

Review of Community School Policies (attachment)

That the Board review the following policies in relation to Community School Sponsorship:

Title

Sponsorship Mission and Strategic Plan (A.01)

Sponsor Conflict of Interest (A.04)

Application and Decision Making (B.01; B.02; B.03)

Review of Applications (B.04/E.06; B.05; B.06)

Contract Review Policy (C.03)

Renewal of Sponsored Schools (E.01; E.02; E03)

Termination (E.04)

SPONSORSHIP MISSION AND STRATEGIC PLAN

The Board of Governors understands the importance and value of having a clear sponsorship mission and strategic plan to develop, guide and advance its sponsorship program. This policy relates to the development of Mid-Ohio ESC's sponsorship mission and strategic plan.

The Board shall develop and adopt a sponsorship mission statement that clearly states Mid-Ohio ESC's purpose for serving as a sponsor.

Based on the mission statement, the Sponsor shall develop a strategic plan that will provide clear sponsoring priorities; goals; strategies; action steps with specific measures and metrics; targets; and timeframes for achievement that align to those sponsorship priorities. The Sponsor's strategic plan will also include a defined improvement process to address areas of weakness.

Mid-Ohio ESC's sponsor mission statement and strategic plan shall be made available on Mid-Ohio ESC's website.

Sponsorship Mission Statement:

The Mission of the Mid-Ohio Educational Service Center, as a sponsor of community schools, is to establish a strong public community school by adhering to quality authorizing practices and oversight of the school in accordance with the role of a quality sponsor, and to provide an opportunity to students who may not otherwise participate successfully in public education, in a student-centered manner that results in a high standard of education.

Quality Practices Rubric: A.01 – Sponsorship Mission and Strategic Plan

Adopted: April 19, 2017
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Revised: February 19, 2020
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SPONSOR CONFLICT OF INTEREST

Mid-Ohio ESC shall identify conflicts of interest in accordance with its general Conflict of Interest Policy which is incorporated herein and considered a part of this policy.

Discovering Community School Conflicts of Interest

This Conflict of Interest Policy shall be used by Mid-Ohio ESC's Board of Governors, sponsoring staff, and contractors to determine whether any potential or existing internal or and/or external ethical conflicts exist amongst the Sponsor's Board, staff, and contractors. This Conflict of Interest Policy also shall be used to determine whether an internal or external conflict of interest exists between the sponsor and its community schools.

Mid-Ohio ESC shall require all sponsoring staff members, contractors with sponsoring responsibilities, and Mid-Ohio ESC Board members to complete an annual conflict of interest statement regarding whether a conflict of interest exists.

The conflict of interest statement shall be completed on an annual basis by September 30 of the review year, or within 14 calendar days of a person starting a new position if hired after September 30, and shall be used to determine whether potential conflicts of interest exist.

The Sponsor shall also require the administrators, fiscal officer, and governing authority members of all sponsored community schools to complete an annual conflict of interest disclosure statement and sign a statement affirming the individual's commitment to abide by relevant restrictions on conflicts of interest and public ethics.

Process for Potential Conflicts of Interest

The following process shall be followed to evaluate and resolve any potential conflict of interest:

Each conflict of interest statement shall be reviewed by the Mid-Ohio ESC Superintendent. If a potential or apparent conflict of interest is identified through the conflict of interest statement or through other means, Mid-Ohio ESC shall consult with legal counsel, if necessary. Legal counsel shall provide guidance on how to resolve the conflict of interest. A brief explanation as to the resolution shall be documented in the Mid-Ohio ESC file, excluding any attorney-client confidential information.

Quality Practices Rubric: A.04 – Conflicts of Interest

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APPLICATION AND DECISION MAKING

The Board of Governors recognizes that it may sponsor additional community schools. This policy establishes a process for determining whether it will accept additional community schools and establishes a documented, systematic application.

