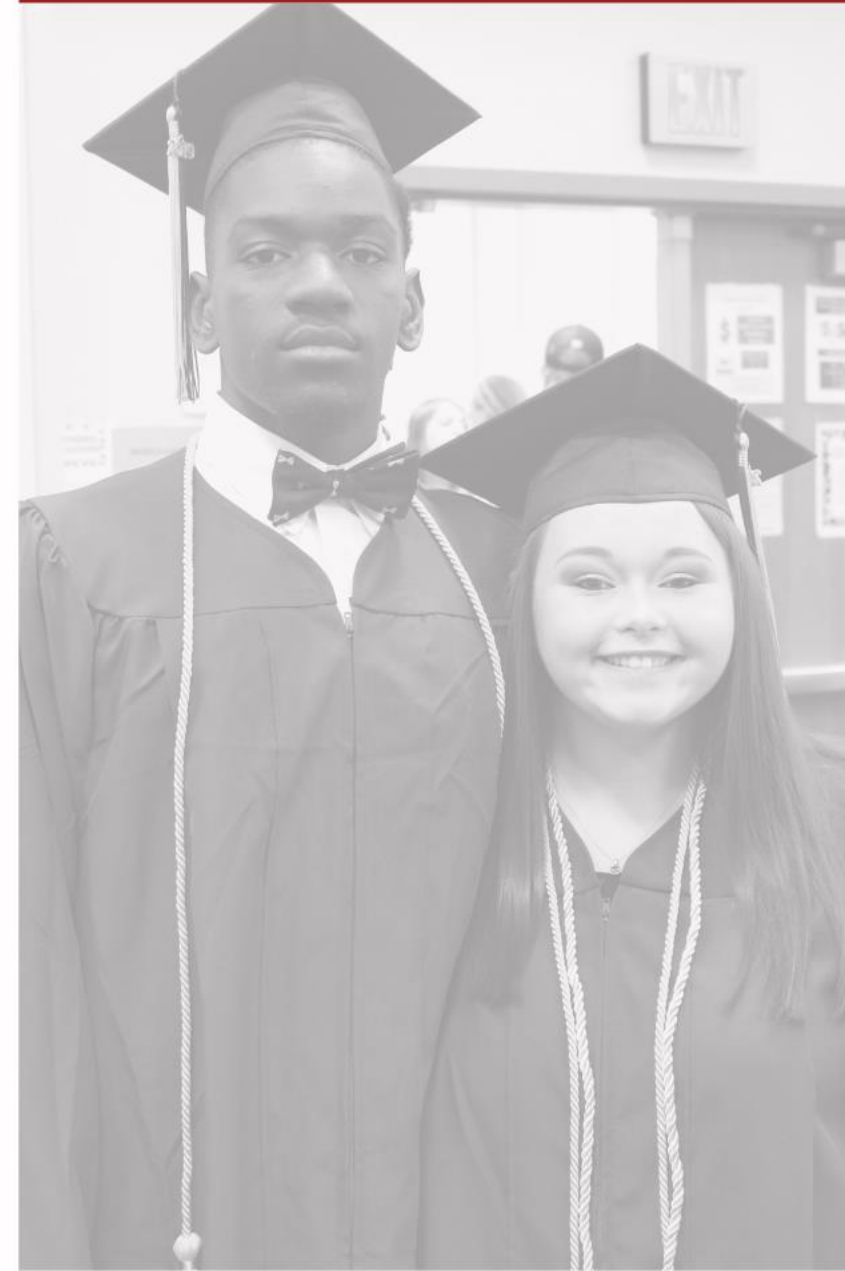


*The Charter Institute at*  
**Erskine**

.....  
**New Charter Summer Session III**  
**Governance and Organization**  
October 7, 2020

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# Discussion Topics



## **Planning Committee Composition, Transition, and Board Governance**

Paula Gray

Director of School and Board Relations

[boardrelationsdir@erskinecharters.org](mailto:boardrelationsdir@erskinecharters.org)

# Planning Committee Composition and Transition

- Your Planning Committee may have as many members as you would like, however, according to the Charter School Act, at least one must be a teacher.
- All Planning Committee members must have at least a SLED background check, which can be run by the Institute.
- The Planning Committee governs through the application process and until the election of a board of directors is held. After the election, the board of directors of the corporation must be organized as the governing body and the charter committee is dissolved.
- The Planning Committee should also attend offered trainings and workshops to better prepare for writing a charter and planning the opening of a new school.

# Planning Committee Pitfalls

- Planning Committees meet throughout the application and approval process and continue to meet until a full Board is elected. Many do not realize that all meetings are PUBLIC and as such they must comply with the Freedom of Information Act when preparing and posting agendas and minutes for full transparency.
- Charter applications and Board bylaws have a tendency to state that the Head of School or Principal will be evaluated “annually”. This is too vague. A specific month for the evaluation should be stated, as well as the tool that will be used for the evaluation. The evaluation may be discussed during Executive Session, but a vote to approve the evaluation must be made in Open Session and noted in the minutes.

# Planning Committee Pitfalls

- Another pitfall is for Committees working with an Education Management Organization (EMO). It isn't always clear whether it is the EMO or the Board that hires and evaluates the school leader and often, the charter will have one thing and the bylaws will have something else. Since boards are ultimately responsible for the accountability of the school, the board will want to have the authority to hire and evaluate the school leader, but that needs to be cohesive between the application and bylaws.
- Boards also need to evaluate the EMO and the process and timeline for doing so need to be in the charter application and the Board bylaws. Once again, "annually" is not sufficient. The EMO evaluation is to be noted in Board meeting minutes, too.

# Transition

- After the school opens, the Planning Committee will transition to a new role until there is an actual Board election. Planning Committees need to provide clarity in the charter application as to how this transition will take place.
- Your Planning Committee may have members that will take on roles at the school such as school leaders, advisors, or teachers and as such would not be able to transition to a board-like role. The application needs to include a solid plan for what happens next and how you will handle this in-between stage.

# Transition

- Some groups will continue to call themselves a committee, while others may call themselves the Founding Board. Either way, you must have a written plan and know who is staying and who is not and how to fill vacancies until a full board is elected. Your transitional committee should be composed of the same make-up your Board will have after the election, as stated in the Board Bylaws.
- Upon transition from a Planning Committee to an elected Board, all members must undergo Board Orientation within their first year in office with the Public Charter School Alliance of South Carolina.

