



# Organizational Performance Framework Guidance

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Delaware Department of Education  
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## OVERVIEW

The purpose of the Organizational Performance Framework is to communicate and evaluate the organizational compliance-related expectations of the charter school as it relates to the charter, state and federal law.

Charter schools are public entities that must maintain the public's trust as they are implementing their education program, spending public funds responsibly, practicing sound governance, and adhering to laws and charter requirements regarding employees, students, and the school environment.

## FRAMEWORK STRUCTURE

The Organizational Framework is divided into six broad categories, or indicators. Within these indicators are individual measures or questions that assist in the determination of a school's performance. The metrics are the means by which to evaluate the measure (or the information used to answer the question), and the targets are the thresholds set to determine whether a school is meeting the standard. The indicators, measures, metrics, and ratings are explained in more detail below.

### Indicators

The framework includes six indicators or categories used to evaluate the school's organizational performance and compliance.

#### *Education Program*

This indicator is measured to determine the school's fidelity to the education program as defined by the charter and applicable laws. This section measures education compliance rather than performance outcomes.

#### *Financial Management and Oversight*

This indicator is measured to evaluate the school's management and oversight of its finances, without regard to financial performance. Audit results and reporting compliance are critical sources of evidence used to evaluate schools against this indicator.

#### *Governance and Reporting*

This indicator is measured to evaluate if a charter school is practicing sound governance and adhering to reporting and training requirements. This section sets forth expectations of the charter board's compliance with governance-related laws as well as its own bylaws and policies and oversight.

#### *Students and Employees*

This indicator is measured to determine a charter school's compliance with a variety of laws related to students and employees, including the rights of students and employees as well as operational requirements.

#### *School Environment*

This indicator is measured to ascertain if charter schools are adhering to laws related to the school's physical plant and the health and safety of students and the charter community.

### *Additional Obligations*

This final indicator measures whether a charter school has been accountable for any laws or requirements that are not explicitly stated in the previous indicators, or special conditions placed on the charter.

### **Measures**

For each of the indicators, the Framework provides evaluation measures. The measures take the form of questions about each school's performance. For example:

- Is the school implementing the essential terms of the education program as defined in the current charter?
- Is the school meeting financial management and oversight requirements?

Information and guidance specific to each measure is provided below in the *Measures In Detail* section.

### **Metrics**

Metrics are expectations set forth in evaluating a measure. To evaluate if a charter school is meeting financial management and oversight requirements, for example, a number of areas are examined where the school must meet existing expectations established by laws, rules, regulations, or provisions of the charter. Examples of metrics for this measure are:

- A clean audit opinion without material exceptions; or
- An audit that does not include a concern disclosure in the notes or an explanatory paragraph within the audit report.

Throughout the Organizational Framework, the metrics are set forth for evaluating the different measures within the "Meets Standard" rating.

### **Ratings**

For each measure a school may receive one of two ratings based on the evaluation of the established metrics of the performance framework.

#### *Meets Standard*

The "Meets Standard" rating is defined by the threshold of success for the measure, or the target the school is expected to meet. If the school meets the target then the Delaware Department of Education (DDOE) does not need to follow up with the school or require action.

#### *Does Not Meet Standard*

The "Does Not Meet Standard" rating remains consistent for each measure in the Organizational Framework and reads:

"The school has failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school."

This means that the school has materially failed to meet the target during the evaluation period.

Material means that the Department of Education deems the matter relevant to:

1. Accountability decisions, including but not limited to decisions about whether to renew or revoke a charter; or
2. Information that a family would consider relevant to a decision to attend the school.

#### **Disclaimer**

*While the guidance document contains a comprehensive list of requirements by which charter schools are required to comply, it is not an exhaustive list and the DDOE retains the right to add additional requirements as required by law or regulation.*

## HOW TO USE THE ORGANIZATIONAL FRAMEWORK

### Collecting Evidence

The monitoring process of the Organizational Framework requires a variety of data collection efforts which may include annual site visits, desk audits, reports submitted to the DDOE and other workgroups within the DDOE and assurance of compliance.

Due to the complexity of verifying compliance with some metrics, evidence of compliance may be determined only after the collection and analysis of multiple data points. The sections below outlines common ways the DDOE may collect data to evaluate a charter schools' organizational performance.

#### Assurance of compliance by the charter board

The DDOE may require that the school assure compliance by completion of an assurance document. Such documentation by the charter board provides an assurance to the DDOE that the board is aware of its legal obligations to the organization. Accompanying this assurance should be evidence of compliance or direct reference to evidence.

#### Reports

The DDOE may require that the charter school provide evidence of compliance through reports to ensure adherence to applicable laws and regulation. The evidence of compliance will be available to the DDOE for reference during monitoring.

#### Third-party reviews

The DDOE may validate compliance with applicable laws and regulation from a third-party reviewer. This method provides the DDOE access to expert opinions while reducing redundancy in review and evaluation of the school.

