

Compliance Monitoring

Training for CSI School Governing Boards



Objective

- After completing this training, governing board members will:
 - Have a general understanding of the compliance monitoring activities that take place throughout the year.
 - Understand what steps CSI takes in instances of noncompliance.



Statutory Obligation

C.R.S. 22-30.5-503

“The Institute shall [...] revoke, renew, or refuse to renew institute charter school contracts; and monitor the operations of institute charter schools and the academic achievement of students attending institute charter schools, including compliance with applicable state and federal accountability requirements.”



Statutory Obligation

C.R.S. 22-30.5-507

“The Institute shall exist to model best practices in authorizing charter schools [...].”

Assigning Responsibilities: CSI and School

CSI	School (Board and School Leader)
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

Ongoing Monitoring: Organizational Submissions



August

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

September

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

October

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

Ongoing 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

Ongoing 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. CDE: Open Meeting Records Memo	<u>CSI Audit:</u> <ul style="list-style-type: none">CSI Audit of school's website to include: board member information, meeting calendar, notices and minutes
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. Colorado Open Records Act CSI Resource Site: CORA Requests	<u>Example of Evidence:</u> <ul style="list-style-type: none">CORA Policy
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">Inspect and review education records within 45 days of a request	<u>Annual Submission to CSI:</u> <ul style="list-style-type: none">Annual notification of rightsAnnual notice for

Ongoing Monitoring: Audits



July – Posting of 990s and waivers



November – School board materials



Ongoing Monitoring: Other Department Submissions

Data Submissions

Finance

Student Services





When a School May Be Out of Compliance

CSI is committed to the dual goals of:

1. Providing appropriate notifications and processes for situations of noncompliance
2. Implementing appropriate interventions and closing schools when necessary.