# Board Governance

- After the Board election, the Board becomes the governing body of the school and takes over for the Planning Committee or Founding Board. The Board is also a public body and notices/agendas must comply with the Freedom of Information Act when holding meetings. All meetings are open to the public and the Board must be transparent.
- Not only does the Board need to be sure the documents, such as agenda and minutes are prepared correctly, they must ensure that notices are posted on time, minutes are posted upon approval, and a meeting schedule is posted each school year. These are items that can easily be forgotten and serve as huge pitfalls for Boards and schools.



# Board Governance

## Founding Documents

- Board Bylaws
- Articles of Incorporation
- Board Adopted Policies
- Contract with EMO, if applicable
- Organizational Chart
- Contract with Institute

# Board Bylaws

- Bylaws are the rules and principles that define your governing structure. They serve as your architectural framework. They define the size of the board and how it will function; roles and duties of directors and officers; rules and procedures for holding meetings, electing directors, and appointing officers.

# Articles of Incorporation

- Articles of incorporation are a set of formal documents filed with a government body to legally document the creation of a corporation. A corporation must file with the South Carolina Secretary of State pursuant to S.C. Code of Laws Section 33-31-202 of the 1976 S.C. Code of Laws, as amended.

# Board Adopted Policies

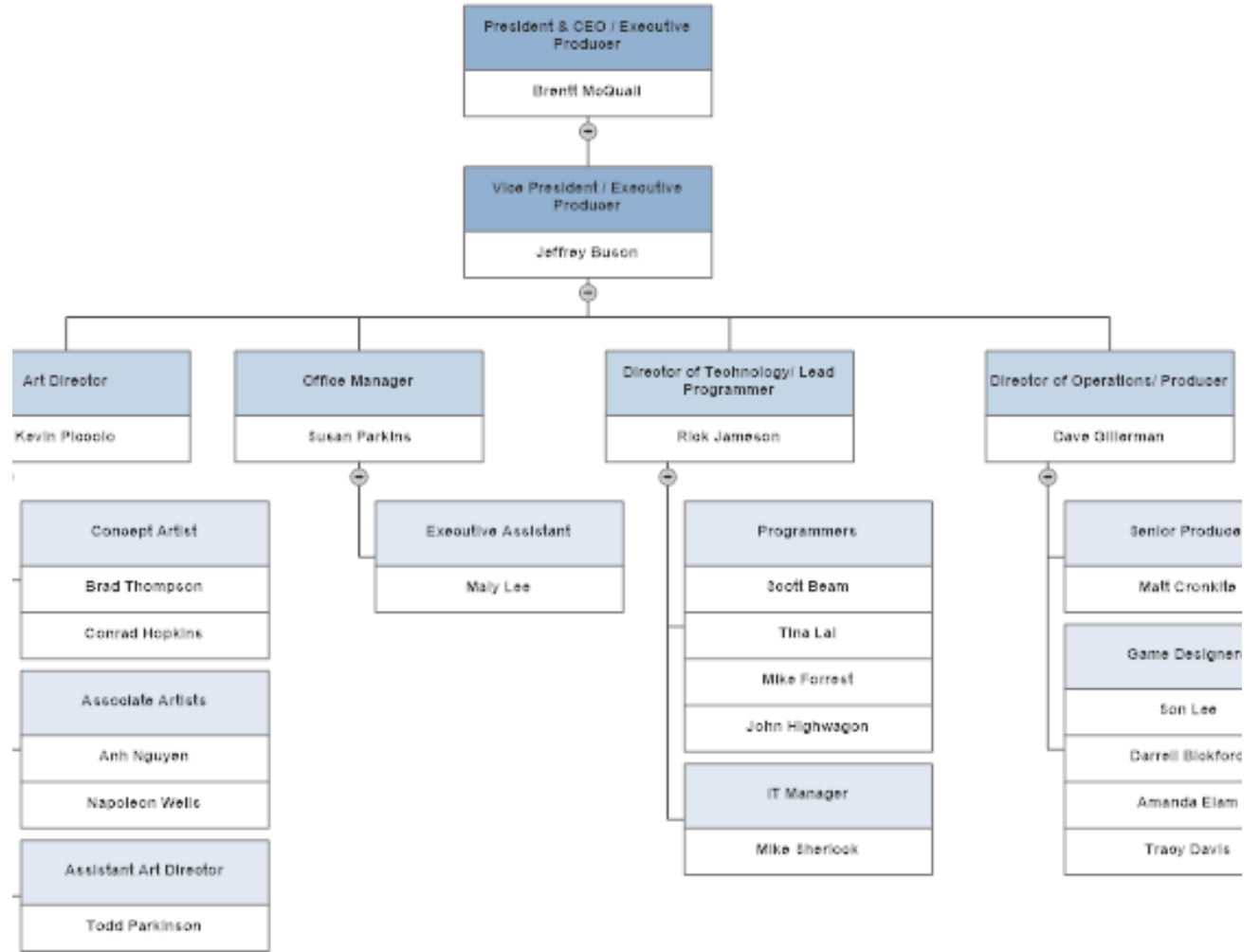
- The Committee/Board is responsible for developing and adopting policies and procedures for the school. Policies should be developed and at least submitted in draft form soon after the application is approved. Examples of policies are Conflict of Interest and Nepotism Policy; Fiscal policies and procedures that are consistent with state requirements and the responsible use of public funds such as payroll policy, procurement policy, credit card policy, and signature policy; travel and meal policies; school training policy, etc.

## Contract with EMO, if applicable

- If your school is contracting with an EMO, please make sure the Institute has a copy of your contract as soon as possible. This contract should spell out who is responsible for what and should match what is in your charter and Board bylaws.

# Organizational Chart

Be sure to include an Organizational Chart that shows which positions report to whom in the organization.



## Contract with the Institute

- The contract with the Institute is a very important document that should be completed a few months prior to the school's opening date. As soon as the contract is received, action should be taken to have the document reviewed by the Committee/Board, signed and returned to the Institute. A school should not be opened without a signed contract.

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# New Charter Summer Session III

## Enrollment & Lottery Process & Student Conduct, Rights & Responsibilities

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Public Charter School Alliance  
of South Carolina

Schools for South Carolina's Future



**Patti Rubenzer, Director of School Development**

## Enrollment & Lottery Process

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State Law 59-40-50

According to SECTION 59-40-50 there are certain things you **MUST** do.

