

**SUBJECT**

Proposed Performance Certificate Template and Attachments

**APPLICABLE STATUTE, RULE, OR POLICY**

I.C. §33-5202A(4)

I.C. §33-5205B

I.C. §33-5209A

**BACKGROUND**

Idaho's 2013 charter school legislation contains a new provision requiring that all public charter schools and their authorizers sign performance certificates. Performance certificates replace charters as the document to which authorizers must hold schools accountable, and must contain the following information:

- The term of the performance certificate (3 years for new schools, and 5 years thereafter);
- The academic and operational performance expectations and measures by which the public charter school will be judged, including, but not limited to, applicable federal and state accountability requirements; and
- The administrative relationship between the authorizer and the school, including each party's rights and duties.

Performance certificates for all existing PCSC-authorized charter schools must be executed no later than July 1, 2014. Performance certificates for new public charter schools must be executed within 75 days of approval.

At the June 13, 2013 PCSC meeting, the PCSC considered a draft Performance Certificate Template consisting of largely boilerplate language but containing some sections to be individualized for each school. The draft certificate was based on PCSC staff research encompassing NACSA's model charter contract and the contracts used by a number of states that were given high marks regarding performance contracts in the National Alliance for Public Charter Schools' 2013 Charter Law Rankings Database.

**DISCUSSION**

PCSC staff facilitated roundtable discussions with stakeholders on July 9, 2013, and August 5, 2013, to solicit feedback from stakeholders regarding the draft Performance Certificate Template. The revised, draft certificate included with these materials incorporates stakeholder input. A document outlining the revisions made since the June 2013 PCSC meeting is also included. Key changes to the document include:

- Removal of Section 3: Third Party Management Providers;
- Revision and addition of language clarifying the role of the authorizer and protecting school autonomy; and

- Addition of language intended to minimize duplicate reporting burden on schools.

Stakeholders have expressed concern that an authorizer could take advantage of provisions in the Performance Certificate that allow the authorizer to request additional reports and conduct additional reviews. While the stakeholders understand that additional reporting and reviews are sometimes appropriate, they remain concerned about possible, egregious overuse of these provisions. PCSC staff has revised the document in an effort to include language that confirms the autonomy of the school and encourages the authorizer and school to have a cooperative relationship. However, staff has not been able to revise the language in the certificate to the degree that would fully address stakeholder concerns, as to do so would limit the authorizer's ability to provide effective oversight. Staff notes that the statutory appeals process should dissuade a prudent authorizer from closing a school for arbitrary or capricious reasons.

With this draft of the Performance Certificate Template, PCSC staff has also provided drafts of two of the attachments intended to be included with schools' Performance Certificates. The Pre-Opening Requirements document outlines the expectations that newly approved schools need to meet prior to opening. This document was created by PCSC staff based on research of similar requirements in other states and with input from the State Department of Education.

The Idaho PCSC Closure Protocol provides an overview and checklist for the school closure process to be used in instances when a school relinquishes its charter, or when a charter is revoked or non-renewed. This document is heavily based on the Colorado Closure Framework and provides a comprehensive guide that a school and authorizer can use together to ensure a smooth closure process.

#### **IMPACT**

Any documents approved by the PCSC will be effective immediately.

#### **STAFF COMMENTS AND RECOMMENDATIONS**

Staff recommends that the PCSC consider the draft Performance Certificate and any outstanding stakeholder concerns with a goal of adopting a final document no later than September 1, 2013. Direction given to staff during this meeting can be implemented and revisions presented during a special meeting in late August.

#### **COMMISSION ACTION**

Any action would be at the discretion of the PCSC.

## CHARTER SCHOOL PERFORMANCE CERTIFICATE

This performance certificate is executed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the Idaho Public Charter School Commission (the “Authorizer”), and \_\_\_\_\_ (the “School”), an independent public school organized as an Idaho nonprofit corporation and established under the Public Charter Schools Law, Idaho Code Section 33-5201 *et seq*, as amended (the “Charter Schools Law.”)

### RECITALS

[FOR EXISTING SCHOOLS] WHEREAS, on [DATE], the Authorizer approved a charter petition for the establishment of the School; and

WHEREAS, the School began operations in the year \_\_\_\_; and

WHEREAS, the Charter Schools Law was amended effective as of July 1, 2013 to require all public charter schools approved prior to July 1, 2013 to execute performance certificates with their authorizers no later than July 1, 2014;

[FOR NEW SCHOOLS] WHEREAS, on [DATE], Authorizer received a petition to request the creation of a new charter school referred to as [NAME OF SCHOOL;] and

WHEREAS, on [DATE], the Authorizer approved the charter petition (the “Charter”) subject to conditions outlined in Appendix A;

[FOR RENEWAL SCHOOLS:] WHEREAS, on [DATE], the Authorizer approved a charter petition for the establishment of the School; and

WHEREAS, on [DATE], the Authorizer issued to the school a public charter school performance report and charter renewal application guidance; and

WHEREAS, on [DATE], Authorizer received a renewal application from the School; and

WHEREAS, on [DATE], the Authorizer approved the renewal application subject to conditions outlined in Appendix A;

NOW THEREFORE in consideration of the foregoing recitals and mutual understandings, the Authorizer and the School agree as follows:

## SECTION 1: AUTHORIZATION OF CHARTER SCHOOL

- A. Establishment [or Continued Operation] of School.** Pursuant to the Charter Schools Law, the Authorizer hereby approves the establishment [OR continued operation] of the School on the terms and conditions set forth in this Charter School Performance Certificate (the “Certificate”). The approved Charter is attached to this Certificate as Appendix B.
- B. Pre-Opening Requirements.** Pursuant to Idaho Code Section 33-5206(6), the Authorizer may establish reasonable pre-opening requirements or conditions (“Pre-Opening Requirements”) to monitor the start-up progress of a newly approved public charter school to ensure that the school is prepared to open smoothly on the date agreed. The School shall not commence instruction until all pre-opening requirements have been completed to the satisfaction of the Authorizer. Pre-opening requirements are attached as Appendix C. If all pre-opening conditions have been completed to the satisfaction of the Authorizer, the School shall commence operations/instruction with the first day of school on [DATE]. In the event that all pre-opening conditions have not been completed to the satisfaction of the Authorizer, the School may not commence instruction on the scheduled first day of school. In such event, the Authorizer may exercise its authority on or before July 20 to prohibit the School from commencing operation/instruction until the start of the succeeding semester or school year.
- C. Term of Agreement.** This Certificate is effective as of [DATE], and shall continue through [DATE], unless earlier terminated as provided herein.

## SECTION 2: SCHOOL GOVERNANCE

- A. Governing Board.** The School shall be governed by a board (the “Charter Board”) in a manner that is consistent with the terms of this Certificate so long as such provisions are in accordance with state, federal, and local law. The Charter Board shall have final authority and responsibility for the academic, financial, and organizational performance of the School. The Charter Board shall also have authority for and be responsible for policy and operational decisions of the School, although nothing herein shall prevent the Charter Board from delegating decision-making authority for policy and operational decisions to officers, employees and agents of the School, as well as third party management providers.
- B. Articles of Incorporation and Bylaws.** The articles of incorporation and bylaws of the entity holding the charter shall provide for governance of the operation of the School as a nonprofit corporation and public charter school and shall at all times be consistent with all applicable law and this Certificate. The articles of incorporation and bylaws are attached to this Certificate as Appendix D (the “Articles and Bylaws”). Any modification of the Articles and Bylaws must be submitted to the Authorizer

within five (5) business days of approval by the Charter Board.

