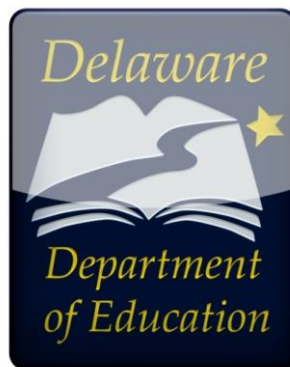

Delaware Charter School Organizational Performance Framework



October 13, 2016

Organizational Performance Framework

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Section III: Organizational Performance

The purpose of the Organizational Performance Framework is to provide each charter school and the public a useful annual assessment of the school's organizational soundness, public stewardship, and fulfillment of essential legal obligations. The Organizational Performance Framework reflects expectations the charter school is required to meet through state and federal law as well as the charter Performance Agreement with the state, and it seeks to provide information regarding these key questions:

- Is the school organizationally sound and well-run?
- Is the school fulfilling its legal obligations, fiduciary duties, and offering sound public stewardship?
- Is the school meeting its obligations and expectations for appropriate access, education, support services, and outcomes for students with disabilities and English Learners?

As much as possible, the Organizational Performance Framework seeks to focus on:

- **Outcomes** rather than process or input (except where the law dictates particular compliance processes or requirements);
- Matters that are **material or significant** to a school's organizational health and effectiveness; and
- Measures that can be **objectively judged** or determined.

“Material” and “significant” mean that the authorizer deems the matter relevant to:

- The authorizer's accountability decisions, including but not limited to decisions about whether to renew, not renew, or revoke a charter; or
- Information that a family would consider relevant when making a decision to attend the school.

For each measure, the school will receive one of the ratings described below:

Rating	Description
Meets Standard	The school generally meets the stated expectations and/or minor concern(s) are noted.
Approaching Standard ¹	The school meets some of the stated expectations but not others and/or moderate concern(s) are noted.
Far Below Standard	The school falls below the stated expectations and/or major concern(s) are noted. The failures are material and significant to the viability to the school.

Organizational performance is often tied to absolute standards for compliance established in law, regulation, or contract. Legal and contractual requirements are either met or they are not. **In order to avoid penalizing charter schools for anything less than perfection, the authorizer will apply a reasonable interpretation of sufficiency that acknowledges attentiveness, prudent compliance, and generally sound stewardship.**

¹ Due to the developmental nature of establishing a high-performing charter school, it is not unusual for schools in their first charter term to receive **APPROACHING STANDARD** for certain measures.

For any measure where a school is rated **APPROACHING STANDARD** or **FAR BELOW STANDARD**, the authorizer will provide an explanation of the rating. If a school receives an overall rating of **FAR BELOW STANDARD** on the Organizational Framework, the authorizer, in conjunction with the school, will conduct a comprehensive analysis of the identified areas and collaboratively develop a plan for technical assistance that will include on-site monitoring.

The Department of Education will conduct at a minimum, two on-site visits the preceding year for each school that fails to meet standards in the overall Organizational Framework.

The Department of Education will provide guidance for each school partially meeting standard or not meeting standard in an overall measure and will conduct on-site monitoring as needed and agreed upon.

A school is not permitted to be **APPROACHING STANDARD** in the same indicator, rating, or overall rating for 3 consecutive years. If a school achieves a rating of “Approaching Standard” for 3 consecutive years in the same indicator, measure, or overall rating, that measure, indicator, and/or overall rating will be converted to **FAR BELOW STANDARD** in the third year.

For the purpose of clarity and alignment across the academic, financial, and organizational performance frameworks, “Does Not Meet Standard” was changed to **FAR BELOW STANDARD** in 2016. These terms will be used synonymously for the purpose of annual reporting.

Indicators and Measures:

1. Education Program

- a. Mission Fidelity
- b. Applicable State and Federal Requirements
- c. Students with Disabilities (SWDs)
- d. English Learners (ELs)

2. Governance and Reporting

- a. Governance and Public Stewardship
- b. Oversight of School Management
- c. Reporting Requirements

3. Students and Staff

- a. Student Rights
- b. Requirements on Teacher Certification and Hiring Staff

4. Facilities, Transportation, Health, and Safety

- a. Facilities, Transportation, Health, and Safety

1. Education Program

1a. Is the school faithful to its mission as defined in its current charter, including approved mission-specific academic goals if applicable?

