



# **2019-20 Charter Renewal Guidelines**

DC Public Charter School Board  
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## LETTER FROM THE BOARD CHAIR

August 30, 2019

Dear DC Public Charter School Leader,

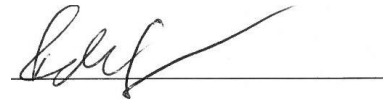
Pursuant to the School Reform Act, a school in its fifteenth year of operation that wishes to continue operating beyond the end of the 2019-20 school year, when its charter will expire, must submit a charter renewal application to the DC Public Charter School Board (DC PCSB).

After the school has submitted this application, DC PCSB staff will conduct an extensive review of the school's performance and present its findings to the DC PCSB Board. If the DC PCSB Board votes to renew a school's charter, the school will be invited to update its charter to ensure its relevance for the school's next 15 years of operation and to sign a new charter agreement.

The following guidelines detail the DC charter renewal process, including how to prepare the renewal application, and the process after the DC PCSB Board votes on renewal.

If you have questions about the renewal process or would like to discuss the renewal process as it relates to your school, please contact Nikhil Vashee, School Quality and Accountability Specialist, by email at [nvashee@dcpcsb.org](mailto:nvashee@dcpcsb.org).

Sincerely,



Rick Cruz  
Chair, DC Public Charter School Board

## CHARTER RENEWAL OVERVIEW

Action Item	Description	Date	
<b>Part 1: Charter Renewal Determination</b>			
DC PCSB meets with each school eligible to apply for renewal	DC PCSB meets with each school to discuss the school's renewal, including the school's goals and student academic achievement expectations.	Spring 2019	
DC PCSB conducts Qualitative Site Reviews (QSRs)	DC PCSB will conduct a QSR at each campus of a school applying for renewal. The renewal report will contain qualitative evidence from the QSR(s).	These QSRs usually occur September 2018 through June 2019	
Schools submit renewal application	The School Reform Act (SRA) allows a school to submit its charter renewal application between 365 and 120 days before the expiration of its charter.	<i>Scheduled Charter Renewal Vote*</i>	<i>School's Renewal Application Deadline</i>
	DC PCSB will provide a deadline to each school to submit its renewal application based on the date of the meeting where DC PCSB is scheduled to vote on the school's renewal.	Monday, 11/18/19	By 5:00 pm on <u>10/4/19</u>
	*Please confirm the scheduled date of your school's charter renewal vote with Nikhil Vashee ( <a href="mailto:nvashee@dcpcsbo.org">nvashee@dcpcsbo.org</a> ).	Monday, 12/16/19	By 5:00 pm on <u>11/1/19</u>
		Monday, 1/27/20	By 5:00 pm on <u>12/16/19</u>
DC PCSB informs the school of its right to an informal renewal hearing before the DC PCSB Board, and the school elects whether to request this hearing	<p>The SRA affords schools applying for charter renewal an opportunity for an informal, public renewal hearing before the DC PCSB Board.</p> <p>Per the SRA, DC PCSB must inform the school of its right to an informal hearing no later than 15 days after the school submits its renewal application, and the school must elect whether to request such a hearing within 15 days of receiving this notice.</p> <p>DC PCSB will aim to provide schools with a draft of its preliminary charter renewal analysis with this notice within 15 days of receipt of the school's application to renew.</p>	<p>DC PCSB must send this notice not later than 15 days after receipt of a school's renewal application.</p> <p>The school must request a hearing within 15 days of receiving this notice.</p>	