- C. **Charter Board Composition.** The composition of the Charter Board shall at all times be determined by and consistent with the Articles and Bylaws and all applicable law and policy. The roster of the Charter Board is attached to this Certificate as Appendix E (the “Board Roster”). The Charter Board shall notify the Authorizer of any changes to the Board Roster and provide an amended Board Roster within five (5) business days of their taking effect.

### SECTION 3: EDUCATIONAL PROGRAM

- A. **School Mission.** The mission of the School is as follows:
- B. **Grades Served.** The School may serve students in grade XX through grade XX.
- C. **Design Elements.** The School shall implement and maintain the following essential design elements of its educational program:
- D. **Standardized Testing.** Students of the School shall be tested with the same standardized tests as other Idaho public school students.
- E. **Accreditation.** The School shall be accredited as provided by rule of the state board of education.

### SECTION 4: AUTHORIZER ROLE AND RESPONSIBILITIES

- A. **Oversight allowing autonomy.** The Authorizer shall comply with the provisions of Charter School Law and the terms of this Certificate in a manner that does not unduly inhibit the autonomy of the School. The Authorizer’s Role will be to evaluate the School’s outcomes according to this Certificate and the Performance Framework rather than to establish the process by which the School achieves the outcomes sought.
- B. **Charter School Performance Framework.** The Charter School Performance Framework (“Performance Framework”) is attached and incorporated into this agreement as Appendix F. The Performance Framework shall be used to evaluate the School’s academic, financial and operational performance, and shall supersede and replace any and all assessment measures, educational goals and objectives, financial operations metrics, and operational performance metrics set forth in the Charter and not explicitly incorporated into the Performance Framework. The specific terms, form and requirements of the Performance Framework, including any required indicators, measures, metrics, and targets, are determined by the Authorizer and will be binding on the School.
- C. **Authorizer to Monitor School Performance.** The Authorizer shall monitor and report on the School’s progress in relation to the indicators, measures, metrics and targets set out in the Performance Framework. The School shall be subject to a formal review of its academic, mission-specific, operational, and financial performance at least annually.
- D. **School Performance.** The School shall achieve an accountability designation of *Good*

*Standing* or *Honor* on each of the three sections of the Performance Framework. In the event the School is a party to a third party management contract which includes a default protection clause, the School shall be exempt from some or all measures within the financial portion of the Performance Framework. In accordance with Charter School Law, the Authorizer shall renew any charter in which the public charter school met all of the terms of its performance certificate at the time of renewal.

- E. Performance Framework As Basis For Renewal of Charter.** The School's performance in relation to the indicators, measures, metrics and targets set forth in the Academic and Mission-Specific, Operational and Financial sections of the Performance Framework shall provide the basis upon which the Authorizer will decide whether to renew the School's Charter at the end of the Certificate term. As part of the Performance Framework, the Authorizer agrees to consider mission-specific, rigorous, valid, and reliable indicators of the School's performance. These negotiated indicators will be included in the Mission-Specific portion of the Academic and Mission Specific section of the Performance Framework.
- F. Authorizer's Right to Review.** The School will be subject to review of its academics, operations and finances by the Authorizer, including related policies, documents and records, when the Authorizer deems such review necessary. The Authorizer shall conduct its reviews in a manner that does not unduly inhibit the autonomy granted to the School.
- G. Site Visits.** In addition to the above procedures, the Charter School shall grant reasonable access to, and cooperate with, the Authorizer, its officers, employees and other agents, including allowing site visits by the Authorizer, its officers, employees, or other agents, for the purpose of allowing the Authorizer to fully evaluate the operations and performance of the School. The Authorizer may conduct a site visit at any time if the Authorizer has reasonable concern regarding the operations and performance of the School. The Authorizer will provide the School reasonable notice prior to its annual site visit to the School. The School shall have an opportunity to provide a written response to the site visit report no later than fourteen (14) days prior to the meeting at which the report is to be considered by the Authorizer. If no written response is provided, the School shall have the opportunity to respond orally to the site visit report at the meeting.
- H. Required Reports.** The School shall prepare and submit reports regarding its governance, operations, and/or finances according to the established policies of and upon the request of the Authorizer. However, to the extent possible, the Authorizer shall not request reports from the School that are otherwise available through student information systems or other data sources reasonably available to the Authorizer.

## SECTION 5: SCHOOL OPERATIONS

- A. In General.** The School and the Charter Board shall operate at all times in accordance with all federal and state laws, local ordinances, regulations and Authorizer

policies applicable to charter schools. Authorizer policies in effect for the duration of this Certificate are attached as Appendix G.

- B. Maximum Enrollment.** The maximum number of students who may be enrolled in the school shall be [NUMBER] of students. The maximum number of students who may be enrolled per class/grade level shall be as follows:
- C. Enrollment Policy.** The School shall make student recruitment, admissions, enrollment and retention decisions in a nondiscriminatory manner and without regard to race, color, creed, national origin, sex, marital status, religion, ancestry, disability or need for special education services. In no event may the School limit admission based on race, ethnicity, national origin, disability, gender, income level, athletic ability, or proficiency in the English language. If there are more applications to enroll in the charter school than there are spaces available, the charter school shall select students to attend using a random selection process that shall be publicly noticed and open to the public. The School shall follow the enrollment policy approved by the Authorizer and incorporated into this agreement as Appendix H.
- D. School Facilities.** [FOR NEW SCHOOLS:] Location. The School shall identify the location of its facilities pursuant to the terms of the Pre-Opening Requirements. The School shall provide reasonable notification to the Authorizer of any change in the location of its facilities. [FOR RENEWAL SCHOOLS:] Location. The School shall provide reasonable notification to the Authorizer of any change in the location of its facilities.
- E. Attendance Area.** The School's primary attendance area is as follows:
- F. Staff.** Instructional staff shall be certified teachers as provided by rule of the state board of education. All staff members of the School will be covered by the public employee retirement system, federal social security, unemployment insurance, worker's compensation insurance, and health insurance.
- G. Alignment with All Applicable Law.** The School shall comply with all applicable federal and state laws, rules, and regulations. In the event any such laws, rules, or regulations are amended, the School shall be bound by any such amendment upon the effective date of said amendment.

## SECTION 6: SCHOOL FINANCE

- A. General.** The School shall comply with all applicable financial and budget statutes, rules, regulations, and financial reporting requirements, as well as the requirements contained in the School Performance Framework incorporated into this contract as Appendix F.
- B. Financial Controls.** At all times, the Charter School shall maintain appropriate governance and managerial procedures and financial controls which procedures and controls shall include, but not be limited to: (1) commonly accepted accounting practices and the capacity to implement them (2) a checking account; (3) adequate payroll

procedures; (4) procedures for the creation and review of monthly and quarterly financial reports, which procedures shall specifically identify the individual who will be responsible for preparing such financial reports in the following fiscal year; (5) internal control procedures for cash receipts, cash disbursements and purchases; and (6) maintenance of asset registers and financial procedures for grants in accordance with applicable state and federal law.