A charter school must:

(7) **admit all children eligible to attend public school to a charter school, subject to space limitations**, except in the case of an application to create a single gender charter school. **However, it is required that the racial composition of the charter school enrollment reflect that of the local school district in which the charter school is located or that of the targeted student population of the local school district that the charter school proposes to serve, to be defined for the purposes of this chapter as differing by no more than twenty percent from that population.**

This requirement is also subject to the provisions of Section 59-40-70(D). **If the number of applications exceeds the capacity of a program, class, grade level, or building, students must be accepted by lot, and there is no appeal to the sponsor;**

# Enrollment Preference

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## Who can receive preference?

- Single Gender
- Siblings
- Up to 20% preference to employees and charter committee members
- Federal Military families if located on a base (currently one school).

## What does 59-40-50 (8) say?

A charter school must:

**(8) not limit or deny admission or show preference in admission decisions to any individual or group of individuals, except in the case of an application to create a single gender charter school, in which case gender may be the only reason to show preference or deny admission to the school;**

# Racial Composition

59-40-50

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(D) In the event that the racial composition of an applicant's or charter school's enrollment differs from the enrollment of the local school district in which the charter school is to be located or the targeted student population of the local school district by more than twenty percent, despite its best efforts, the board of trustees or area commission from which the applicant is seeking sponsorship shall consider the applicant's or the charter school's recruitment efforts and racial composition of the applicant pool in determining whether the applicant or charter school is operating in a nondiscriminatory manner. **A finding by the board of trustees or area commission that the applicant or charter school is operating in a racially discriminatory manner justifies the denial of a charter school application or the revocation of a charter** as provided in this section or in Section 59-40-110, as may be applicable. A finding by the board of trustees or area commission that the applicant is not operating in a racially discriminatory manner justifies approval of the charter without regard to the racial percentage requirement if the application is acceptable in all other aspects.

# Enrollment Appeal & Exception

## 59-40-50

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### Appeal

- (C)(1) If a charter school denies admission to a student, the student may appeal the denial to the sponsor. The decision is binding on the student and the charter school.

### Exception

- (2) If a charter school suspends or expels a student, other charter schools or the local school district in which the charter school is located has the authority but not the obligation to refuse admission to the student.

# Alternative Ed. Campus (AEC)

## 59-40-111

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- This designation is approved by your sponsor.
- Weighted lotteries can only be used in conjunction with an AEC
- AEC's are still open to all students, regardless of special need/disability or lack thereof
- 59-40-111 spells out exact combinations to be eligible for this special designation.

# Open Enrollment & Lottery

## What should your application detail?

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- The date span of Open Enrollment
- How the application will be accessible – online? Paper?
- Who will be exempt from the lottery? Siblings of current students, planning committee members, staff kids.....
- When will your lottery take place?
- What format?
- Who will run it?
- When will the families be notified if a lottery is needed and the status?
- Do lotteries need to be public?

# Student Conduct, Rights & Responsibilities

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# FERPA

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- Family Education Rights and Privacy Act is a federal law that governs the privacy of student records. Applies to all schools that receive federal funds.
- All charter schools are required to follow the requirements of FERPA with regard to student records.
- In general, **student records cannot be disclosed to third parties** without the consent of the parent (or student if 18 or older), except under limited circumstances.
- FERPA sets out the exceptions to this rule
- School must give notice to parents of their rights under FERPA-usually in student or parent handbook.

# 59-40-60

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- (14) a description of student rights and responsibilities, including behavior and discipline standards, and a reasonable hearing procedure, including notice and a hearing before the board of directors of the charter school before expulsion;
- Who will be on your expulsion board?

# Discipline

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- How will your school create a mission focused discipline policy?
- Will you eventually serve students in multiple grade levels that span elementary, middle and high school? How will the discipline change to meet the needs of the student?
- Will your students & parents/guardians receive a handbook? Will they be required to read and sign a conduct compact?
- What actions lead to different levels of your discipline policy?

# Sound Policy Creation

---

- The board assigns a team to draft new policy
- Who would be key people to include?**
- Write policy draft
- Be careful not to be too detailed—the means belongs to the administrator.  
Recognize the difference between policy and procedure
- Ask legal counsel to review if pertinent
- Present policy draft to the board for approval
- Use samples and examples, but do not do adopt just any policy!**

# Discipline of students with disabilities

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- Make sure your charter application specifically outlines discipline for these students.
- Will hours be made up for students who may miss services due to suspension?

# Discipline for all students?

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- How do you handle due process?
- Parent accountability?
- Missed work?
- Is there a matrix that shows offense = action?
  - Make sure it is age/grade specific
  - Include this with your application