#### Observed practice

The DDOE may verify compliance of certain measures through direct on-site observation of practice visits.

#### Investigations

It may be necessary for the DDOE to investigate areas of potential non-compliance upon the receipt of complaints through the Charter School complaint process found on the Charter School Office (CSO) [website](#). The DDOE's jurisdiction is limited to violations of the school's charter or teachers' and/or students' rights. The DDOE does not have jurisdiction over personnel matters or local education decisions.

## **Evaluation**

### **Reporting**

In compliance with [14 Del. C. § 514](#) and [14 DE Admin. Code 275 4.2.1.4 and 10.4](#), the DDOE will annually report the results of the charter school's organizational performance in the Performance Framework report. This public report will identify areas where the school was in compliance and met expectations and, if applicable, identify areas where the school does not meet expectations. If the school receives two or more ratings of *Does Not Meet Standard*, the DDOE will conduct a comprehensive analysis as prescribed by the Performance Framework Document.

### **Notice of concern**

The DDOE will communicate concerns of non-compliance either upon review or during the interim when the office becomes aware of an issue of non-compliance. The findings will be aligned with the expectations outlined in the Organizational Performance Framework.

### **Action**

The DDOE may require the school to take specific action to remedy an identified deficiency. The school will be provided the timeframe by which it should come into compliance. Upon confirmation of corrective action from the charter school, the DDOE will re-evaluate the school's adherence to expectations.

### **Accountability decisions**

In accordance with [14 Del. C. § 514A \(e\)](#), renewal determinations by the DDOE shall be based on the school's performance framework, the terms set forth in the charter contract, and shall take account of the school's performance agreement with the DDOE, consistent with 14 DE Admin. Code 275 and with 14 Del. C. c. 5. The evaluation of the Organizational Framework communicates performance of the charter school and will be used in consideration of renewal pursuant to the applicable laws.

## MEASURES IN DETAIL

### 1. EDUCATION PROGRAM

#### 1a. Is the school implementing the essential terms of the charter’s education program as defined in the current charter, and complying with applicable state and federal requirements?

**Meets Standard:**

The school is implementing the essential terms of the education program in all material respects, including but not limited to Del. C., Title 14, Ch. 5, §512 (3)., and the education program in operation reflects the essential terms as defined in the charter, including but not limited to:

- Instructional days or minutes requirements
- Graduation and promotion requirements
- State assessments
- Delaware content standards and state program requirements
- Implementation of mandated programming as a result of state or federal funding
- Appropriate strategies to accommodate at risk students and those needing special education services, pursuant to Del. C., Title 14, Ch. 5, §512 (7)
- The education of at risk youth, pursuant to Del. C., Title 14, Ch. 1, §153

**Does Not Meet Standard:**

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school.

#### **Instructional days or minutes requirements**

Charter schools are requested to adopt their school calendars by April 30. The school calendar must meet the terms of the approved charter and comply with the minimum amount of hours required by Delaware Code. A completed hourly attendance survey should be submitted with the school calendar to the Financial Reform and Resource Management workgroup.

#### **Compliance Monitoring Process:**

The Financial Reform and Resource Management workgroup monitors the submission of school calendars and hourly attendance surveys. The DDOE may confirm compliance with this workgroup.

#### **Graduation and promotion requirements**

The charter school must adhere to the graduation requirements provided in the charter while ensuring that the requirements of [14 Del. C. § 152](#) and [14 DE Admin. Code 505](#) are met. The charter school is responsible for reviewing and approving student completion of graduation requirements prior to issuance of a diploma.

#### **Compliance Monitoring Process:**

The graduation requirements required by code and regulation are confirmed during the application process.

#### **State assessments**

The charter school must comply with the testing requirements defined by [14 Del. C. § 151](#) and [14 DE Admin. Code 101](#). Charter schools must prepare their testing schedule in accordance with the testing calendar provided on the Office of Assessment’s [website](#). Schools must ensure that all students participate in all required assessments in accordance with all applicable state and federal laws.

Compliance Monitoring Process:

The Office of Assessment confirms that standardized assessments are conducted for the appropriate grade levels, at the provided testing windows and participation rates at least 95% to be in compliance with federal law. The DDOE may confirm compliance with this workgroup.

**Delaware content standards and state program requirements**

The charter school must align content standards and state program requirements with the Charter and 14 DE Admin. Code [501](#) and [503](#).

Compliance Monitoring Process:

The charter school’s program offerings are approved either through the initial application, modification, or renewal processes.

**Implementation of mandated programming as a result of state or federal funding**

Charter schools that receive federal funds through the Consolidated Grant Application must strictly follow all monitoring and reporting requirements required by the Elementary and Secondary Education Act (ESEA) and the DDOE.

Compliance Monitoring Process:

The federal program offices in the DDOE confirm that all reporting and operational requirements monitored have been met. The DDOE may confirm compliance with these individual federal program offices.