- C. Financial Audit.** The School shall submit audited financial statements from an independent auditor to the Authorizer no later than October 15 of each year.
- D. Annual Budgets.** The School shall adopt a budget for each fiscal year, prior to the beginning of the fiscal year. The budget shall be in the Idaho Financial Accounting Reporting Management Systems (IFARMS) format and any other format as may be reasonably requested by the Authorizer.

## **SECTION 7: TERMINATION, NON-RENEWAL AND REVOCATION**

- A. Termination by the School.** Should the School choose to terminate its Charter before the expiration of the Certificate, it may do so upon written notice to the Authorizer. Any school terminating its charter shall work with the Authorizer to ensure a smooth and orderly closure and transition for students and parents, as guided by the public charter school closure protocol established by the Authorizer attached as Appendix I.
- B. Nonrenewal.** The Authorizer may non-renew the Charter at the expiration of the Certificate if the School failed to meet one (1) or more of the terms of its Certificate. Any school which is not renewed shall work with the Authorizer to ensure a smooth and orderly closure and transition for students and parents, as guided by the public charter school closure protocol established by the Authorizer attached as Appendix I.
- C. Revocation.** The School's Charter may be revoked by the Authorizer if the School has failed to meet any of the specific, written renewal conditions attached, if applicable, as Appendix A for necessary improvements established pursuant to Idaho Code § 33-5209B(1) by the dates specified. Revocation may not occur until the public charter school has been afforded a public hearing, unless the Authorizer determines that continued operation of the public charter school presents an imminent public safety issue. If the School's Charter is revoked, the School shall work with the Authorizer ensure a smooth and orderly closure and transition for students and parents, as guided by the public charter school closure protocol established by the Authorizer attached as Appendix I.
- D. Dissolution.** Upon termination of the Charter for any reason by the Charter Board, or upon nonrenewal or revocation, the Charter Board will supervise and have authority to conduct the winding up of the business and other affairs of the School; provided, however, that in doing so the Authorizer will not be responsible

for and will not assume any liability incurred by the School. The Charter Board and School personnel shall cooperate fully with the winding up of the affairs of the School.

- E. Disposition of School's Assets upon Termination or Dissolution.** Upon termination of the Charter for any reason, any assets owned by the School shall be distributed in accordance with Charter Schools Law.

## SECTION 8: MISCELLANEOUS

- A. No Employee or Agency Relationship.** Neither the School, its employees, agents, nor contractors are employees or agents of the Authorizer; nor are either the Authorizer or its employees, agents, or contractors employees or agents of the School. None of the provisions of this Certificate will be construed to create a relationship of agency, representation, joint venture, ownership, or control of employment between the Authorizer and the School.
- B. Additional Services.** Except as may be expressly provided in this Certificate, as set forth in any subsequent written agreement between the School and the Authorizer, or as may be required by law, neither the School nor the Authorizer shall be entitled to the use of or access to the services, supplies, or facilities of the other.
- C. No Third-Party Beneficiary.** This Certificate shall not create any rights in any third parties, nor shall any third party be entitled to enforce any rights or obligations that may be possessed by either party to this Certificate.
- D. Amendment.** This Certificate may be amended by agreement between the School and the Authorizer in accordance with Authorizer policy, attached as Appendix G. All amendments must be in writing and signed by the School and the Authorizer.

IN WITNESS WHEREOF, the Authorizer and the School have executed this Performance Certificate to be effective [DATE].

**August 15, 2013**

**Appendix A: Conditions of Authorization/Renewal**

**Appendix B: Charter**

**Appendix C: Pre-Opening Requirements**

**Appendix D: Articles of Incorporation and Bylaws**

**Appendix E: Board Roster**

**Appendix F: School Performance Framework**

**Appendix G: Authorizer Policies**

**Appendix H: Enrollment Policy**

**Appendix I: Public Charter School Closure Protocol**

August 15, 2013

Performance Certificate Revisions: June 14, 2013 - August 8, 2013

Section	Change(s)	Reasoning
1.B.	Addition of the phrase "on or before July 20" in the sentence stating that the Authorizer may exercise its authority to prohibiit the School from beginning instruction until the following semester or school year.	Feedback indicated that schools and stakeholders felt there should be a deadline for the Authorizer to make this decision. July 20 was deemed appropriate because it allows the School to have as much time as possible to get their pre-opening activities done / demonstrate their readiness to open while ensuring the Authorizer makes the decision according to a timeline that gives notice to the school and to the SDE before advance payments are dispersed.
3	Deletion of Section 3: Third Party Management Providers; re-numbering of subsequent sections	Respect for school autonomy and board of directors decision-making authority
4	Title change of Section 4 (previously Section 5) from Authorizer Monitoring of School Performance to Authorizer Role and Responsibilities	Based on stakeholder feedback, this section has been revised to more clearly outline the authorizer's role and responsibilities.
4.A.	Addition of Sub-section A: Oversight allowing autonomy.	Based on Comission and stakeholder feedback, this section was added to provide detail about the Authorizer's responsibility to provide oversight and evaluate schools' performance outcomes while maintaining the autonomy of the school.
4.D.	"Meets Expectations" or "Exceeds Expectations" on the Performance Framework was revised to "an accountability designation of Good Standing or Honor"	Language revision to align to the Performance Framework
4.D.	Addition of the sentence: "In the event the School is party to a third party management contract which includes a default protection clause, the School shall be exempt from some or all measures within the financial portion of the Performance Framework."	Discussion with schools that currently have third party management contracts including a default protection clause revealed that they could not be fairly evaluated by some of the measures in the financial portion of the Performance Framework, as the default protection results in some financial processes and practices that differ from the norm.
4.D.	Addition of the sentence: "In accordance with Charter School Law, the Authorizer shall renew any charter in which the public charter school met all of the terms of its performance certificate at the time of renewal."	Feedback indicated that schools and stakeholders preferred that this be clearly stated in the Performance Certificate.
4.E.	Addition of the section: "As part of the Performance Framework, the Authorizer agrees to consider mission-specific, rigorous, valid, and reliable indicators of the School's performance. These negotiated indicators will be included in the Mission-Specific portion of the Academic and Mission-Specific section of the Performance Framework.	Feedback indicated that schools and stakeholders preferred that this be clearly stated in the Performance Certificate.

