

TITLE 7. EDUCATION
CHAPTER 5. STATE BOARD FOR CHARTER SCHOOLS

ARTICLE 1. GENERAL PROVISIONS

Section
R7-5-101. Definitions

ARTICLE 4. MINIMUM PERFORMANCE EXPECTATIONS

Section
R7-5-402. Minimum Financial Performance Expectations

Table 2. Probation Risk Level Criteria

ARTICLE 5. CHARTER SUPERVISION

Section
R7-5-509. Financial Intervention Submissions

R7-5-511. Financial Intervention Submissions – On Probation

ARTICLE 1. GENERAL PROVISIONS

R7-5-101. Definitions

In this Chapter, the following definitions apply:

“Academic performance dashboard” means color-coded graphics that represent a charter school’s academic performance by measure for the three most recent fiscal years and identifies whether the schools operated by the charter holder meet the minimum academic performance expectations.

“Academic Performance Framework” means a document publicly available and posted on the Board’s website that sets forth the minimum academic performance expectations for charter schools, measures of progress towards meeting the expectations, and consequences of failing to meet the expectations.

“Accounting industry regulatory body” means any state or federal regulatory body that has authority to discipline a certified public accountant or audit firm.

“Administrative completeness review time frame” means the number of days from the Board’s receipt of a submission for Board consideration until the Board staff determines whether the submission contains all components and is formatted as required by statute and rule.

“Annual application cycle” means the process the Board conducts each year to receive and review new charter application packages and grant or deny a charter.

“Applicant” means a person that applies to the Board for a new charter.

“Application” means the Board-approved forms and instructions used by an applicant or charter holder to apply for a new charter, transfer a charter as provided under R7-5-302(A)(1), transfer a charter school as provided under R7-5-302(A)(2), or renew or replicate a charter sponsored by the Board.

“Application package” means an application form, narratives, and documents, including exhibits and attachments, submitted by an applicant or charter holder.

“Audit” means a charter holder’s annual audit required under A.R.S. § 15-914.

“Audit contract” means an engagement letter provided by an audit firm that describes the terms of a contract between a charter holder and the audit firm.

“Authorized representative” means an individual with the power to bind an applicant contractually according to the applicant’s Articles of Incorporation, operating agreement, or by-laws.

“Board” means the Arizona State Board for Charter Schools.

“CAP” means corrective action plan.

“Charter” means a contract between a person and the Board to operate a charter school under A.R.S. § 15-181 et seq.

“Charter holder” means a person that enters into a charter with the Board.

“Charter representative” means an individual with the power to bind a charter holder contractually according to the charter holder’s Articles of Incorporation, operating agreement, or by-laws and is the point of contact with the Board for the purposes of communication and accountability to charter terms and conditions.

“Charter school” has the meaning specified at A.R.S. § 15-101.

“Date of notice” means the date on which an electronic notification is sent by the Board to an applicant or charter holder through the authorized representative or charter representative.

“Day” means a business day.

“Demonstration of sufficient progress” means the process for a charter holder to show the charter holder is making progress towards achieving the minimum academic performance expectations specified in the Academic Performance Framework.

“Department” means the Arizona Department of Education.

“Education Service Provider” means an organization that contracts with or has a governance relationship with an applicant or charter holder to provide academic services, administrative services or both. These organizations may also be commonly referred to as Charter Management Organizations or Education Management Organizations.

“Financial performance dashboard” means a color-coded graphic that represents a charter holder’s financial performance by measure for the most recent audited fiscal years and identifies whether the charter holder’s financial performance meets the minimum financial performance expectations.

“Financial Performance Framework” means a document publicly available and posted on the Board’s website, and incorporated herein by reference, that sets forth the minimum financial performance expectations for charter holders, measures of performance, and consequences of failing to meet the expectations.

“Fiscal year” means the 12-month period beginning July 1 and ending June 30.

“Initial financial response” means the first response submitted to the Board by a charter holder assigned a summative financial performance rating of “Intervention” under R7-5-402(F). In its response, the charter holder must:

~~Provide the agenda and minutes from the meeting where the written notice provided by the Board under R7-5-504(H)(2) of the charter holder’s intervention status, along with the Board’s probation risk levels and associated consequences identified in R7-5-402(H) through (K), were presented to and considered by the charter holder board. Draft minutes will be accepted;~~

~~Provide a quarterly financial report for each applicable quarter as defined in R7-5-509(B)(3);~~

~~Summarize the factors that caused or contributed to the charter holder’s financial performance in the audited fiscal year; and~~

~~Summarize the specific actions taken or being taken to improve the charter holder’s financial performance in the fiscal year that begins on the July 1 following the fiscal year end of the most recent audit conducted under R7-5-504.~~

“June 30 quarterly financial report” means the report for the quarter ending June 30 submitted to the Board by a charter holder assigned a summative financial performance rating of “Intervention” under R7-5-402(F) or a charter holder identified as “On Probation” and, therefore, under R7-5-402(G) does not meet the minimum financial performance expectations. In the June 30 report, the charter holder must include:

An unaudited balance sheet (statement of financial position) that identifies the charter holder’s results at June 30 and the charter holder’s unrestricted and restricted cash balances. Minimally, the charter holder’s restricted cash balance must include the charter holder’s unspent Classroom Site Fund monies;

An unaudited income statement (statement of activities) that identifies the charter holder’s results for the year ended June 30;

The charter holder’s revenue and expense budget that compares year-to-date actual results for the year ended June 30 to the charter holder’s annual budget and, for each line item, identifies the percentage of the annual budget represented by the actual results; and

The charter holder’s calculation of its performance on all six Financial Performance Framework measures, including all figures used in the mathematical calculations, completed using the measure calculator spreadsheet available on the Board’s ~~website~~ web-based interface;

If not specifically listed on the unaudited income statement (statement of activities), accounting system reports or lease and debt schedules identifying, as applicable, the facility lease expense and interest expense paid by the charter holder for the fiscal year and used in the charter holder’s lease adjusted debt service coverage ratio calculation; and

Accounting system reports or debt schedules identifying, as applicable, the bond, loan and capital lease principal paid by the charter holder for the fiscal year and used in the charter holder’s lease adjusted debt service coverage ratio calculation.