Application Process

Mid-Ohio ESC shall maintain a documented, systematic application process, which shall require all schools or prospective schools to complete a written application. As a part of this process, Mid-Ohio ESC shall develop a defined timeline that includes a planning stage of at least nine (9) months for new schools and replicator schools. A planning stage is defined as the period between the date Mid-Ohio ESC provides written notification to the School of application approval and the School's first day of instruction.

As part of this process, Mid-Ohio ESC shall also adopt prescriptive requirements for the submission of the application, prescriptive criteria to evaluate the application, and sponsoring priorities. All final applicants shall be entitled to an interview with Mid-Ohio ESC.

The process, including the applications, prescriptive criteria for submission, prescriptive criteria for evaluation, scoring, guidance, and sponsoring priorities, shall be available on the Mid-Ohio ESC's website.

Application criteria for submission and evaluation/scoring shall be based on the type of school applying. All final applicants will have an interview with Mid-Ohio ESC.

1. New School Application Criteria

Mid-Ohio ESC recognizes that some entities or persons may propose new schools ("New School"). New Schools pose unique challenges, as Mid-Ohio ESC cannot evaluate the New School's past performance. The Board, therefore, directs Mid-Ohio ESC's sponsorship staff to create an application that that will enable it to determine whether the New School has the capacity to execute its plan.

The application shall require the New School to provide and/or describe, at a minimum.

- a. a mission statement,
- b. a vision statement,
- c. an education plan,
- d. a staffing plan,
- e. a business plan,
- f. market research,

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- g. the school's proposed governance and administration, including management structures,
- h. the school's proposed management company (if any), and
- i. capacity to execute its plan in all respects, including but not limited to leadership, and both financially and academically.

No New School may be approved without interviewing the applicant.

2. Replicating School Application

Mid-Ohio ESC recognizes that some schools may seek sponsorship by replicating an existing model ("Replicating Schools"). Replicating Schools shall apply through a written application developed by Mid-Ohio ESC. The application shall be reviewed through an application review process.

The application for Replicating Schools shall require the Replicating Schools to provide, at a minimum: (1) a business or growth plan, (2) market research, and (3) an explanation of the particular model. The Replicating School shall also provide Mid-Ohio ESC with the following evidence to review from the other schools upon which the Replicating School is being modeled:

- a. academic data,
- b. sponsors' compliance reports,
- c. governing authority meeting minutes, and
- d. financial records (including recent audits),
- e. business or growth plan, and
- f. market research.

Replicating School shall undergo an interview with both the applicant and the applicant's current sponsor(s).

3. Existing Transferring School Application

Mid-Ohio ESC also recognizes that existing schools may seek to change from their existing sponsor to be sponsored by Mid-Ohio ESC ("Transferring Schools"). Transferring Schools shall apply through a written application developed by Mid-Ohio ESC.

The Transferring School shall also provide Mid-Ohio ESC with the following:

- a. academic data,
- b. sponsor's compliance reports,
- c. governing authority meeting minutes,

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- d. financial records (including recent audits),
- e. any deficiency cited by the current sponsor, and
- f. the Transferring School's written remedies to any deficiencies and results.

Transferring Schools shall undergo an interview with both the applicant and the applicant's current sponsor.

Quality Practices Rubric: B.01 – Application Process, Timeline and Directions; B.02 – Rigorous Criteria for New Schools; B.03 – Rigorous Criteria for Replicators and Schools Seeking a Change in Sponsor

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REVIEW OF APPLICATIONS

Mid-Ohio ESC Reviewer Expertise

Each application for sponsorship shall be reviewed by Mid-Ohio ESC's application review team ("Review Team"). The Review Team shall be comprised of at least three (3) members/reviewers. The Review Team will be identified prior to each school year.