Section	Change(s)	Reasoning
4.F.	Deletion of the phrase: "in its sole discretion".	Based on stakeholder feedback, this phrase was deleted to demonstrate that the Authorizer and School should have a cooperative relationship and that, whenever possible, decisions regarding additional review / reporting should be made in consultation with the school.
4.F.	Addition of the sentence: "The Authorizer shall conduct its reviews in a manner that does not unduly inhibit the autonomy granted to the School."	Commission and stakeholder feedback to ensure that the Certificate includes clear language protecting the autonomy of the school.
4.G.	Addition of the section: "The Authorizer may conduct a site visit at any time if the Authorizer has reasonable concern regarding the operations and performance of the School. The Authorizer will provide the School reasonable notice prior to its annual site visit to the School."	Stakeholder feedback indicated that schools would like an assurance that they will receive prior notice for their annual site visit. Further, stakeholders preferred that it be clearly stated that visits without notice will be done only if the authorizer has reason for concern.
4.G.	Addition of the section: "The School shall have an opportunity to provide a written response to the site visit report no later than fourteen (14) days prior to the meeting at which the report is to be considered by the Authorizer. If no written response is provided, the School shall have the opportunity to respond orally to the site visit report at the meeting."	Stakeholder feedback / request for the opportunity to respond to information provided in the site visit report completed by PCSC staff.
4.H.	Addition of the sentence: "However, to the extent possible, the Authorizer shall not request reports from the School that are otherwise available through student information systems or other data sources reasonably available to the Authorizer."	This sentence was added in deference to school and stakeholder requests for minimization of duplicative reporting.
5.A.	Addition of the sentence: "Authorizer policies in effect for the duration of this Certificate are attached as Appendix H."	Stakeholders felt strongly that the PCSC policies in place at the time that a Performance Certificate is finalized with a given school should be the policies to which that school will be held accountable.
5.D.	Revised language -- rather than the School having to provide notice of a change of location of facilities 30 days prior to a change, the certificate now states that the School "shall provide reasonable notification to the Authorizer of any change in the location of its facilities."	Stakeholders raised a concern that schools may struggle to provide notice to the PCSC 30 days prior to a move, particularly if the move was unplanned or a school received minimal notice from their landlord regarding termination of a lease. PCSC staff felt this was a reasonable concern and noted that the primary reason for notification is to update the school's contact information.
6.A.	Deletion of the word "state" in reference to the financial statutes, rules, and regulations to which the school must comply.	There are federal financial regulations that schools must comply with for certain federal programs (special education, Title 1, etc.); by removing the word "state" the remaining language incorporates all applicable state and federal laws, rules, and regulations.

## August 15, 2013

Section	Change(s)	Reasoning
6.B.	Deletion of "organizational chart" and renumbering of list.	Feedback indicated that stakeholders felt that the decision should to create and use an organizational chart should be left to the School (rather than being required per the certificate).
6.C.	September 15 was changed to October 15	To allow schools additional time to complete and submit their audits after the conclusion of the fiscal year while being conscientious of PCSC staff's need to complete analysis of the audit in the Financial section of the Performance Framework.
6.C.	Deletion of the sentence: "If such audit is not received by September 15th of each year, it shall be considered a material violation of the terms of this contract and may be grounds for revocation or other remedy as provided by this agreement."	This seemed to put too much focus on the ability to revoke if the Authorizer does not receive the financial audit. Additionally, PCSC staff deemed it unnecessary based on the statement made in Section 7.B. that schools must meet the terms of the Performance Certificate.
6.D.	Reworded section on budgets; deletion of the requirement that schools submit a budget to the PCSC by July 15.	Re-wording places the responsibility to adopt the budget on the school and maintains the acceptable formats for budgets. Schools must submit budgets to the SDE annually by July 15; the PCSC may receive copies directly from SDE.
7.C.	Added "renewal" before conditions; added a reference to the Appendix that will include renewal conditions (if applicable)	Schools and stakeholders indicated that they felt the previous language was not adequately clear regarding upon what conditions the PCSC could revoke a school's charter. The section was initially intended to address revocation as a result of a school not meeting the conditions outlined as a part of a conditional renewal. This language was added to ensure this was clear.
8.D.	Added section 8.D. to clarify that the Performance Certificate can be amended per PCSC policy and mutual agreement of both parties.	Stakeholders and staff identified that this was not clearly stated in the contract and agreed that it would be beneficial to add it.
APP	Appendices list was revised: Appendix F (Third Party Management Contract) was deleted; all appendices after F were appropriately re-labeled; Appendix G (previously H) was changed to eliminate a duplicative title (Pre-Opening Requirements) and insert a new Appendix - Authorizer Policies.	Correction of typographical error; alignment to Performance Certificate content revisions

August 15, 2013

Section Change(s)

Reasoning

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**August 15, 2013**

**Idaho Public Charter School Commission  
Pre-Opening Requirements for Newly Approved Public Charter Schools**

<b>Requirement</b>	<b>Description</b>	<b>Submit To</b>	<b>Deadline</b>	<b>Notes</b>
New Charter School Bootcamp	Attend training session with SDE; provide proof of attendance.	PCSC	May 31	The bootcamp will generally be held in March or April. Proof of attendance is due by May 31.
Pre-Opening Dashboard	Complete the dashboard; include in Pre-Opening Update materials.	PCSC	May 31	All Pre-Opening Update items will be due according to the meeting materials deadline, but no later than May 31.
Enrollment Report	Report of students who have accepted enrollment, per grade and total. Include in the Pre-Opening Dashboard as a part of the Pre-Opening Update materials.	PCSC	May 31	
Facilities Report	Update the Facility Template; include in Pre-Opening Update materials.	PCSC	May 31	
Updated Pre-Opening Timeline	Update the Pre-Opening Timeline; include in Pre-Opening Update materials.	PCSC	May 31	
School Calendar	Prepare school calendar for SDE; provide copy for PCSC.	SDE, PCSC	May 31	
Charter School Advance Payment Request		SDE	June 1	
Advance Payment Request - Transportation		SDE	June 15	
Consolidated Federal and State Grant Application	If the school intends to have a Title I program or receive Title I, II, or III funds, this application must be submitted to the SDE.	SDE	June 30	Not applicable for schools not intending to have a Title I program
Budget	Finalize the year-one budget and submit to SDE per SDE instructions and format; provide a copy to the PCSC.	SDE, PCSC	July 15	
Updated 1 <sup>st</sup> Year Cash Flow	Update the 1 <sup>st</sup> Year Cash Flow based on the finalized budget.	PCSC	July 15	
Facilities Confirmation	Update the Facility Template for the school's confirmed facility and submit documentation.	PCSC	July 15	This final facilities update should demonstrate the school's ability to open per its proposed schedule.
Education Directory Updates		SDE	July 30	
School Policies – LEP & GT	Submit updated plans to provide services to Limited English Proficient (LEP / ELL) and Gifted and Talented (GT) students.	SDE, PCSC	July 31	Plans should be detailed and well-tailored to the school and its educational program.
Policy Manual	School should submit a draft policy manual that outlines critical policies and procedures for the board and school operations.	PCSC	July 31	
Special Education Assurances	Details available from the SDE and/or in the Charter School Special Ed Primer	SDE	Before 1 <sup>st</sup> day of instruction	
Final Board & Staff Roster	A final roster of board and staff with names, titles, and contact information should be submitted.	PCSC	August 31	

In addition to the above requirements, the school must submit applicable information / documents as outlined in the ID State Department of Education's Data Acquisition Calendar.

August 15, 2013

**IDAHO** PUBLIC CHARTER SCHOOL COMMISSION



**CLOSURE  
PROTOCOL**

**August 2013**

## Background

This Closure Protocol is aligned to Idaho statute and rule and is designed to reflect best practices for managing the school closure process in an organized manner that protects the state, students and the community.

The Idaho Public Charter School Commission Closure Protocol is based on the Colorado Charter School Sample Closure Framework released in 2011 and publicly available at [www.charterschoolquality.org](http://www.charterschoolquality.org). The Colorado Sample Closure Framework was created through the collaborative work of the Colorado Department of Education, the Colorado League of Charter Schools, and the Colorado Charter School Institute.