Patti Rubenzer

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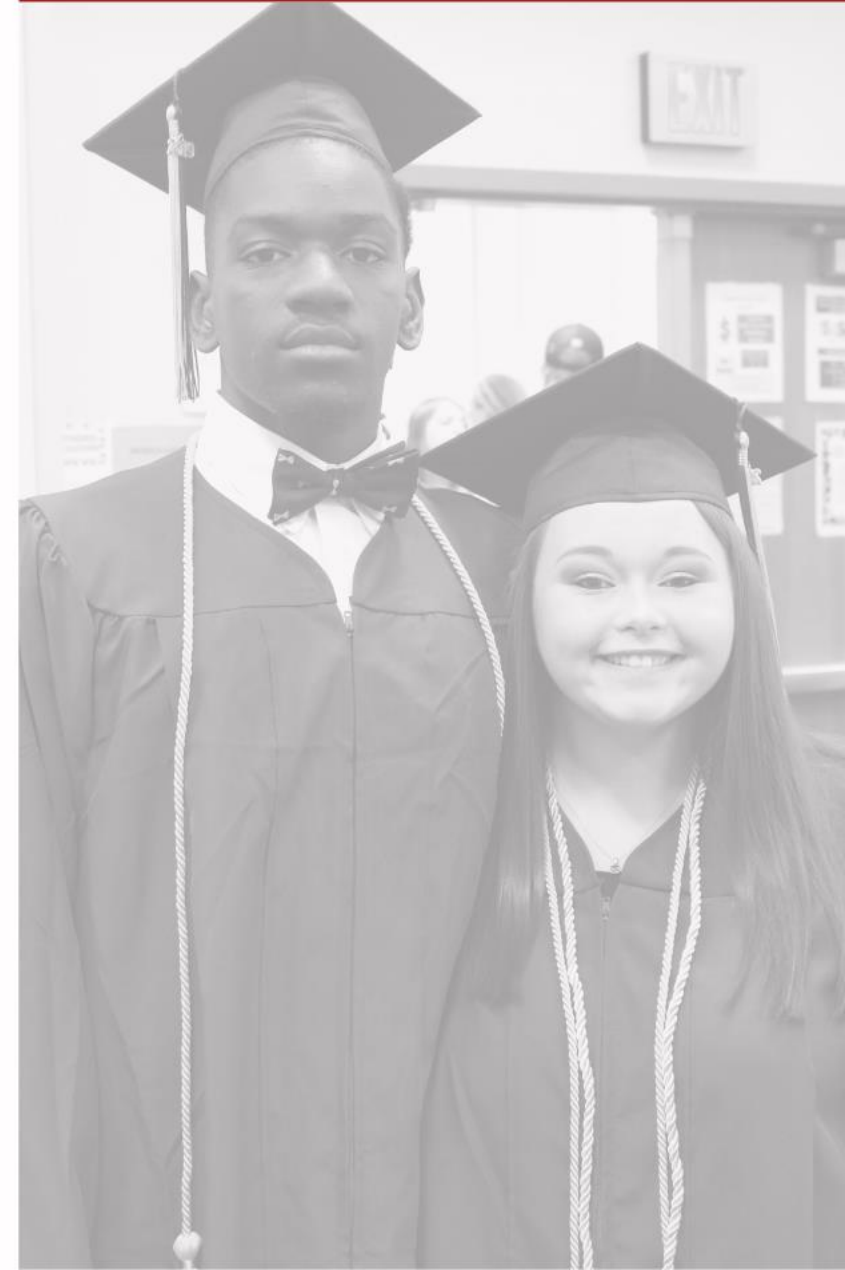
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## New Charter Summer Session III Administrative Structure and Evaluations Certification and Renewals

October 7, 2020

CREATIVE MINDS  
INNOVATIVE SCHOOLS  
EFFECTIVE RESULTS

CHARTER INSTITUTE  
at ERSKINE





# Discussion Topics



**Administrative Structure and  
Evaluations**

**Dr. Sherri Herbst**

Director of State and Academic  
Programs

**Certification and  
Renewals**

**Paula Gray**

Director of School and Board  
Relations

# Administrative Structure

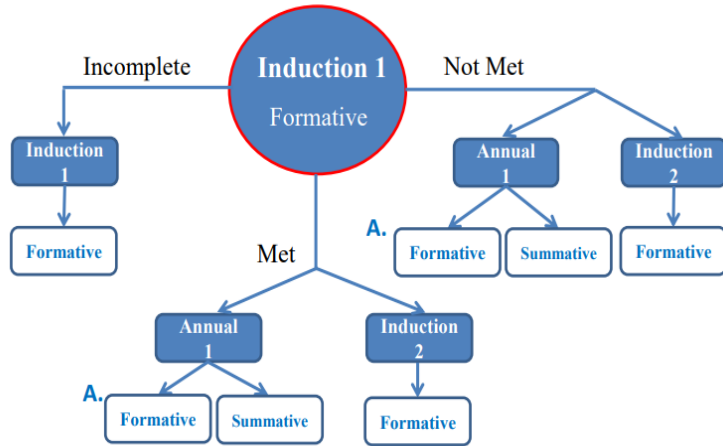
- Describe the Administrative structure of the school.
- What capacity and experience will be sought for school leadership and management team?
  - Include job descriptions of the administrative positions, including the school leader and any other administrative staff with a clear delineation of employee classification and who is responsible for employment decisions and oversight at each level.
  - Explain how the capacity of the school's administrative team is tied to the mission, organizational sustainability, and student achievement.
- Describe the process for hiring the lead administrator.
  - How will the charter committee transition leadership responsibilities to the lead administrator?
- How will parents, professional educators, and community members be involved in the operation of the charter school?
- Describe the capacity building plan for leadership and staff development with funding reflected in the budget.
- Describe the process for evaluating the school leader and management company (if applicable).
- **Additional Requirement for Replication Schools:**
  - Describe any involvement with the replication of existing successful public charter schools.

# ADEPT

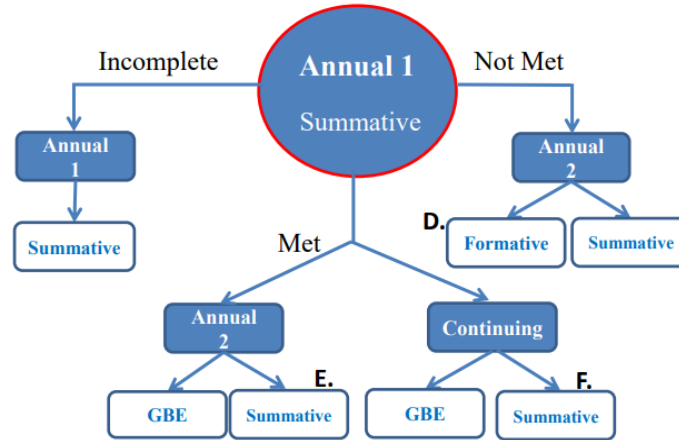
## Assisting Developing and Evaluating Professional Teaching

### ADEPT Contract Levels and Evaluations

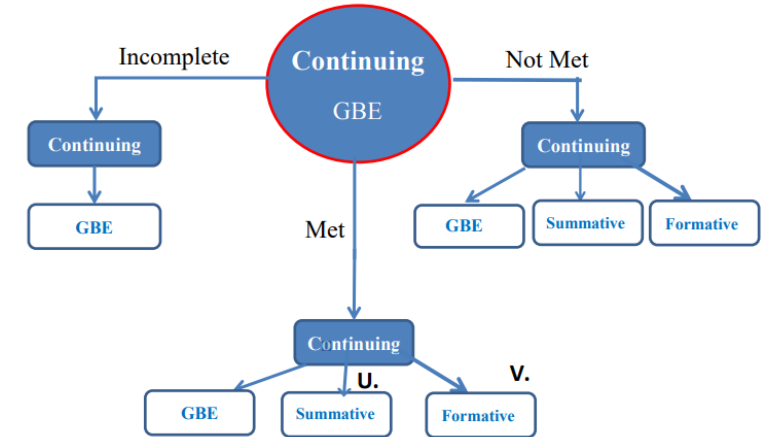
Initial Certificate (trained mentor required)



Initial Certificate



Professional Certificate



Teachers coming from out of state with a professional certificate require an evaluation the first year.

