



To: Sponsored Schools and Governing Authority Members
From: ESCLEW Community Schools Center
Date: February 1, 2019
RE: Governing Authority Update

Governing Board

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What Matters Most: Student Performance and Finances

Student performance and finances are two major topics that have historically lead to the closing of several charter schools throughout time. Holding these two topics to high governess for charter schools is vital to the success of the school, but in reality, how much time is actually spent discussing these items during a regular meeting with the board? Valuable time can be lost in meetings when boards get caught up in discussions regarding other things and not focusing on what matters most. Some topics are avoidable and must be discussed, but when it comes to effective governess, are your meetings focusing on outcomes for the school in which the board can effectively ensure continuous academic growth is being made?

Discussing student performance can often lead to “how” questions which might lead to a list of processes and procedures of what is being done in the school to address situations. Therefore, when discussing student performance, it is important to ask “how well” questions instead of “how” questions. An example of this: “How are student’s reading proficiency being progress monitored?” The answer: “We completed STAR reading assessment three times a year, most recent benchmarking occurred in December.” This is an example in which a “how” question was answered with a process and not an outcome of student performance. Replacing “how” questions with “how well” questions (example: what percentage of students are currently reading at or above grade level?) will provide the board with information that relates to the current student performance outcomes of the school to ensure academic growth.

As the sponsor, the ESCLEW evaluates the school’s annual academic growth based on evaluation of the annual Performance Framework Goals (often referred to as attachment 11.6) and the yearly progress on the State Assessment and Local Report Card findings.

Two thirds of all dissolved community schools have done so due to financial troubles. This is why school finance is as equally important to review, discuss, and understand as student academic performance. It is vital that all board members understand how to read and interpret the financial statements presented at each meeting. A common mistake is to allow one or two directors to review the statements and provide the rest of the board with an all clear, or to put all trust in the treasurer and/or management company. To ensure proper governess of the school finances, it is suggested that boards request regular, accurate, comprehensible financial statements, as well as dedicate a time during the regular meeting to review and discuss as a board. If board members have any questions regarding the finances of the school, encourage them to contact the school treasurer.

Attached for your review are the ESCLEW Targeted Intervention Procedures and the Policy on Technical Assistance and Interventions. Both policies provide information on types of intervention that the sponsor may take if the school fails to perform satisfactorily in the areas reviewed, such as through the oversight process and/or the school is not meeting the terms of the contract. If you have any questions regarding either of the attached policies, please direct your questions to the Academic Services Team Leader, Kristi Hayward (khayward@esclakeeriewest.org).

If you should have any questions regarding the details above please reach out to your Regional Technical Assistance Educator, Academic Services Team Leader, or the Interim Director of the Community Schools Center.

POLICY ON TECHNICAL ASSISTANCE AND INTERVENTIONS

Pursuant to the Sponsor's Oversight and Evaluation policy and guidance, the Sponsor may uncover deficiencies, or the Sponsor may become aware of deficiencies by other means. This policy provides notice for of types of intervention that the Sponsor may take if the School fails to perform satisfactorily in the areas reviewed, such as through the oversight process, performance assessment framework, or if the School does not meet its contract goals, or contract terms. The Sponsor will make attempts to both streamline and customize interventions based on the School's operations structure and mission and based on the severity of the deficiency.

Some of the intervention samples listed below involve the Sponsor's technical assistance. Technical assistance is a form of cooperative intervention which involves supports of the Sponsor in order to fulfill the sponsor responsibilities, priorities, and requirements under the laws rules and regulations as well as under the community school contract.

Technical Assistance by the Sponsor will be carried out as needed, and specific technical assistance is carried out pursuant to a written survey and a needs assessment. The administration is authorized through this policy to set out it survey form and needs assessment process. Such process will be used to determine deficiencies, set priorities for technical assistance, allocate resources, provide professional development or training, and make improvements to sponsored schools. Technical Assistance will be as timely as possible when in reaction to a specific request, or when Sponsor is made aware of and reacting to specific problems, however technical assistance may have to come from outside sources. Proactive technical assistance will be offered as part of the Sponsor's programming, as well as to address the customized needs of a school.

The Sponsor has attempted to limit financial cost to the School interventions requiring expenditure of School funds. However, the School should budget for a certain amount of expense and/or staff job duties due to required performance interventions, programs to collect data, and staff to provide performance data, as well as increased staff for tutoring or to cure deficiencies.

