Four diverse children (two girls and two boys) are standing in a row, smiling, and holding a large white sign. They are wearing colorful t-shirts (yellow, red, blue, green) and blue jeans. The background is plain white.

**Effective EMO and  
Service Provider  
Oversight**

# Goals

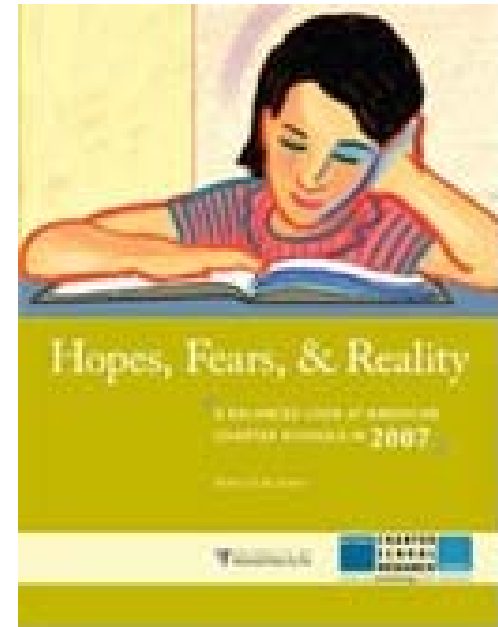
- Provide information allowing you to:
  - Cultivate an appropriate Board-EMO relationship;
  - Understand the importance of contract negotiations;
  - Understand the importance of oversight.



# What is Governance?

“Governance is the set of processes, customs, policies, laws and institutions by which an organization is controlled.

...Governance and leadership are different. The essence of leadership is influencing the behavior of others; governance constrains leadership.”



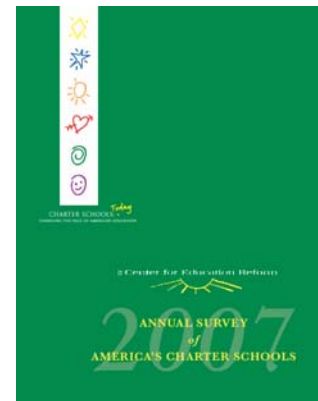
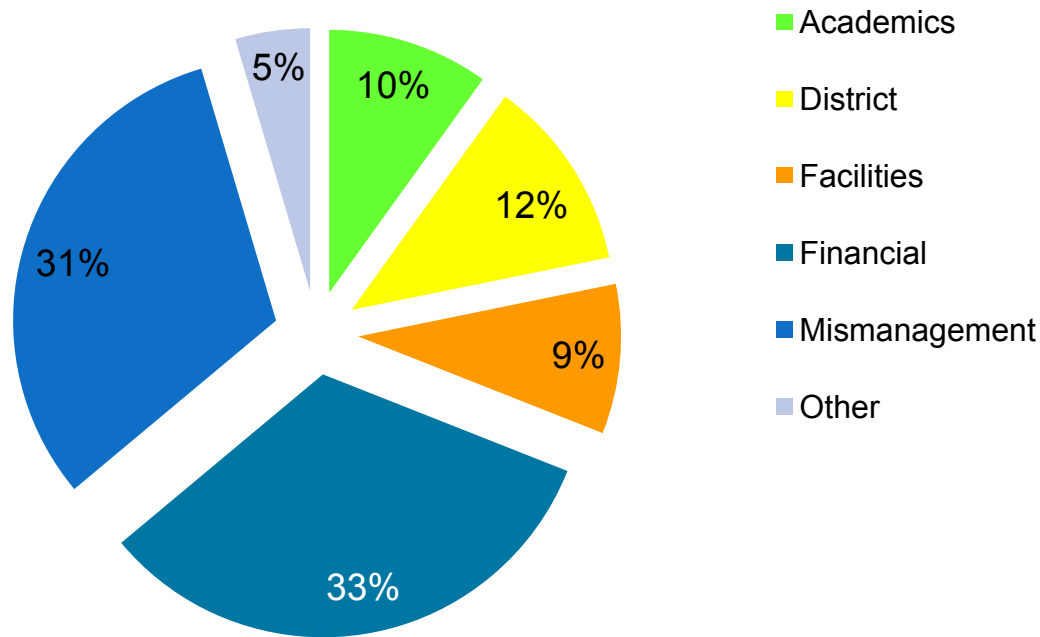
Paul Hill & Robin Lake – Center for Reinventing Public Education, University of Washington