The Colorado Charter School Sample Closure Framework incorporated information from the following sources:

1. *Accountability in Action: A Comprehensive Guide to Charter School Closure*. Edited by Kim Wechtenhiser, Andrew Wade, and Margaret Lin. National Association of Charter School Authorizers (2010).
2. Colorado Charter School Institute Closure Project Plan (2010).
3. *Charter Renewal*. Charter Schools Institute, The State University of New York (SUNY ).
4. *Pre-Opening Checklist and Closing Checklist*. Office of Education Innovation, Office of the Mayor, City of Indianapolis.
5. *2010-2011 Charter Renewal Guidelines*. District of Columbia Public Charter School Board.

During the revision process, the following additional sources were integrated into the Idaho Public Charter School Commission Closure Protocol:

6. *Navigating the Closure Process*. Matthew Shaw. Authorizing Matters Issue Brief, May 2011. National Association of Charter School Authorizers (2011).

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## Introduction

Charter school closures happen when a school’s charter is revoked, non-renewed, or relinquished. A number of factors can lead to closure of the school, including poor academic performance, finances, governance, or safety issues. Regardless of the reasons for closure, the board of directors of the public charter school is responsible for managing the closure and dissolution process.<sup>2</sup> Cooperation between the public charter school board and administrator, authorizer, and other state entities can allow for the facilitation of a smooth process that “minimize[s] disruption for students while ensuring that public funds are used appropriately.”<sup>3</sup>

The closure process should begin as soon as the authorizer or the charter school board takes initial action to close the school, regardless of whether an appeals process has been completed or the decision has been finalized. This allows the school and authorizer to discuss the potential closure, identify a tentative timeline for the final decision, and work together to establish a closure team and clear paths of communication with each other, stakeholders, and the community.

Whenever possible, the authorizer and public charter school should work together to ensure that the school is able to operate through the completion of the regularly-scheduled school year. Under most circumstances, this should allow adequate time to complete all closure tasks. More importantly, it minimizes instructional gaps for students. However, there are occasions when it is necessary for a school to close mid-year. In these cases, students’ educational transitions should be the highest priority. The school, authorizer, and other state entities must also identify the appropriate closure team and work closely together to prioritize closure tasks and manage their completion in as organized and efficient manner as possible.

Though individual schools should develop closure plans that are tailored to their situation, resources, and needs, all schools should keep the following primary goals in mind:

1. Providing educational services in accordance with the charter and performance certificate until the end of the school year, or the agreed upon date when instruction will stop.
2. Reassigning students to schools that meet their educational needs.
3. Addressing the school’s financial, legal and reporting obligations.

The closure process has many tasks, which are illustrated in the chart below. Based on the circumstances surrounding the closure, not all tasks in this protocol may apply. When the charter school, authorizer, and other state entities meet at the outset of the closure process, they should refer to the Closure Protocol and identify which tasks will be required or necessary. During this meeting, responsible parties and completion dates should be agreed upon to ensure a transparent and smooth closure. The template that follows includes the basic tasks that will usually need to be addressed to close a school; the format allows for the insertion of responsible parties and task deadlines.

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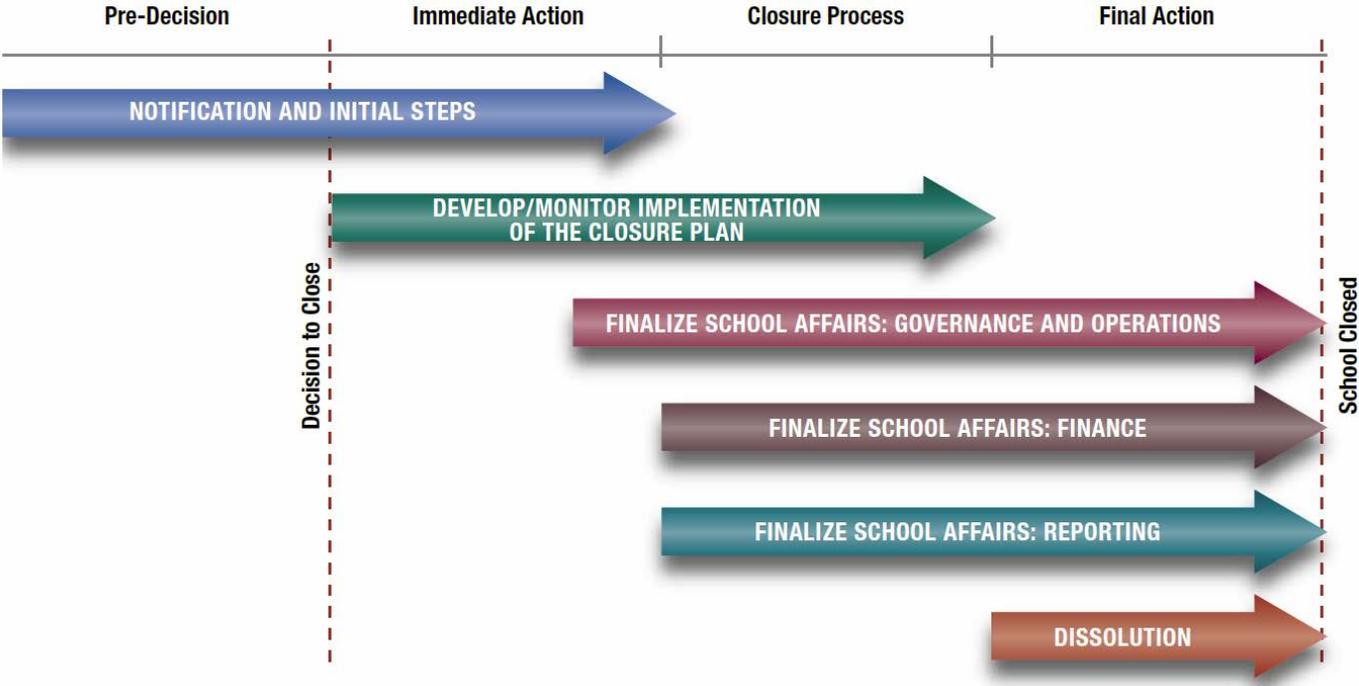
### Endnotes

<sup>1</sup> Peyser, J. and Marino, M. “Why Good Authorizers Should Close Bad Schools.” *Accountability in Action: A Comprehensive Guide to Charter School Closure*. National Association of Charter School Authorizers (2010). Pages 6 and 9.

<sup>2</sup> I.C. § 33-5212

<sup>3</sup> Shaw, M. “Navigating the Closure Process.” *Authorizing Matters Issue Brief*, May 2011. National Association of Charter School Authorizers (2011). Pages 2-3.