All interventions will require follow-up, timeframes, deadlines, progress reports, proof of cure, and adherence to cure. Examples of technical assistance, interventions, remedies or cures offered or imposed by Sponsor may be, but are not limited to the following:

Mission and Vision Statements

- Sponsor technical assistance in mission-driven decision making and to assess the ability of the School to realize its mission, which may include aspects of culture, parent satisfaction, or other visions stated by the School in its Contract, curriculum, or programming.
- Sponsor assessment of leadership with the Board or the administration and mutual plan to correct weaknesses in meeting goals, targets and standards.

- Outside coaching or training, research, observations, or remedies to meet stated goals, at School's cost.
- Leadership training in area of desired goals and why they are not being reached or how to reach them more effectively.
- Other tailored interventions based on the specific circumstances

Governance

- Training session in area of weakness.
- Targeted technical assistance in procedure, minutes, motions, notices, or similar governance matters.
- Working session held by Sponsor, or, by an outside professional at School's cost.
- Recommendations of Sponsor to be followed by Board as to dysfunctions or deficiencies and options for resolving them.
- Review and changes to Code of Regulation, governance policies, or other rules or practices affecting governance.
- Clear guidance written into policy and adherence to guidance, as to roles and responsibilities of the governing authority.
- Recommended replacement if repeated absenteeism, or of members hampering business or quorum.
- Recommendation to Governing Authority to dismiss board member or officer violating policy, law, procedure, rules, ethics or conflicts, or other customary good governance precepts.
- Training, using trainer suggested by or acceptable to Sponsor, at School's cost.
- Other tailored interventions based on the specific circumstances.

Fiscal or Financial Matters

- Sponsor technical assistance such as outside treasurer reviews or recommendations.
- Enhanced and more accurate financial reports required, such as additional financial documentation, debt-to-asset ratios, cash flow analyses, requirements of debt service coverage ratios, enrollment variances and withdrawal frequencies, requirements of minimum unrestricted cash, and increased transparency enhancements for analytical purposes.
- Compliance plans for recurring or material findings.
- Contingency plans addressing potential funding shortfalls or other disruptive events, purchase of business interruption insurance.
- Require finance committee or finance expert on the governing authority.
- Pre-audit exercise with qualified Treasurer consultant.
- Independent training, at the School's cost.
- Other tailored interventions based on the specific circumstances.
- Enactment of Plan to Cure Financial Difficulties.

Special Education and Other Diverse Learning Needs Interventions

- Sponsor technical assistance, including but not limited to Sponsor audit of files.

- Legal review of practices and procedures targeted to issues discovered.
- State audit of files and State training.
- Training by Sponsor, or, Training by consultant approved by Sponsor at School's expense.
- Independent Special Education Audit, at the School's cost.
- Other tailored technical assistance and interventions based on the specific circumstances.

Academics

- Sponsor technical assistance in targets, goals, performance framework, curriculum and data analysis.
- Targeted assistance by the Sponsor as defined below.
- Face to face meetings and increased reporting to Sponsor on progress.
- Checklists, plans to cure, and periodic data reporting.
- Revisions to the Ohio Improvement Plan.
- Required academic or professional assistance or development.
- Parent Engagement to support students in academics, attendance, and curriculum.
- Curriculum Mapping.
- Study of Ohio's New Learning Standards and or the Next Generation of Assessments in Ohio.
- OTES and OPES evaluations of staff.
- Required training on the Ohio report card indicators or components, specifically as to remedies for indicators or components needing improvement.
- Targeted coaching, at the School's cost.
- Targeted tutoring before or after school and/or weekends, at the School's cost.
- Short-term assessments or random sampling by Sponsor to assess whether School is meeting requirements.

Operations

- Targeted assistance for inefficiencies, professional development, evaluations, staff and human resources, timeliness, roles and responsibilities, contracts, vendors, compliance, and other operational needs.
- Corrective action plans or specific training.

Academic Interventions and Assistance

Reports on academic data for all measures and components of the Ohio Local Report Card will be required and submitted to Sponsor by October 1 of each school year. A meeting will be required yearly (between October 1 and December 15) between the Sponsor and the School's chief academic officer or administrator(s) to assess the readiness of the School to collect data, assess data, cure weaknesses, and report to the Sponsor. If the School is not fully prepared for this meeting, the School may be subject to some level of discipline.

Any D or F or “does not meet standards” in any measure from the prior year, or any relative weakness in a component or measure, will require targeted intervention. The first step of that intervention will be the School’s submission of all data which make up the measure, or components of that measure, and which components have caused the poor grade. The School must list each component with all proof of accurate data to support it, and the School must report bi-monthly on academic data for measures and components identified as weaknesses.