The type of certificate issued by SCDE determines the type and level of evaluation an educator will need when hired by a school. Each charter school is responsible for completing the evaluation process for each educator and entering the data into the [SCLead system](#). Evaluators must be trained SCTS 4.0 educator evaluators. Each educator with a SC certificate must create an account in [SCLead](#).

# Alternative Certification Programs

Teachers in an alternative certification program such as PACE, ABCTE, etc. must provide proof of employment **every** year they are in the program. This proof is in the form of a Confirmation of Employment form. All forms should be turned in upon hire and for subsequent years, in April, prior to the next school year, to the Director of School and Board Relations. The Superintendent will sign the form verifying that this teacher is employed with a school authorized by the Institute and the form will be scanned and emailed to the Office of Educator Services for processing. Information for Alternative Certification may be found at <https://ed.sc.gov/educators/alternative-certification/>.

# PADEPP

Program for Assisting, Developing, and Evaluating Principal Performance

## Evaluating School Leaders/Principals

- Through the charter application, MOU, and or the supervisory relationship with the sponsor, charter schools must establish how they evaluate employees including the principal or school leader. Charter sponsors have discretion over how much of this flexibility they pass along to schools they sponsor.
- Charter schools may choose to use the state principal evaluation model, PADEPP, or another model of their choosing if their evaluation model is in line with their charter application and agreements with their sponsor.

## Resources:

- [Institute Student Success Profile](#)
- [South Carolina PADEPP template](#)
- [SCDE PADEPP Evaluation Process Overview Document](#)
- [Institute Template for School Leader Evaluation](#)

PADEPP Standards and Criteria emphasize the core responsibilities that are most critical to improve the academic success and well-being of children.

1. Vision
2. Instructional Leadership
3. Effective Management
4. Climate
5. School/Community Relations
6. Ethical Behavior
7. Interpersonal Skills
8. Staff Development
9. Principal's Professional Development

**Performance levels:**

Exemplary

Proficient

Needs Improvement

Unsatisfactory

Principal evaluators are trained by SCDE – Usually Board Chair or Designee

# Applying for a South Carolina Certificate

- All teachers applying for a South Carolina certificate, even those with reciprocity from other states, must apply through the SC Department of Education portal at <https://ed.sc.gov/educators/certification/apply/>.

Requirements are:

- Complete the application.
- Undergo a Fingerprint and Criminal Records Review.
- Provide transcripts and other required materials as stated in the application.
- Pay the \$105 processing fee.

# Professional Teacher Certificate Renewals/Extensions

Teachers with professional certificates must renew every 5 years. If they are employed by a public school district, then it is the responsibility of the district (Institute) to enter their renewal credits and set them up for renewal. Teachers are required to earn 120 renewal credits and that can be done in several ways, but there are certain requirements which may be found at <https://ed.sc.gov/educators/certification/maintaining-certification/renewal/>. Teachers are responsible for sending in their documentation and/or official transcripts to the Director of School and Board Relations – [boardrelationsdir@erskinecharters.org](mailto:boardrelationsdir@erskinecharters.org).



- If a teacher is unable to acquire the credits needed, in the required ways, a teacher with a professional certificate may request a one-year extension. Please contact the Director of School and Board Relations – [boardrelationsdir@erskinecharters.org](mailto:boardrelationsdir@erskinecharters.org) if this is needed. PLEASE KEEP IN MIND THAT A PROFESSIONAL CERTIFICATE MAY ONLY BE GRANTED AN EXTENSION ONLY ONE TIME.

# Initial Teaching Certificates

Teachers with initial certificates must complete the requirements of ADEPT before their certificate will upgrade to professional. They are given three years to complete these requirements. If they cannot complete ADEPT during those first three years, one-year extensions may be granted until they do. Please contact the Director of School and Board Relations – [boardrelationsdir@erskinecharters.org](mailto:boardrelationsdir@erskinecharters.org) if an extension is needed.

Paula Gray - Director of School & Board  
Relations

[boardrelationsdir@erskinecharters.org](mailto:boardrelationsdir@erskinecharters.org)

Dr. Sherri Herbst

[stateprogramsdir@erskinecharters.org](mailto:stateprogramsdir@erskinecharters.org)

