**Performance Contract**

**Evaluation Form**

# **Review Overview**

TEA will evaluate relevant sections from the executed performance contract associated with each partnership submitted in the Texas Partnership Benefits Application. Performance contracts and all relevant attachment or addendums will be evaluated by a review team that includes a minimum of three members, including external TEA partners with expertise in reviewing charter applications.

Review team members will individually review each performance contract using the criteria in this evaluation form. The review team will discuss individual findings and will establish a consensus rating for each section of the evaluation form. In order to meet the TEA threshold for approval, a proposal must “Meet the Standard” in each of the sections below and may not receive a rating of “Does Not Meet the Standard” in any section.

# **Evaluation Criteria:**

Evaluators will use the following criteria to rate applicant responses to the Texas Partnership Benefits Application. Within each section, specific criteria define the expectations for a strong response that “Meets the Standard.” Evaluators will rate responses by applying the following guidance:

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| **Rating** | **Characteristics** |
| **Meets the Standard** | The contract includes clear or exact provisions addressing the respective criteria. |
| **Does Not Meet the Standard** | The contract does not include clear or exact provisions addressing the respective criteria; or the language raises substantial concerns as the ability of the contract to create clear enforceable accountability measures and areas of operator autonomy. |

Recommendations from the Review Committee will be based on evaluation of the performance contract, independent due diligence, and the applicant interview (if applicable).

# **Partnership Staffing Criteria:**

The performance contract grants the operating partner clear, sole authority to employ and manage the campus chief operating officer, including initial and final non-delegable authority to hire, supervise, manage, assign, evaluate, develop, advance, compensate, continue employment, and establish any other terms of employment.

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| Review | |
| ☐ Meets the Standard | ☐ Does Not Meet the Standard |
| Comments/Feedback | |
| Click or tap here to enter text. | |

The performance contract grants the operating partner clear, sole authority over the employees of the operating partner, including initial and final non-delegable authority for the operating partner to employ and/or all of the operating partner's own administrators, educators, contractors, or other staff. Such authority includes the authority to hire, supervise, manage, assign, evaluate, develop, advance, compensate, continue employment, and establish any other terms of employment.

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| Review | |
| ☐ Meets the Standard | ☐ Does Not Meet the Standard |
| Comments/Feedback | |
| Click or tap here to enter text.  . | |

The performance contract grants the operating partner clear, sole authority over the assignment of all district employees to the campus, including:

* initial and final authority to approve the assignment of all district employees or contractors to the campus,
* initial and final authority to supervise, manage, and rescind the assignment of any district employee or district contractor from the campus, and
* a provision that guarantees the district will honor and requests to rescind the assignment of any district employee or district contractor within 15 business days or less.

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| Review | |
| ☐ Meets the Standard | ☐ Does Not Meet the Standard |
| Comments/Feedback | |
| Click or tap here to enter text. | |

The performance contract grants the operating partner clear, sole authority to directly manage the instructional staff, either employed by the district or operating partner, who provide services to at least a majority of the students.

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| Review | |
| ☐ Meets the Standard | ☐ Does Not Meet the Standard |
| Comments/Feedback | |
| Click or tap here to enter text. | |

# **Partnership Education Program/Academic Model Criteria:**

The performance contract ensures the partner is accountable to implementing the education plan described in the approved charter proposal.

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| ☐ Meets the Standard | ☐ Does Not Meet the Standard |
| Comments/Feedback | |
| Click or tap here to enter text. | |

The performance contract grants the operating partner clear, sole authority to approve all curriculum decisions beyond the minimum requirements outlined in §74.2 of this title (relating to Description of a Required Elementary Curriculum) or §74.3 of this title (relating to Description of a Required Secondary Curriculum), lesson plans, instructional strategies, and instructional materials, as defined in TEC, §31.002(1), to be used at that campus.

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| ☐ Meets the Standard | ☐ Does Not Meet the Standard |
| Comments/Feedback | |
| Click or tap here to enter text. | |

The performance contract grants the operating partner clear, sole authority over educational programs for specific, identified student groups, such as gifted and talented students, students of limited English proficiency, students at risk of dropping out of school, special education students, and other statutorily defined populations.

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| ☐ Meets the Standard | ☐ Does Not Meet the Standard |
| Comments/Feedback | |
| Click or tap here to enter text. | |

The performance contract grants the operating partner clear, sole authority to set the school calendar and the daily schedule, which may differ from those in other district campuses.