MEETS STANDARD

[The metrics for this standard will be defined in an annual conversation between each school and the authorizer sometime between September and March in the year preceding the school year to be reviewed in the Performance Framework.]

APPROACHING STANDARD

[The metrics for this standard will be defined in an annual conversation between each school and the authorizer sometime between September and March in the year preceding the school year to be reviewed in the Performance Framework.]

FAR BELOW STANDARD

[The metrics for this standard will be defined in an annual conversation between each school and the authorizer sometime between September and March in the year preceding the school year to be reviewed in the Performance Framework.]

1b. Is the school materially fulfilling applicable state and federal requirements pertaining to its education program (with the exception of responsibilities relating to SWDs and ELs, which are addressed separately under measures 1c. and 1d. in this framework)?

MEETS STANDARD

The school is materially fulfilling applicable state and federal requirements including:

- Meeting state requirements on instructional minutes;
- Meeting state requirements for graduation and promotion in accordance with [14 DE Admin. Code 505](#) and [Del. C., Title 14, Ch. 1, II](#);
- Meeting Delaware content standards and state program requirements in accordance with [14 DE Admin. Code 500](#);
- Administering state assessments as required by Delaware law and [14 DE Admin. Code 100](#) and [Del. C., Title 14, Ch. 1, IV](#);
- Implementing a system of Response to Intervention (RTI) in accordance with the charter as well as [14 DE Admin. Code Title 14 Ch. 12](#);
- Implementing mandated programming in accordance with the terms of state and federal grants, as applicable; and
- Implementing mandated programming in accordance with the conditions and assurances for federal funds, as applicable.

APPROACHING STANDARD

The school is materially fulfilling applicable state and federal requirements listed under "Meets Standard" except for moderate concerns noted in the following areas:

- The school is meeting state requirements on instructional minutes but has submitted its school calendar and attendance survey after the due date;
- The school has met state requirements for graduation and promotion in accordance with [14 DE Admin. Code 505](#) and [Del. C., Title 14, Ch. 1, II](#), but the school has submitted documentation after the due date;
- The school is implementing mandated programming in accordance with the terms of state grants, and the school is actively working with the state on a corrective action plan where it has met all deadlines and compliance requirements; and/or
- The school has not implemented some mandated programming in accordance with the conditions and assurances for federal funds, but the school is actively working with DDOE on a corrective action plan where it has met all deadlines and compliance requirements.

FAR BELOW STANDARD

The school does not meet the required threshold for this measure.

1c. Is the school fulfilling legal responsibilities for students with disabilities (SWDs)?

MEETS STANDARD

Consistent with the school's status and responsibilities as a Local Education Agency (LEA), the school materially complies with applicable laws, rules, regulations, and provisions of the charter relating to the education of students with identified disabilities and those suspected of having a disability (including the [Individuals with Disabilities Education Act](#) (IDEA), [Section 504 of the Rehabilitation Act of 1973](#), and the [Americans with Disabilities Act](#)), including requirements for:

- Identification and referral;
- Access to the school's facilities and programs for students and parents in a lawful manner and consistent with students' abilities;
- Operational compliance to include the academic program, assessments, and all other aspects of the school's program and responsibilities;
- Implementation of student Individualized Education Plans (IEPs) and Section 504 plans; and
- Discipline, including due process protections, manifestation determinations, and other identified state and federal requirements.

APPROACHING STANDARD

The school is fulfilling legal responsibilities for SWDs listed under "Meets Standard" except for moderate concerns noted in the following areas:

- The school has been identified as noncompliant for an IDEA regulatory area (see rating explanation) and is engaged in a corrective action plan;
- The school has some individual student special education records out of compliance and is engaged in a corrective action plan; and/or
- The school has appointed and notified DDOE of its Special Education Designee, but the Designee has not attended mandatory "Special Education Policies, Procedures, and Procedural Safeguards" training by September 30.

FAR BELOW STANDARD

The school does not meet the required threshold for this measure.

1d. Is the school fulfilling responsibilities for English Learners (ELs)?

MEETS STANDARD

Consistent with the school's status and responsibilities as an LEA, the school materially complies with applicable laws, rules, regulations, and provisions of the charter relating to the education of students identified as English Learners ([U.S. Department of Education/Office of Civil Rights](#), Title III of the [Every Student Succeeds Act \(ESSA\)](#), and [Del.C., Title 14 Section 900 Special Populations, 920 Educational Programs for English Language Learners](#)), including requirements for:

- Policies for serving EL students and properly identifying students in need of EL services;
- Access to the program for students and parents as required by law and consistent with students' abilities;
- Operational compliance, including the academic program, assessments, and all other aspects of the school's program and responsibilities;
- Provision of student EL services;
- Implementation of accommodations on assessments; and
- Exit of students from EL services and ongoing monitoring of exited students.