Action Item	Description	Date
<p>DC PCSB staff provides a draft copy of its preliminary charter renewal analysis to the school</p>	<p>DC PCSB's preliminary charter renewal analysis includes a staff assessment of the school's academic performance, legal compliance, and fiscal management, as well as a recommendation to the DC PCSB Board regarding renewal of the school's charter.</p> <p>DC PCSB shares its preliminary analysis with the school to allow the school an opportunity to respond to the report in writing to correct any factual errors, and to determine whether it would like a public hearing.</p>	<p>Contemporaneous with the notice of right to a renewal hearing, or soon thereafter but prior to the time period within which a school must decide to request an informal hearing</p>
<p>DC PCSB Board holds informal renewal hearing (if requested)</p>	<p>The DC PCSB Board will hold the informal hearing at the school if possible.</p>	<p>DC PCSB Board must hold the informal hearing no later than 30 days after the school requests it.</p>
<p>DC PCSB Board votes whether to renew the school's charter and issues a written renewal decision</p>	<p>If possible, the DC PCSB Board will conduct the vote on whether to renew during regularly scheduled DC PCSB public meetings.</p>	<p>If the school does not request a hearing, the DC PCSB Board will vote on renewal no later than 30 days after the date DC PCSB informed the school of its right to such a hearing.</p> <p>If the school does request a hearing, the DC PCSB Board will vote on renewal no later than 30 days after the date of the hearing.</p>
<b>Part 2: Update School Charter and Charter Agreement</b>		
<p>DC PCSB staff meets with school leadership</p>	<p>DC PCSB staff and school leadership will meet to discuss potential changes to the school's charter and charter agreement for the next 15-year term, including updates to the school's goals and academic achievement expectations.</p>	<p>Meeting will be scheduled within 15 days of renewal vote</p>
<p>School submits proposed changes to charter and charter agreement</p>	<p>Among other things, a school may wish to update its goals and academic achievement expectations and request other amendments. If the school proposes a change that requires a public hearing per DC PCSB's regular amendment process (e.g. goals and academic achievement expectations, enrollment ceiling increase, program replication or new location), the public hearing must occur before the</p>	<p>DC PCSB and the school will jointly create a timeline for submission of charter updates that concludes at least 45 days prior to the charter expiring.</p>

Action Item	Description	Date
	school's previous charter expires. If the amendment(s) are approved, they will be incorporated into the school's new charter agreement for the next 15-year term.	
DC PCSB staff and school leadership finalize proposed changes	DC PCSB staff and school leadership negotiate school's proposal for updating its charter and charter agreement.	
DC PCSB Board votes to approve a school's updated charter and charter agreement	School leaders and board members will attend this meeting and be available to answer any questions from the DC PCSB Board.	No later than the last scheduled DC PCSB Board Meeting preceding the expiration of the school's charter

## Charter Renewal Elements

### **Fulfillment of Charter Goals and Academic Achievement Expectations**

DC PCSB will assess goals that the school has agreed upon in the school's charter. DC PCSB will meet with each school in the spring of 2019 to discuss the school progress on meeting its goals and any additional information the school might need to provide in support of assessing those goals.

If the school amended its charter to adopt the Performance Management Framework as its charter goals and academic achievement expectations, the review is based on whether the school achieved the benchmarks included in the school's amended charter agreement. For some goals, such as those related to attendance and re-enrollment, DC PCSB has statewide or charter-sector wide data that can be compared against the school's performance. Generally, a school will be found to have met such goals if its performance is at or above the state or charter sector average.<sup>1</sup>

DC PCSB may request that the school provide DC PCSB with documents and/or data files regarding the goal. DC PCSB staff will not publish this supporting data; however, to the extent that the data is not protected by privacy laws, it is considered public information that could be obtained by the public through a Freedom of Information Act request. Data must be produced by or based on externally validated sources. As with annual reports all data supporting student performance must be validated by DC PCSB. This includes standardized test scores, college credits or certifications earned, etc. Please reach out to DC PCSB staff if you have any data validation concerns with DC PCSB.

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<sup>1</sup> Note that for this and all goals and academic achievement expectations, a school's charter may stipulate alternative targets.