“Operational performance dashboard” means a color-coded graphic that represents a charter holder’s operational performance by measure for up to the five most recent fiscal years and identifies whether the charter holder’s operational performance meets the minimum operational performance expectations.

“Operational Performance Framework” means a document publicly available and posted on the Board’s website that sets forth the minimum operational performance expectations for charter holders, measures of performance, and consequences of failing to meet the expectations.

“Overall time frame” means the number of days after receipt of a submission for Board consideration until the Board decides whether to grant or deny the request contained in the submission. The overall time frame consists of both the administrative completeness review time frame and the substantive review time frame.

“Peer review” means an external quality-control review, required by generally accepted government auditing standards, which determines whether an audit firm’s internal quality-control system exists, is operating effectively, and provides assurance that established policies and procedures and applicable auditing standards are being followed.

“Performance expectations” means the minimum academic, financial, and operational performance expectations established by the Board.

“Person” means an individual, partnership, corporation, association, or public or private organization of any kind.

“Principals” means the officers, directors, members, partners, or board of an applicant or charter holder.

“Quarterly financial report” means the report for the quarters ending September 30, December 31 and March 31 submitted to the Board by a charter holder assigned a summative financial performance rating of “Intervention” under R7-5-402(F) or a charter holder identified as “On Probation” and, therefore, under R7-5-402(G) does not meet the minimum financial performance expectations. In each quarterly report, the charter holder must include:

An unaudited balance sheet (statement of financial position) that identifies the charter holder’s results at the quarter end date and the charter holder’s unrestricted and restricted cash balances. Minimally, the charter holder’s restricted cash balance must include the charter holder’s unspent Classroom Site Fund monies;

An unaudited income statement (statement of activities) that identifies the charter holder’s results year-to-date through the quarter end date;

The charter holder's revenue and expense budget that compares year-to-date actual results through the quarter end date to the charter holder's annual budget and, for each line item, identifies the percentage of the annual budget represented by the actual results; and

The charter holder's calculation of its performance on the default, unrestricted days liquidity, adjusted net income and average daily membership measures, including all figures used in the mathematical calculations, completed using the measure calculator spreadsheet available on the Board's ~~website~~ web-based interface.

"Serious impact finding" means an issue identified by the Board that the Board believes has or potentially has a detrimental impact on the operation of the charter school or students, such as threat to the health and safety of children, failure to meet the academic needs of children, gross violation of generally accepted accounting principles that increases the opportunity for fraud or theft, or repeated issues of noncompliance.

"Substantive review time frame" means the number of days after a submission for Board consideration is determined to be administratively complete until the Board decides whether to grant or deny the request contained in the submission.

"Sufficiently qualified" means the Board's determination that an applicant's knowledge, experience, qualifications, current and prior charter compliance, capacity, personal and professional background, and creditworthiness indicate an ability to implement a charter or operate a charter school in accordance with federal and state law and the performance expectations established by the Board.

"Supervising certified public accountant" means the certified public accountant responsible for leading the audit of a charter school or signing the final audit report.

"Technical Review Panel" means individuals approved by the Executive Director of the Board who use their expertise in charter school development, curriculum, and finance to assist the Executive Director by conducting a preliminary evaluation of an application package.

ARTICLE 4. MINIMUM PERFORMANCE EXPECTATIONS

R7-5-402. Minimum Financial Performance Expectations

- A.** The Board shall assess a charter holder's achievement of the minimum financial performance expectations using data contained in the annual audit required under A.R.S. § 15-914 and conducted according to the standards specified in R7-5-504 and average daily membership calculations completed by the Department using student attendance data submitted to the Department by the charter holder.
1. The Board may assess a charter holder's achievement of the minimum financial performance expectations at any time.
 2. The Board shall assess a charter holder's achievement of the minimum financial performance expectations:
 - a. During the five-year-interval review required under A.R.S. § 15-183(I);
 - b. When considering a charter contract renewal request submitted by the charter holder;
 - c. Upon receipt of information that a charter school operated by the charter holder failed to meet the minimum academic performance expectations for three consecutive years;
 - d. Upon receipt of information that a charter school operated by the charter holder has been assigned a letter grade of "F" by the Department; and
 - e. When making a decision related to the charter holder's achievement of the minimum academic performance expectations or compliance with its charter, other contractual agreements with the Board, federal and state law, and this Chapter.
- B.** The Board shall annually assign a charter holder a summative financial performance rating, based on measures specified in the Financial Performance Framework.
1. The Board shall assign a summative financial performance rating of "Good Standing" if the charter holder receives no measures rated "below standard" and no more than one measure rated "approaches standard" based on the most recent audit conducted under R7-5-504.
 2. The Board shall assign a summative financial performance rating of "Adequate Standing" if the charter holder receives no measures rated "below standard" and two or more measures rated "approaches standard" based on the most recent audit conducted under R7-5-504.
 3. The Board shall assign a summative financial performance rating of "Intervention" if the charter holder receives one or more measures rated "below standard" based on the most recent audit conducted under R7-5-504 or if the charter holder has received a summative financial performance rating of "Adequate Standing" for three consecutive years.
- C.** A charter holder assigned a summative financial performance rating of "Good Standing" or "Adequate Standing" based on the most recent audit conducted under R7-5-504 is financially eligible to submit to the Board, if the charter holder meets all other eligibility criteria, an expansion request to:
1. Add a new charter school to an existing charter;
 2. Add one or more grade levels to a charter;
 3. Increase the number of students the charter holder may serve;
 4. Add an Arizona Online Instruction program;
 5. Replicate an existing charter;
 6. Transfer an existing charter school to its own charter contract; or
 7. Transfer an existing charter school or charter contract from the current charter holder to an existing charter holder with a different financial performance dashboard.
- D.** A charter holder assigned a summative financial performance rating of "Intervention" or identified as "On Probation" based on the most recent audit conducted under R7-5-504 is not eligible to submit to the Board an expansion request specified in subsection (C).

