to educational program, governance and management, operations, and finance, and broadly exempting the campus or program charter from the instructional and academic rules and policies of the Board, in accordance with TEC §12.054;
9. State pre-opening requirements and conditions for new charter schools;
10. Set forth the statutory, regulatory, and procedural terms and conditions for the charter school's operation, including but not limited to:
 - a. Provide for all legal reporting requirements;
 - b. Require a minimum of 75,600 operational minutes per year;
 - c. Provide for the administration of state-mandated assessments per the state testing calendar;
11. Describe the material terms of the education program to be offered;
12. Provide for academic, financial, and compliance accountability under Chapter 39, and other applicable provisions of Chapter 39 including TEC §39.107 (campus interventions and sanctions);
13. Include an admissions policy that prohibits discrimination on national origin, ethnicity, race, religion, or disability; and in accordance with TEC §12.065, gives priority on the basis of geographical and residency considerations, then, if there is still available space, consider age or grade level;³
14. State the Board's performance standards, criteria and conditions for renewal, probation and other interventions, revocation, and non-renewal, while establishing the consequences for meeting or not meeting standards or conditions;
15. Establish timeframes for the Board's periodic review of the charter and renewal decision making;
16. Require the Board to review and evaluate, at least annually, the charter school's performance in meeting the academic, financial, operational, and governance standards established in the contract;
17. Require the charter school to submit an annual independent audit of financial and programmatic operations in accordance with TEC §§12.059 and 44.008;
18. State the responsibility and commitment of the charter school to adhere to essential public education obligations, especially concerning admissions and enrollment, students with disabilities and English language learners, and discipline and expulsion;
19. Specify any additional health and safety procedures or requirements in addition to those required under TEC Chapter 38;
20. Describe the charter renewal process, including procedures for nonrenewal;
21. Provide reasons for revocation of the charter in addition to those specified in TEC §12.063;
22. State the responsibilities of the charter school and the Board in the event of

³ TEC §12.0522(d) stipulates that Subchapter D applies to a campus granted a district charter under this section as though the campus were granted a charter under Subchapter D, and the campus is considered an open-enrollment charter school.

- school closure; and
23. Require the charter school to submit annual proof of adequate records management and retention.

Fee-based Services.

The Board should ensure that any fee-based services provided by the Board are set forth in a services contract that is separate from the charter contract and ensure that the purchase of such services is not and will never be a condition of charter approval, continuation, revision, or renewal.

Performance Standards.

The Board should execute charter contracts with its charter schools that establish the academic, financial, operational, and governance performance standards under which charter schools will be evaluated during the charter term and for renewal. These performance standards should include the following, at a minimum:

1. Academic Performance.
The academic performance standards shall include, at a minimum, indicators, measures, and metrics that:
 - a. Set expectations for student academic achievement status or proficiency, including comparative proficiency and proficiency for all groups of pupils as identified in state-mandated assessments;
 - b. Set expectations for student academic growth, including adequacy of growth toward state standards;
 - c. Incorporate state and federal accountability systems;
 - d. Set expectations for postsecondary readiness, including graduation rates (for high schools); and
 - e. Provide schools an option to incorporate mission-specific performance measures for which the school has presented valid, reliable, and rigorous means of assessment approved by the Board.
2. Financial Performance.
The financial performance standards shall include, at a minimum, indicators, measures, and metrics that:
 - a. Enable the Board to monitor and evaluate the charter school's financial stability and viability based on short-term performance; and
 - b. Enable the Board to monitor and evaluate the charter school's long-term financial sustainability.
3. Operational and Governance Performance.
The operational and governance performance standards shall include, at a minimum, indicators, measures, and metrics that:
 - a. Define the essential elements of the educational program for which the Board will hold the school accountable;
 - b. Define financial management and oversight standards based on generally accepted accounting principles;

- c. Hold local governing boards accountable for meeting statutory and Board-established operating and reporting requirements;
- d. Ensure charter school compliance with student and employee rights and obligations; and
- e. Establish expectations related to the school environment, including health and safety, transportation, facilities, and appropriate handling of records.

The performance standards should:

1. Establish the performance expectations under which charter schools will be evaluated, using objective and verifiable measures of student achievement as a primary measure of school quality;
2. Define clear, measurable, and attainable academic, financial, operational, and governance performance standards and outcomes;
3. Include expectations for appropriate access, education, support services, and outcomes for students with disabilities;
4. Define the sources of academic, financial, operational, and governance data that will form the evidence base for ongoing and renewal evaluation; and
5. Include clear, measurable performance standards to judge the effectiveness of alternative education campuses, if applicable, requiring and appropriately weighting rigorous mission-specific performance measures and metrics that credibly demonstrate each school's success in fulfilling its mission and serving its special population.