## **Compliance with Charter and Applicable Laws**

As part of the renewal process, the SRA requires DC PCSB to assess whether a school has “committed a material violation of applicable laws or a material violation of conditions, terms, standards, or procedures set forth in its charter, including violations relating to the education of children with disabilities.”<sup>2</sup> This includes a review of the following information:

### Compliance with Charter

The SRA provides that the below items of a school's initial charter application comprise a school's charter.<sup>3</sup> As part of its renewal assessment, DC PCSB will review the school's compliance with the:

1. Mission, goals, and manner in which the school conducts any districtwide assessments;
2. Rules and policies for governance and operation of the school;
3. Articles of incorporation and bylaws;
4. Procedures the school follows to ensure the health and safety of students, employees, and guests of the school, as well as to comply with applicable health and safety laws and civil rights statutes and legislation;
5. An assurance to maintain accreditation; and
6. Employment relationships it committed to in its charter.

### Legal Compliance

To determine a school's legal compliance over the first ten years of its charter, DC PCSB will review the school's previously conducted charter reviews for references to legal noncompliance. To determine such for the past five years, DC PCSB will review the compliance reports it produces on an annual basis. Without limiting the scope of a school's obligation to comply with all laws, DC PCSB will review compliance in the following areas.

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<sup>2</sup> D.C. Code § 38-1802.12(c)(1).

<sup>3</sup> D.C. Code § 38-1802.03(h)(2).



<b>Indicator</b>	<b>Documentation</b>	<b>Legal Rationale</b>
Fair enrollment process	Proof of Participation in My School DC Open Lottery or Enrollment Lottery Procedures Policy	D.C. Code § 38-1802.06
Discipline Policy and Due Process	Student handbook or other written document that outlines the school's discipline policy and procedures	D.C. Code § 38-1802.06(g) and Goss v. Lopez, 419 U.S. 565 (1975)
Attendance Policy	Student handbook or other written document that outlines the school's attendance policy and procedures	Attendance Accountability Amendment Act
Student Health	Option 1: Notice of assigned nurse on staff	D.C. Code § 38-1802.04(c)(4) and the Student Access to Treatment Act of 2007
	Option 2: Copy of staff certificate to administer medications	
Student Safety	Current roster of all employees and volunteers (working greater than 10 hours at the school) with indication that background check has been conducted	D.C Code §§ 38-1802.04(c)(4) and 4-1501.03
	Sexual Violation Protocol Assurance Policy	D.C. Code §§ 38-1802.04(c)(4) and 4-1321.02
	School Emergency Response Plan	D.C. § 38-1802.04(c)(4) and Sec. 404 of the International Fire Code (as adopted by DC)
Charter School Employees	Employee handbook or other written document on policies and procedures governing employment at the school for compliance with employment laws regarding sexual harassment, equal opportunity, drug-free workplace, and complaint resolution process	D.C. Code §§ 38-1802.04 and 38-1802.07; Drug-Free Workplace Act of 1988
Insurance	Certification that appropriate levels of insurance have been secured	D.C. Code § 38-1802.04(b)(4)
Occupancy, Lease and License for the Facility	Certificate of occupancy with an occupant load equal or greater than the number of students and staff in the building	D.C. Code § 38-1802.04(c)(4) and § 47-2851.02; 11-A D.C.M.R. § 302
	Lease/Purchase Agreement	
	Basic Business License	
	Board meeting minutes	
Submission of Annual Report	Annual Report	D.C. Code § 38-1802.04(c)(11)

### Special Education Laws

To ensure compliance with special education laws, including the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 *et seq.*, and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, DC PCSB will conduct a desk audit of documents on file regarding the school's compliance with all applicable special

education laws. Along with a review of the school's description of its special education programming in its charter, this audit will include a review of the following OSSE-produced documents:

- Annual Determination Reports;
- On-Site Monitoring Reports;
- Quarterly Findings (also called Special Conditions reports); and
- Hearing Officer Determinations and/or Settlement Agreements.

The school need not produce any documents for this review. For any questions about this aspect of the renewal analysis, please contact Avni Patel, Equity and Fidelity Team, at 202-328-2671, or via email at [amurray@dcpcsb.org](mailto:amurray@dcpcsb.org).