All academic interventions will require a thorough understanding of weaknesses, based on data and tools recommended by Sponsor, a thorough understanding of in which measure and which component or standard within a measure the weakness occurs, and a targeted plan to cure that particular weakness or those weaknesses, whether it be Graduation Rate, K-3 Literacy Improvement, Prepared for Success, Achievement, Progress or Gap Closing, Overall Grade or any other measure now assessed or required to be assessed in the future.

Each plan to cure the weaknesses will require bi-monthly reporting to the Sponsor with a narrative, data or graphs as to how the plan is achieving progress. Should the plan be showing lack of progress, after two months of data, the plan will be re-evaluated and changed, with either additional technical assistance, interventions or supplements to the existing interventions.

Summary

The goal of the Sponsor is to work out all assistance and interventions and achieve a successful cure in a cooperative manner. However, repeated deficiencies or lack of adherence to a plan to cure, or inability to cure deficiencies may lead to statutory interventions. Statutory Interventions include probation, suspension, non-renewal, takeover of operations or termination or closure.

The Governing Authority, by and through its President or Chair, shall acknowledge receipt of this policy by signature. The Chief Administrator of the School shall also sign as having received this policy.

Please see Sponsor’s Notice and Guidance on Interventions and Tracking Table for non-statutory interventions, for more information.



Educational Service Center of Lake Erie West Community Schools Center

Targeted Intervention Procedures

The Educational Service Center of Lake Erie West, Community Schools Center (“Sponsor”) is responsible to provide monitoring, oversight, and technical assistance to the community schools (“Schools”) that it sponsors. The Sponsor and Schools have included in the community school contracts as Attachment 11.6 a Performance Accountability Framework detailing the several ways in which the Sponsor assesses the performance of each School, the general conditions that trigger intervention, and the various interventions and technical assistance that the Sponsor may utilize.

Academic Intervention and Assistance

Designation on the Ohio Local Report Card of a D or F in any measure, a drop of more than one grade level in any component or measure, or designation of “Does Not Meet Standards” for a dropout prevention and recovery school will trigger targeted intervention for a School. The Sponsor also requires targeted intervention for any academic contract goal that the School fails to meet, as delineated in Section C of Attachment 11.6.

Within thirty (30) days of receipt of such a local report card designation or of failing to meet an academic contract goal, the School must submit to the Sponsor all data that make up the relevant measure(s), or component(s) of the measure. The School must list each component with all proof of accurate data to support it.

The Sponsor will work the School’s Chief Academic Officer or his/her designee to develop a Corrective Action Plan (“CAP”), which must be finalized within thirty (30) days of receipt of relevant data. All academic interventions require a thorough data-driven understanding of weaknesses, based on data derived from assessment tools selected in conjunction with the Sponsor and a targeted plan to cure that particular weakness or those weaknesses. The CAP must be reviewed by the School’s Governing Authority prior to finalization.

Once the CAP is finalized, the School must report to the Sponsor on a monthly basis with a narrative as to how the plan is achieving progress and any relevant data, if applicable. Should the School fail to make adequate or appropriate progress, the plan may be re-evaluated and changed, with either additional interventions or supplements to the existing interventions. Such progress reports must also be submitted to the School’s Governing Authority.

Non-Academic Contract Goal and Other Contract Violation Intervention and Assistance

The Sponsor will assess the School’s progress toward meeting its non-academic contract goals, as delineated in Section C of Attachment 11.6, as a part of its annual evaluation and report to the School. If the School has failed to meet or is not on track toward meeting any of these contract goals, or if the Sponsor has identified any additional material weakness, the Sponsor will notify the School’s Chief Administrative Officer, Governing Authority President, and Operator, if applicable.

The Sponsor will also provide notification to the School’s Chief Administrative Officer, Governing Authority President, and Operator, if applicable, for all material contract violations or other violations of federal or state law, rules, or regulations, within ten (10) business days of actual knowledge of such a violation.



Educational Service Center of Lake Erie West Community Schools Center

The School must cure the identified violation or weakness within thirty (30) days, or within a reasonable timeframe agreed upon with the Sponsor, depending on the nature of the circumstances. If the School has not presented adequate evidence of having cured the violation within this timeframe, the Sponsor will work with the School's Chief Administrative Officer or his/her designee to develop a CAP, which must be finalized within thirty (30) days. The CAP must be reviewed by the School's Governing Authority prior to finalization.