# Common Governance Pitfalls

- Failure to review materials/follow-up
- Avoidance of risk-taking
- Lack of board involvement in strategic planning
- Lack of knowledge
- Ineffective communication
- Tabling important discussions
- Micromanagement
- Holding on to bad habits
- Lack of clarity regarding board-staff roles and relationships
- Shortage of time
- Failure to seek advice
- Missing due dates

# Charter School Governance

Reasons for Charter Closures  
1992-2005



Center for Education Reform Annual Survey  
of America's Charter Schools 2007

...

# Charter School Governance

**“A charter school’s board of trustees must be conscious of their role as public servants and the responsibility inherent in their position.”** — Creighton O. Condon, Shearman & Sterling, LLP

- **High-Level of Accountability** – A charter school board of trustees is ultimately responsible for the success of the school and its students. Boards of trustees of charter schools are essentially the local school district (i.e. Department of Education)
  - Board holds the school accountable
    - Fiscal oversight, academic performance, and contracts
  - Board holds charter management organization accountable
    - Compliance w/Terms of management agreement
- Board holds the school accountable who, in turn, holds the charter management organization accountable.

# **LEGAL RESPONSIBILITIES OF BOARDS OF TRUSTEES:**

## **LEGAL STANDARDS OF CONDUCT**

# Roles & Responsibilities of Governing Boards



# **DRIVE A CULTURE OF PERFORMANCE**


# The Board's Role & Responsibilities

# Key Issues When Selecting an EMO




# Steps for Choosing an EMO


Firmly establish the school's mission and the "non-negotiable"




Carefully consider potential benefits (gaining access to educational, human, or financial resources, expertise) and challenges or tradeoffs (losing day-to-day control, financial costs)



Consider the costs (both human and financial) for the "do-it-yourself" route.



Establish the organization's need and budget



Write an RFP that clearly articulates the school's needs

# The Charter School Board – EMO Contract

## Foundational Matters

- Authority of charter over EMO contract
- Board's responsibility in oversight under the contract
- Separate documents that detail terms of the contract (e.g., accountability plan, financing agreement, etc.)

## Roles and Responsibilities

- Specific legal obligations
- Reports the board will review prior to submission to higher authorities
- Conditions for inspections of school operations by the board
- Who employs the principal, teachers, staff
- Role the board and EMO play in hiring, evaluating, and firing decisions
- The scope of the EMO's authority to subcontract for services

# The Charter School Board – EMO Contract

## Contract Duration, Renewal, & Termination

- Length of initial contract term
- Conditions for renewal
- Grounds and conditions for termination of contract by either party
- Indemnification provisions in the event of a default or breach of either party
- Physical assets, start-up debt, intellectual property, proprietary materials, etc.

## Performance Oversight & Evaluation

- Clear, measureable school-wide achievement results
- Renewal and termination decisions
- EMO evaluation, methods, frequency
- Reporting expectations (frequency, format)
- Conditions, standards, and procedures for board intervention

# The Charter School Board – EMO Contract

## Compensation and Finances

- Which operating and capital expenditures both parties are responsible for
- Board funding of costs
- Precisely defines “revenue” for purposes of calculating the service provider’s compensation or the funds to operate then school (e.g. federal funds, fundraising, etc.)
- How EMO’s compensation is calculated and schedule and provisions for payment
- Limits to authority of the EMO with budgetary decisions
- Budget surplus or deficit
- Financial reports required (frequency, type, format)
- Statement that the board will select the independent auditor
- Debt payment particulars if EMO or a 3<sup>rd</sup> party is providing a loan (particularly in the case of termination of contract)



