
AGENDA ITEM: Proposed substantive changes to the Adding Grade Levels to Charter Amendment Request.

Issue - The eligibility requirements for the Adding Grade Levels to Charter Amendment Request (“AGL Request”) need to be brought into alignment with the eligibility requirements of the six revised amendment and notification requests approved by the Board on October 15, 2013.

Background - On August 12, 2013, the Board approved changes to the AGL Request which aligned the eligibility requirements to the Academic Performance Framework. The eligibility requirements for the AGL Request allowed a charter holder to submit an expansion request before being eligible to receive an overall rating, by including a Demonstration of Sufficient Progress (“DSP”).

On October 15, 2013, the Board approved changes to six amendment and notification requests identified in the Academic Performance Framework and Guidance (“Guidance”) (Alternative Calendar Notification, Enrollment Cap Notification, Instructional Days Amendment, New School Site Notification, Program of Instruction Amendment, and Site Specific Change of Grades Served Notification). The eligibility requirements for these requests were based on those approved for the AGL Request, but differed by clarifying that a charter holder was not eligible to submit an expansion request until the Board had an Academic Dashboard providing information regarding the academic performance of that charter holder. As stated in the staff report considered at the October 15, 2013 Board meeting:

Ineligible charter holders

A charter holder that does not have an overall rating is in its first year of operation or early in its second year of operation. Because it is so young, it has not yet demonstrated the full implementation of the Educational Plan and supporting plans included in the application package that was vetted by the Technical Review Panel and approved by the Board. With no overall ratings of its own and without the performance of any Associated Schools from which to draw, the Board has limited information to consider.

Taking this into consideration, staff proposes that if the requesting charter holder has not yet received an overall rating and does not have any non-excluded Associated Schools with an overall rating of “Meets” or “Exceeds” standard, the charter holder is not eligible to amend its charter.

The proposed eligibility requirements would bring the AGL Request into conformity with those of the requests approved on October 15, 2013.

Board Options

Option 1: Approve the eligibility and submission requirement changes to the Adding Grade Levels to Charter Amendment Request as presented. Staff recommends the following language: I move to approve the changes to the eligibility and submission requirements for the Adding Grade Levels to Charter Amendment Request as presented today (or with modifications discussed) and request staff to move forward with making the specific form available through ASBCS Online for implementation.

Option 2: Assign the review and discussion of the proposed amendment to a subcommittee. The following language is provided for consideration: I move that the consideration of the Adding Grade Levels to Charter Amendment Request be tabled until such time as a subcommittee of the Board has reviewed the proposed changes and brings back recommendations for moving forward.

Adding Grade Levels to Charter Amendment Request

The *Adding Grade Levels to Charter Amendment Request* is used to expand the grade levels the charter holder is approved to serve. The request must be submitted timely so that it may be processed within the timeframe provided in rule and implemented before the beginning of a school year. An increase in grades served is not effective until approved by the Board.

Academic Performance Eligibility and Submission Requirements

The Board has approved amendment processes that reduce the charter holder's submission requirements when the charter holder meets the Board's academic performance expectations, described in the *Academic Performance Framework and Guidance* document ("*Guidance*"), available on the ASBCS webpage (<http://asbcs.az.gov>). The following section uses definitions and criteria as adopted by the Board in the *Guidance*.

A charter holder eligible to receive an overall rating may submit an *Adding Grade Levels to Charter Amendment Request* without including curriculum samples or Demonstration of Sufficient Progress (DSP) document if:

- The charter holder requesting expansion has an overall rating that meets the Board's academic performance expectations, and, if applicable,
- (Condition A) 75% or more of non-excluded Associated Schools serving the grades requested have an overall rating of "Meets" or "Exceeds" standard on the most recent Academic Dashboard, or
- (Condition B) If one or more Associated Schools serving the grades requested are excluded for academic purposes, then 100% of the remaining non-excluded Associated Schools have an overall rating of "Meets" or "Exceeds" standard on the most recent Academic Dashboard.

A charter holder not eligible to receive an overall rating may submit an *Adding Grade Levels to Charter Amendment Request* if all non-excluded Associated Schools serving the grades requested have an overall rating of "Meets" or "Exceeds" standard on the most recent Academic Dashboard.

If a charter holder is not eligible to receive an overall rating and does not meet the condition set above, they will not be able to submit an *Adding Grade Levels to Charter Amendment Request*, until the charter holder receives an overall rating or meets the condition described above.

To request consideration for eligibility, submit a completed Eligibility/Exclusions Form along with the request.

Curriculum Samples: A charter holder that does not meet the above criteria must include curriculum samples for each grade level being requested, as described in the instructions on the Curriculum Sample Template.

Demonstration of Sufficient Progress: A charter holder that may submit an *Adding Grade Levels to Charter Amendment Request* but does not meet the above criteria will also need to submit a DSP, as described in Appendix E of the *Guidance*, for:

- Each school operated by the charter holder that has an overall rating of "Does Not Meet" or "Falls Far Below" standard on the most recent Academic Dashboard, including any school operated under the charter which received an overall rating of "NR".
- Each school operated under the charter that received an overall rating of "Does Not Meet" or "Falls Far Below" standard in the prior year, but did receive an overall rating of "Meets" or "Exceeds" in the current year, including any school operated under the charter which received an overall rating of "NR".