**Appropriate strategies to accommodate at risk students and those needing special education services, pursuant to 14 Del. C. § 512 (7)**

The charter school must provide accommodations per [14 Del. C. § 512 \(7\)](#), which states “The school's educational program sets forth appropriate strategies to be employed to accommodate the needs of at-risk students and those needing special education services.”

Compliance Monitoring Process:

The Exceptional Children Resources workgroup is responsible to ensure that policies, procedures, and practices are in compliance with applicable federal and state laws through an integrated system of monitoring of annual performance indicators, fiscal accountability, needs-based funding, and the Individualized Education Program (IEP) Process. The IEP Process includes but is not limited to eligibility determination, Free Appropriate Public Education (FAPE), and provision of special education services, supports, aides, accommodations, and modifications. The DDOE may confirm compliance with this workgroup.

**The education of at-risk youth, pursuant to 14 Del. C. § 153**

The charter school must adhere to the educational program solutions provided in [14 Del. C. § 153](#) as it pertains to at-risk youth.

Compliance Monitoring Process:

The Exceptional Children Resources workgroup is responsible for ensuring that all LEAs are in compliance with Child Find responsibilities relating to at-risk youth in accordance with applicable federal and state law. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701) as it relates to at-risk youth is monitored by the Office of Civil Rights (OCR) of the U.S. Department of Education. The DDOE may confirm compliance with the Exceptional Children Resources workgroup and OCR.

**1b. Is the school compliant with legal requirements for students with disabilities and English Learners?**

**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 treatment of students with identified disabilities and those suspected of having a disability (including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act) and students identified as English Learners (including Title III of the Elementary and Secondary Education Act (ESEA), and US Department of Education authorities relating to English Language Learner requirements), including but not limited to:

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| <ul style="list-style-type: none"> <li>• Identification and referral</li> <li>• Operational compliance including the academic program, assessments, and all other aspects of the school’s program and responsibilities</li> <li>• Discipline, including due process protections, manifestation determinations, and behavioral intervention plans</li> <li>• Appropriately carrying out student ELL services, Individualized Education Plans and Section 504 plans</li> </ul> | <ul style="list-style-type: none"> <li>• Access to the school’s facility and program to students and parents in a lawful manner and consistent with students’ abilities</li> <li>• Appropriately funding special education programming</li> <li>• Required policies related to the service of ELL students and proper steps for identification of students in need of ELL services</li> <li>• Appropriate accommodations on assessments</li> <li>• Exiting of students from ELL services and ongoing monitoring of exited students</li> </ul> |
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**Does Not Meet Standard:**

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school.

The Exceptional Children Resources workgroup engages in ongoing monitoring of all Local Education Agencies (LEAs) to ensure that policies, procedures, and practices are in compliance with applicable federal and state laws through an integrated system of monitoring of annual performance indicators, fiscal accountability, needs-based funding, and the IEP process. In addition, the Education Associate for English as a Second Language (ESL)/Bilingual/Migrant Programs engages in monitoring of identification and services provided for ELL students. Requirements and services relating to Section 504 are monitored by the LEA and OCR.

The DDOE may coordinate with Exceptional Children Resources and ELS/Bilingual/Migrant Program Education Associate to determine compliance. The DDOE may consult with OCR to determine if any substantiated violations of Section 504 plans exist.



## 2. FINANCIAL MANAGEMENT AND OVERSIGHT

2. Is the school meeting financial reporting and compliance requirements?	
<p><b>Meets Standard:</b> The school materially complies with applicable laws, rules, regulations and provisions of the charter relating to financial reporting requirements, including but not limited to:</p>	
<ul style="list-style-type: none"> <li>• Complete and on-time submission of financial reports, including annual budget, revised budgets (if applicable), periodic financial reports as required by the authorizer, and any reporting requirements if the board contracts with an education service provider, pursuant to Del. C., Title 14, Ch. 5, §512 (14)</li> <li>• On-time submission and completion of the annual independent audit and corrective action plans, if applicable</li> <li>• If applicable, Memorandum of Understanding to operate outside the State’s pension and/or benefits systems, pursuant to Del. C., Title 14, Ch. 5, §512 (9)</li> </ul>	<ul style="list-style-type: none"> <li>• All reporting requirements related to the use of public funds</li> <li>• Adherence to the policies and procedures of the First State Financial Management System, pursuant to Del. C., Title 14, Ch. 5, §512 (9)</li> <li>• A Citizen Budget Oversight Committee, pursuant to (14 Del. C. §1508 and 14 DE Admin. Code 736)</li> <li>• A clean audit opinion without material exceptions</li> <li>• An audit that does not include a going concern disclosure in the notes or an explanatory paragraph related thereto within the audit report</li> </ul>
<p><b>Does Not Meet Standard:</b> The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school.</p>	

**Complete and on-time submission of financial reports, including annual budget, revised budgets (if applicable), periodic financial reports as required by the authorizer, and any reporting requirements if the board contracts with an education service provider, pursuant to Del. C., Title 14, Ch. 5, §512 (14)**

Required financial reports include the following:

- Financial reports must be posted to the charter school’s website each month in accordance with [14 Del. C. § 509\(k\)](#) and the report must contain the financial categories provided in [14 Del. C. § 122\(b\)\(11\)](#).
- A check register shall be posted on the charter’s website in accordance with [14 Del. C. § 1509](#).
- Charter schools that contract with a charter management company (CMO) must complete and return the [annual certification](#) required per [14 Del. C. § 512\(14\)](#) by June 30 of every year.