Parties, Material Terms, and Revisions.

The Board should execute a charter contract with the principal or equivalent chief operating officer of the approved campus or program charter.

The Board should define the material terms of the charter contract as those that would be relevant and significant to a renewal decision.

The Board should make best efforts to ensure mutual understanding and acceptance of the terms of the charter contract by the charter school's governing body and principal or equivalent chief officer before contract approval.

The Board should allow and require charter contract revisions for occasional material changes to a charter school's plans subject to the approval of both parties, but should not require revising the charter contract for non-material modifications to a charter school's plans. The Board should adopt a procedure for reviewing and, if accepted, adopting material revisions to a charter contract. Such revisions must be in accordance with TEC §12.062.

Negotiation Process.

The Board should engage in a fair and transparent negotiation process of appropriate length and depth with each approved charter school and its counsel regarding the terms of the charter contract. In considering items raised in negotiations, the Board should adhere wherever possible to its contract template, and insist on the inclusion of all terms that are material to renewal being included in the charter contract.

SECTION FOUR.

OVERSIGHT AND EVALUATION

This section sets guidelines for the Board's oversight and evaluation of charter schools it has authorized, while simultaneously ensuring the charter schools' autonomy.

Function.

The Board should conduct school oversight to competently evaluate performance and monitor charter school fulfillment of legal obligations; ensure charter schools' legally entitled autonomy; protect students' rights; inform intervention (including probation), revocation and renewal decisions; and report publicly on individual and collective performance of the charter schools it oversees.

Performance and Compliance Monitoring Systems.

The Board should implement a comprehensive performance accountability and compliance monitoring system that is defined by the charter contract and provides the Board with the information necessary to make rigorous, evidence-based decisions regarding charter renewal, revocation, and probation or other interventions. This monitoring system should be based on and aligned with the academic, financial, operational, and governance standards set forth in the charter contract.

The Board should implement an accountability system that effectively streamlines federal, state, and contractual performance expectations and compliance requirements while protecting charter schools' legally entitled autonomy and minimizing their administrative and reporting burdens.

Requirements for Data Collection and Analysis.

Charter schools should provide the information required by state law and meet the District's requirements for charter school reporting. The District should annually provide a reporting schedule that defines and communicates to charter schools the process, methods, and timing of gathering and reporting data. Charter schools should provide information and data to the District pursuant to the reporting schedule and through a state-approved student management system.

Charter schools should administer the state-mandated assessments per the state testing calendar to assess student performance and include measures within the performance standards on the state-mandated assessments.

Annual performance targets should require the disaggregation of all student performance data by agreed-upon student specific subgroups.

Multiple charter schools overseen by a single governing board should be required to

report their performance as separate, individual charter schools. Each charter campus should be held independently accountable for its performance and held independently accountable regarding charter school closure and revocation.

Reporting by the Board.

The Board should evaluate each charter school annually on its performance and progress toward meeting the standards and targets stated in the charter contract, including essential compliance requirements.

The Board should clearly communicate evaluation results to the charter school's governing board and leadership in an annual written report to each charter school, summarizing its performance and compliance to date and identifying areas of strength and areas needing improvement. The results of all evaluations should be made accessible to the public and available on the District website.

The Board should produce for the public an annual report that provides clear, accurate performance data for all the charter schools it oversees, reporting on individual school and overall charter school performance per the performance standards established in applicable law and the charter contract. The annual report should at a minimum be posted on the District website.

Interventions, including Probation.

The Board should communicate with charter schools as needed, including both the school principal or chief officer and local governing board, and provide timely notice, to the extent possible, of any material charter contract violations and performance deficiencies that may lead to formal intervention, including probation.

The Board should articulate and enforce stated consequences for failing to meet performance expectations or compliance requirements.

School Site Visits.

In addition to the renewal visit at the end of the charter term, the Board should conduct at least annual site visits during each year of the charter term of each charter school it oversees, for the purpose of collecting data or gathering qualitative information that cannot be obtained otherwise and in accordance with the charter contract, while ensuring that the frequency, purposes, and methods of such visits respect school autonomy and minimize operational interference.

The Board should develop a site visit protocol that articulates the expectations for charter schools prior to, during and after the visit, including review of documents and data, classroom observations, and stakeholder interviews.