APPROACHING STANDARD

The school is fulfilling responsibilities for English Learners listed under "Meets Standard" except for moderate concerns noted in the following area:

- The school was notified in writing by DDOE to be out of compliance during annual monitoring but completed its corrective action plan on or prior to the due date.

FAR BELOW STANDARD

The school does not meet the required threshold for this measure.

2. Governance and Reporting

2a. Is the school fulfilling essential governance and public stewardship responsibilities?

MEETS STANDARD

The school materially complies with applicable laws, rules, regulations, and provisions of the charter relating to governance by its board including but not limited to:

- Board composition and membership requirements, pursuant to [Del. C., Title 14, Ch. 5, §512 \(1-2\)](#);
- Board policies, including those related to oversight of a management organization, if applicable, and including but not limited to: Board bylaws, state open meeting laws, Articles of Incorporation, and State Code of Conduct pursuant to [Del. C., Title 29, Ch. 100](#), [Del. C., Title 14, Ch. 5, §512 \(14\)](#), and [Del. C., Title 14, Ch. 5, § 504 Corporate status](#);
- Board training as required by statute, pursuant to [Del. C., Title 14, Ch. 5, §512\(15\)](#) and [Del. C., Title 14, Ch. 18, §1803](#);
- Citizen Budget Oversight Committee (CBOC) regulations and training as required by statute, pursuant to [Del. C., Title 14, Ch. 15](#), [Del. C., Title 14, Ch. 15 §1508](#), and [14 Del. Admin. Code 736](#);
- Conflicts of interest, paperwork, and processes pursuant to [Del. C., Title 29, Ch. 58, §5805](#); and
- Conduct of meetings and other business in accordance with the requirements of [Del. C., Title 29, Ch. 100](#).

APPROACHING STANDARD

The school is fulfilling essential governance and public stewardship responsibilities listed under “Meets Standard” except for moderate concerns noted in the following areas:

- The board of directors has included a teacher from at least one of the charter schools operated by the board and at least one parent of a student enrolled in a charter school operated by the board with the exception of a transition period not exceeding 90 days;
- The school has met the standard for the required plan and implementation for Board Trainings but has not met the training deadlines as required by [Del. C., Title 14, Ch. 5, §512\(15\)](#) and [Del. C., Title 14, Ch. 18, §1803](#);
- The school is in compliance with the regulations and requirements for CBOC, including training and website posting of information, except for delays not exceeding 30 days for posting information; and/or
- The school has conducted meetings and business in accordance with the state open meetings law pursuant to [Del. C., Title 29, Ch. 100](#), but there have been delays with posting meeting information that have not exceeded 60 days.

FAR BELOW STANDARD

The school does not meet the required threshold for this measure.

2b. Does the governing board oversee and evaluate school management?

MEETS STANDARD

The school materially complies with applicable laws, rules, regulations, and provisions of the charter relating to oversight of school management, including:

- Ensuring the leadership carries out the school plan for evaluating student and school performance pursuant to [Del. C., Title 14, Ch. 5, §512 \(5\)](#);
- Annually evaluating management according to state-approved criteria, if applicable, pursuant to [Del. C., Title 14, Ch. 12, §1270](#) and [14 Del. Admin. Code 108A](#); and
- (For schools contracting with Education Service Providers) Overseeing and maintaining authority over management, holding it accountable for performance as agreed under a written services agreement, and requiring annual financial reports of the education service provider pursuant to [Del. C., Title 14, Ch. 5, §512 \(14\)](#).

APPROACHING STANDARD

The governing board oversees and evaluates school management as described under “Meets Standard” except for moderate concerns noted in the following area:

- The Board has evaluated management and educators in accordance with [14 Del. Admin. Code 108A](#) but has failed to submit the required documentation within the required timelines.

FAR BELOW STANDARD

The school does not meet the required threshold for this measure.

2c. Is the school fulfilling reporting requirements?

MEETS STANDARD

The school materially complies with applicable laws, rules, regulations and provisions of the charter relating to relevant reporting requirements to the school’s authorizer, state education agency, district education department, and/or federal authorities, including:

- All state and federal reporting requirements pursuant to [Del. C., Title 14, Ch. 5, §513](#); and
- Reporting requirements related to conditions placed on the charter.