- E. The Board shall determine that a charter holder meets the minimum financial performance expectations if the charter holder receives a summative financial performance rating of “Good Standing” or “Adequate Standing” based on the most recent audit conducted under R7-5-504.
- F. The Board shall require a charter holder assigned a summative financial performance rating of “Intervention₂” based on the most recent audit conducted under R7-5-504, to ~~submit and prepare~~ the financial intervention submissions as described in R7-5-509 and the following attestation using the form available on the Board’s web-based interface:-
1. The charter holder’s board or, if applicable, the charter school’s governing body has considered the written notice, provided by the Board under R7-5-504(H)(2), of the charter holder’s intervention status, along with the Board’s probation risk levels and associated consequences identified in subsections (H) through (K);
 2. Management has identified and the charter holder’s board or, if applicable, the charter school’s governing body has considered the factors that caused or contributed to the charter holder’s financial performance in the audited fiscal year;
 3. Management and the charter holder’s board or, if applicable, the charter school’s governing body have reviewed the charter holder’s current financial plan and approved any necessary changes; and
 4. Management and the charter holder’s board or, if applicable, the charter school’s governing body shall at least quarterly review the charter holder’s current performance under the Financial Performance Framework.
- G. A charter holder that receives a summative financial performance rating of “Intervention” for two or more consecutive years shall also be placed “On Probation” and be required to ~~prepare-submit~~ the financial intervention submissions as described in R7-5-511. The Board shall determine that a charter holder placed “On Probation” does not meet the minimum financial performance expectations.
- H. For each charter holder identified as “On Probation” and, therefore, under subsection (G) does not meet the minimum financial performance expectations, Board staff shall:
1. Determine the charter holder’s “ADM category” using publicly available average daily membership calculations completed by the Department and the criteria set forth in Table 1;
 2. Determine the charter holder’s “default measure category” using the following criteria:
 - a. The Board shall determine the charter holder is “low risk” if the default measure received a rating of “meets standard” based on the two most recent audits conducted under R7-5-504.
 - b. The Board shall determine that a charter holder is “moderate risk” if the default measure received a “below standard” rating:
 - i. Based on the most recent prior audit conducted under R7-5-504; or
 - ii. Based on the most recent audit conducted under R7-5-504 due to the charter holder’s failure to comply with non-payment related requirements.
 - c. The Board shall determine that a charter holder is “high risk” if the default measure received a rating of “below standard” based on the most recent audit conducted under R7-5-504 due to the charter holder’s failure to make required payments; and
 3. Assign the charter holder a probation risk level using the charter holder’s results based on the two most recent audits conducted under R7-5-504 and the criteria set forth in Table 2.
- I. A charter holder assigned to probation risk level one under subsection (H)(3):
1. Shall be subject to charter oversight specified in Article 6, including a consent agreement with the Board or charter revocation proceedings, or, if applicable, to the denial of renewal under R7-5-301(I);
 2. Shall be required to ~~submit to the Board attest~~, within 30 days of the date of the written notice provided under subsection (L), using the form available on the Board’s web-based interface, the agenda and minutes from the meeting where the charter holder board or, if applicable, charter school governing body reviewed its current financial plan and approved any necessary changes. Draft minutes will be accepted; to the following:
 - a. The charter holder’s board or, if applicable, the charter school’s governing body has considered the written notice, provided by the Board under subsection (L), that the charter holder does not meet the Board’s minimum financial performance expectations after having been placed “On Probation” and has been assigned to probation risk level one, along with the associated consequences;
 - b. The charter holder’s board or, if applicable, the charter school’s governing body and management understand that, due to the charter holder’s assignment to probation risk level one, the charter holder will be placed on a subsequent agenda for the Board to meet and determine whether to approve a consent agreement with the charter holder or to pursue revocation proceedings or, if applicable, denial of renewal;
 - c. Management has identified and the charter holder’s board or, if applicable, the charter school’s governing body has considered the factors that caused or contributed to the charter holder’s financial performance in the audited fiscal year;
 - d. Management and the charter holder’s board or, if applicable, the charter school’s governing body have reviewed the charter holder’s current financial plan and approved any necessary changes; and
 - e. Management and the charter holder’s board or, if applicable, the charter school’s governing body shall at least quarterly review the charter holder’s current performance under the Financial Performance Framework; and
 3. ~~Shall be required to submit to the Board, within 30 days of the date of the written notice provided under subsection (L), the financial plan identified in subsection (I)(2);~~
 4. ~~Shall be required to submit to the Board, by the deadlines identified in R7-5-511(B), a narrative describing any deviations that have occurred from the financial plan provided under subsection (I)(3); and~~
 35. Shall be required to ~~prepare-submit~~ the quarterly financial reports required under R7-5-511(A) by the deadlines identified in R7-5-511(B).
- J. A charter holder assigned to probation risk level two under subsection (H)(3) shall be required to:
1. ~~Submit to the Board Attest~~, within 30 days of the date of the written notice provided under subsection (L), using the form available on the Board’s web-based interface, the agenda and minutes from the meeting where the charter holder board or, if applica-

~~ble, charter school governing body reviewed its current financial plan and approved any necessary changes. Draft minutes will be accepted; to the following:~~