**Compliance Monitoring Process:**

The DDOE may conduct a monthly verification that financial reports and the check register are posted on the charter school’s website within the timeframe defined by 14 Del. C. § 122(b)(11), [14 DE Admin. Code 735 5.0](#) and 14 Del. C. § 1509. For charter schools that have employed a CMO, the assurance document must be signed and returned to the DDOE prior to the start of the fiscal year.

**On-time submission and completion of the annual independent audit and corrective action plans, if applicable**

- Charter schools not seeking renewal must provide their current audit report to the DDOE no later than October 1 as required by [14 Del. C. § 513\(a\)](#).
- Charter schools seeking renewal must provide their current audit report by September 30.
- The final annual audit report including the financial statement and audit sections must be displayed on the school’s website at the time of submission to the DDOE.

Compliance Monitoring Process:

The DDOE may confirm that the current audit is complete and submitted in accordance with the deadlines listed above.

**If applicable, Memorandum of Understanding (MOU) to operate outside the State's pension and/or benefits systems, pursuant to Del. C., Title 14, Ch. 5, §512 (9)**

Charter schools that have an MOU to operate outside of the State's pension plan must provide a copy of the document to the DDOE and adhere to the terms contained within the document.

Compliance Monitoring Process:

The DDOE will consult with the Office of Management and Budget and Department of Finance to determine if violations of the MOU have occurred.

**All reporting requirements related to the use of public funds**

The Division of Accounting (DOA) requires an annual submission of either the General Accepted Accounting Principles (GAAP) package or independently audited financial statement by the deadline provided by the DOA (approximately mid-August). The results of the financial audit must be provided to the DDOE by October 1 in accordance with [14 Del. C. § 513\(a\)](#).

Compliance Monitoring Process:

The DDOE may confirm with DOA that either the GAAP package or audit document was submitted by the deadline.

**Adherence to the policies and procedures of the First State Financial Management System, pursuant to Del. C., Title 14, Ch. 5, §512 (9)**

The charter school shall operate within the First State Financial (FSF) System and is subject to all policies and procedures required by the use of this system. The charter school's financial and administrative operations must meet or exceed the same standards, procedures and requirements as a school district as required by [14 Del. C. § 512\(9\)](#) and adhere to the accounting standards of the [Budget and Accounting Manual](#).

Compliance Monitoring Process:

The DDOE may verify each year (beginning with the school's third year in operation) that the school has a sufficient balance as of December 31 to cover current fiscal year obligations as required by [14 Del. C. § 515\(k\)](#) and submitted timely monthly certifications to DOA. The DOA monitors proper use of funds through a review of Pcard transactions and the Office of Management and Budget monitors Internal Vouchers and Purchase Orders.

**A Citizen Budget Oversight Committee, pursuant to (14 Del. C. §1508 and 14 DE Admin. Code 736)**

The charter school must develop a Citizen Budget Oversight Committee (CBOC) in compliance with the requirements of [14 Del. C. § 1508](#) and [14 DE Admin. Code 736](#) and grant the CBOC full access to all financial documents. The charter school must send new members to the CBOC Training conducted by DDOE within three months of appointment and notify the DDOE when a new member is appointed and the training is completed. The CSO requests a list of CBOC members and their representation category (i.e. parent, community member, etc.) by October 1 of each year. Meeting dates, agendas and minutes must be published on the school's website and other public places in accordance with [29 Del. C. § 10004](#).

Compliance Monitoring Process:

The DDOE may review the CBOC membership composition annually to verify that it meets the requirements of Code. The DDOE will verify that the meeting dates, agendas and minutes are posted in a timely manner as required by [29 Del. C. § 10004](#).

**A clean audit opinion without material exceptions**

Compliance Monitoring Process:

The DDOE may verify the audit report reflects an unqualified/unmodified opinion and has not identified any material weaknesses and/or significant deficiencies.

**An audit that does not include a going concern disclosure in the notes or an explanatory paragraph related thereto within the audit report**

Compliance Monitoring Process:

The DDOE may verify that the audit report does not include fiscal concerns.