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| ☐ Meets the Standard | ☐ Does Not Meet the Standard |
| Comments/Feedback | |
| Click or tap here to enter text. | |

The performance contract grants the operating partner clear, sole authority to approve all assessments that are not required by the state of Texas.

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| ☐ Meets the Standard | ☐ Does Not Meet the Standard |
| Comments/Feedback | |
| Click or tap here to enter text. | |

# **Partnership Budget & Operations Criteria:**

The performance contract grants the operating partner clear, sole authority to adopt and implement the campus budget.

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| Comments/Feedback | |
| Click or tap here to enter text. | |

The performance contract includes a reasonable per pupil amount or percentage of the revenue generated by attendance at the campus from the district to the operating partner of all federal, state, and local funds due the campus, to be paid to the operating partner for managing the campus or campuses each year.

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| ☐ Meets the Standard | ☐ Does Not Meet the Standard |
| Comments/Feedback | |
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The performance contract includes the total budget for the first year of operation of the campus.

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| Review | |
| ☐ Meets the Standard | ☐ Does Not Meet the Standard |
| Comments/Feedback | |
| Click or tap here to enter text. | |

The performance contract includes service-level agreements that list the resources and services the operating partner intends to purchase from the district and the specific costs of such services by pupil, square foot, campus, or the percentage of the total district budget for the specific resource or service.

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| ☐ Meets the Standard | ☐ Does Not Meet the Standard |
| Comments/Feedback | |
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# **Partnership Performance Measure Criteria:**

The performance contract includes **school academic performance goals***.* These goals should include, at a minimum, annual academic performance expectations and goals, which shall include, but are not limited to:

* for campuses that are paired for accountability purposes, specific annual targets for improved student academic performance;
* for campuses issued an accountability rating under TEC, §39.054, a specific annual target for the overall campus academic rating; and
* specific consequences in the event that the operating party does not meet the academic performance expectations and goals described in the performance contract.

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| ☐ Meets the Standard | ☐ Does Not Meet the Standard |
| Comments/Feedback | |
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The performance contract includes **school financial performance goals***.* These goals should include, at a minimum, annual financial performance expectations and goals, which shall include, but are not limited to:

* the completion of an annual independent financial report of the operating partner meeting the expectations outlined in Texas Administrative Code §109.23 (relating to School District Independent Audits and Agreed-Upon Procedures;
* receipt of an unqualified audit opinion, in connection with the annual financial report; and
* specific consequences in event that the operating partner does not meet the annual financial performance expectations and goals described in the performance contract.

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| Review | |
| ☐ Meets the Standard | ☐ Does Not Meet the Standard |
| Comments/Feedback | |
| Click or tap here to enter text. | |

The performance contract includes specific and material consequences for breach of contract by either party.

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| ☐ Meets the Standard | ☐ Does Not Meet the Standard |
| Comments/Feedback | |
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# **Partnership Enrollment Policies Criteria:**

The performance contract includes a description of the campus enrollment and expulsion policies**.** For partnerships at turnaround schools, the enrollment provision must:

* Address eligibility for enrollment; and
* Provide that any student residing in the attendance zone of the district campus as the attendance zone existed before operation of the district campus under the contract shall be admitted for enrollment at the campus. The contract must establish enrollment preference for students who do not reside in the attendance zone as follows:
  + other students residing in the school district in which the campus is located; and students who reside outside the school district.

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| Review | |
| ☐ Meets the Standard | ☐ Does Not Meet the Standard |
| Comments/Feedback | |
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# **Other Partnership Criteria:**

The performance contract includes a contract term of up to 10 years as required by TEC, §12.0531, with provision(s) specifying:

* a requirement for a public hearing at least 30 days prior to any district action to terminate the contract for an operating partner that successfully met the performance expectations and goals described in the performance contract; and
* a requirement for a public hearing at least 30 days prior to any district action to extend the contract for an operating partner that failed to meet the performance expectations and goals described in the performance contract.

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| Review | |
| ☐ Meets the Standard | ☐ Does Not Meet the Standard |
| Comments/Feedback | |
| Click or tap here to enter text. | |

The performance contract includes a term stating that the campus is exempt from laws and rulesto the fullest extent allowed by TEC, Chapter 12, Subchapter C, and is exempt from all district policies except for laws, rules, and policies that are specifically identified as applicable to the campus in the performance contract.

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| Review | |
| ☐ Meets the Standard | ☐ Does Not Meet the Standard |
| Comments/Feedback | |
| Click or tap here to enter text. | |