~~a. The charter holder's board or, if applicable, the charter school's governing body has considered the written notice, provided by the Board under subsection (L), that the charter holder does not meet the Board's minimum financial performance expectations after having been placed "On Probation" and has been assigned to probation risk level two, along with the associated consequences;~~

~~b. The charter holder's board or, if applicable, the charter school's governing body and management understand that should the charter holder be placed On Probation, based on the next audit conducted under R7-5-504, the charter holder shall be subject to charter oversight, which may include a consent agreement, charter revocation proceedings or, if applicable, denial of renewal;~~

~~c. Management has identified and the charter holder's board or, if applicable, the charter school's governing body has considered the factors that caused or contributed to the charter holder's financial performance in the audited fiscal year;~~

~~d. Management and the charter holder's board or, if applicable, the charter school's governing body have reviewed the charter holder's current financial plan and approved any necessary changes; and~~

~~e. Management and the charter holder's board or, if applicable, the charter school's governing body shall at least quarterly review the charter holder's current performance under the Financial Performance Framework; and~~

~~2. Submit to the Board, within 30 days of the date of the written notice provided under subsection (L), the financial plan identified in subsection (J)(1);~~

~~3. Submit to the Board, by the deadlines identified in R7-5-511(B), a narrative describing any deviations that have occurred from the financial plan provided under subsection (J)(2); and~~

~~24. Prepare~~ Submit the quarterly financial reports required under R7-5-511(A) by the deadlines identified in R7-5-511(B).

K. A charter holder assigned to probation risk level three under subsection (H)(3) shall be required to; ~~prepare the quarterly financial reports required under R7-5-511(A) by the deadlines identified in R7-5-511(B).~~

1. Attest, within 30 days of the date of the written notice provided under subsection (L), using the form available on the Board's web-based interface, to the following:

a. The charter holder's board or, if applicable, the charter school's governing body has considered the written notice, provided by the Board under subsection (L), that the charter holder does not meet the Board's minimum financial performance expectations after having been placed "On Probation" and has been assigned to probation risk level three, along with the associated consequences;

b. The charter holder's board or, if applicable, the charter school's governing body and management understand that, should the charter holder be placed On Probation, based on the next audit conducted under R7-5-504, the charter holder shall be subject to charter oversight, which may include a consent agreement, charter revocation proceedings or, if applicable, denial of renewal;

c. Management has identified and the charter holder's board or, if applicable, the charter school's governing body has considered the factors that caused or contributed to the charter holder's financial performance in the audited fiscal year;

d. Management and the charter holder's board or, if applicable, the charter school's governing body shall at least quarterly review the charter holder's current financial plan and approved any necessary changes; and

e. Management and the charter holder's board or, if applicable, the charter school's governing body, regularly review the charter holder's current performance under the Financial Performance Framework; and

2. Submit the quarterly financial reports required under R7-5-511(A) by the deadlines identified in R7-5-511(B).

L. For each charter holder identified as "On Probation" and, therefore; under subsection (G) that does not meet the minimum financial performance expectations, Board staff shall notify the charter holder in writing of:

1. The probation risk level assigned to the charter holder under subsection (H)(3);

2. The student count visit required under subsection (N);

3. The submission requirements associated with the charter holder's probation risk level; and

4. The deadline or deadlines for submitting, to the Board, the information identified in subsection (L)(2)(3).

M. Board staff shall report the following to the Board at a public meeting:

1. The probation risk level assigned to each charter holder identified as "On Probation" and, therefore; under subsection (G) that does not meet the minimum financial performance expectations; and

2. The detail underlying the probation risk level determination for each charter holder assigned to probation risk level one.

N. Subject to the provision set forth in subsection (N)(1), for each charter holder identified as "On Probation" and, therefore under subsection (G) that does not meet the minimum financial performance expectations, Board staff shall visit each school operated by the charter holder to conduct a physical count of students and compare the information observed and obtained onsite with the number of students reported to the Department.

1. Should extraordinary circumstances preclude Board staff from completing one or more site visits, Board staff shall:

a. Report to the Board at a public meeting the specific extraordinary circumstance and the number of site visits affected;

b. Propose an alternative method for conducting the site visits, request a waiver of one or more site visits, or both; and

c. Provide at least five days' public notice of the Board meeting identified in subsection (N)(1)(a).

2. Time permitting, Board staff may visit each school operated by a charter holder that has been assigned, under subsection (F), a summative financial performance rating of "Intervention" based on the most recent audit conducted R7-5-504.

ON. "Improvement plans," for the purpose of A.R.S. § 15-183, shall include:

1. The initial financial response and first four quarterly financial reports, including the June 30 quarterly financial report, and, if applicable, the attestation submitted to the Board by a charter holder assigned to probation risk level one based on scenario 1, scenario 2, scenario 3, scenario 4 or scenario 5 as set forth in Table 2.

2. ~~The initial financial response and first eight quarterly financial reports, including the June 30 quarterly financial reports, and, if applicable, financial plan and first four narratives~~ the attestations submitted to the Board by a charter holder assigned to probation risk level one based on scenario 6 ~~as set forth in Table 2.~~

PQ. A charter holder’s submissions associated with its probation risk level shall be made publicly available through the charter holder’s financial performance dashboard.

QP. In general, Board staff does not grant extensions for financial submissions as the Board has an interest and duty to timely review these submissions to better understand the charter holder’s current financial status. However, if the deadline has not passed, Board staff may, for good cause, grant the charter holder an extension of time to submit the information pursuant to subsections ~~(F), (I)(2), (J)(1), (K)(1) through (3), subsections (J)(1) through (2), R7-5-509(B), R7-5-509(E) or R7-5-511(B).~~ A charter holder seeking an extension of time must submit the request in writing and include the reason(s) for the request.