The Review Team may consist of Mid-Ohio ESC staff and, if necessary or desired, external sources. Members shall be selected based on their experience with community schools and/or have experience sponsoring community schools and expertise in the following areas of school planning and operations:

1. Education planning,
2. Governance,
3. Finance,
4. Accountability, and
5. A person with expertise in the mission and implementation of the proposed School, if a niche school as described below.

Mid-Ohio ESC shall endeavor to have at least two (2) reviewers with three (3) or more years of experience in sponsoring community schools. The Review Team shall not have a conflict of interest with any applicants. To ensure no conflict of interest exists, each member of the Review Team shall complete a conflict of interest form prior to reviewing each application.

If an application is from a "niche" school (*e.g.* career technical program, dropout prevention and recovery school, special education school, a school that proposes an area of specialization or an e-school), Mid-Ohio ESC shall add an additional reviewer with expertise in the respective niche.

Reviewer Protocols

Mid-Ohio ESC shall develop specific protocols for evaluating and scoring applications and shall develop an application rubric that aligns with the application requirements. The rubric shall include prescriptive criteria to demonstrate whether: there is clear capacity to operate the school, research data that shows strong market demand for the school, a quality educational program, a solid business plan, and a review of the school's history that does not raise any continuing issues.

Each reviewer is required to individually score each application and document their rating in accordance with the rubric and to specify and cite evidence of their decision for each selection criteria. To ensure that applications are evaluated consistently, Mid-Ohio ESC shall hold an annual training on reviewer protocols, which shall include reviewer calibration as to when the Mid-Ohio ESC Board of Directors accepts applications for new community schools, replicators and schools seeking a change in sponsor. If Mid-Ohio ESC's Board of Governors decides not to

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accept applications in a given school year, the sponsor will be evaluated only on the application review protocols and not on the training portion of the standard.

Decision Making

The Review Team shall provide evidence-based recommendations to the Board of Governors regarding application decisions. The Review Team shall not recommend the approval of an applicant unless (1) the applicant earns a “cut score,” which shall be at least 75% of the points possible and shall be the minimum points that an applicant can earn to receive a preliminary agreement; (2) the applicant’s school is consistent with the Board of Governors sponsoring mission, vision, and strategic plan; and (3) the applicant has completed the interview process. Along with its recommendation, the Review Team as a whole shall cite to evidence relative to whether the applicant meets each of the specified criteria.

Mid-Ohio ESC, at its sole discretion, may choose not to accept applicants or may reject to offer a preliminary agreement to otherwise qualified applicants upon determining that Mid-Ohio ESC does not have capacity, or resources to sponsor additional community schools.

Quality Practices Rubric: B.04 Reviewer Expertise; B.05 Reviewer Protocols; B.06 Rigorous Decision-Making (B.04 also applies to E.06 Renewal Application Reviewer Protocol)

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CONTRACT REVIEW POLICY

The Board of Governors recognizes that the Ohio Department of Education has identified adopting a policy regarding review and modification of Community School Contracts as a quality practice. The Board adopts this policy to be consistent with those quality practices.

Changes in Law

On a continuing basis, Mid-Ohio ESC shall review changes in federal and state laws and rules, school data, and Ohio's accountability system to determine the need for modifying the Community School Contracts.

Changes in Ohio's Accountability System

On a continuing basis, Mid-Ohio ESC shall review school data and Ohio's accountability system and determine whether the Community School Contract performance framework requires modification.

Procedure for Contract Review and Modification

On a continuing basis, but no less than once per year, contract reviews shall be conducted in conjunction with Mid-Ohio ESC's legal counsel, who shall advise on changes in law or rules that impact community schools, and updates to Ohio's accountability system. In the event that legal counsel and the Superintendent or his designee determine that relevant changes necessitate a contract modification, the Superintendent shall direct legal counsel to craft a contract modification to incorporate all necessary contract changes.

Mid-Ohio ESC shall notify each sponsored community school of the justification for any contract modification. Each sponsored community school contract shall require that sponsored schools consent to reasonable contract modifications.

