



Intervention Protocol

DRAFT

© 2016 National Association of Charter School Authorizers (NACSA) and the Oregon Department of Education (ODE).

This document was developed in partnership with NACSA and carries a Creative Commons license, which permits noncommercial re-use of content when proper attribution is provided. This means you are free to copy, display and distribute this work, or include content from this report in derivative works, under the following conditions:

Attribution You must clearly attribute the work to the National Association of Charter School Authorizers, and provide a link back to the publication at <http://www.qualitycharters.org/>.

Noncommercial You may not use this work for commercial purposes, including but not limited to any type of work for hire, without explicit prior permission from NACSA.

Share Alike If you alter, transform, or build upon this work, you may distribute the resulting work only under a license identical to this one.

For the full legal code of this Creative Commons license, please visit www.creativecommons.org. If you have any questions about citing or reusing NACSA content, please contact us.

INTRODUCTION

The fundamental responsibility of Oregon sponsors, like all charter authorizers nationwide, is to ensure quality charter school oversight that maintains high standards of school performance, upholds school autonomy, and safeguards student and public interests. One of the primary mechanisms for fulfilling this purpose is a comprehensive accountability system that sets clear standards of performance, protects school accountability, and includes oversight to evaluate performance and monitor compliance.

Through its ongoing monitoring of schools' performance, a sponsor may from time to time uncover academic, financial, or operational performance that does not meet the sponsor's established standards. A quality sponsor must establish a policy for how it responds to areas of deficiency fairly, transparently, and consistently.

To that end, a critical practice for sponsors is establishing policies and practices for merit-based interventions, including termination where appropriate, in response to clearly identified deficiencies in schools' records of academic, financial, or organizational performance. NACSA's *Principles & Standards for Quality Authorizing (Principles & Standards)* provide that, as it relates to applying interventions, a quality sponsor:

- Establishes and makes known to schools at the outset an intervention policy that states the general conditions that may trigger intervention and the types of actions and consequences that may ensue;
- Gives schools clear, adequate, evidence-based, and timely notice of contract violations or performance deficiencies;
- Allows schools reasonable time and opportunity for remediation in non-emergency situations; and
- Where intervention is needed, engages in intervention strategies that clearly preserve school autonomy and responsibility (identifying what the school must remedy without prescribing solutions).

THE INTERVENTION “LADDER”

Sponsors should address performance deficiencies by entering schools into a tiered intervention process, or “ladder,” that increasingly sanctions schools until deficiencies are either sufficiently resolved or, ultimately, results in termination (as necessary).

A few key assumptions are the basis for a quality intervention protocol. First, all schools earn good standing until a performance deficiency constitutes the school formally entering a level of intervention. Second, an intervention ladder is not always linear: while schools could progress from one level to the next in subsequent order, escalation (or de-escalation) among its tiers may be non-sequential based on many factors, including especially the extent or severity of a performance deficiency. In the most extreme cases, and in accordance with ORS 338.105(4), a sponsor may initiate termination proceedings and immediately close a school without escalating concerns through an intervention process if the school is endangering the health or safety of its students. Third, once a school resolves performance deficiencies to the extent they no longer constitute additional monitoring or sanctions, a school exits the intervention ladder and earns its good standing back. However, a school's cumulative record of performance reviewed during renewal should reflect any previous interventions.

CONDITIONS THAT TRIGGER INTERVENTION

Sponsors should develop an intervention policy that is aligned to its performance expectations established in its Performance Framework and aligned to obligations set forth in law, regulation, rule, and its charter contract. Conditions that could trigger intervention should be transparently established in an intervention protocol. While these should be explicitly aligned to each sponsor's performance expectations, in general, conditions that could trigger intervention are:

- Failure to meet academic performance expectations, as defined by the Academic Performance Framework;
- Failure to meet indicators of financial viability or sustainability;
- Non-compliance;
- Violations of federal or state statutes and applicable board policy and/or breaches of contract;
- Issues pertaining to student safety, equity, or access;
- Adverse findings in routine oversight; or
- Substantiated complaints.