### **Procurement Requirements**

The SRA requires DC charter schools to use a competitive bidding process for any procurement contract valued at \$25,000 or more and, within three days of awarding such a contract, to submit to DC PCSB all bids received, the contractor selected, and the rationale for which the contractor was selected.<sup>4</sup> To ensure compliance with this law, DC PCSB requires schools to submit a Determinations and Findings form to detail any qualifying procurement contracts.

As part of the financial desk audit, DC PCSB will review whether the school has submitted a Determination and Findings form corresponding to each procurement contract of \$25,000 or more. **If a school has not turned in all required Determination and Findings forms for the previous five years, it must submit them to DC PCSB before or with the renewal application. If, during the renewal process, it is determined that required information from the previous five years is missing, DC PCSB staff will not recommend renewal of the charter until such information is provided to DC PCSB or a detailed explanation as to why such information cannot be provided is submitted to DC PCSB.** If a school would like to discuss its procurement contract status with DC PCSB, please contact Katherine Dammann by email at [kdammann@dcpcsb.org](mailto:kdammann@dcpcsb.org).

### **Fiscal Review**

DC PCSB's fiscal review will assess whether a school:

- Has engaged in a pattern of nonadherence to generally accepted accounting principles;

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<sup>4</sup> D.C. Code § 38-1802.04(c)(1). Certain contracts are exempted from this requirement: (1) contracts for the lease or purchase of real property; (2) staff employment contracts; and (3) management contracts entered into by a school and a management company, if that relationship has been detailed in the school's Charter or a petition to revise its Charter.

- Has engaged in a pattern of fiscal mismanagement; and/or
- Is no longer economically viable.

As part of the renewal process, DC PCSB conducts an analysis of the school's finances, so that in the case that a school is found to have met the standard for charter renewal but has also engaged in any of the above types of fiscal misconduct, DC PCSB staff can advise the DC PCSB Board accordingly.<sup>5</sup> While the school is not required to address its fiscal performance in its renewal application, it may choose to do so.

To determine the school's adherence to accounting principles, as well as whether it has engaged in fiscal mismanagement, DC PCSB will review the school's submitted audited financial statements for the five years preceding the review.

DC PCSB may also review other information about the school's financial management, including, but not limited to, unusual financing transactions (e.g., New Markets Tax Credits transactions); conflicting interest transactions<sup>6</sup> (e.g., Contract between the school and a key leader or trustee of the school); its allocation of resources relative to that of other schools; and its preparedness for a fiscally responsible winddown should the DC PCSB Board vote for charter revocation. For any questions about this aspect of the renewal analysis, please contact Ozoemena Nnamadim at [onnamadim@dcpcsb.org](mailto:onnamadim@dcpcsb.org).

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<sup>5</sup> The standard for approval of an application for charter renewal is laid out in D.C. Code § 38-1802.12(c). Separate and apart from the renewal process, DC PCSB is required by D.C. Code § 38-1802.13(b) to revoke a school's charter if DC PCSB determines that the school has engaged in the specified fiscal misconduct.

<sup>6</sup> D.C. Code § 38-1802.04(c)(1A) outlines the definition of *Conflicting Interest Transactions* that may violate the law.

# Renewal Application Guidelines

## **Required Documentation**

The SRA requires DC PCSB to review the following as part of a school's charter renewal:

- (1) A **report** on the progress of the public charter school in achieving the goals, student academic achievement expectations, and other terms of the approved charter;
- (2) All **audited financial statements** for the public charter school for the preceding five years; and
- (3) The **articles of incorporation and bylaws** of the nonprofit corporation operating the charter school, which shall contain provisions satisfying the requirements of § 38-1802.13a.

To ensure that DC PCSB has the most current version of the school's articles of incorporation and bylaws, the school should submit both documents to Epicenter when submitting its renewal application.

## **Renewal Application Report**

Given DC PCSB annually collects documentation regarding each school's goals and academic achievement expectations and audited financial statements, the school's charter renewal application does not need to reiterate goals or compliance information that is found in the school's annual reports.