Mid-Ohio ESC recognizes that additional contract modifications may be needed to address isolated issues affecting a single school from time-to-time outside of the scope of the continuing contract review process. In the event that such a contract change is necessary, Mid-Ohio ESC shall consult with legal counsel and direct legal counsel to craft such a modification.

Quality Practices Rubric: C.03 – Contract Amendments and Updates

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RENEWAL OF SPONSORED SCHOOLS

Pursuant to Ohio law, the Board of Governors may renew or non-renew a sponsor contract with a sponsored school. This policy explains the renewal application process and the procedures to be followed if non-renewal occurs. In the event of any conflict, ambiguity or discrepancy between the provisions of this policy and the sponsor contract, the provisions of the sponsor contract shall prevail.

Application for Renewal

The Board requires all community schools sponsored by Mid-Ohio ESC to apply for renewal of their sponsor contract through a renewal application.

The Board directs the Superintendent to develop an application for renewal ("Renewal Application"). The Renewal Application shall require the sponsored school to provide the following:

- a. multiple years of student achievement,
- b. multiple measures of student achievement,
- c. financial audits for each year,
- d. site visit reports,
- e. other compliance reports,
- f. status reports on corrective action plans and/or other required interventions, and
- g. other criteria determined applicable.

The Board directs the Superintendent to adopt a documented, systematic renewal process. The process must include a defined timeline for renewals; criteria used to evaluate Renewal Applications; a scoring rubric that accounts for the high stakes review and is aligned to the performance framework in the contract, and includes both academic and non-academic measures, with a "cut-score" of at least 75%, clear directions for Renewal Applications, and guidance for application.

The Renewal Application and all documentation related to the renewal process must be posted on Mid-Ohio ESC's website. Training of reviewers will have occurred, at a minimum, during the year of review.

Completed Applications

Completed Renewal Applications shall be reviewed by Mid-Ohio ESC's sponsor staff to determine whether the school is fiscally and operationally viable, has satisfactorily achieved its contractual standards, and is faithful to the terms of the sponsor contract. Mid-Ohio ESC's sponsor staff shall provide evidence-based recommendations to the Board regarding contract renewal.

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Procedure for Renewal or Non-Renewal

The Board adopts the following procedure for renewal and non-renewal of sponsored schools.

1. All schools up for renewal shall be required to submit a timely renewal application.
2. Mid-Ohio ESC's sponsor staff shall make an evidence-based recommendation to the Board regarding renewal. Recommendations shall address all of the following:
 - a. The school met academic achievement targets as specified in the sponsor contract;
 - b. The school had no unresolved compliance issues with any applicable laws or contract terms, or submitted evidence of intended and timely resolution to the satisfaction of the sponsor staff; and
 - c. There were no unresolved concerns of fiscal or operational viability, or the school submitted evidence of intended and timely resolution to the satisfaction of the sponsor staff.

If the school did not meet all contractual academic targets, contractual terms, or compliance requirements, or if documented issues of fiscal/operational viability remain unresolved, the sponsor may nonetheless renew a school's sponsor contract, if in the sponsor's sole discretion, it believes that satisfactory evidence exists to demonstrate why renewal of the community school aligns with Mid-Ohio ESC's mission, evaluation process and with national sponsoring standards.

The Board shall pass a resolution of its intent to renew or non-renew the sponsor contract.

3. Mid-Ohio ESC shall notify a community school of proposed non-renewal, in writing, within fourteen (14) days of the Board's decision of intent to not renew, and no later than January 15 of the year the Board intends to non-renew the contract. The notice must include:
 - a. The reason(s) for the intended non-renewal with an explanation that is more detailed than the statutory language;
 - b. The effective date of the non-renewal;
 - c. A statement, notifying the school of the right to appear, upon request, before the Board at an informal hearing to challenge the reason(s) for the intended termination; and
 - d. The request to appear must be made within fourteen (14) days of receiving the request, in writing.