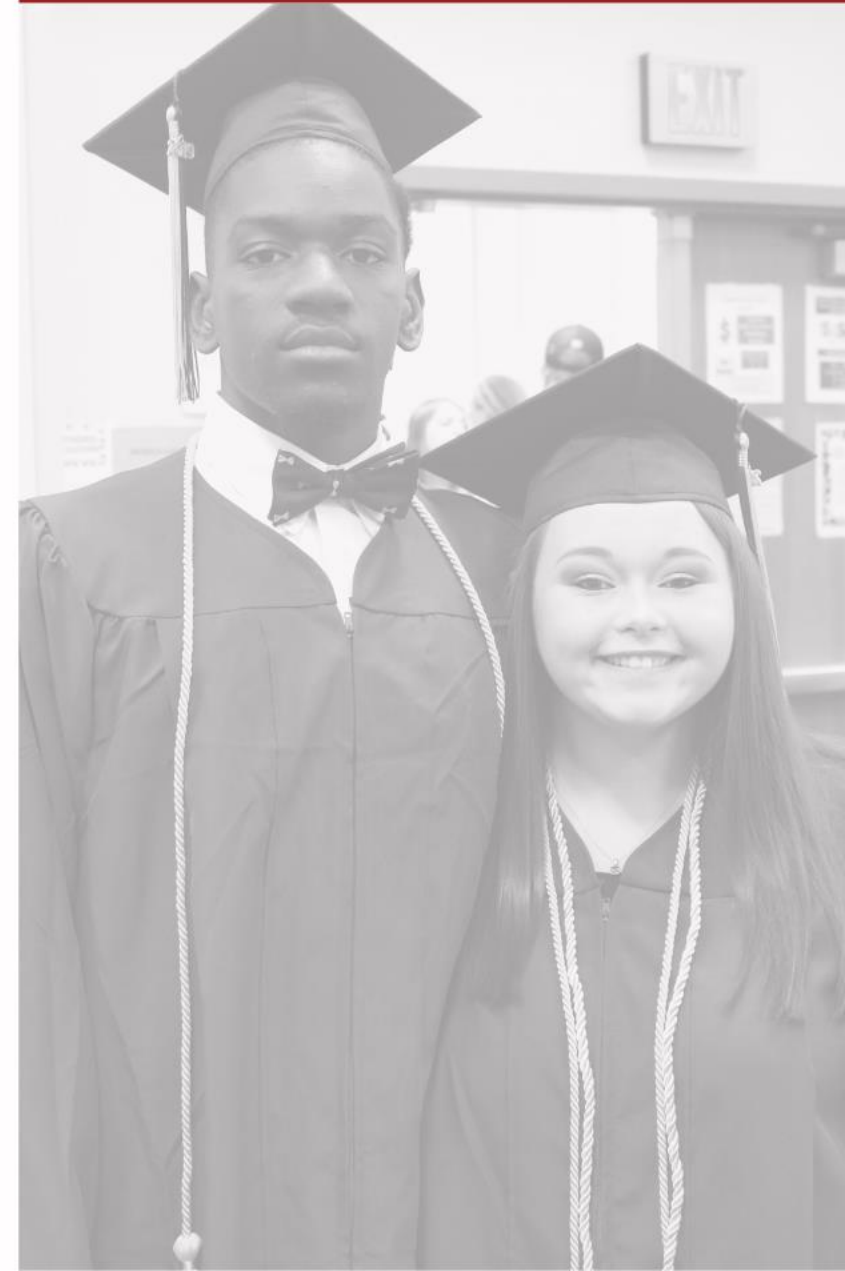


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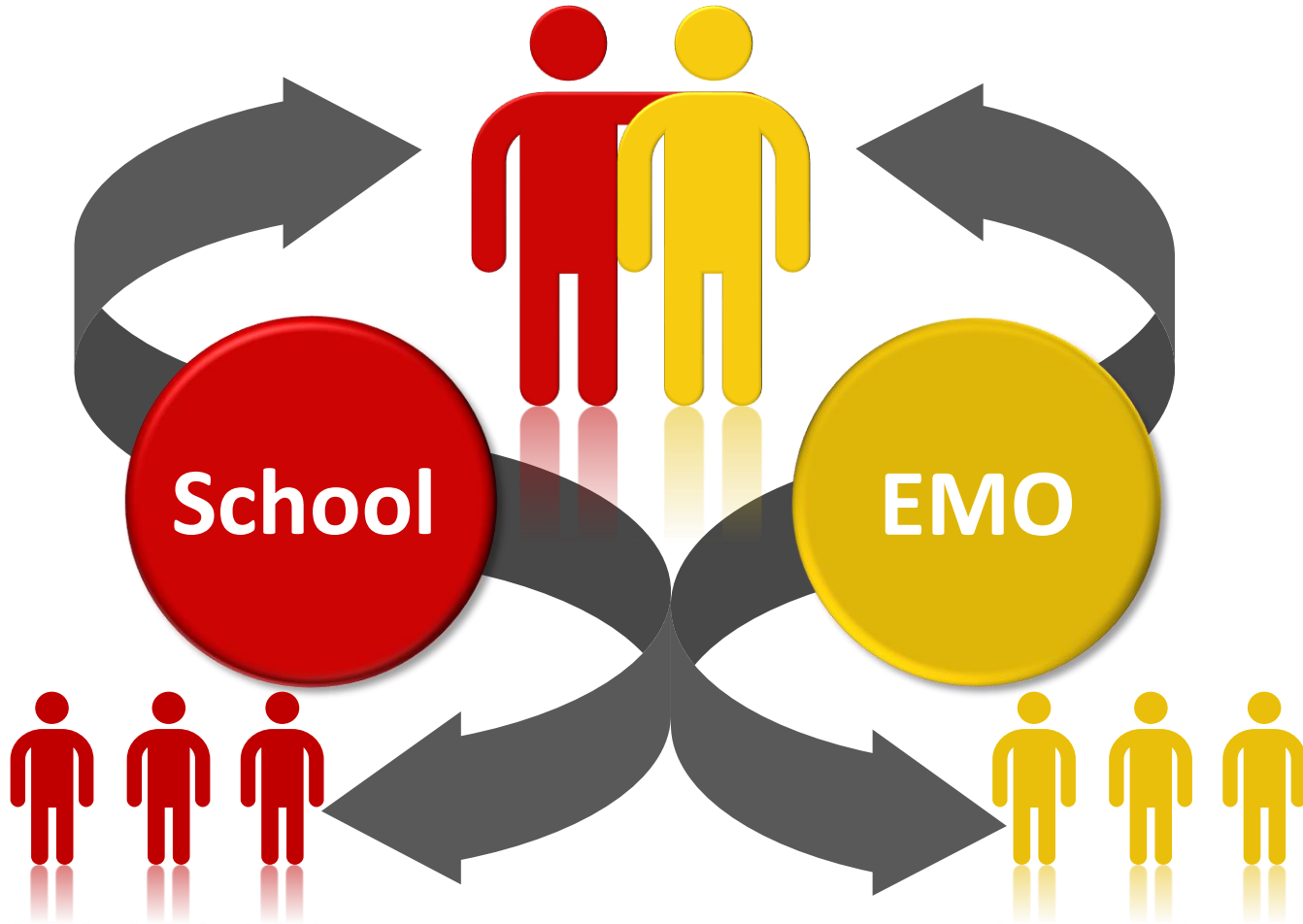
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**School Management**  
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# WE FREQUENTLY SEE THE USE OF EMOs/CMOs



**The Institute supports the use of EMOs.**

Nearly 46% of Institute schools utilize support from an EMO for implementation of the educational program and/or operational support. In our role, we look for five key things:

- Due Diligence in Selection
- Preservation of Board Duties
- Clear Division of Responsibilities
- A Scope of Service
- Methods of Evaluation