The purpose of the renewal application is to allow schools to include additional information that DC PCSB does not already collect, but should consider while making a determination about the school's charter renewal decision.

Information that a school might find useful to provide in its application may include<sup>7</sup>:

- Summaries of **special school programs, events, or activities** which illustrate key aspects of the school;
- Summaries of **key events** which occurred during the review period (e.g., staff turnover, the school took on a new population of students, awards and achievements that the school earned);
- Responses to any **compliance concerns** which arose for the school over the last five years, including what the school has done to resolve the deficiency;
- Any **additional information or narrative** which gives context to the school's performance which is not captured in annual reports.

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<sup>7</sup> View a sample *Charter Renewal Application Letter* here: <https://bit.ly/2kDFGZJ>.

## **PROCESS AFTER SUBMISSION OF THE RENEWAL APPLICATION**

### **DC PCSB Staff Renewal Analysis**

DC PCSB staff will review the school's application and draft a preliminary renewal analysis, which will include an assessment of the school's academic performance, legal compliance, and fiscal management, as well as a recommendation to the DC PCSB Board regarding renewal of the school's charter.

DC PCSB will share this preliminary analysis with the school at the time it issues the notice of the school's right to an informal hearing, or soon thereafter. The school will have 15 calendar days to respond to the preliminary analysis in writing to correct any factual errors. After the school has reviewed the report and submitted any corrections or responses, DC PCSB will make edits if necessary, and share the finalized renewal analysis with the school. DC PCSB staff will also share the finalized renewal analysis with the DC PCSB Board as it considers the school's renewal application and prepares to vote on whether to renew the school's charter.

### **Informal Renewal Hearing**

The SRA affords schools applying for charter renewal an opportunity for an informal renewal hearing before the DC PCSB Board.<sup>8</sup> Pursuant to the SRA, DC PCSB must provide written notice to the school of its right to an informal hearing no later than 15 days after it receives a school's renewal application. If a school would like to request a hearing, its board of trustees must do so by sending an email to Nikhil Vashee at [nvashee@dcpcsb.org](mailto:nvashee@dcpcsb.org) no later than 15 days after receiving notice of this right. DC PCSB will make every effort to provide schools with the preliminary renewal analysis along with this notice.

### **Format of Renewal Hearing**

The informal public renewal hearing is an opportunity for a school to discuss its application for charter renewal and address DC PCSB staff's charter renewal report and recommendation. The informal hearing must take place no later than 30 days after a school requests one.<sup>9</sup>

DC PCSB will allot two and a half hours for an informal hearing. During this time, DC PCSB will present its findings, selected school representatives may present testimony, the DC PCSB Board will ask questions of the school and its staff, and the public will be invited to comment on the school's renewal. Also, any interested person may submit written testimony regarding the school's renewal during or before the hearing in hard copy. In addition, **only if the DC PCSB Board so requests**, the record may remain open for five days after the conclusion of the hearing to allow

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<sup>8</sup> D.C. Code § 38-1802.12(d).

<sup>9</sup> D.C. Code § 38-1802.12(d)(3)(B).

for additional submissions of documents, which can be emailed to [public.comment@dcpcsb.org](mailto:public.comment@dcpcsb.org). However, after those five days have passed, DC PCSB will not accept additional data from schools supporting their renewal application.

### **Renewal Decision**

If a school does not request an informal renewal hearing, the DC PCSB Board will vote and render a final renewal decision, in writing, no later than 30 days after providing written notice of the school's right to such a hearing.<sup>10</sup>

If a school requests an informal renewal hearing, the DC PCSB Board will vote and render a renewal decision no later than 30 days after the hearing has concluded.<sup>11</sup>

### **Appealing the Renewal Decision**

If the DC PCSB Board denies a renewal application, the school has the right to appeal the decision. The appeal will be "subject to judicial review by an appropriate court of the District of Columbia."<sup>12</sup>

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<sup>10</sup> D.C. Code § 38-1802.12(d)(4)(A)(i).