# The Charter School Board – EMO Contract

## Property

- Terms for intellectual property (use, ownership, at termination)
- Marketing, advocacy, general information dissemination
- Obligation to disclose information to comply with laws
- Physical assets and assets at termination of contract
- Who will order, finance, own, and oversee acquisition or construction of the facility and terms in case of dissolution of the contract agreement

## Contingency Planning for New Management

- Period of time before termination that plan goes into effect
- Propriety materials – continuation of access, terms
- Right of school or new management to hire staff employed by EMO
- Timely access to information (e.g., student records, financial records, etc.)
- Other transitional specifics

# EMO Accountability

## **Good evaluations are fair.**

- EMOs know BEFORE they begin management how assessed, frequency, and tool used
- Evaluations are determined based on both qualitative and quantitative data obtained from a variety of sources and in the contract
- The evaluation instrument uses straightforward language and clearly express levels of performance against contract provisions
- Evaluation results are communicated with the EMO:
  - In a timely manner
  - In an honest and direct manner
  - In person AND documented in writing for both parties

# EMO Accountability

**Good evaluations measure key elements to be monitored that are negotiated in the contract such as:**


- Student-Centered Learning Climate
- Professional Development and Human Resource Management
- Instructional Leadership: Improving Teaching and Learning
- School Management and Daily Operations
- Financial Management
- Facility Management
- Communication and Interpersonal Skills
- Educational Outcomes
- Achievement of charter performance objectives (may encompass some of the above)

# EMO Accountability

**Good evaluations support the success of the charter school and help determine future partnership between Board and EMO.**

- Areas of strength used to determine if the Board will continue a partnership
- Areas of weakness used to develop corrective action or to determine if the Board will continue a partnership

# EMO Accountability



**Good evaluations  
improve  
communication  
between the  
EMO and the  
Board**

# EMO Accountability

**Good evaluation is a year-round activity, not just an end-of-the-year “gotcha”.**

- Should be at least conducted formally once yearly (with on-going data from throughout the year)
- Should be comprehensively done prior to contract renewals and renegotiation

# Building Charter School Quality Indicators of Academic Success

## Academic Status Scores

- ▫ Proficiency Levels on State Tests by Grade and Subject
- ▫ College Entrance Exam Composite and Subtest Measure
- ▫ High School Exit Exam (if applicable)

## Academic Growth Scores

- ▫ Annual Gains for Same (Matched) Students
- ▫ Longitudinal Growth Based on Similar Starting Points
- ▫ Criterion-Referenced Longitudinal Growth

# Building Charter School Quality Indicators of Academic Success

## Post Secondary Readiness

- ▫ Post Secondary Access & Opportunity
- ▫ High School Graduation Rate
- ▫ Postsecondary Admission Rate
- ▫ Postsecondary Enrollment or Employment

## Student Engagement

- ▫ Student Attendance Rate
- ▫ Continuous Enrollment Rate
- ▫ Truancy Rate



# Non Academic Areas & Indicators

## Parents & Community

- School Sustainability: Demand & Expectations
- Potential / Growing Demand by Non-Enrolled Students in the Community

## Finance & Facilities

- Financial Infrastructure
- Revenue Management
- Sustainability

## Governance

- Charting the Course
- Monitoring, Evaluating and Sustaining

**SLCS Quality and Performance Assessment**

Organization/Name: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Project/Objective: \_\_\_\_\_

**Instructions**

Indicate a performance rating for each category listed on the form. Complete the form for each project or objective that you wish to assess.