### A Conceptual Timeline for Closure



Notification and Initial Steps

DESCRIPTION OF REQUIRED ACTIONS	ENTITIES INVOLVED	INDIVIDUALS RESPONSIBLE	DEADLINE	STATUS
<p><b>Meet with PCSC and SDE staff</b></p> <p>Within 3 business days of the authorizer’s or school’s initial / intended closure decision, the charter school administrator and a representative of the school’s board will meet (in-person or via telephone or web conference) with staff representatives of the PCSC and SDE to:</p> <ol style="list-style-type: none"> <li>1. Review the remaining process for finalizing the closure decision as applicable</li> <li>2. Review the Closure Protocol and tasks and clarify critical deadlines</li> <li>3. Identify points of contact for media or community questions</li> <li>4. Draft communication to staff, families, and affected districts</li> </ol>	School, PCSC, SDE			
<p><b>Notify Parents / Guardians of Potential Closure</b></p> <ol style="list-style-type: none"> <li>1. Within one week of the authorizer’s or school’s initial / intended closure decision, the charter school will send letters to enrolled families. Notification should include: <ul style="list-style-type: none"> <li>• The reasons for closure.</li> <li>• If applicable, an explanation of the appeals process and likely timeline for a final decision.</li> <li>• Assurance that instruction will continue through the end of the school year or an estimation of when instruction will cease.</li> <li>• Assurance that after a final decision is reached, parents/students will be notified and assisted in the reassignment process.</li> <li>• Public Charter School Closure FAQ.</li> <li>• Contact information for parents/guardians with questions.</li> </ul> </li> </ol>	School, PCSC			
<p><b>Notify School Districts Materially Impacted</b></p> <ol style="list-style-type: none"> <li>1. Within one week of the authorizer’s or school’s initial / intended closure decision, the charter school will send letters to districts materially impacted by the closure decision. Notification should include: <ul style="list-style-type: none"> <li>• The reasons for closure.</li> <li>• If applicable, an explanation of the appeals process and likely timeline for a final decision.</li> <li>• Copy of the letter sent to parents.</li> <li>• Public Charter School Closure FAQ.</li> <li>• Contact information for questions.</li> </ul> </li> </ol>	School, PCSC			
<p><b>Meet with Charter School Faculty and Staff</b></p> <p>Administrator and charter board chair meet with the faculty and staff to:</p> <ol style="list-style-type: none"> <li>1. Discuss reasons for closure, status of appeals process (if applicable), and likely timeline for a final decision.</li> <li>2. Emphasize importance of maintaining continuity of instruction through the end of the school year.</li> <li>3. Emphasize need to limit expenditures to necessities.</li> <li>4. Discuss plans for helping students find new schools and need for teachers and staff to have organized student files prepared for transfer.</li> <li>5. Identify date when last salary checks will be issued, when benefits terminate, and anticipated last day of work.</li> <li>6. Describe assistance, if any, that will be provided to faculty and staff to find new positions.</li> </ol>	School			
<p><b>Review and Report on Finances</b></p> <ol style="list-style-type: none"> <li>1. Review budget to ensure that funds are sufficient to operate the school through the end of the school year, if applicable. Communicate with the PCSC and SDE regarding financial status and next steps.</li> <li>2. Limit expenditures to only those in the approved budget and delay approving expenditures that might no longer be necessary until a revised budget is approved.</li> <li>3. Communicate with the SDE regarding whether there are any anticipated changes to remaining disbursements from the state.</li> </ol>	School, PCSC, SDE			

<p><b>Send Additional and Final Notifications</b></p> <ol style="list-style-type: none"> <li>1. Notify parents and affected school districts in writing after key events (e.g., denial of an appeal) and when the closure decision is final.</li> <li>2. The letters notifying staff, parents, and other districts of the final closure decision should include:             <ul style="list-style-type: none"> <li>• The last day of instruction.</li> <li>• Any end-of-the-year activities that are planned to make the transition easier for parents and students.</li> <li>• Assistance that will be provided to families in identifying new schools. This may include a list of school options; application deadlines or open house dates for traditional public, public charter, or private schools; or individual meetings with families.</li> <li>• Basic information about the process for access and transfer of student and personnel records.</li> </ul> </li> </ol>	<p>School, PCSC</p>			
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Develop/Monitor Implementation of the Closure Plan

DESCRIPTION OF REQUIRED ACTIONS	ENTITIES INVOLVED	INDIVIDUALS RESPONSIBLE	DEADLINE	STATUS
<p><b>Establish Transition Team, Develop Closure Plan, and Assign Roles</b></p> <ol style="list-style-type: none"> <li>1. Contact appropriate entities to establish a transition team, including:                             <ul style="list-style-type: none"> <li>• A member of the PCSC staff</li> <li>• A member of the SDE staff</li> <li>• Charter school board chair</li> <li>• Lead administrator from the charter school</li> <li>• Lead finance person from the charter school</li> <li>• Additional members as deemed appropriate</li> </ul> </li> <li>2. Develop plan, review roles of primary entities, identify individuals responsible for closure tasks, and exchange contact information.</li> </ol>	<p>School, PCSC, SDE</p>			
<p><b>Establish a Schedule for Meetings and Interim Status Reports</b></p> <p>Agree on a meeting schedule to review progress and interim, written status reports to include:</p> <ol style="list-style-type: none"> <li>1. Reassignment of students and transfer of student records.</li> <li>2. Identification of long-term storage location of student and personnel records; plan for access and communication to parents regarding access.</li> <li>3. Notification to entities doing business with the school.</li> <li>4. The status of the school’s finances, including outstanding expenses and payment of creditors and contractors.</li> <li>5. Sale, dissolution, or return of assets.</li> <li>6. Submission of all required reports and data to the authorizer and/or state.</li> </ol>	<p>School</p>			
<p><b>Submit Final Closure Report</b></p> <p>Submit the completed closure Protocol document and appropriate final closure documents to the PCSC (see the Reporting section for more details).</p>	<p>School</p>			

Finalize School Affairs: Governance and Operations

DESCRIPTION OF REQUIRED ACTIONS	ENTITIES INVOLVED	INDIVIDUALS RESPONSIBLE	DEADLINE	STATUS
<p><b>Maintain Identifiable Location</b>                      Maintain the school’s current location through the winding up of its affairs or relocate its business records and remaining assets to a location with operational telephone service that has voice message capability.</p>	School			
<p><b>Protect School Assets</b>                      Protect the school’s assets and any assets in the school that belong to others against theft, misappropriation and deterioration.</p> <ol style="list-style-type: none"> <li>1. Maintain existing insurance coverage on assets, including facility, until the disposal of such assets in accordance with the closure plan.</li> <li>2. Negotiate school facility insurance with entities that may take possession of school facility – lenders, mortgagors, bond holders, etc.</li> <li>3. Obtain or maintain appropriate security services. Action may include moving assets to secure storage after closure or loss of facility.</li> </ol>	School			
<p><b>Notify Commercial Lenders / Bond Holders (if applicable)</b>                      If the school has existing loans - Within 10 days after the final decision to close the charter school (after appeals process is complete), notify banks, bond holders, etc., of the school’s closure and projected dates for the school’s last payment towards its debt and if/when default will occur.</p>	School			
<p><b>Terminate EMO /CMO Agreement (if applicable)</b>                      Review the management agreement and take steps needed to terminate the agreement at the end of the school year or prior to the intended closure date.</p> <ol style="list-style-type: none"> <li>1. The management company should be asked for a final invoice and accounting, including an accounting of any retained school funds and the status of grant funds.</li> <li>2. The school and the management company should agree upon how the company will continue to provide educational services until the last day of instruction.</li> </ol> <p>The school and the management company agree when other services including business services will end.</p>	School			
<p><b>Notify Contractors and Terminate Contracts</b></p> <ol style="list-style-type: none"> <li>1. Notify all contractors, including food service and transportation, of school closure.</li> <li>2. Retain records of past contracts and payments.</li> <li>3. Terminate contracts for goods and services as of the last date such goods or services will be needed.</li> </ol>	School			
<p><b>Notify Employees and Benefit Providers</b></p> <ol style="list-style-type: none"> <li>1. Whenever possible, provide employees with formal, written notification of termination of employment at least 60 days before closure to include date of termination of all benefits in accordance with applicable law and regulations (i.e. <a href="#">WARN</a> and <a href="#">COBRA</a>) and eligibility for unemployment insurance pursuant to federal or state law or regulations of the Idaho Department of Labor.</li> <li>2. Notify benefit providers of pending termination of all employees, to include:                             <ul style="list-style-type: none"> <li>• Medical, dental, vision plans.</li> <li>• Life insurance.</li> <li>• PERSI, 403(b), or other retirement plans</li> </ul> </li> <li>3. Consult legal counsel as specific rules and regulations may apply to such programs.</li> </ol>	School			