### 3. GOVERNANCE AND REPORTING

#### 3a. Is the school complying with governance requirements?

**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 policies, including those related to oversight of a management organization if applicable, including but not limited to: Board bylaws, state open meetings law, Article of Incorporation, and State Code of Conduct pursuant to Del. C., Title 14, Ch. 5, §512 (2)
- Plan for evaluating student and school performance pursuant to Del. C., Title 14, Ch. 5, §512 (5).
- Conflicts of interest
- Board composition and membership requirements, pursuant to Del. C., Title 14, Ch. 5, §512 (1-2)

**Does Not Meet Standard:**

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school.

**Board policies, including those related to oversight of a management organization if applicable, including but not limited to: Board bylaws, state open meetings law, Article of Incorporation, and State Code of Conduct pursuant to Del. C., Title 14, Ch. 5, §512 (2)**

The chosen form of organization, identified in the articles of incorporation and by-laws, or the membership agreement, conforms to the Delaware General Corporation Law. The charter school must comply with [29 Del. C. c. 100](#) which sets requirements for meeting notifications, agendas, minutes, and timelines. The charter school is encouraged to post the required Board's bylaws on its website or provide a copy to DDOE for verification.

Compliance Monitoring Process:

The DDOE may verify that the charter school has complied with the meeting requirements as directed by [29 Del. C. c. 100](#) and may review the Board bylaws.

**Plan for evaluating student and school performance pursuant to Del. C., Title 14, Ch. 5, §512 (5)**

The charter school must have a satisfactory plan for evaluating student performance and procedures which are reasonably likely to succeed for taking action in the event that student performance falls below such standards.

Compliance Monitoring Process:

The DDOE may confirm that the school conducted an assessment using the criteria provided in their charter and annual report. If action is required, the school should provide the DDOE the progress of the intervention.

**Conflicts of interest**

The charter school must adhere to the conflict of interest and ethical standard procedures developed by the Board with adherence to [29 Del. C. c. 58](#).

Compliance Monitoring Process:

The DDOE may confirm with State Public Integrity Commission that there have been no substantiated violations.

**Board composition and membership requirements, pursuant to Del. C., Title 14, Ch. 5, §512 (1-2)**

As per [14 Del. C. § 512\(1\) and \(2\)](#), the composition of the Board of Directors must include 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. New Board members must be reported to the DDOE promptly and within 45 days provide the DDOE authorization necessary to conduct Child Protection Registry check and a copy of the background check pursuant to [14 DE Admin. Code 275 12](#). Board members must comply with training requirements of [14 Del. C. § 512\(15\)](#) which includes financial responsibility training required by [14 Del. C. § 1803](#). It is recommended that Board members also attend special education due process hearings training. The charter school must provide the completed training dates to the DDOE for verification of completion.

Compliance Monitoring Process:

The DDOE may confirm that the membership of the Board meets the appropriate criteria; new member process was timely followed; and every Board member completed the appropriate training as required by Code.

### 3b. Is the school holding management accountable?

#### **Meets Standard:**

The school materially complies with applicable laws, rules, regulations and provisions of the charter relating to oversight of school management, including but not limited to:

- Oversight of management that includes holding it accountable for performance expectations pursuant to Del. C., Title 14, Ch. 5, §512 (9)
- (For schools contracting with Education Service Providers) 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)

#### **Does Not Meet Standard:**

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school.

#### **Oversight of management that includes holding it accountable for performance expectations pursuant to Del. C., Title 14, Ch. 5, §512 (9)**

The charter school must annually conduct the Administrator evaluation as required by [14 DE Admin. Code 108A](#) and [14 Del. C. § 1270](#) for certified personnel. The charter school leader should be evaluated by their Board annually. Upon completion of the evaluation, the Board President should submit a letter to the DDOE which certifies that the evaluation of performance was completed.

#### Compliance Monitoring Process:

The Teacher and Leader Effectiveness unit monitors staff evaluations and the DDOE may confirm compliance with this unit. DDOE will confirm the receipt of the school leader evaluation notice from the Board President.

#### **(For schools contracting with Education Service Providers) 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)**

The board shall annually certify, that prior to the payment of any fees or other sums to any management company employed by the board, the board will ensure that sufficient revenues of the school are adequate to support the school's proposed educational program. The charter school must complete and return the [annual certification](#) to the DDOE prior to the start of each fiscal year.

#### Compliance Monitoring Process:

For those schools that have a CMO, the DDOE may verify that the annual certification by the Board was received by the deadline.

### 3c. Is the school complying with 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 but not limited to:

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

#### ***Does Not Meet Standard:***

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school.

#### **All state and federal reporting requirements (Del. C., Title 14, Ch. 5, §513)**

In accordance with [14 Del. C. § 513](#), charter schools not seeking renewal must provide their annual report to DDOE no later than December 1. Charter schools seeking renewal must provide their annual report by September 30. The annual report including the financial statement and audit sections must be displayed on the charter school's website.