Rating definitions: **Performance against Expectation**

<b>5</b>	<b>Exceeds</b>	Performs exceptionally, significantly and positively impacts projects. Demonstrates future thinking; promotes organizational strategic objectives. Identifies and resolves issues before they become problems.
<b>4</b>	<b>Above</b>	Performs above expectations. Has an important and positive impact on organizational performance. Promotes organizational objectives. Solves problems efficiently and effectively.
<b>3</b>	<b>Meets</b>	Meets expectations for performance. Competent, dependable performance; meets basic fundamental needs of organization.
<b>2</b>	<b>Below</b>	Results are below expectation. Organizational goals are compromised. Improved performance is required.
<b>1</b>	<b>Fails</b>	Organizational goals are not met. Results are significantly below expectation. Performance improvement is mandatory.

<b>Quality of Service</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
<b>Timeliness</b>					
Delivers in suitable time					
Meets targets of plan/goal					
Dependable/reliable					
<b>Comprehensiveness</b>					
Relevant					
Inclusive, thorough					
Deals with appropriate details					
Documentation					
<b>Accuracy</b>					
Free from errors and omissions					
<b>Usefulness</b>					
Practical, beneficial, functional, Pertinent					
Quality of Service Comments:					



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Quality and Performance Assessment

<b>Performance</b>					
<b>Management</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
Deals with complexity in the environment of competing needs; exercises planning, organization, direction, coordination, flexibility and priority identification.					
Performs role in an adept and highly skilled manner.					
Acknowledges the needs and motivation of others.					
Management Comments:					
<b>Teamwork and Communication</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
Practices full disclosure by understanding and using appropriate communication methods, identifying target audiences, delivering effective presentations, useful reports, and listens to learn.					
Shares information and resources in a manner that aids and assists others in accomplishing their goals.					
Teamwork and Communication Comments:					
<b>Analysis and Decision Making</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
Seeks to identify and define problems, develops facts, formulates alternative solutions, and offers appropriate conclusions and recommendations.					
Searches for and assesses many different kinds of information before arriving at an understanding of an event, problem, or opportunity.					
Demonstrates creative approaches to addressing issues.					
Analysis and Decision Making Comments:					

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 Quality and Performance Assessment



<b>Leadership</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
Copes with change, focuses on objectives, develops strategies and inspires the entire organization to move in the same direction					
Demonstrates a positive and encouraging attitude toward the organization, staff, and constituents.					
Serves as a role model.					
Leadership Comments:					
<b>Use of Resources</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
Effectively manages financial and human resources to stay within budget.					
Establishes priorities and schedules activities to accomplish goals in a timely and thorough manner.					
Makes effective use of own and other's time.					
Exercises care in utilizing organizational resources to achieve results.					
Use of Resources Comments:					



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 Quality and Performance Assessment

<b>Relations with Others</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
Works effectively and cooperatively with others at all levels of the organization.					
Seeks out other's opinions.					
Listens to and acknowledges concerns.					
Modifies courses of action, as appropriate, based on opinions and concerns.					
Is able to receive input and create a synthesis of issues, and ideas.					
Maintains confidentiality and objectivity.					
Relations with Others Comments:					
<b>Technical Performance</b>	<b>5</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>
Demonstrates expertise and effectiveness both technically and professionally.					
Keeps current in recent developments and research in all areas.					
Applies technical knowledge in a practical manner.					
Completes projects/tasks within the required time while meeting quality requirements for accuracy and thoroughness.					
Technical Performance Comments:					

Reviewed by: \_\_\_\_\_ Date completed: \_\_\_\_\_  
 Comments:

Period of Performance Review: \_\_\_\_\_



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 Quality and Performance Assessment

# Goals

- Provide information allowing you to:
  - Cultivate an appropriate Board-EMO relationship;
  - Understand the importance of contract negotiations;
  - Understand the importance of oversight.



# EMO Resources

- [http://www.publiccharters.org/files/publications/548 file Charting a Clear Course 2005 reprint final.pdf](http://www.publiccharters.org/files/publications/548_file_Charting_a_Clear_Course_2005_reprint_final.pdf)
- <http://www.qualitycharters.org/files/public/ESPToolkit2005.pdf>