Finalize School Affairs: Governance and Operations (continued)

DESCRIPTION OF REQUIRED ACTIONS	ENTITIES INVOLVED	INDIVIDUALS RESPONSIBLE	DEADLINE	STATUS
<p><b>Maintain and Organize Records</b></p> <ol style="list-style-type: none"> <li>1. Maintain all corporate records related to: <ul style="list-style-type: none"> <li>• Loans, bonds, mortgages and other financing.</li> <li>• Contracts.</li> <li>• Leases.</li> <li>• Assets and their sale, redistribution, etc.</li> <li>• Grants -- records relating to federal grants must be kept in accordance with 34 CFR 80.42.</li> <li>• Governance (minutes, bylaws, policies).</li> <li>• Accounting/audit, taxes and tax status, etc.</li> <li>• Employees (background checks, personnel files).</li> <li>• Employee benefit programs and benefits.</li> <li>• Any other items listed in the closure plan.</li> </ul> </li> <li>2. Determine where records will be stored after dissolution.</li> </ol>	School			
<p><b>Transfer Student Records and Testing Material</b></p> <ol style="list-style-type: none"> <li>1. Ensure that all student records are organized and complete</li> <li>2. Within 10 days of receiving a records request, send student records, including final grades and evaluations, to the students' parent or new district and/or school, including: <ul style="list-style-type: none"> <li>• Individual Education Programs (IEPs) and all records regarding special education and supplemental services.</li> <li>• Student health / immunization records.</li> <li>• Attendance record.</li> <li>• Any testing materials required to be maintained by the school.</li> <li>• Student transcripts and report cards.</li> <li>• All other student records.</li> </ul> </li> <li>3. Document the transfer of records to include: <ul style="list-style-type: none"> <li>• Date of transfer (for each individual student file transferred).</li> <li>• Signature and printed name of the charter school representative releasing the records.</li> <li>• Name and contact information of the receiver's representative.</li> <li>• The total number and percentage of general and special education records transferred.</li> </ul> </li> </ol>	School			
<p><b>Inventory Assets and Prepare Federal Items for Pick-up</b></p> <ol style="list-style-type: none"> <li>1. Inventory school assets, and identify items: <ul style="list-style-type: none"> <li>• Loaned from other entities.</li> <li>• Encumbered by the terms of a contingent gift, grant or donation, or a security interest.</li> <li>• Belonging to the EMO/CMO, if applicable, or other contractors.</li> <li>• Purchased with federal grants or funds (ie. ID Charter Start grant) <ul style="list-style-type: none"> <li>➢ Items purchased with federal funds should be listed on the Federal Items Inventory spreadsheet provided by the PCSC. The list should be very detailed and complete, and items should not be sold or re-distributed.</li> </ul> </li> </ul> </li> <li>2. Return assets not belonging to school where appropriate documentation exists. Keep records of assets returned.</li> <li>3. Organize and pack items purchased with federal funds and arrange for PCSC walk-through and pick-up. <ul style="list-style-type: none"> <li>➢ Boxes should be packed, closed, taped, and <i>clearly</i> labeled with name(s) and/or number(s) corresponding to the inventory.</li> <li>➢ PCSC walk-through must be scheduled in advance and must be at least 2 days prior to the scheduled move day.</li> <li>➢ At the time of the walk-through, all federal items must be prepared and distinctly separate from other school assets. If the school's items are not adequately prepared for moving, the PCSC will delay the date for pick-up of federal items.</li> </ul> </li> </ol>	School, PCSC			

Finalize School Affairs: Finance

DESCRIPTION OF REQUIRED ACTIONS	ENTITIES INVOLVED	INDIVIDUALS RESPONSIBLE	DEADLINE	STATUS
<b>Maintain IRS 501(c)(3) Status</b> Maintain IRS 501(c)(3) status until final dissolution. Notify IRS regarding any address change(s) and file required tax returns and reports.	School			
<b>Notify Funding Sources / Charitable Partners</b> Notify all funding sources, including charitable partners of school closure. Notify state and federal agencies overseeing grants / programs of school closure.	School			
<b>Review and Revise School Budget</b> <ol style="list-style-type: none"> <li>1. Review the school's budget and overall financial condition.</li> <li>2. Make revisions, taking closure expenses into account closure while prioritizing continuity of instruction. Submit budget to PCSC and SDE.</li> <li>3. Identify acceptable use of reserve funds.</li> </ol>	School, PCSC, SDE			
<b>List all Creditors and Debtors</b> Formulate a list of creditors and debtors and any amounts accrued and unpaid with respect to such creditor or debtor. Not that the creditor list is not the same as the contractor list (above), but should include any contractors with whom the school owes money (based on a contract or invoice). <ol style="list-style-type: none"> <li>1. Creditors include lenders, mortgage holders, bond holders, equipment suppliers, service providers and secured and unsecured creditors.</li> <li>2. Debtors include persons who owe the school fees or credits, any lessees or sub-lessees of the school, and any person holding property of the school.</li> </ol>	School			
<b>Notify Debtors and Process Payments</b> Contact debtors to request payment. Process and document received payments.	School			
<b>Determine PERSI Obligations</b> Contact PERSI to determine remaining liabilities for employee retirement program.	School			
<b>Notify and Pay Creditors</b> <ol style="list-style-type: none"> <li>1. Notify all creditors of the school's closure and request final invoices.</li> <li>2. Sell appropriate assets.</li> <li>3. Prioritize and pay creditors in accordance with I.C. § 33-5212(2). Document payments made.</li> </ol>	School			
<b>Itemize Financials</b> Review, prepare and make available the following: <ol style="list-style-type: none"> <li>1. Fiscal year-end financial statements.</li> <li>2. Cash analysis.</li> <li>3. Bank statements for the year, investments, payables, unused checks, petty cash, bank accounts, and payroll reports including taxes.</li> <li>4. Collect and void all unused checks and destroy all credit and debit cards. Close accounts after transactions have cleared.</li> </ol>	School			
<b>Close Out All State and Federal Grants</b> Close out state, federal, and other grants. This includes filing any required expenditure reports or receipts and any required program reports, including disposition of grant assets.	School, SDE, Fed			
<b>Prepare Final Financial Statement</b> Retain an independent accountant to prepare a final statement of the status of all contracts and obligations of the school and all funds owed to the school, showing: <ol style="list-style-type: none"> <li>1. All assets and the value and location thereof.</li> <li>2. Each remaining creditor and amounts owed.</li> <li>3. Statement that all debts have been collected or that good faith efforts have been made to collect same.</li> <li>4. Each remaining debtor and the amounts owed.</li> </ol>	School			
<b>Complete Final Financial Audit</b> Complete a financial audit of the school in accordance with statute by a date to be determined by the authorizer. Submit final audit to the PCSC and SDE.	School, PCSC, SDE			
<b>Reconcile with State</b> Reconcile state billings and payments. If the school owes the state money, it should list the SDE as a creditor and treat it accordingly.	School, SDE			

