

# Legal and Policy

## Charter Contracts, Compliance Monitoring and Grievances

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# What we do.

## MODULE 1

## MODULE 2

## MODULES 2 & 3

### Legal & Policy Supports

### Charter Contracts

### Compliance Monitoring

- Monitor and report on legal and policy developments
- Write guidance on key legal issues
- Draft sample policies
- Respond to general legal questions

- Oversee charter contracting and waiver request process
- Oversee charter modification process

- Track contract milestones and implement compliance monitoring protocols (e.g. Notices of Concern)
- Respond to parent/employee complaints against CSI schools
- Manage annual organizational submissions and audits process



## Charter Contracts

- What is it?
- Charter Modification Process




## Compliance Monitoring

- School Compliance Policy
- Organizational Submissions and Audits



## Grievances

- CSI Grievance Policy
  - Expectations for notification
- 



## Charter Contracts

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# What is the charter contract?

- An agreement of terms between the school board and CSI board
- Describes:
  - Term
  - Institute-School Relationship
  - School Governance
  - Operations
  - Enrollment and Demographic Information
  - Educational Program
  - Financial Matters
  - Personnel
  - Facilities
  - Renewal, Revocation, and Closure
- Attachments: Articles of Incorporation, Bylaws, Milestones, Enrollment Policy, Waivers



# Charter modification process

- Provides Institute schools with a format to submit or propose changes to the Institute School's charter and, when necessary, the charter contract.



# Charter modification: immaterial changes

- Name\*
- Location (additional facility, change of facility, new financing/leasing arrangement)\*
- Articles of Incorporation and bylaws
- Budget (as updates are made, send to DavidSever@csi.state.co.us)
- School calendar/ hours (as updates are made, send to submissions\_CSI@csi.state.co.us)
- Significant changes to organizational structure
- Handbook
- Enrollment policies and procedures

\*A change to an item marked with an (\*) does not require formal Institute approval but will result in a contract amendment.



# Charter modification: material changes

- Mission and vision\*
- Insurance coverage (reduction in coverage)\*
- Enrollment changes (including grade changes and expansion)\*
- Food services \*
- Transportation (including the addition of regular school-to-home, home-to-school transportation or purchase of transportation vehicle)\*
- Education Program (overall school model, e.g., Montessori, Classical, Language Immersion, etc.)
- Curriculum, instructional program and pupil performance standards
- Education Service Provider (addition of or material change in services provided by an education service provider, including revisions to the management contract)\*
- Program Plans (IEP, 504, GT, ELL)
- Interim Assessments
- Addition of an online program\*
- Addition of other special programs (homeschool, before-and-after-school care, etc.)
- Safety Plan
- Grievance policy
- Non-automatic waiver request\*

A change to an item marked with an (\*) will result in a contract amendment.





# Charter Modification Form

Please be prepared to:

- identify the proposed material modification,
- describe the material modification,
- describe the rationale for the material modification, and
- describe all considered impacts (academic, organizational, financial) of the proposed material modification.

## **Resources:**

[Charter modification process and form](#)



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# Compliance Monitoring: Roles



Role of Authorizer	Role of School (Board and SL)
Broad oversight responsibilities – ensure compliance with applicable laws, regulations, CSI policies and charter contract	Compliance with applicable laws, regulations, CSI policies and charter contract
Communicate with schools when issues of non-compliance arise	Communicate with CSI when issues of non-compliance arise
When available, provide support in remedying areas of noncompliance	Remedy areas of noncompliance

# Compliance Monitoring: Policy



## CSI School Compliance Policy

- Outlines the process for addressing compliance issues
- Establishes expectations for school notification to CSI
- Explains remedies

# Compliance Monitoring: Notices



## Formal Reminder

- Least severe
- Immaterial violations
- Generally not material to renewal or other high-stakes decisions but may contribute to larger body of evidence re: performance

## Notice of Concern

- More severe
- Hinders a student's access education, jeopardizes student and/or staff safety, jeopardizes operation of school
- Issued when the school fails to remedy previously identified issues
- May affect accreditation/renewal.

## Notice of Breach

- Most Severe
- When school doesn't satisfy NOC
- 3+ NOCs in 1 year
- Serious violation
- Other grounds for non-renewal/revocation
- May affect accreditation/renewal

# Compliance Monitoring: Effective Communications



## Immediate Notice:

- Conditions that cause a school to vary from the terms of the Contract, policy, or law;
- Circumstances that require an unplanned extended closure of school (natural disaster, emergency);
- Circumstances requiring lockdown or other health/safety threats;
- Arrest, dismissal, or resignation of any Board member or employee for a federal crime or other crime related to misappropriation of funds or theft;
- Misappropriation of funds;
- Default on any obligations, including debts that are past due 60 days or more; and
- Change in corporate status.

# Compliance Monitoring: Effective Communications



## Timely Notice:

- The discipline of an employee at the School arising from misconduct or behavior that may have resulted in harm to students or others, or that constituted violations of law;
- Any complaints filed against the School or its employees, administration, or Board members by any governmental agency; and
- Any changes in Board membership.