Once the CAP is finalized, the School must report to the Sponsor on a monthly basis with a narrative as to how the plan is achieving progress and any relevant data, if applicable. Should the School fail to make adequate or appropriate progress, the plan may be re-evaluated and changed, with either additional interventions or supplements to the existing interventions. Such progress reports must also be submitted to the School's Governing Authority.

Probation, Suspension, and Termination

If a School does not cooperate with the Sponsor in the CAP process or adhere to and participate in the required interventions, or if the School fails to cure the identified deficiency, the School may be subject to additional discipline, at the discretion of the Sponsor.

Probation, which may lead to suspension, may be used for any cause allowed by the Ohio Revised Code, including but not limited to:

- Untimely submissions or lack of cooperation in submissions required by the State or the Sponsor for two (2) or more times per year, or for over five (5) business days
- Lack of compliance with laws or the Contract
- Failure to achieve academic goals, as listed in the Performance Accountability Framework
- Any fiscal matter of any level of risk
- Governance, administrative, or minor financial issues that can be adequately corrected by CAP acceptable to Sponsor
- Potential or actual ethics or conflicts violations

Suspension, which may lead to termination, is more likely to be used for matters such as, but not limited to:

- Health or safety matters
- Consistent failure to achieve academic goals, despite CAPs and technical assistance
- Money owed to the State or its agencies, vendors, or Sponsor that is delinquent, overextended, or may or does render insolvency
- Inability to make payroll
- Undisclosed debt or obligations
- Lack of accuracy in or misrepresentation, cheating, or fraud in any reporting figures, data, or testing results that is not corrected within timeframes allowed by law or which create financial, reputational, governance or academic risk
- Other matters of noncompliance, the magnitude or risk of which may be assessed by Sponsor as good cause or allowed by the Code
- Uncorrected or actual ethics or conflict violations
- Inability to meet, or lack of progress in meeting, the terms of the Contract, the laws, rules, regulations or requirements, or the reasonable requests of Sponsor geared to correct deficiencies as cited in a probation notice or corresponding CAP



Educational Service Center of Lake Erie West Community Schools Center

Termination of the Contract will occur if the School fails to develop a CAP or fails to comply with or remedy the problems cited in the CAP developed with the Sponsor as part of a suspension.

Non-Renewal and Permanent Closure

Upon the expiration of the Contract, the Sponsor may renew the Contract pursuant to R.C. 3314.03(E). Corrective action may be required at the discretion of the Sponsor as a condition of renewal. Prior to its determination, the Sponsor shall conduct a high stakes review or evaluation and provide the School with a cumulative report on its findings and on the School's performance over the contract term.

The Sponsor may choose not to renew the Contract for (1) failure to meet student performance requirements stated in the Contract; (2) failure to meet generally accepted standards of fiscal management; (3) violation of any provision of the Contract or applicable state or federal law; or (4) other good cause.

Renewal decisions are based upon an analysis of the following:

- the School's progress in meeting the educational program listed in Attachment 6.3;
- the School's progress in meeting the Academic Goals listed in Attachment 11.6;
- the School's progress in meeting the Non-Academic Goals listed in Attachment 11.6;
- the School's progress or performance on actions required by CAPs or other interventions, if any;
- the degree to which the School is compliant with the terms of the Contract;
- the School's fiscal viability and financial audits;
- the School's organizational viability; and
- other good cause.

Permanent closure under R.C. 3314.35 or 3314.351 will occur under the following circumstances:

- For schools with grades no higher than 3, for two of the past three years, the school has either been in academic emergency, received an F in improving literacy in grades K-3, or received an overall F.
- For schools with grades 4-8, but no higher than 9, for two of the past three years, the school has either been in academic emergency and not met value-added growth, received an F for the performance index score and an F for value-added progress, or received an overall F and an F for value-added progress.
- For schools with grades 10-12 that are not drop-out recovery schools, for two of the past three years, the school has either been in academic emergency, received an F for the performance index score and not met AMOs, or has received an overall F and an F for value-added progress
- For drop-out recovery and prevention program schools, for two of the past three years and beginning on July 1, 2014, the school received a designation of "does not meet standards."

Currently, schools in which a majority of the enrolled students are children with disabilities receiving special education and related services are exempt from statutory closure on the basis of academic performance. However, the Sponsor may discipline or non-renew a special education status school on the basis of academic performance or other cause as indicated in the Contract.