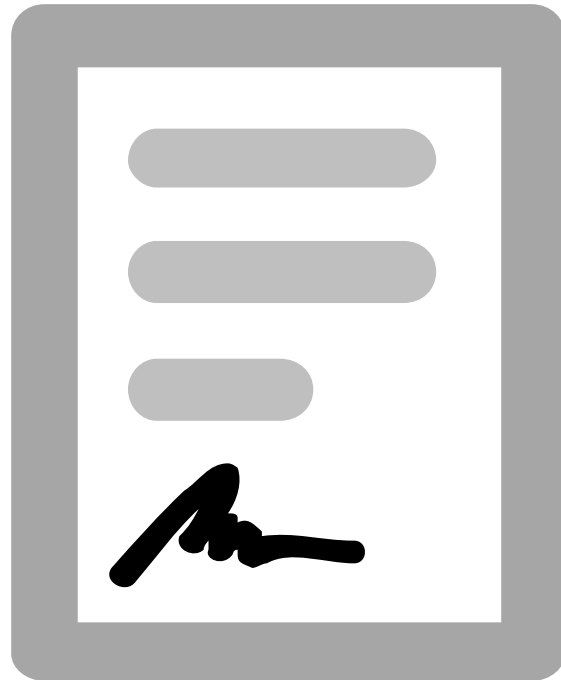
# INSTITUTE APPROACH TO REVIEW



## History and Resources

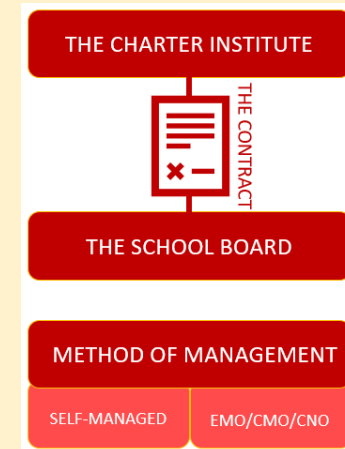
1. The Institute noticed patterns in applications of misalignment between founding documents.
2. We also observed an inability to answer key questions during the interview on things like scope of service, employment, reporting, even translating out-of-state structures to South Carolina.
3. The Institute developed a policy to establish those expectations and standards up front.
4. We also developed a checklist of pieces to use in development of your agreements.

# THE PRIMARY RELATIONSHIP



## Who holds the charter?

- A charter is awarded to a planning committee.
- The contract between the Institute Board and the School Board is the primary charter relationship.
- It supersedes other arrangements.



# CHARTER APPLICATION REQUIREMENTS

## SAMPLES OF WHAT IS COLLECTED:

- Evidence that the EMO has successfully managed other schools (business, operations)
- Evidence that other schools with the EMO have success with similar student populations (academic)
- A clear description of the proposed terms of service, costs, and multi-year plan for increases or decreases (including fees outside of the contract, loans, investments, terms of payback)
- The process and method of oversight and evaluation that will be used by the board
- A clear assessment of any existing or potential conflicts of interest between the board, EMO, employees, and any entities
- Evidence that the board is independent from the EMO, including independent legal representation
- A draft contract for review
- Evidence the EMO can do business in SC

## Due Diligence

- There were 115 total measures assessed in the last model charter application
- For schools intending to contract with an EMO/CMO, 12% of all measures evaluated are specific to assessing the proposed relationship
- It is the most heavily weighted indicator in the charter application





# BOARD RESPONSIBILITIES NOT DELEGATED

**59.40.50** A charter school must:

- (1) adhere to the same health, safety, civil rights, and disability rights requirements as are applied to public schools;
- (2) meet the same minimum student attendance requirements as are applied to public schools;
- (3) adhere to the same financial audits, audit procedures, and audit requirements as are applied to public schools;
- (4) be considered a school district for purposes of tort liability under South Carolina law;
- (5) in its discretion hire noncertified teachers in a ratio of up to twenty-five percent of its entire teacher staff;
- (6) hire or contract for, in its discretion, administrative staff, including a school leader, to oversee the daily operation of the school;
- (7) admit all children eligible to attend public school to a charter school, subject to space limitations;
- (8) not limit or deny admission or show preference in admission decisions to any individual or group of individuals;
- (9) consist of a board of directors of seven or more individuals with the exact number specified in or fixed in accordance with the bylaws;
- (10) be subject to the Freedom of Information Act, including the charter school and its governing body;
- (11) be subject to the ethics and government accountability requirements for public members and public employees as contained in Chapter 13, Title 8.

## Preservation of Duties

- Financial Responsibilities:
  - Procuring a financial audit
  - Receiving state and federal dollars
  - Approving and amending the annual budget
  
- Operational Responsibilities:
  - Conducting regular meetings
  - Adopting policies that direct and govern operations
  - Making determinations on administrative/leadership staffing
  - Ensuring faithful implementation of the charter



# DEVELOPING THE AGREEMENT

## Management Agreement

A charter school that intends to contract with a management company to provide all (or a substantial proportion) of the educational services must provide a copy of that agreement or contract to the Institute. This document contains some essential components and best practice elements of a strong agreement between a school and its management company.

### Checklist of Considerations

Did you...	Yes?
1. Explicitly reinforce compliance with all state and federal laws as required by the Institute.	<input type="checkbox"/>
2. Include a description of the specific services that the management company will provide and the responsibilities of the board of directors with those services. Be sure to address responsibilities explicitly required by law, such as the development of the Annual Report (Section 59-40-140).	<input type="checkbox"/>
3. Describe the relationship between the service provider and the board. This must clarify how the parties will engage in employee hiring, evaluation, dismissal, and grievances.	<input type="checkbox"/>
4. Clarify that the board does not abdicate its legal or fiduciary responsibilities as the entity holding the charter. This should include a specific provision that the board will procure the financial auditor and oversee the independent financial audit. Additionally, if the service provider will contribute to budget development, back office support, or any other financial services, the agreement should ensure the board has the ultimate responsibility for establishing and approving the budget.	<input type="checkbox"/>
5. Include a direct reference to the accountability channels that will exist between the board, the service provider, and the administration. This should include a commitment by the service provider to achieve explicit measurable goals stated in both the agreement and the charter, as well as a description of when and how the board will evaluate the provider's progress towards achievement of those goals.	<input type="checkbox"/>
6. Include a clear method for determining the service provider's compensation. Methods of compensation should indicate all contract payments, lease payments, management fees, administrative fees, licensing fees, expenses, and any other amounts payable to the service provider and under what conditions these amounts are payable.	<input type="checkbox"/>
7. Indicate which sources of revenue any fee is based, especially if it is dependent upon a percentage of the school's revenues. This should specify categorical funding where relevant.	<input type="checkbox"/>
8. Require that the service provider furnish the school with all information deemed necessary by the school for the proper completion of budgets, audits, program plans, and other required state or sponsor reporting. This should include an assurance that all financial reports prepared by the service provider will adhere to generally accepted accounting principles (GAAP).	<input type="checkbox"/>
9. Ensure that budgets prepared by the charter school include all revenue anticipated and all actual expenses, as well as anticipated expenses and incidentals, associated with the operation and management of the charter school. This arrangement should require that the service provider submit invoices and supporting documentation to justify expenses.	<input type="checkbox"/>
10. Ensure that all loans to, or investments in, the school by the service provider are evidenced by appropriate documentation. Such documentation should explain how the investment will be treated on the books of the charter school and clearly state the service provider's expected return on equity.	<input type="checkbox"/>