# Compliance Monitoring: Remedies



CSI may revoke or deny renewal of the Contract for any of the grounds set forth in C.R.S. § 22-30.5-511 and 1 C.C.R. 302-1, Rule 10.00. Prior to revocation, CSI may, at its discretion, implement other remedies such as:

1. Withholding of funds
2. Seeking or requiring technical assistance
3. Requesting the Commissioner issue a temporary or preliminary order
4. Taking immediate control of school or a portion thereof
5. Submission of remedial plan
6. Intensive monitoring
7. Charter review
8. Any other remedies allowed by law





# Compliance Monitoring: Org Submissions

## August 14

- Proof of Insurance
- Assurance of Compliance
- Parent/Student Handbook and Related Policies
- Employee Handbook
- Virtual Board Meetings Checklist

## September 12

- Emergency Readiness Plan
- School Safety Survey
- Four Week Notification Letters (if applicable)
- Assessment Calendar

## October 30

- Health Program Plan
- Enrollment Policy and Intent to Enroll Form

# Compliance Monitoring: Assurance of Compliance



## II. Federal, State, Rule, and Policy

The following checklist is provided by CSI as a guide to assist Schools in complying with applicable federal and state laws, administrative rules, and CSI policies. **This checklist is not exhaustive and compliance is not limited to the following. Schools are required to adhere to any and all applicable federal, state, and local laws and rules and all relevant CSI policies, regardless of whether they are listed below.**

### Governance, Records, and Charter Schools

- Charter Schools Act (C.R.S. Title 22, Article 30.5) and Institute Charter Schools (22-30.5-501 et seq.)
- Colorado Open Meetings Law: 24-6-401 et seq.
- Colorado Open Records Act: 24-72-201 et seq.
- Family Educational Rights and Privacy Act of 1974: 20 U.S.C 1232g
- Colorado Code of Ethics: 24-18-101 et seq. (and 201 et seq.)
  
- Non-Profit Corporation Act: Title 7, Articles 121-137

### Safety and Discipline

- Certificate of occupancy for the school facility: 22-32-124

- Safe School Plan: 22-32-109.1 (2)
- Student transportation safety requirements, if applicable: 1 CCR 301-25, 1 CCR 301-14, 1 CCR 301-26, 1 CCR 301-29
- Nursing services: 1 CCR 301-68
- Jack's Law: 22-1-119.3
- Fire inspections and related records; 22-32-124, 8 CCR 1507-30
- Grounds for suspension, expulsion, and denial of admission of students: 22-33-106
- Procedures for suspension, expulsion, and denial of admission of students: 22-33-105
- Services for expelled students: 22-33-203
- Child Protection Act of 1987: 19-3-301 et seq.
- Department of Public Health and Environment Rules and Regulations Governing Schools: 6 CCR 1010-6
- Immunizations, vision and hearing: 25-4-902, 22-1-116



# Compliance Monitoring: Assurance of Compliance

## Governance, Records, and Charter Schools

Colorado Charter Schools Act (§ 22-30.5) and Institute Charter Schools (§ 22-30.5-501 et seq.)	Colorado laws governing charter schools are found in Title 22, Article 30.5. Statutes pertaining to Institute Charter Schools are found in section 501 et seq.	
Colorado Open Meetings Law: § 24-6-401 et seq.	Establishes that the formation of public policy is public business that may not be conducted in secret. Establishes requirements for public school board meetings.  <a href="#">CDE: Open Meeting Records Memo</a>	<u>CSI Audit:</u> <ul style="list-style-type: none"> <li>▪ CSI Audit of school's website to include: board member information, meeting calendar, notices and minutes</li> </ul>
Colorado Open Records Act (CORA): § 24-72-201 et seq.	Requires that all public records shall be open for inspection by any person at reasonable times.  <a href="#">Colorado Open Records Act</a> <a href="#">CSI Resource Site: CORA Requests</a>	<u>Example of Evidence:</u> <ul style="list-style-type: none"> <li>▪ CORA Policy</li> </ul>
Family Educational Rights and Privacy Act of 1974 (FERPA): 20 U.S.C 1232g; 34 CFR Part 99	FERPA provides that educational agencies and institutions that receive U.S. Department of Education funds may not have a policy or practice of denying parents and eligible students of the right to:  <ul style="list-style-type: none"> <li>• Inspect and review education records within 45 days of a request</li> </ul>	<u>Annual Submission to CSI:</u> <ul style="list-style-type: none"> <li>▪ Annual notification of rights</li> <li>▪ Annual notice for</li> </ul>

# Compliance Monitoring: Audits



**July – Posting of 990s and waivers**



**November – School board materials**

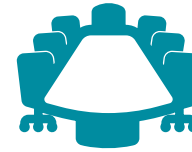


# Compliance Monitoring: Who does what?



School leader

- Organizational submissions
- Charter modification



School leader  
and board

- Charter contract
- Compliance
- School policies



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# CSI Grievance Policy

- Each CSI School must have a Grievance Policy that meets the following requirements:
  - Tiered Approach



- Clear information and timelines
- Relevant contact information, including for CSI

## Resources

[CSI Grievance Policy](#)

[Sample Policy](#)



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# Questions?

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