The Board should provide the school and the public with a written report that summarizes the school's performance against the renewal standards and criteria addressed by the site visit. The report should present only findings and analysis of relevant data; it should not provide recommendations or prescriptions to the school.

Preserving and Enhancing Charter School Autonomy.

The Board should respect each charter school's authority over its day-to-day operations.

The Board should collect information from the charter schools that it oversees in a manner that minimizes administrative burdens on the charter schools, while ensuring that performance and compliance information is collected with sufficient detail and timeliness to protect student and public interests.

The Board should focus its evaluation efforts on the performance standards set forth in the charter contract and present its analyses in a straightforward manner that clearly indicates whether a charter school is meeting the standards and criteria for renewal. Evaluation reports and presentations should not prescribe solutions to those areas not meeting standards and identified in need of improvement.

SECTION FIVE.

CHARTER SCHOOL AUTONOMY

This section sets guidelines for the autonomy of charter schools authorized by the Board.

Function.

A fundamental feature of charter schools is autonomy in exchange for accountability. The Board should respect and preserve the core autonomies crucial to charter school success, including legal, educational, financial, and operational autonomy to the extent permitted by law. The Board should assume responsibility not for the success or failure of individual schools but for holding schools accountable for outcomes. The Board should recognize the local governing board of the charter school as independent and autonomous from the Board and District, with full authority and accountability for the charter school's performance and operations.

Areas of Autonomy.

The Board should promote and respect the educational autonomy and flexibility of charter schools it oversees, to the extent permitted by law.

The Board should respect and support the independence of each charter school's local governing board from the District and allow charter school management to decide how best to operate its school within the limits of applicable law and regulation.

The Board should honor the autonomy of the charter schools it oversees regarding budget and financial matters, including the right to generate revenue and make expenditure decisions.

The Board should oversee charter schools in such a way as to maximize the legal autonomy of these schools, consistent with applicable law and regulation.

Charter schools should not expect technical assistance from the District. The District should provide information and guidance to ensure that charter schools and their students have ample opportunity to succeed.

Enhancing Autonomy and Minimizing Burden.

To the extent possible, the Board should minimize administrative and compliance burdens on charter schools and focus on holding schools accountable for outcomes rather than processes.

The Board should periodically review its existing policies, practices, rules, and regulations to evaluate the potential to increase charter school autonomy and reduce requirements for all charter schools it oversees based on flexibility in the law and available efficiencies.

The Board should seek opportunities to enhance autonomy for individual charter schools that consistently demonstrate strong performance and success in meeting the academic, financial, operational, and governance standards established in the charter contract and applicable law.

Conflicts of Interest.

No employee, member, agent, or representative of the Board should simultaneously serve as an employee, board member, agent, representative, vendor, or contractor of a charter school authorized by the Board.

The District should not provide technical support to a charter school that it authorizes whenever said technical support may directly and substantially impact any Board decision related to the authorization, renewal, revocation, or nonrenewal of the charter.

The granting, revocation, or renewal of a charter should never be contingent on the charter school being required to contract, lease, or purchase services from the District.

SECTION SIX. INTERVENTION AND PROBATION

This section sets forth general principles and the process the Board should follow in taking formal intervention with a charter school, if warranted, including placing a school on probation.

Function.

The Board should follow a clear, explicit plan for monitoring schools as set forth in the charter contract and Board policy. If there is reason for concern regarding a charter school's performance or legal compliance, the Board should communicate with the school leadership and governing body and monitor as needed to ensure the school remedies serious concerns in a timely manner. In cases where formal intervention by the Board is warranted, it should be proportionate to the identified problem, adhere to provisions of the charter contract, and respect the autonomy of the charter school.

Principles.

In responding to problems or deficiencies that call for formal intervention in charter schools, the Board should follow these general principles:

1. Give schools clear, adequate, evidence-based, and timely notice of contract violations or performance deficiencies;
2. Allow schools reasonable time and opportunity for remediation in non-emergency situations;
3. Where intervention is needed, engage in intervention strategies that clearly preserve school autonomy and responsibility (identifying what the school must remedy without prescribing solutions); and
4. Articulate and enforce stated consequences for failing to meet performance expectations or compliance requirements.

Intervention other than Probation.

The Board should give timely notice to the governing body and leadership of the charter school of any charter contract violations or performance deficiencies justifying formal intervention. The notice should identify in writing the concern(s) to be remedied and the timeframe for correction, and may include additional consequences if the concern(s) are not remedied within the stated timeline.