RQ. If a charter holder fails to submit or fails to timely submit by the specified deadline the ~~agenda and minutes~~ attestation required by subsections ~~(F), (I)(2), or (J)(1) or (K)(1) or the financial plan required by subsections (I)(3) or (J)(2),~~ Board staff shall:

1. Provide written notice to the charter holder that includes the reason for the finding and provides a three-day window for the charter holder to submit the ~~agenda, minutes or financial plan~~ attestation.
2. If the charter holder does not submit the ~~agenda, minutes or financial plan~~ attestation to the Board within the window identified in subsection ~~(Q)(R)(1),~~ note the charter holder’s failure on its operational performance dashboard and provide written notice to the charter holder of the deadline by which the ~~agenda, minutes or financial plan~~ attestation must be received to avoid charter oversight as specified in Article 6.

SR. If a charter holder assigned a summative financial performance rating of “Intervention” under subsection (B)(3) or a charter holder identified as “On Probation” and, therefore, under subsection (G) does not meet the minimum financial performance expectations fails to timely submit its next audit conducted under R7-5-504, Board staff shall report the charter holder’s intervention status to the Board when the Board considers action under R7-5-504(E).

Table 2. Probation Risk Level Criteria

Probation Risk Level One					
Scenario 1	Scenario 2	Scenario 3	Scenario 4	Scenario 5	Scenario 6
<ul style="list-style-type: none"> • “Below standard” rating on the going concern measure for two consecutive fiscal years; and • “High risk” ADM category. 	<ul style="list-style-type: none"> • “Below standard” rating on the going concern measure for two consecutive fiscal years; and • Numeric performance positively increased on less than three calculated measures¹; and • Any risk ADM category. 	<ul style="list-style-type: none"> • “Below standard” rating on the going concern measure in the prior audited fiscal year; and • Numeric performance positively increased on one or fewer calculated measures¹; and • “High risk” ADM category. 	<ul style="list-style-type: none"> • For two consecutive fiscal years, all three calculated measures¹ received “below standard” or “approaches standard” ratings (regardless of if numeric performance positively increased for one or more calculated measures). 	<ul style="list-style-type: none"> • “High risk” default measure category. 	<ul style="list-style-type: none"> • Two consecutive probation risk level two determinations; or • Two consecutive probation risk level three determinations; or • One probation risk level two determination and one probation risk level three determination in two consecutive cycles.
Probation Risk Level Two					
Scenario 1	Scenario 2	Scenario 3	Scenario 4		
<ul style="list-style-type: none"> • “Below standard” rating on the going concern measure for two consecutive fiscal years; and • Numeric performance positively increased on all three calculated measures¹; and • “Low risk” or “moderate risk” ADM category. 	<ul style="list-style-type: none"> • “Below standard” rating on the going concern measure in the prior audited fiscal year; and • Numeric performance positively increased on two or more calculated measures¹; and • Any risk ADM category. 	<ul style="list-style-type: none"> • “Below standard” rating on the going concern measure in the most recent audited fiscal year. 	<ul style="list-style-type: none"> • “Meets standard” rating on the going concern measure for two consecutive fiscal years; and • Numeric performance positively increased on one or fewer calculated measures¹; and • “High risk” ADM category. 		
Probation Risk Level Three					
Scenario 1	Scenario 2		Scenario 3		

<ul style="list-style-type: none"> • “Meets standard” rating on the going concern measure for two consecutive fiscal years; and • Numeric performance positively increased on one or more <u>fewer</u> calculated measures¹; and • “Low risk” or “moderate risk” ADM category. 	<ul style="list-style-type: none"> • <u>“Meets standard” rating on the going concern measure for two consecutive fiscal years; and</u> • <u>Numeric performance positively increased on two calculated measures¹; and</u> • <u>Any risk ADM category.</u> 	<ul style="list-style-type: none"> • “Meets standard” rating on the going concern measure for two consecutive fiscal years; and • Numeric performance positively increased on all three calculated measures¹; and • Any risk ADM category.
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¹ “Calculated measures” include the unrestricted days liquidity measure, adjusted net income measure and lease adjusted debt service coverage ratio measure. If a charter holder’s performance on a calculated measure has decreased year over year, but continues to be rated “meets standard,” this will not be considered declining performance. The charter holder’s numeric performance will be considered to have “positively increased.”