Finalize School Affairs: Reporting

DESCRIPTION OF REQUIRED ACTIONS	ENTITIES INVOLVED	INDIVIDUALS RESPONSIBLE	DEADLINE	STATUS
<p><b>Prepare and Submit End-of-Year Reports</b></p> <ol style="list-style-type: none"> <li>1. Communicate with the PCSC regarding necessary end-year or annual data or reporting that needs to be submitted and identify deadlines.</li> <li>2. Prepare and submit annual reports to the authorizer.</li> </ol>	School, PCSC			
<p><b>Prepare Final Report Cards and Student Records Notice</b></p> <p>Provide parents / guardians with copies of final report cards and notice of where student records will be sent along with contact information.</p>	School			
<p><b>Prepare and Submit Final ISEE Report</b></p> <p>Within 10 days of final closure, submit a final ISEE report to the SDE.</p>	School, SDE			
<p><b>Prepare and Submit Final Budget and Financial Reporting</b></p> <p>Within 120 days of final closure, submit a final budget and financial reporting, including final financial audit, to the SDE.</p>	School, SDE			
<p><b>Prepare and Submit All Other Required State and Federal Reports</b></p> <ol style="list-style-type: none"> <li>1. Communicate with the SDE and the federal government to identify any outstanding or final reports required for federal, state, or special programs (special education, Title I, etc.) and confirm deadlines.</li> <li>2. Prepare and submit reports to the SDE and/or federal government.</li> </ol>	School, SDE			
<p><b>Prepare and Submit Final Closure Report to the PCSC</b></p> <p>Submit the completed closure Protocol document and a narrative and/or attachments that outline the following:</p> <ol style="list-style-type: none"> <li>1. The name and contact information of the individual(s) with whom the PCSC can follow-up after closure if there are questions or issues to be addressed</li> <li>2. The school's final financial status, including the final independent audit</li> <li>3. The status of the transfer and storage of student records, including: <ul style="list-style-type: none"> <li>• The school's total enrollment at the start of the final semester</li> <li>• The number and percentage of student records that have been transferred prior to closure</li> <li>• The plan for storage and access to student records after closure, including the signature of the person / entity that has agreed to be responsible for transferring records after closure</li> <li>• A copy of public communication to parents regarding how to access student records after closure</li> </ul> </li> <li>4. The status of the transfer and storage of personnel records, including: <ul style="list-style-type: none"> <li>• The school's total number of staff at the beginning of the final semester</li> <li>• The number and percentage of personnel records that have been distributed to staff and/or new employers</li> <li>• If necessary, the plan for storage and access to personnel records after closure, including the signature of the person / entity that has agreed to be responsible for transferring records after closure</li> <li>• A copy of communication to staff regarding how to access personnel records after closure</li> </ul> </li> <li>5. Additional documentation (inventories, operational info, etc.) may be included with the report</li> </ol>	School, PCSC			

Dissolution

DESCRIPTION OF REQUIRED ACTIONS	ENTITIES INVOLVED	INDIVIDUALS RESPONSIBLE	DEADLINE	STATUS
<p><b>Dissolve the Charter School (I.C. § 30-3-110)</b></p> <ol style="list-style-type: none"> <li>1. Give appropriate notice of the meeting per Open Meeting law and statute, including the intention to vote on the dissolution of the corporation.</li> <li>2. The charter school board adopts a plan of dissolution indicating to whom the assets of the non-profit corporation will be distributed after all creditors have been paid. (I.C. § 33-5206(9))</li> <li>3. Unless otherwise provided in the bylaws, the board of directors votes on the resolution to dissolve. A non-profit corporation is dissolved upon the effective date of its articles of dissolution. (I.C. § 30-3-112)</li> </ol>	School			
<p><b>Notify the Secretary of State (I.C. § 30-3-112)</b></p> <ol style="list-style-type: none"> <li>1. After the resolution to dissolve is authorized, dissolve the corporation by delivering to the Secretary of State for filing articles of dissolution setting forth: <ul style="list-style-type: none"> <li>• The name of the non-profit corporation.</li> <li>• The date dissolution was authorized.</li> <li>• A statement that dissolution was approved by sufficient vote of the board.</li> <li>• If approval of members was not required (commonly true for public charter schools), a statement to that effect and a statement that dissolution was approved by a sufficient vote of the board of directors or incorporators</li> <li>• Such additional information as the Secretary of State determines is necessary or appropriate.</li> </ul> </li> </ol>	School			
<p><b>Notify Known Claimants (I.C. § 30-3-114)</b></p> <p>Give written notice of the dissolution to known claimants after the effective date of the dissolution. Claimants have 120 days from the effective date of the written notice to submit a claim.</p>	School			
<p><b>End Corporate Existence (I.C. § 30-3-113)</b></p> <p>A dissolved non-profit corporation continues its corporate existence, but may not carry on any activities except as is appropriate to wind up and liquidate its affairs, including:</p> <ol style="list-style-type: none"> <li>1. Preserving and protecting its assets and minimizing its liabilities.</li> <li>2. Discharging or making provision for discharging its liabilities.</li> <li>3. Disposing of its properties that will not be distributed in kind.</li> <li>4. Returning, transferring or conveying assets held by the corporation upon a condition requiring return, transfer or conveyance, which condition occurs by reason of dissolution, in accordance with such condition.</li> <li>5. Transferring, subject to any contractual or legal requirements, its assets as provided in or authorized by its articles of incorporation or bylaws.</li> <li>6. Doing every other act necessary to wind up and liquidate its assets and affairs.</li> </ol>	School			
<p><b>Notify IRS</b></p> <p>Notify the IRS of dissolution of the education corporation and its 501(c)(3) status and furnish a copy to the authorizer.</p>	School			

August 15, 2013

“If charter schools are to have any hope of transforming public education, they cannot settle for simply being pretty good or just above average – especially when that average is well below what students need to succeed in the world. From this perspective, charter schools need to be about excellence. Specifically, they need to prove that excellence is possible and achievable at scale and under difficult circumstances, even with students whom others may have given up on.”

“All of those who embark on this perilous journey of hope deserve our deepest gratitude and respect for embracing this challenge with courage, persistence and good faith. But these virtues alone are not enough. Charter schools are not supposed to rest on good intentions and earnest effort; they are supposed to achieve meaningful results demonstrated by a sound body of evidence over the charter term. Charter schools that cannot deliver on that promise, either to their students or the broader public, need to be closed. This is the unpleasant, but imperative responsibility of authorizers.”

-- James A. Peyser and Maura Marino. “Why Good Authorizers Should Close Bad Schools.”<sup>1</sup>