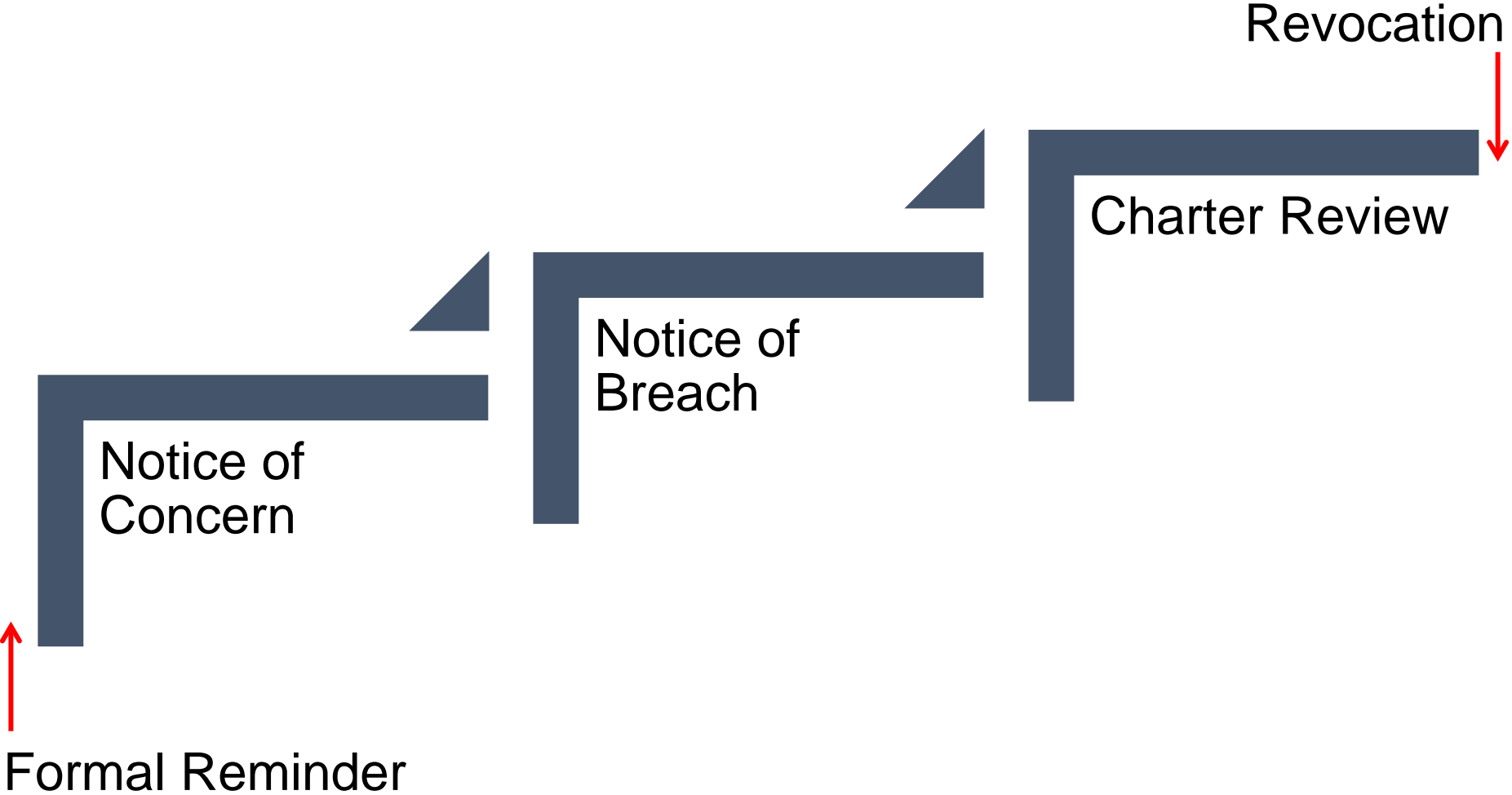
CSI School Compliance Policy

- Adopted by the CSI Board in 2011
- Guide for addressing and remedying situations of noncompliance before getting to non-renewal or revocation of a charter contract

<http://go.boarddocs.com/co/csi/Board.nsf/goto?open&id=APE6QN161099>



CSI School Compliance Policy: Notices, Review and Revocation





CSI School Compliance Policy: Formal Reminder

- Less severe situation of noncompliance
- Generally not material to renewal or other high-stakes decisions but may contribute to larger body of evidence re: performance
- May escalate to a Notice of Concern or Notice of Breach





CSI School Compliance Policy: Notice of Concern

- More severe situation of noncompliance
 - hinders, disrupts, or infringes on a student's ability to access his/her education;
 - impacts the ability of CSI to fulfill its obligations to various stakeholders (including other schools in the portfolio and CDE);
 - represents a pattern of noncompliance or indicates larger systemic issues within the school;
 - seriously jeopardizes the continued operation of the school;
 - the school fails to remedy identified issues of noncompliance from a previous Formal Reminder; and/or
 - the issue jeopardizes student and/or staff safety or represents a serious threat to the school or community.
- May be considered in renewal or other high-stakes decisions and may impact a school's accreditation
- May escalate to a Notice of Breach



CSI School Compliance Policy: Notice of Breach

- Most severe situation of noncompliance
 - The school failed to timely and appropriately satisfy a Notice of Concern;
 - The school has received more than three Notices of Concern in a year;
 - For any material violation of law, rule, policy, or the charter contract that CSI, in its sole discretion, deems serious enough to warrant immediate escalation to a Notice of Breach; and/or
 - For any of the situations identified under C.R.S. § 22-30.05-511 and 1 C.C.R. 3021 (Rule 10).
- May be considered in renewal or other high-stakes decisions and may impact a school's accreditation
- May result in revocation

CSI School Compliance Policy: 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



Effective Communications: CSI Responsibilities

- Formal Reminders are typically sent to the school leader and/or assigned staff member (where appropriate)
- Notices of Concern and Notices of Breach are sent to the School Leader and School Board Chair
- All Notices will clearly identify:
 1. the area of noncompliance; and
 2. the required action and timeline for remedying the noncompliance.

Effective Communications: School Responsibilities




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.

Effective Communications: School Responsibilities



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.
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Questions for Boards

- Has our school received Notices of any type from CSI in the past few years?
- Has our track record (number or type of notices) worsened or improved over time?
- Do the areas of noncompliance suggest a need for additional training or supports on a particular area?



Resources

CSI School Compliance Policy

<http://go.boarddocs.com/co/csi/Board.nsf/goto?open&id=APE6QN161099>

Legal and Policy Resource Page

<https://resources.csi.state.co.us/legal-and-policy-library/>

CSI Calendar

<https://www.csi.state.co.us/calendar/>



Thanks!

Any questions?

Contact me at:

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