ARTICLE 5. CHARTER SUPERVISION

R7-5-509. Financial Intervention Submissions

- A. The Board shall require a charter holder assigned a summative financial performance rating of “Intervention” under R7-5-402(F) to ~~prepare an initial financial response, submit the attestation required under R7-5-402(F),~~ quarterly financial reports and a June 30 quarterly financial report. The charter holder shall be required to submit quarterly financial reports, including the June 30 quarterly financial report, to the Board until the Board receives the charter holder’s next audit conducted under R7-5-504.
- B. Board staff shall provide written notice to a charter holder that is ~~required to submit an initial financial response~~ assigned a summative financial performance rating of “Intervention” under R7-5-402(F). Board staff shall ensure the notice includes the following:
1. Information on how to access the charter holder’s financial performance dashboard,
 2. ~~The deadline, which will be set 30 days from the date of the written notice, for submitting the attestation required under R7-5-402(F), and~~
 2. ~~The deadline, which will be set 30 calendar days from the date of the written notice, for submitting the initial financial response to the Board, and~~
 3. ~~The quarters that must be addressed in the charter holder’s initial financial response.~~ The quarterly financial report(s), including, if applicable, the June 30 quarterly financial report, that must be submitted to the Board and the submission deadline, which will be set 30 calendar days from the date of the written notice.
 - a. If the written notice date is between October 1 and December 31, the ~~initial financial response~~ charter holder must address the quarter ending September 30.
 - b. If the written notice date is between January 1 and March 31, the ~~initial financial response~~ charter holder must address the quarters ending September 30 and December 31.
 - c. If the written notice date is between April 1 and ~~June 30~~ July 15, the ~~initial financial response~~ charter holder must address the quarters ending September 30, December 31 and March 31.
 - d. If the written notice date is after ~~June 30~~ July 15, the ~~initial financial response~~ charter holder must address the quarters ending September 30, December 31, March 31 and June 30.
- C. ~~Board staff shall review the initial financial response and prepare a report on the initial financial response. Board staff’s report will answer each of the following questions and briefly explain the basis for each answer:~~
1. ~~Is there a sound explanation for why the charter holder underperformed on the Financial Performance Framework’s measures?~~
 2. ~~Did the charter holder perform at a level just below or well below the Financial Performance Framework’s measure targets?~~
 3. ~~In what direction is the charter holder’s financial health heading?~~
 4. ~~Do the charter holder’s proposed or implemented actions address the problems that contributed to or caused the charter holder’s underperformance on the Financial Performance Framework’s measures and are they realistic to implement?~~
- D. ~~For each charter holder that submitted an initial financial response, Board staff shall place the charter holder in the intervention tier that aligns with the following criteria:~~
1. ~~If the charter holder’s financial performance dashboard based on the most recent audit conducted under R7-5-504 indicates a rating of “below standard” for the going concern or default measure and indicates a rating of “approaches standard” on zero or more measures, then the charter holder shall be placed in intervention tier 1, except as set forth in subsection (D)(5).~~
 2. ~~If the charter holder’s financial performance dashboard based on the most recent audit conducted under R7-5-504 indicates a rating of “below standard” on two or more measures and indicates a rating of “approaches standard” on zero or more measures, then the charter holder shall be placed in intervention tier 1 unless the charter holder is placed in intervention tier 2 under subsection (D)(5).~~
 3. ~~If the charter holder’s financial performance dashboard based on the most recent audit conducted under R7-5-504 indicates a rating of “below standard” on one measure other than the going concern measure or default measure and indicates a rating of “approaches standard” on zero or more measures, then the charter holder shall be placed in intervention tier 2 unless the charter holder is placed in intervention tier 1 under subsections (D)(4), (D)(6), (D)(7), (D)(8) or (D)(9).~~
 4. ~~If the report prepared by Board staff identifies a “No” as the answer to the question identified in subsection (C)(4), then the charter holder shall be placed in intervention tier 1.~~

5. ~~If the charter holder's initial financial response supports that the charter holder has cured the default, then the charter holder shall either be:~~
 - a. ~~Removed from the intervention process if the default measure was the only measure for which the charter holder received a rating of "below standard" based on the most recent audit conducted under R7-5-504, or~~
 - b. ~~Placed in intervention tier 2 instead of intervention tier 1 if the charter holder had received a rating of "below standard" on only one other measure based on the most recent audit conducted under R7-5-504.~~
6. ~~If the charter holder was required to submit a corrective action under R7-5-504(H)(1) based on the most recent audit conducted under R7-5-504 for failure to pay taxes or contributions due to the Internal Revenue Service, Arizona Department of Revenue, Arizona Department of Economic Security or Arizona State Retirement System, failure to have sufficient cash at June 30 to cover the charter holder's unspent Classroom Site Fund balance, or failure to maintain worker's compensation insurance or liability insurance, then the charter holder shall be placed in intervention tier 1.~~
7. ~~If the Board has substantiated in the audited fiscal year, subsequent fiscal year or both at least one complaint involving late payroll checks to employees, or health insurance or liability insurance cancellation due to nonpayment or if the Board has substantiated in the audited fiscal year, subsequent fiscal year or both at least one complaint involving failure to make required retirement plan contributions or received notification from the Arizona State Retirement System of delinquent retirement contributions, then the charter holder shall be placed in intervention tier 1.~~
8. ~~If the charter holder has been required to make at least one submission under R7-5-501(C) in the audited fiscal year, subsequent fiscal year or both, then the charter holder shall be placed in intervention tier 1.~~
9. ~~If the charter holder's performance fluctuates from a summative financial performance rating of "Intervention" to a summative financial performance rating of "Adequate Standing" and then back to a summative financial performance rating of "Intervention" within the most recent three-year period, then the charter holder shall be placed in intervention tier 1.~~
- C.** If the first quarterly financial report(s) submitted in response to the written notice provided under R7-5-504(H)(2) supports that the charter holder has cured the default, then the charter holder shall be removed from the intervention process if the default measure was the only measure for which the charter holder received a rating of "below standard" based on the most recent audit conducted under R7-5-504.
- DE.** Within 30 calendar days after receiving an initial financial response the first quarterly financial report(s) submitted in response to the written notice provided under R7-5-504(H)(2), Board staff shall provide the charter holder with written notice that includes the following:
 1. ~~The charter holder's intervention tier as determined under subsection (D);~~
 2. The quarterly financial report requirements and submission deadlines;
 3. ~~The availability of Board staff's report specified in subsection (C); and~~
 4. Any differences identified between the calculations included by the charter holder in its ~~initial financial response~~ quarterly financial report(s) and those completed by Board staff; and
 3. If applicable, the determination made under subsection (C).
- EF.** The submission deadlines for quarterly financial reports, including the June 30 quarterly financial report, submitted subsequent to the initial financial response the quarterly financial report(s) reviewed under subsection (D) are as follows:
 1. October 30 for the quarter ending September 30;
 2. January 30 for the quarter ending December 31;
 3. April 30 for the quarter ending March 31; and
 4. August 15 for the quarter ending June 30.
- FG.** For each quarterly financial report submitted subsequent to the initial financial response quarterly financial report(s) reviewed under subsection (D) and prior to the June 30 quarterly financial report and for each quarterly financial report submitted subsequent to the June 30 quarterly financial report pursuant to subsection (A), Board staff shall determine the charter holder's current performance and compare Board staff's results to the charter holder's calculation results. Within 30 calendar days of each quarterly financial report's receipt, Board staff shall notify the charter holder in writing of:
 1. The submission deadline for the next quarterly financial report; and
 2. Any differences identified between the calculations completed by the charter holder and those completed by Board staff.
- GH.** For each charter holder that submitted a June 30 quarterly financial report, Board staff shall determine whether:
 1. The going concern measure received a rating of "below standard" on the most recent audit conducted under R7-5-504.
 2. The measure or measures rated "below standard" based on the most recent audit conducted under R7-5-504 will likely improve to at least an "approaches standard" rating or remain rated "below standard" when calculations are completed using the charter holder's next audit conducted under R7-5-504.
 3. One or more of the Financial Performance Framework's other measures will likely be rated "below standard" when calculations are completed using the charter holder's next audit conducted under R7-5-504.
 4. The charter holder was required to submit a corrective action plan under R7-5-504(H)(1) based on the most recent audit conducted under R7-5-504 for failure to pay taxes or contributions due to the Internal Revenue Service, Arizona Department of Revenue, Arizona Department of Economic Security or Arizona State Retirement System, failure to have sufficient cash at June 30 to cover the charter holder's unspent Classroom Site Fund balance, or failure to maintain worker's compensation insurance or liability insurance.
54. Since Board staff made the determination in subsection (D), the ~~The~~ Board has substantiated in the audited fiscal year, subsequent fiscal year or both any complaint involving late payroll checks to employees, health insurance or liability insurance cancellation due to nonpayment or failure to make required retirement plan contributions, or the Board has received in the audited fiscal year, subsequent fiscal year or both notification from the Arizona State Retirement System of delinquent retirement contributions.