APPROACHING STANDARD

The school is fulfilling reporting requirements as described under “Meets Standard” except for moderate concerns noted in the following area:

- The school has missed the deadlines for required reporting for one or two reports, which were turned in within five (5) days of the deadline.

FAR BELOW STANDARD

The school does not meet the required threshold for this measure.

3. Students and Staff

3a. Is the school protecting the legal rights of all students?

MEETS STANDARD

The school materially complies with applicable laws, rules, regulations, and provisions of the charter relating to the rights of students, including:

- Policies and practices related to admissions, lottery, waiting lists, fair and open recruitment, and implementation of preferences, enrollment (including rights to enroll or maintain enrollment);
- Security and access to student records under the Family Educational Rights and Privacy Act and other applicable authorities;
- Access to documents maintained by the school under Delaware's Freedom of Information Act and other applicable authorities;
- Transfer of student data to DDOE pursuant to [Del. C., Title 14, Ch. 5, §512 \(13\)](#);
- Due process protections, privacy, and civil rights; and
- Conduct of discipline and attendance pursuant to [Del. C., Title 14, Ch. 5, §512 \(11\)](#), including discipline hearings, suspension, and expulsion policies and practices. (Note: Proper handling of discipline processes for students with disabilities is addressed more specifically in Section 1.c.)

APPROACHING STANDARD

The school is protecting the legal rights of all students as described under "Meets Standard" except for moderate concerns noted in the following area:

- There is evidence that the school made minor errors in following the implementation of the lottery process, but these errors did not impact the fidelity of the process.

FAR BELOW STANDARD

The school does not meet the required threshold for this measure.

3b. Is the school following requirements on staff certification and hiring?

MEETS STANDARD

- The school materially complies with applicable laws, rules, regulations, and provisions of the charter relating to state certification requirements and background checks in accordance with [Del. C., Title 14, Ch. 5, §507 \(c\)](#), 14 Del. [Admin. Code 745](#), and [14 Del. Admin. Code 275, 12](#).

FAR BELOW STANDARD

The school does not meet the required threshold for this measure.

4. Facilities, Transportation, Health, and Safety

4a. Is the school meeting facilities, transportation, health and safety requirements?

MEETS STANDARD

The school materially complies with applicable laws, rules, regulations, and provisions of the charter relating to the school facilities, grounds, transportation, safety, and the provision of health-related services pursuant to [Del. C., Title 14, Ch. 5, §512 \(12\)](#), including:

- Fire inspections and related records including the requirements of [Del. C., Title 29, Ch. 82, § 8237](#);
- Viable certificate of occupancy or other required building use authorization;
- Documentation of requisite insurance coverage pursuant to [Del. C., Title 29, Ch. 29](#);
- Provision of student transportation in accordance with [Del. C., Title 14, Ch. 5, §508](#) and 14 [Del. Admin. Code §1150](#);
- Required nursing services and dispensing of pharmaceuticals 14 [Del. Admin. Code 800 regulations](#);
- Provision of a no- or low-cost breakfast or lunch under a [federal national school breakfast or lunch program](#) in compliance with [State Regulations](#)—only applicable to schools utilizing SNAP/TANF; and
- Emergency management plan as required Del. C., [Title 29, Ch. 82, § 8237](#).

APPROACHING STANDARD

The school is meeting facilities, transportation, health and safety requirements as listed under “Meets Standard” except for moderate concerns noted in the following areas:

- The school has an approved Comprehensive School Safety Plan in the Emergency Response Information Portal System completed, but there are minor errors/omissions that do not impact the fidelity of the plan;
- The school completed all required drills but did not accurately document the drills;
- The school provides or contracts transportation according to [Del. C., Title 14, Ch. 5, §508](#) and [Del. Admin.Code §1150](#) but has minor compliance issues relating to documentation only;
- The school was notified in writing by the Department of Education Child Nutrition Program that it is not in compliance in its annual audit, but the school completed its corrective action plan on or prior to the due date;
- The school follows the requirements to ensure the health and safety of students and employees, including documentation of immunizations, screenings, health records, and nursing services, but has identified findings of record errors that do not endanger the health and welfare of students or staff; and/or
- The school kitchen had findings that were corrected on site by the school.

FAR BELOW STANDARD

The school does not meet the required threshold for this measure.