Note that the sponsor should only initiate formal intervention for school deficiencies or violations that are considered material. According to NACSA's *Core Performance Framework and Guidance*, "As a legal term, something is 'material' if it is relevant and significant...the authorizer should consider whether the information would be relevant and significant to decisions about whether to renew, non-renew, or revoke a charter" (65). For deficiencies or violations that the sponsor does not consider material (e.g. turning in a report a day late), the sponsor may record the issue and provide the school an informal notification prior to, or instead of, initiating formal intervention.

NOTICE

An essential component of a quality intervention protocol, as indicated by NACSA's *Principles & Standards*, is providing detailed and timely notice of concerns and a reasonable opportunity for schools to remediate concerns. All schools should be clear on consequences for performance deficiencies, and to the extent the sponsor puts a school on intervention, the concern should be specifically detailed in a written notice. Written documentation of the deficiency should include the sponsor's specific expectations for remedy, including a timeline. The sponsor should provide the written notice to the school's board, as well as its school-level leadership, as the board is ultimately responsible for the charter.

In some cases, interventions will warrant a more formal corrective action plan. For performance-based deficiencies, it is important that the sponsor avoid recommending or requiring specific practices, and instead provide clarity around expected outcomes. The school should author its own corrective action plan. The sponsor may choose to review and approve the corrective action plan but should be careful to preserve school autonomy over process and focus on the sufficiency of the plan to achieve required outcomes.

DRAFT CHARTER SCHOOL INTERVENTION PROTOCOL

Range of Interventions		
Status	Conditions that may trigger status¹	Consequences
Level 1: Notice of Concern	<p>Indications of weak or declining performance identified through routine monitoring, site visits, or other means;</p> <p>Repeated failure to submit requirements on a timely basis</p>	Written notification to school board detailing severity of concern, sponsor’s requirements for resolution, timeline, and consequences if not satisfactorily remedied
Level 2: Notice of Breach	<p>Failure to satisfactorily remedy or make substantial progress toward remedying previously-identified concern;</p> <p>Failure to meet multiple performance targets;</p> <p>An overall “Does Not Meet” rating on any Performance Framework;</p> <p>One or more indicator-level “Falls Far Below” ratings on any Performance Framework;</p> <p>Failure to comply with applicable law or breach of contract</p>	<p>Written notification to school board detailing severity of concern, sponsor’s requirements for resolution, timeline, and consequences if not satisfactorily remedied;</p> <p>Specialized site visit, as necessary;</p> <p>Meeting with school board, as necessary;</p> <p>Corrective action plan developed by the school and approved by the sponsor, as necessary</p>
Level 3: Notice of Probationary Status	Any overall “Falls Far Below” rating on any Performance Framework;	Corrective action plan developed by the school and approved by the sponsor, as necessary;

¹ It is essential that each sponsor review these conditions and revise them as necessary to align to their established Performance Frameworks and charter contract.

	<p>Continued failure to comply with applicable law or with the charter;</p> <p>Failure to meet or make sufficient progress toward meeting terms of corrective action plan, as relevant</p>	<p>Meeting with school board;</p> <p>As relevant, sponsor may appoint an agent to monitor implementation of corrective action plan.</p>
<p>Level 4: Termination Review</p>	<p>Extended pattern of failure to comply or to meet performance targets;</p> <p>Failure to satisfactorily address or make sufficient progress toward meeting terms of probation</p>	<p>Written notice from sponsor stating reason for proposed termination 60 days prior to proposed effective date of termination;</p> <p>Specialized site visit, as necessary;</p> <p>Per ORS 338.105(2), if grounds for termination are related to financial stability or financial mismanagement, sponsor and school may agree to plan to remedy and sponsor may withhold up to 50 percent of monies owed to the school;</p> <p>Per ORS 338.105(4) if grounds for termination are immediate the school may request a hearing from the sponsor which shall be held within 10 days of the school's request;</p> <p>Decision to terminate or not terminate by sponsor</p>

The sponsor reserves the right to skip levels of intervention, as necessary, and to move toward immediate termination in the case of a school's financial insolvency or if the school poses a significant risk to the health or safety of students.