~~65. Since Board staff made the determination in subsection (D), the~~ The charter holder has been required to make at least one submission under R7-5-501(C) in the audited fiscal year, subsequent fiscal year or both.

~~76. Within the most recent five-year period the charter holder has been assigned three summative financial performance ratings of “Intervention,” and two summative financial performance ratings of “Adequate Standing.”~~

~~H.~~ Within 45 calendar days after receiving a June 30 quarterly financial report, Board staff shall notify the charter holder in writing of:

1. The determinations made by Board staff under subsection ~~(H)~~(G);
2. The submission deadline for the next quarterly financial report required under subsection (A); and
3. Any differences identified between the calculations completed by the charter holder and those completed by Board staff.

~~J.~~ Subject to the provision set forth in subsection (J)(1), for each charter holder placed in intervention tier 1 under subsection (D), Board staff shall visit each school operated by the charter holder to conduct a physical count of students and compare the information observed and obtained onsite with the number of students reported to the Department.

~~1. Should extraordinary circumstances preclude Board staff from completing one or more intervention tier 1 site visits, Board staff shall:~~

- a. Report to the Board at a public meeting the specific extraordinary circumstance and the number of site visits affected;
- b. Propose an alternative method for conducting the intervention tier 1 site visits, request a waiver of one or more intervention tier 1 site visits, or both; and
- c. Provide at least five days’ public notice of the Board meeting identified in subsection (J)(1)(a).

~~2. Time permitting, Board staff may visit each school operated by a charter holder placed in intervention tier 2 under subsection (D).~~

~~JK.~~ The charter holder’s initial financial response attestation required under R7-5-402(F), quarterly financial reports and June 30 quarterly financial report and Board staff’s report under subsection (C) shall be made publicly available through the charter holder’s financial performance dashboard.

~~JL.~~ If a charter holder fails to submit or fails to timely submit an initial financial response, a quarterly financial report or June 30 quarterly financial report required under subsection (A), Board staff shall note the failure on the charter holder’s operational performance dashboard. The charter holder may be subject to charter oversight as specified in Article 6.

~~M.~~ If a charter holder fails to submit a complete initial financial response by the specified deadline, Board staff shall:

1. Provide written notice to the charter holder that includes the reason for the finding and provides a three-day window for the charter holder to submit a complete initial financial response.
2. If the charter holder does not submit a complete initial financial response to the Board within the window identified in subsection (M)(1), note the failure on the charter holder’s operational performance dashboard and provide written notice of the deadline by which a complete initial financial response must be received to avoid charter oversight specified in Article 6.

~~KN.~~ Subsequent to the initial financial response submission, if a charter holder fails to submit a complete quarterly financial report or June 30 quarterly financial report required under subsection (A) by the specified deadline, Board staff shall:

1. Provide written notice to the charter holder that includes the reason for the finding and identifies the one-day deadline by which a complete quarterly financial report or June 30 quarterly financial report must be received to avoid charter oversight as specified in Article 6.
2. Note the failure identified in subsection ~~(N)~~(K) on the charter holder’s operational performance dashboard.

R7-5-511. Financial Intervention Submissions – On Probation

A. In accordance with R7-5-402(I) through (K), the Board shall require a charter holder identified under R7-5-402(G) as “On Probation” to ~~prepare-submit~~ quarterly financial reports and a June 30 quarterly financial report. The charter holder shall be required to submit quarterly financial reports, including a June 30 quarterly financial report, to the Board until the Board receives the charter holder’s next audit conducted under R7-5-504.

B. After being notified of its probation risk level assigned under R7-5-402(H)(3), the charter holder shall be required to submit its quarterly financial reports, including the June 30 quarterly financial report, and, if applicable, the narratives required under R7-5-402(I)(4) or R7-5-402(J)(3) to the Board by the deadlines identified in subsections (B)(1) through (B)(4). ~~To ensure the Board receives all quarterly reports and narratives required under subsection (A), the charter holder shall submit by the deadline associated with the most recent quarterly report, any required quarterly reports and narratives not previously provided to the Board, as applicable.~~

1. October 30 for the quarter ending September 30;
2. January 30 for the quarter ending December 31;
3. April 30 for the quarter ending March 31;
4. August 15 for the quarter ending June 30; and
5. At least 10 days after receiving the written notice provided under R7-5-402(L) the charter holder shall submit any required quarterly financial reports not previously provided by the deadline identified in subsections (B)(1) through (B)(4).