Charter schools shall comply with all federal reporting requirements of federal grants including, but not limited to, Title I, Title II, Title III, Perkins, and IDEA.

#### Compliance Monitoring Process:

The DDOE may verify that the annual report was submitted by the deadline and includes the information required by Code.

The federal reporting requirements are monitored by the corresponding workgroups/units listed below:

- Title I – Supports and Improvement Resources
- Title II – Teacher and Leader Effectiveness
- Title III – Exceptional Children Resources
- Perkins – Career and Technical Education
- IDEA – Exceptional Children Resources

#### **Reporting requirements related to conditions placed on the charter**

The charter school must provide additional reports as required by conditions assigned through the approval, renewal, modification, or formal review processes.

#### Compliance Monitoring Process:

The DDOE may confirm that the charter school has complied with all related conditions by the applicable deadlines.

## 4. STUDENTS AND EMPLOYEES

### 4a. Is the school protecting the 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 but not limited to:

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| <ul style="list-style-type: none"> <li>• Policies and practices related to admissions, lottery, waiting lists, fair and open recruitment and appropriate implementation of preferences, enrollment (including rights to enroll or maintain enrollment)</li> <li>• Maintain the security of and provide access to student records under the Family Educational Rights and Privacy Act and other applicable authorities</li> <li>• Access to documents maintained by the school under the state’s freedom of information law and other applicable authorities</li> </ul> | <ul style="list-style-type: none"> <li>• Transfer of student records pursuant to Del. C., Title 14, Ch. 5, §512 (13)</li> <li>• Due process protections, privacy, and civil rights, including 1st Amendment protections and the Establishment Clause restrictions prohibiting public schools from engaging in religious instruction</li> <li>• Conduct of discipline and attendance, pursuant to Del. C., Title 14, Ch. 5, §512 (11), including discipline hearings and suspension and expulsion policies and practices. (Note: Proper handling of discipline processes for students with disabilities is addressed more specifically in Section 1.c.)</li> </ul> |
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**Does Not Meet Standard:**

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school.

**Policies and practices related to admissions, lottery, waiting lists, fair and open recruitment and appropriate implementation of preferences, enrollment (including rights to enroll or maintain enrollment)**

The charter school must comply with the enrollment requirements established by [14 Del. C. § 506](#) and School Choice law, 14 Del. C. c. 4 and ensure a fair and equitable process. The charter school must provide a copy of their enrollment policy to the DDOE.

**Compliance Monitoring Process:**

The DDOE may confirm the school has an enrollment policy and that the choice application supplement conforms to statutory requirements.

**Maintain the security of and provide access to student records under the Family Educational Rights and Privacy Act and other applicable authorities**

Pursuant to [14 DE Admin. Code 251](#), a charter school shall develop, adopt, and maintain a written policy regarding the educational records of its students. The charter school must provide a copy of their FERPA policy to the DDOE.

**Compliance Monitoring Process:**

The DDOE may review the charter school’s FERPA policy and consult with the US Department of Education, Family Policy Compliance Office to determine if any substantiated violations exist.



**Access to documents maintained by the school under the state’s freedom of information law and other applicable authorities**

As required by [29 Del. C. c. 100](#), a charter school must develop a Freedom of Information Act (FOIA) policy. The charter school must provide a copy of their FOIA policy to the DDOE.

Compliance Monitoring Process:

The DDOE may review the charter school’s FOIA policy and consult with the Delaware Attorney General’s Office to determine if any substantiated violations exist.

**Transfer of student records, pursuant to Del. C., Title 14, Ch. 5, §512 (13)**

As required by [14 Del. C. § 512 \(13\)](#) the charter school shall have a satisfactory plan for timely transfer of student data and records to the DDOE. The charter school is required to use eSchoolPLUS and its modules to enter, track and report student data at the local, state, and federal levels.

Compliance Monitoring Process:

The DDOE may consult with the Department’s Information Technology unit if material issues have occurred with student records.

**Due process protections, privacy, and civil rights, including 1st Amendment protections and the Establishment Clause restrictions prohibiting public schools from engaging in religious instruction**

The charter school shall develop and maintain a policy that ensures the protection of student rights as identified by [14 DE Admin. Code 605](#). The policy shall be posted on the school's website.

Compliance Monitoring Process:

The DDOE may confirm the charter school has a student rights and responsibilities policy which has been distributed and explained to students and notify a parent, guardian or Relative Caregiver of each student in writing where this policy(s) can be accessed. A hard copy shall be provided to a parent, guardian or Relative Caregiver upon request. The School Support Services workgroup, School Climate and Discipline program will investigate alleged violations of due process related to disciplinary action and contact the DDOE regarding substantiated violations.

