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,

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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