C. Within 30 calendar days after receiving the first quarterly financial report submitted in response to the written notice provided under R7-5-402(L), Board staff shall provide the charter holder with written notice that includes the following:

- ~~1. The charter holder’s intervention tier as determined under subsection (D);~~
- ~~2. The submission deadline for the next quarterly financial report required under subsection (A); and~~
- ~~3. Any differences identified between the calculations completed by the charter holder and those completed by Board staff.~~

~~D.~~ For each charter holder identified as “On Probation,” Board staff shall:

1. Place the charter holder in intervention tier 1.
2. ~~Determine if the charter holder was required to submit a corrective action plan under R7-5-504(H)(1) based on the most recent audit conducted under R7-5-504 for failure to pay taxes or contributions due to the Internal Revenue Service, Arizona Depart-~~

ment of Revenue, Arizona Department of Economic Security or Arizona State Retirement System, failure to have sufficient cash at June 30 to cover the charter holder's unspent Classroom Site Fund balance, or failure to maintain worker's compensation insurance or liability insurance.

- ~~3. Determine if the Board has substantiated in the audited fiscal year, subsequent fiscal year or both at least one complaint involving late payroll checks to employees, or health insurance or liability insurance cancellation due to nonpayment or if the Board has substantiated in the audited fiscal year, subsequent fiscal year or both at least one complaint involving failure to make required retirement plan contributions or received notification from the Arizona State Retirement System of delinquent retirement contributions.~~
- ~~4. Determine if the charter holder has been required to make at least one submission under R7-5-501(C) in the audited fiscal year, subsequent fiscal year or both.~~

DE. For each quarterly financial report submitted subsequent to the quarterly financial report reviewed under subsection (C) and prior to the June 30 quarterly financial report and for each quarterly financial report submitted subsequent to the June 30 quarterly financial report pursuant to subsection (A), Board staff shall determine the charter holder's current performance and compare Board staff's results to the charter holder's calculation results. Within 30 calendar days of each quarterly financial report's receipt, Board staff shall notify the charter holder in writing of:

1. The submission deadline for the next quarterly financial report; and
2. Any differences identified between the calculations completed by the charter holder and those completed by Board staff.

EF. For each charter holder that submitted a June 30 quarterly financial report, Board staff shall determine whether:

1. The going concern measure received a rating of "below standard" on the most recent audit conducted under R7-5-504.
2. The measure or measures rated "below standard" based on the most recent audit conducted under R7-5-504 will likely improve to at least an "approaches standard" rating or remain rated "below standard" when calculations are completed using the charter holder's next audit conducted under R7-5-504.
3. One or more of the Financial Performance Framework's other measures will likely be rated "below standard" when calculations are completed using the charter holder's next audit conducted under R7-5-504.
4. The charter holder was required to submit a corrective action plan under R7-5-504(H)(1) based on the most recent audit conducted under R7-5-504 for failure to pay taxes or contributions due to the Internal Revenue Service, Arizona Department of Revenue, Arizona Department of Economic Security or Arizona State Retirement System, failure to have sufficient cash at June 30 to cover the charter holder's unspent Classroom Site Fund balance, or failure to maintain worker's compensation insurance or liability insurance.
- ~~54. Since Board staff made the determination in subsection (D), the~~The Board has substantiated in the audited fiscal year, subsequent fiscal year or both any complaint involving late payroll checks to employees, health insurance or liability insurance cancellation due to nonpayment or failure to make required retirement plan contributions, or the Board has received in the audited fiscal year, subsequent fiscal year or both notification from the Arizona State Retirement System of delinquent retirement contributions.
- ~~65. Since Board staff made the determination in subsection (D), the~~The charter holder has been required to make at least one submission under R7-5-501(C) in the audited fiscal year, subsequent fiscal year or both.
- ~~76. Within the most recent five-year period the charter holder has been assigned three summative financial performance ratings of "Intervention," and two summative financial performance ratings of "Adequate Standing."~~

EG. Within 45 calendar days after receiving a June 30 quarterly financial report, Board staff shall notify the charter holder in writing of:

1. The determinations made by Board staff under subsection ~~(F)~~(E);
2. The submission deadline for the next quarterly financial report required under subsection (A); and
3. Any differences identified between the calculations completed by the charter holder and those completed by Board staff.

~~**H.** Subject to the provision set forth in R7-5-509(J)(1), for each charter holder placed in intervention tier 1 under subsection (D), Board staff shall visit each school operated by the charter holder to conduct a physical count of students and compare the information observed and obtained onsite with the number of students reported to the Department.~~

GI. The charter holder's attestation required under R7-5-402(I)-(K), quarterly financial reports, and June 30 quarterly financial report ~~and, if applicable, narratives required under R7-5-402(I)(4) or R7-5-402(J)(3)~~ shall be made publicly available through the charter holder's financial performance dashboard.

HJ. If a charter holder fails to submit or fails to timely submit a quarterly financial report or June 30 quarterly financial report required under subsection (A), Board staff shall note the failure on the charter holder's operational performance dashboard. The charter holder may be subject to charter oversight as specified in Article 6.

IK. If a charter holder fails to submit by the specified deadline a complete quarterly financial report or June 30 quarterly financial report required under subsection (A) ~~or, if applicable, the narratives required under R7-5-402(I)(4) or R7-5-402(J)(3)~~, Board staff shall:

1. Provide written notice to the charter holder that includes the reason for the finding and identifies the one-day deadline by which a complete quarterly financial report, or June 30 quarterly financial report ~~or narrative~~ must be received to avoid charter oversight as specified in Article 6.
2. Note the failure identified in subsection ~~(K)~~(L) on the charter holder's operational performance dashboard.