**Conduct of discipline and attendance, pursuant to Del. C., Title 14, Ch. 5, §512 (11), including discipline hearings and suspension and expulsion policies and practices. (Note: Proper handling of discipline processes for students with disabilities is addressed more specifically in Section 1.b.)**

The charter school must comply with the requirements of the following School Climate and Discipline law and regulations:

- Bullying and Cyber Bullying Prevention and Prohibition under [14 Del. C. § 4112D](#) and [14 DE Admin. Code 624](#);
- Gun Free Schools Act [14 DE Admin. Code 603](#) and statutes referenced therein;
- Possession, Use/or Distribution of Drugs and Alcohol [14 DE Admin. Code 612](#) and statutes referenced therein;
- Student Conduct Which May Result in Alternative Placement or Expulsion [14 DE Admin. Code 614](#) and statutes referenced therein; and
- School Attendance [14 DE Admin. Code 615](#) and applicable statutes.

Charter schools must comply with [14 DE Admin. Code 601](#) which requires the school to report to the Department of Education all school crimes required to be reported pursuant to [14 Del. C. § 4112](#) as well as other incidents of misconduct as specified in section 6.0 of the regulation. A full explanation of

requirements along with training materials can be found at the School Climate and Discipline program [website](#).

Compliance Monitoring Process:

The School Climate and Discipline program of the School Support Services workgroup verifies compliance with the laws and regulations of this measure. The DDOE may confirm compliance with this workgroup.

### **Student Code of Conduct**

The charter school shall post the Student Code of Conduct on their website and provide a paper copy of the regulation upon request of a member of the public pursuant to [14 DE Admin. Code 614](#).

Compliance Monitoring Process:

The DDOE may confirm compliance with this requirement.

### **4b. Is the school meeting attendance goals?**

***Meets Standard:***

The school materially complies with applicable laws, rules, regulations, and provisions of the charter relating to attendance goals.

***Does Not Meet Standard:***

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school.

### **The school materially complies with applicable laws, rules, regulations, and provisions of the charter relating to attendance goals.**

The attendance goal set by DDOE for charter schools is 95%. Charter schools which have an “at-risk” enrollment preference must maintain their approved attendance goals as specified in their performance agreement.

Compliance Monitoring Process:

The DDOE may review the Average Daily Attendance report for the entire school year to determine if the charter school has met the goal based on their categorization.

### **4c. Is the school meeting all staff credentialing requirements?**

***Meets Standard:***

The school materially complies with applicable laws, rules, regulations, and provisions of the charter (including the federal Highly Qualified Teacher and Paraprofessional requirements within Title II of the ESEA) relating to state certification requirements and background checks.

***Does Not Meet Standard:***

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school.

**The school materially complies with applicable laws, rules, regulations, and provisions of the charter (including the federal Highly Qualified Teacher and Paraprofessional requirements within Title II of the ESEA) relating to state certification requirements and background checks.**

The charter school must comply with the licensure and certification requirements for educators (teachers, specialists, administrators, paraeducators) provided in [14 Del. C. c. 12](#) and [14 DE Admin. Code 1500](#) including the completion of roster verification every April. Under the 2001 reauthorization of the federal Elementary and Secondary Education Act, known as the No Child Left Behind Act, all teachers are required to be Highly-Qualified Teachers (20 U.S.C. § 6319), unless there is an applicable waiver or exemption. Under [11 Del. C. § 8570](#), [14 DE Admin. Code 745](#) and [14 DE Admin. Code 275 12](#), criminal background checks must be conducted for all Public School Related Employment.

Compliance Monitoring Process:

The Teacher and Leader Effectiveness Unit verifies licensure and certification requirements for educators, HQT percentage and roster verification. The DDOE may confirm compliance of this measure with this unit using the HQT percentage.

#### **4d. Is the school respecting employee rights?**

***Meets Standard:***

The school materially complies with applicable laws, rules, regulations and provisions of the charter relating to employment.

***Does Not Meet Standard:***

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school.

**The school materially complies with applicable laws, rules, regulations and provisions of the charter relating to employment.**

The charter school must assure employee rights are in compliance with the plan detailed in the charter as well as all applicable state and federal employment laws.

Compliance Monitoring Process:

The DDOE may determine compliance of this metric through substantiated reports of employment violations.

## 5. SCHOOL ENVIRONMENT

### 5a. Is the school complying with facilities and transportation requirements?

**Meets Standard:**

The school materially complies with applicable laws, rules, regulations and provisions of the charter relating to the school facilities, grounds, and transportation, including but not limited to:

- Fire inspections and related records
- Viable certificate of occupancy or other required building use authorization
- Documentation of requisite insurance coverage (Del. C., Title 14, Ch. 5, §512 (10))
- Student transportation

**Does Not Meet Standard:**

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school.

#### **Fire inspections and related records**

Under [16 Del. C. § 6642](#), the charter school is responsible for testing, inspection and maintenance of the fire alarm signaling system. Copies of reports and results of inspections are to be provided to the DDOE upon completion.

Compliance Monitoring Process:

The DDOE may review the submitted reports and inspection results annually to confirm that the report does not identify outstanding life or safety issues.