<sup>11</sup> D.C. Code § 38-1802.12(d)(4)(A)(ii).

<sup>12</sup> D.C. Code § 38-1802.12(d)(6).

## **UPDATING CHARTER AND CHARTER AGREEMENT**

If the DC PCSB Board votes to renew a school's charter, the school will have the opportunity to amend its charter and charter agreement, or adopt a new charter agreement, for the next 15-year term. A school's charter is comprised of its (a) mission and goals; (b) governance and operation rules and policies; (c) articles of incorporation and bylaws; (d) health and safety procedures; (e) assurance to maintain accreditation; and (f) description of the relationship between the school and its employees. Additionally, DC PCSB and a school will execute a renewed charter agreement or an amended and restated charter agreement outlining additional or revised terms.

It is important for a school's charter and agreement to accurately reflect its educational programming, as well as the goals and student academic achievement expectations it is pursuing. After the renewal vote, DC PCSB staff will schedule a meeting with the school's leadership team to discuss potential revisions to the school's current goals and student academic achievement expectations, and elements of the renewed 15-year charter agreement, among other things. If the school proposes a change to its agreement that requires a public hearing per DC PCSB's regular charter amendment process (e.g. goals and academic achievement expectations, enrollment ceiling increase, program replication or new location), the public hearing must occur before the school's previous charter expires. Pending the DC PCSB Board's approval, the amendment(s) will be incorporated into the school's new charter agreement for the next 15-year term.

### **Deciding Whether to Execute a New Charter Agreement**

Upon renewal, a school can execute a charter renewal agreement or amend and restate its existing charter agreement. In most cases, executing a charter renewal agreement will be preferred, given that at renewal most charter agreements contain outdated provisions and the previous charter would require extensive amendments. Please note that without a current charter renewal agreement or current amended and restated charter agreement, a school will not be eligible to receive state funds. DC PCSB has created a charter renewal agreement template that may be used if a school decides to execute a charter renewal agreement. Executing a charter renewal agreement is recommended in most cases, including if:

- There are several clauses that are out-of-date or no longer relevant;
- The school has multiple campuses;
- The school applied for a charter with a charter management organization with which it no longer partners; and/or

- The school plans on making several changes to its charter and/or charter agreement.

### **Potential Updates to Charter**

A school will also need to update its charter and charter agreement if it contains outdated goals and academic achievement expectations. A school may consider updating its charter in the following areas, among other things:

Mission Statement. If a school has altered its mission in any way, its charter and charter agreement must be revised to reflect the exact wording of the updated mission.

Goals and Academic Achievement Expectations. A school should consider revising its goals in the following instances:

- Its charter application details goals that were not historically pursued. If any of a school's goals were not historically pursued, the school should revise its charter and charter agreement to either remove the goal or edit it and identify the metrics to be used to assess the goal in the future.
- New goals. If the school will pursue goals that were not detailed in its charter application or subsequent charter amendments, it should revise its charter and charter agreement to include these goals.
- Ambiguous goals. If a school's charter is unclear how a goal should be assessed, the school should revise that goal to ensure it is measurable.

### **Updating Bylaws and/or Articles of Incorporation**

The SRA was amended in 2007 to require each DC public charter school to include in its articles of incorporation or bylaws the requirements of D.C. Code § 38-1802.13a. Any school already operating at the time of this amendment must update its articles of incorporation or bylaws to include this requirement upon renewal if it has not already done so. Additionally, a school may revise its articles of incorporation or bylaws to include any other governance changes that have occurred since its most recent DC PCSB Board-approved revisions, or to address any other changes in applicable law.

### **DC PCSB Board Vote on Updated Charter and Charter Agreement**

The DC PCSB Board will vote during a public meeting whether to accept the school's proposed changes and to execute a charter renewal agreement or amended and restated charter agreement accordingly.