The Board should provide charter schools with reasonable time and opportunity for remediation and to submit a corrective action plan, if required, in nonemergency situations.

Probation.

Depending on the severity of the concern or deficiency, the Board should place a school on probation or revoke the charter contract, in accordance with the terms of the charter contract and TEC §§ 12.063 and 12.064. The Board should place a charter on probation if it determines that the campus or program has:

1. Committed a material violation of the charter contract;
2. Persistently failed to meet academic standards set forth in the charter contract;
3. Persistently failed to satisfy generally accepted accounting standards of fiscal management; or
4. Persistently failed to comply with any applicable laws or state agency rules.

The Superintendent or designated staff should investigate any indication or allegation that a charter school has committed violations that would warrant probation

under TEC §§ 12.063 and 12.064.

Procedure:

In the event of any indication or allegation that a charter has committed a violation or underperformed to a degree that may warrant probation, the District and Board should take the following steps:

1. The Superintendent or designated staff will notify the school leadership in writing of the indication(s) or allegation(s), stating that the charter may be placed on probation, and shall meet with the principal or equivalent chief operating officer and the president or chair of the governing board of the charter school to discuss the matter, providing the school leadership an opportunity to respond.
2. If the Superintendent or designated staff determines that a violation or mismanagement that may warrant probation has occurred, the principal or equivalent officer of the charter school shall respond to the matter at the next regularly scheduled Board meeting. The Superintendent shall ensure that the issue is on the agenda. The Board shall hear the presentation and if warranted, take action to place the charter school on probation. In considering whether to place a charter school on probation, the Board shall schedule a public hearing to be held on the charter school campus, in accordance with TEC §12.064. The decision regarding whether to place a charter school on probation shall be based on the best interests of the students, the severity of the violation, and any previous violation committed by the school.
3. If a charter school is placed on probation, the charter school must take action to remedy the identified violation(s) or underperformance and report on the status of its corrective actions at the next regularly scheduled Board meeting.
4. The District shall monitor the school's corrective actions and re-evaluate the school's status on a timeline appropriate for the circumstances, to determine whether and when the school may be removed from probation, or whether charter revocation should or must be considered.

SECTION SEVEN. RENEWAL AND NON-RENEWAL

This section sets forth guidelines regarding the criteria and process the Board should use in deciding whether to renew a charter school contract at the end of its term.

Function.

Upon the expiration of a charter contract between the Board and a charter school, the Board may renew the contract for up to an additional ten (10) year term. In accordance with TEC §12.0531, the Board should renew a contract only if the Board finds that the school has substantially met the academic, financial, operational, and

governance standards established in the charter contract and has substantially fulfilled its obligations in applicable law and the charter contract.

The Board should base the charter contract renewal process and renewal decisions on the school's past performance, not promises of future success. The District should conduct its review using a comprehensive body of objective evidence defined by the performance standards and provisions in the contract. Such evidence should include at least all of the following:

1. Multiple years and measures of performance against the performance standards and expectations established in the charter contract and applicable law;
2. Financial audits;
3. Performance and compliance reports, including site visit reports, if applicable; and
4. The school's performance on corrective action plans or other required interventions, if necessary.

Expedited Renewal.

The Board should offer expedited charter contract renewal for up to a ten- (10-year) term to charter schools that have consistently, for at least the last five (5) operational years, met all or substantially all academic, financial, operational, and governance performance standards established in applicable law and the charter contract.

At the end of the term of a charter, if a charter holder submits to the Board a petition for expedited renewal of the charter, the charter should automatically renew unless, not later than the 30th day after the date the charter holder submits the petition, the Board provides written notice to the charter holder that expedited renewal of the charter is denied.

Discretionary Renewal

The Board should have a publicized renewal application process that requires all charter schools who seek contract renewal, but do not meet the standards for expedited renewal, to apply through a renewal application. The requirements for renewal should be publicly available and include written guidance regarding the process; the content and format for renewal applications; criteria or standards used to evaluate the applicant; and a timeline.

As part of the renewal application process, the District should provide each charter school, in advance of the renewal decision, a cumulative Renewal Performance Report that summarizes the school's performance record over the contract term and states the District's summative findings concerning the school's performance and its prospects for renewal. The renewal application process should provide each charter school an opportunity and reasonable time to respond to its cumulative Renewal Performance Report; correct the record, if needed; and present additional evidence regarding its performance.

The Board should make renewal decisions in a public meeting and promptly notify each charter school of its renewal (or nonrenewal) decision, including setting forth in

writing the reasons for the decision.