- Any non-excluded Associated School serving the grades requested that has an overall rating of “Does Not Meet” or “Falls Far Below” standard on the most recent Academic Dashboard, including any Associated School serving the grades requested which received an overall rating of “NR”, unless an acceptable DSP has been submitted for the most recent Academic Dashboard.

During the substantive review process, if a DSP has been submitted, staff will evaluate the DSP and conduct a site visit with the charter holder to confirm evidence of actions described in the DSP.

Special Exclusions for Associated Schools: Under certain conditions, an Associated School serving the grades requested may be excluded from consideration for expansion requests. To request consideration for an Associated School to receive a special exclusion from the eligibility consideration for an expansion request, complete and submit both pages of the Eligibility/Exclusions Form with the amendment request.

For the *Adding Grade Levels to Charter Amendment Request*, the following special exclusions may apply:

1. An Associated School serving the grades requested is in its 2nd year of operation, serving grades K-3 and received a “No Rating” on its Academic Dashboard because the school was serving only grades K-2 in its first year.
2. An Associated School serving the grades requested received a “No Rating” in its most current Academic Dashboard because it was too small and the combined weight of rated measures was less than 65%, but their current student enrollment is within 10% of the projected site enrollment and they received an A or B letter grade in the current year.
3. An Associated School serving the grades requested is in its 2nd or 3rd year of operation, and received a “Does Not Meet” in their most current Academic Dashboard but received a “Meets” score in all SGP measures for Math and Reading.
4. An Associated School serving the grades requested has a distinct learning environment (philosophy, population, program of instruction, schedule) that is clearly documented in its charter which is significantly different from the schools operated by the charter holder requesting expansion. When identifying a school for special exclusion based on a distinct learning environment, you are required to include a narrative describing how the learning environment of the Associated School differs from that of the charter holder requesting the change, and where in the charter that is supported.

As part of the administrative review, if an Eligibility/Exclusions Form is submitted, staff will confirm the eligibility for reduced submission, and evaluate the exclusion of Associated Schools. If the charter holder does not meet the academic performance eligibility requirements, or the Associated School does not qualify for Special Exclusion, the request will be deemed administratively incomplete and closed. The charter holder may resubmit the request by including a Demonstration of Sufficient Progress document for each school not meeting the requirements, and curriculum samples for each grade level being requested.

Consideration of Operational Compliance for any charter holder

As described in the Board's policy for conducting compliance checks, Board staff will review the areas listed below to ensure the charter holder meets the level of compliance specified for an *Adding Grade Levels to Charter Amendment Request*. The following areas will be considered in the compliance check:

- Currently not be having 10% withheld for failure to timely submit its most recent annual audit.

- Be in "good standing" with the Arizona Corporation Commission. This is determined by accessing information available through the Commission's website.
- Not have a repeat corrective action plan issue identified through the most recent annual audit as defined by the Board's Audit & Compliance Questionnaire Follow-up Matrix. The amendment hold remains in place until compliance is demonstrated through the next annual audit or agreed-upon procedures, if the procedures have already been developed by the Board.
- If applicable, have received notification from the Board that the current fiscal year audit corrective action plan has been completed.
- If a special education corrective action plan is in place, be in compliance with the plan's requirements. This is determined by information provided by the Arizona Department of Education's (ADE) Exceptional Student Services Division.
- If applicable, have a "compliant" status reflected on the ADE's Grants Management website for each grant for the past four years.
- If applicable, be in compliance with No Child Left Behind requirements. This is determined by information provided by the ADE's Academic Achievement Division.
- If applicable, be in compliance with National School Lunch and Breakfast Programs requirements. This is determined by information provided by the ADE's Health and Nutrition Services Division.
- If applicable, be current in submitting employer and employee contributions and reports to the Arizona State Retirement System (ASRS). This is determined by information provided to the Board by ASRS.

A finding that the charter holder is not in compliance in one or more of these areas will result in the request being pulled from consideration on the consent agenda, and may result in a delay in consideration of the request by the Board.

Consideration by the Board

A substantively complete amendment request will be placed on the agenda of a regular Board meeting as specified in rule. Amendment requests submitted by charter holders that meet the academic performance eligibility requirements and are in current operational compliance may be placed on the consent agenda. The most current academic data will be provided to the Board for its consideration of the amendment request, as well as results of the DSP evaluation (if applicable) and information regarding compliance matters for the charter holder of Associated Schools (if applicable) including:

- Whether any portion of an Associated School's state funding is currently being withheld pursuant to action taken by the Board;
- Whether a Notice of Intent to Revoke the Charter is pending for the charter holder of any Associated School;
- Whether the charter holder of any Associated School is currently scheduled for action by the Board regarding potential withholding of state funding or the issuance of a Notice of Intent to Revoke the Charter.