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4. The informal hearing shall be held within fourteen (14) days of Mid-Ohio ESC's receipt of a request for the hearing.
5. No later than fourteen (14) days after the informal hearing, the Board shall issue a written decision either affirming or rescinding the decision to non-renew the contract.
6. The non-renewal of the contract shall be effective upon the later of the following: (a) the date the sponsor notifies the school of its decision to terminate the contract; or (b) the effective date of the termination specified in the notification of termination.
7. Mid-Ohio ESC shall notify the school's families of non-renewal no later than April 15 of the year of non-renewal, if the non-renewal is upheld by the Sponsor.

Quality Practices Rubric: E.01 – Renewal Application; E.02 – Renewal and Non-Renewal Decisions; E.03 – Non-Renewal Notification

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TERMINATION

Pursuant to Ohio law, the Board of Governors may terminate a contract with a sponsored school. This policy establishes the reasons for which the Board may terminate a sponsored school's contract and explains the procedures to be followed if termination occurs. In the event of any conflict, ambiguity or discrepancy between the provisions of this policy and the sponsor contract, the provisions of the sponsor contract shall prevail.

Criteria for Termination

Pursuant to Ohio law, the Board may terminate a sponsored school's contract during the contract term when there is clear evidence of one (1) or more of the following:

- a. Failure to meet student performance requirements stated in the contract;
- b. Failure to meet generally accepted standards of fiscal management;
- c. Violation of any provision of the contract or applicable state or federal law;
- d. Other good cause;
- e. The Board has suspended the sponsor contract;
- f. The school has material and uncorrected risks, including but not limited to no facility, inadequate and unsafe facilities, litigation, findings or similar risks the cost of which are not sustainable, material uncorrected defaults with vendors, or continued lack of competent or compliant leadership. .

Based on quality practices, the Board defines the criteria for termination: as clear evidence of unacceptable academic performance, egregious violations of law, financial mismanagement, and/or unfaithfulness to the contract terms.

Evidence supporting termination may include, but is not limited to, academic performance measures from the sponsor contract, the community school's report card issued by the State of Ohio, financial audits, site visit reports, compliance reports, opinions of legal counsel, status reports on corrective action plans or other required interventions, documentation required by the sponsor contract, or other documentation demonstrating clear violation of the criteria for termination or material risks as set forth above.

Termination Procedure

1. Mid-Ohio ESC shall notify a community school of its proposal to terminate the contract, in writing, no later than January 15 of the year the Board intends to terminate the contract. The notice must include:
 - a. The reason(s) for the intended termination,
 - b. The effective date of the termination,

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- c. Notification of the right of the school to appear, upon request, before the Board at an informal hearing to challenge the reason(s) for the intended termination, and
 - d. Notification that the request to appear must be made within fourteen (14) days of receiving the request, in writing.
2. The informal hearing shall be held within fourteen (14) days of Mid-Ohio ESC's receipt of a request for the hearing.
3. No later than fourteen (14) days after the informal hearing, the Board shall issue a written decision either affirming or rescinding the decision to terminate the contract.
4. The termination of the contract shall be effective upon the later of the following: (a) the date the sponsor notifies the school of its decision to terminate the contract, or (b) the effective date of the termination specified in the notification of termination.

Responsibilities in the Event of Termination

Pursuant to Ohio law, any sponsored school whose contract is terminated for failure to meet student performance requirements or failure to meet generally accepted standards of fiscal management shall close permanently at the end of the current school year or on the date specified in the notification of termination. Ohio law prohibits such schools from entering into a contract with any other sponsor.

Mid-Ohio ESC and the community school shall begin the closure process outlined in the policy entitled "Closure Process."

Mid-Ohio ESC will communicate these written policies and procedures for termination before September 30 of the review year.

LEGAL REF: O.R.C. §3314.07
Quality Practices Rubric: E.04 – Contract Termination

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