Nonrenewal.

The Board should choose not to renew a charter school contract for any of the following reasons:

1. Persistent or significant failure to meet student performance standards and expectations stated in the contract;
2. Persistent or significant failure to meet generally accepted accounting standards for fiscal management;
3. Persistent or significant violation of any provision of the contract or applicable state or federal law; or
4. Other good cause.

The Board should base any decision not to renew a charter school contract on thorough analysis of a comprehensive body of objective evidence defined by the contract, as described above.

Notification Timeline for Nonrenewal.

In the event of a decision not to renew a charter contract, the Board should notify the school of the proposed action in writing no later than the last Friday of January in the year in which the Board intends to take action not to renew the contract. The notice should include the reasons for the proposed action in detail, and the effective date of the nonrenewal.

Parents and students shall have ample time and information to make informed choices for the coming school year when a school's contract is not renewed. Children attending a charter school whose contract has been revoked, not renewed, or that closes for any reason should be admitted to District schools if the children are entitled to attend under state law, and admission deadlines should be waived for such students.

Any charter school whose contract is not renewed should close permanently at the end of the current school year or on a date specified in the notification of nonrenewal.

Closure Protocol.

The Board should develop a detailed school closure protocol before the non-renewal of a charter contract. The protocol should ensure timely notification to parents including assistance in finding new placements; orderly transition of student records to the district; and disposition of school funds, property, and assets in accordance with law. In the event of closing any charter school, the District should oversee and work with the school's local governing board and leadership to carry out the closure protocol.

SECTION EIGHT.

REVOCAION

This section sets forth the criteria and process the Board will use when considering whether to revoke a charter contract.

Criteria.

The Board should consider revoking a charter if it determines that the charter school:

1. Has committed a material violation of the charter contract;
2. Has failed to meet academic standards set forth in the charter contract;
3. Has failed to satisfy generally accepted accounting standards of fiscal management; or
4. Has failed to comply with any applicable laws or state agency rules.

The Board should revoke a charter if it finds clear evidence of a charter school's extreme underperformance or violation of law or the public trust that imperils students or public funds, including any of the following:

1. Persistent and serious violation of applicable state or federal law;
2. Persistent and serious violation of a provision of the charter contract;
3. Persistent failure to meet generally accepted accounting standards for fiscal management;
4. Persistent failure to improve student academic achievement for all student groups;
5. Failure for three (3) consecutive years to meet the academic and/or financial accountability standards outlined in TEC Chapter 39, Subchapters C and D;
6. Failure for three (3) consecutive years to meet the academic and/or financial performance standards established in the charter contract; or
7. Multiple placements on probation within [XX timeframe].

Procedure.

In the event of any indication or allegation that a charter has committed a violation or underperformed to a degree that may warrant charter revocation, the Superintendent or designated staff should take the following steps:

1. The Superintendent or designated staff will notify the school leadership in writing of the indication(s) or allegation(s), stating that the charter may be in jeopardy, and shall meet with the principal or equivalent chief operating officer and the president or chair of the governing board of the charter school to discuss the matter.
2. If the Superintendent or designated staff determines that a violation or mismanagement has occurred, the principal or equivalent officer of the charter school shall respond to the matter at the next regularly scheduled

Board meeting. The Superintendent shall ensure that the issue is on the agenda. The Board shall hear the presentation, and if the Board decides to consider revocation of the charter, it shall schedule a public hearing to be held on the campus where the program is located.

The Board's decision regarding whether to revoke a charter should be based on the best interests of the students, the severity of the violation, applicable law, and any previous violation committed by the school.

In the event of a health or safety concern, the Board should reserve the right to immediately suspend school operations before revocation takes effect.

Notification Timeline.

In the event of a decision to revoke a charter contract, the Board should notify the school of the proposed action immediately in writing. The notice should include the reasons for the proposed revocation in detail, and the effective date of the revocation, which may be effective immediately in the event of a health or safety concern.

Parents and students should have ample time and information to make informed choices for the coming school year when a school's contract is revoked or not renewed. Children attending a charter school whose contract has been revoked, not renewed, or that closes for any reason should be admitted to District schools if the children are entitled to attend under state law, and admission deadlines should be waived for such students.

Any charter school whose contract is revoked should close permanently at the end of the current school year or on a date specified in the notification of revocation.

Closure Protocol.

The Board should develop a detailed school closure protocol before the revocation of a charter contract, as provided for in the Board Policy on "Charter Renewal and Nonrenewal."