### Choosing Management

- 1. Comprehensive v. Custom.** Identify needed services and supports prior to selection and negotiation. Often, some needs may be met at no cost by your sponsor or other charter support organizations, such as the Alliance.
- 2. Measurable Objectives.** Develop goals and objectives prior to selection and negotiation. Ensure prospective management companies can commit to the time bound, measurable goals that you identify.
- 3. Shop Around.** Write an RFP if possible and be sure to conduct comprehensive due diligence. Compare services *and* costs. Most importantly, do your own research beyond what is provided by the prospective companies; ensure alignment with your target population.
- 4. Understand Your Trade-Off.** Larger companies may have more financial resources, centralized expertise, and offer economies of scale for services throughout its portfolio. Smaller companies may provide more attention and customized support.



## Division, Scope, & Evaluation

As stated in the charter contract, a school may not amend or enter into an agreement for management services without prior approval of the Institute Board.

To operationalize this, the Institute developed a policy and checklist of items for use in drafting the agreement.

This policy and checklist is available on our website.

# CHECKLIST REVIEW: STRUCTURE

- No provision of the EMO contract shall interfere with the charter school board's duty to exercise its statutory, contractual and fiduciary responsibilities governing the operation of the school;
- No provision of the EMO contract shall conflict with the school's charter, this contract, Sponsor policy at the time the EMO contract was entered into, or applicable state and federal statutes, laws and regulations;
- The EMO contract shall not restrict the charter school board from waiving its governmental immunity or require a charter school board to assert, waive or not waive its governmental immunity;
- The EMO Contract must provide that all funds received by the school belong to the school and not the EMO;
- The maximum term of the EMO contract must not exceed the term of the charter and must provide that the EMO contract automatically terminates upon revocation or termination of the charter.

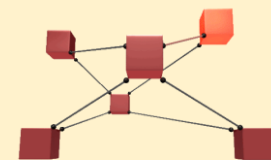
## Summary:

In structure, we review to ensure:

The board is not delegating core responsibilities

The agreement does not conflict with founding documents

The term length does not deviate from the length of the charter



# CHECKLIST REVIEW: OWNERSHIP

- The EMO contract must provide that the educational and student records pertaining to the School are the School's property, must be reasonably accessible (physically or virtually) at the School's location. Records must be subject to federal and state privacy laws and to the provisions of South Carolina's Freedom of Information Act;
- Any equipment, materials and supplies purchased by the EMO on behalf of the School for use by School (excluding EMO equipment, materials, and supplies) are property of the School, and EMO shall not charge any added fees or other costs related to procurement of such equipment, materials or supplies; provided however, that the school may lease equipment from the EMO or purchase equipment from the EMO on credit as long as any lease or credit arrangement is recorded as a liability in the school's accounting records.
- The EMO contract must identify any curriculum or educational materials for which EMO claims ownership or proprietary rights;

## Summary:

In ownership, we review to ensure:

Records belong to the School

The purchasing and ownership of equipment and materials is specified

Proprietary rights are outlined



# CHECKLIST REVIEW: FINANCES

- The EMO contract must include a provision identifying any deficit credits or other expenditure of funds that may be required to be repaid by the school as indebtedness by the school to the EMO and that such deficit credits are not income to the school or to the Sponsor; and, that such deficit credits require the agreement of the School.
- The EMO contract must not require the repayment of deficit credits as a condition of renewal, or promise to forgive deficit credits as a condition of renewal;
- The EMO contract must provide that the charter school's board will select and retain an independent accounting firm to perform an annual financial audit;
- The EMO contract must require that all EMO records related to the school be available to the school's independent auditor and must require the EMO to cooperate with the school's independent auditor;
- The EMO and the School must maintain sufficient funds in the School's budget for at least the following: independent legal counsel, an independent auditor, and sufficient funds to hire staff or other consultants necessary to oversee the performance of the School.
- The EMO contract must contain insurance and indemnification provisions outlining the coverage the EMO will obtain, which shall be separate from and in addition to the insurance purchased by the school as set forth in the charter application and as required by S.C. Code Ann. § 59-40-190;
- The EMO contract shall provide that the marketing plan provided by the EMO is approved by the charter school Governing board. The EMO Contract shall provide that marketing and development costs paid by or charged to the School must be limited to costs specific to the School, and shall not include any costs for the marketing and development of the EMO or any other school served by the EMO.

## Summary:

In finances, we review to ensure:

The fee terms, sources, and processes are specified

Plans are outlined for debt repayment

Independent legal counsel

Add-on services are addressed

# CHECKLIST REVIEW: EVALUATION & TERMINATION

- The School board must develop and implement an annual evaluation process by which it evaluates the EMO using specific academic performance measures aligned with the charter, Sponsor policy and federal and state performance standards. The process must include methods for addressing unsatisfactory performance.
- The EMO contract must contain a provision permitting the School to terminate the contract due to unsatisfactory performance by the EMO, including but not limited to failure to provide educational products or services that produce improved student academic achievement.
- The EMO contract must provide that termination be made in a manner that is least disruptive to students and at least 90 days-notice must be provided prior to termination except where the health and safety of students is a concern. The EMO contract shall not require advance notice of termination or non-renewal that exceeds 180 days. If necessary, within 365 days the School will amend its EMO Contract to include a provision requiring the School to be in compliance with this provision.

## Summary:

In evaluation, we review to ensure:

The process and measures used to assess the performance of the EMO

The provisions for termination

The sustainability of the School in the event of termination (this includes staffing)

# Additional Considerations

## Time to Begin Questions



### Things to think about:

- Don't plan to plan. Identify your services, your fee structure, and your evaluation timelines/measures up front.
- Identify responsibilities b/w EMO employees, school admin, the Board, and the Institute.



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