#### **Viable certificate of occupancy or other required building use authorization**

A charter school that has an approved modification application for a location change must provide the certificate of occupancy document by June 15 per [14 Del. C. § 511 \(n\)](#).

Compliance Monitoring Process:

The DDOE may ensure that the charter school has provided an updated Certificate of Occupancy, if applicable, by June 15.

#### **Documentation of requisite insurance coverage (Del. C., Title 14, Ch. 5, §512 (10))**

The charter school must provide a copy of their insurance certificate to the DDOE by June 30 of each year.

Compliance Monitoring Process:

The DDOE may review insurance certification to ensure active appropriate and adequate coverage.

#### **Student transportation**

The charter school must comply with all laws and regulations for school transportation, including [14 Del. C. § 508](#) and [14 DE Admin. Code 1105](#).

Compliance Monitoring Process:

The DDOE may verify with the School Transportation office that the charter school is in compliance with the transportation laws and regulations.

## 5b. Is the school complying with health and safety requirements?

### **Meets Standard:**

The school materially complies with applicable laws, rules, regulations and provisions of the charter relating to safety and the provision of health related services, pursuant to Del. C., Title 14, Ch. 5, §512 (12), including but not limited to:

- Appropriate nursing services and dispensing of pharmaceuticals
- Food services requirements, if applicable
- Emergency management plan requirement

### **Does Not Meet Standard:**

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school.

### **Appropriate nursing services and dispensing of pharmaceuticals**

[14 DE Admin. Code 275 4.5.3](#) requires that a school have one full time registered nurse (RN) that provides screenings, medication, monitoring of chronic health conditions and responds to emergencies or demonstrate that it has an adequate and comparable plan to provide for the health and safety of its students. The RN must provide routine student health screenings in accordance with the following regulations: [14 DE Admin. Code 815](#), [14 DE Admin. Code 805](#), and [14 DE Admin. Code 811](#). Responsibilities for medication administration are provided in regulation [14 DE Admin. Code 817](#), while requirements for monitoring of chronic health conditions, responding to emergencies, and keeping school health records are provided in [14 DE Admin. Code 811](#).

Compliance Monitoring Process:

The School Health Services Program office of the School Support Services workgroup will verify compliance with the regulations. The DDOE may confirm compliance with this workgroup.

### **Food services requirements, if applicable**

Charter schools that participate in the federally funded USDA Child Nutrition Programs must adhere to all applicable regulations. Compliance with these regulations includes accurate and timely submission of reports and claims. School must also adhere to all [Food Code](#) regulations when preparing and serving food.

*\*Note: Beginning in the 2014-2015 school year, charter schools must comply with [14 Del. C. § 506 \(f\)](#), which requires that if a child qualifies for a no- or low-cost breakfast or lunch under a federal national school breakfast or lunch program, the charter school shall provide breakfast and lunch to the child at no or low cost to the child's family.*

Compliance Monitoring Process:

The School Nutrition Programs office of the School Support Services workgroup will verify compliance of food service requirements for those schools in the USDA programs. The DDOE may confirm compliance with this workgroup.

### **Emergency management plan requirement**

The charter school shall have a written policy that outlines an emergency preparedness plan that is in line with the Emergency Preparedness Guidelines established by the Department of Education in accordance with [29 Del. C. § 8237](#) and [14 DE Admin. Code 621](#) and approved by the Department of Safety and Homeland Security (DSHS). The plan must be entered in the Emergency Response Information Portal system, managed by DSHS.

Compliance Monitoring Process:

DSHS approves and monitors the school emergency preparedness plans which must be entered in the Emergency Response Information Portal. The DDOE may consult with DSHS to determine compliance.

## 6. ADDITIONAL OBLIGATIONS

### 6. Is the school complying with all other obligations?

***Meets Standard:***

The school materially complies with all other material legal, statutory, regulatory, or requirements contained in its charter that are not otherwise explicitly stated herein, including but not limited to requirements from the following sources:

- Consent decrees
- Intervention requirements by the authorizer
- Requirements by other entities to which the charter school is accountable

***Does Not Meet Standard:***

The school failed to implement the program in the manner described above; the failure(s) were material and significant to the viability of the school.

#### **Consent decrees**

If applicable, terms of consent decree must be adhered to as prescribed in the document.

Compliance Monitoring Process:

The DDOE may verify that there has been compliance with the terms.

#### **Intervention requirements by the authorizer**

Compliance is only applicable for those charter schools that have interventions imposed upon their charter.

Compliance Monitoring Process:

The DDOE may confirm that the charter school has complied with all requirements.

#### **Requirements by other entities to which the charter school is accountable**

For those charter schools that have received special conditions from outside entities, compliance with the entities' conditions is required.

Compliance Monitoring Process:

The DDOE may consult with the other entity to determine compliance with all requirements.