



*Increasing the knowledge, skills and effectiveness of Ohio's charter school boards.*

## **BCSB Response to Community School Sponsor Evaluation Advisory Panel Recommendations December 4, 2015**

Thank you for the opportunity to weigh in on the Community School Sponsor Evaluation Recommendations of the advisory panel. By way of introduction, Buckeye Charter School Boards, Inc. (BCSB) is a 501c3, statewide organization whose mission is to increase the knowledge, skills and effectiveness of Ohio's charter school boards. We specialize in board training and are a resource for board members across the state. Last month, we hosted BCSB's 6<sup>th</sup> annual statewide meeting with over 6 hours of training for attendees. Additionally, we host regional as well as individual charter school board trainings and retreats.

These non-profit boards hold the charter contract with authorizers/sponsors of Ohio's charter schools. The boards are charged with oversight especially in areas of compliance, academic and fiscal matters relevant to the schools. Thus, what is decided to evaluate and potentially restrict sponsors will have a huge impact on the boards, the schools, thus Ohio's children and families.

We are disappointed that the advisory panel developing the report did not include any "consumer" of sponsor services (community school board membership). BCSB Executive Committee consists of five members, including founding board members of their schools (over 10 years' experience each) and a newer board member representing elementary, virtual, brick and mortar, drop-out recovery schools. Some have the same sponsor for over 10 years, one changed sponsors after interviewing three options. Compositely, our Executive Committee totals nearly 50 years' experience negotiating numerous charter contracts with various sponsors and management companies also. Nothing compares with first-hand experience in the state in which the schools are located. Thus, our concern is the basis of these recommendations.

Please take into consideration the following elements of great importance as you review and finalize how sponsors will be evaluated. Even though they are presented as separate elements, they are interrelated:

- **Protect "choice" for Ohio's charter school boards (as well as parents).** High performing sponsors (or those desiring to be so) will not risk accepting a lower-scoring charter school "with potential," one that has made significant changes and, with what a different sponsor could offer, has potential to be high-performing. Also, as the pressure on sponsors has increased, a board with a "poor" sponsor should be able to terminate its contract and move to one with more knowledge, skills and/or experience to assist a mediocre school to greatness. Comparing sponsors to traditional school districts is off course and defeats the intent and purpose of the charter school movement. **Also, please protect choice for boards**, many of which have significant more experience in the movement and are closer to the "action" than those

making the laws, rules and for sure the recommendations advanced by the advisory panel (and most likely those advising the advisory panel). As one of the BCSB Executive Committee remarked after reviewing the recommendations: *"I still see a lot of focus on regulation but not much on empowering the community school that's good to get better or clear the way for replication of already existing effective seats."*

- The deep-rooted, **complex needs** of the children in our schools - urban, poor performing, high poverty, from low-performing districts whose challenges are expensive to service and take time to correct or improve - are the reality. And the districts were not able to achieve success with the same population (statistics prove this to be accurate) thus, the students are in the charter school. When will we tackle **these real issues of funding inequities** instead of burdening our schools and their sponsors with more regulations? When will we figure out how to release these schools from being held hostage to test scores? We welcome the opportunity to collaborate on the real issues facing our children!
- This compliance burden is becoming overwhelming for the charter school that takes this responsibility seriously. They are forced to be "lean and mean" in the operations due to underfunding and the compliance items keep increasing. Perhaps one of the recommendations (item #14) should be changed to direct ODE to indicate which regulations the charter schools are NOT required to follow, consistent with original intent of the law. When has the department reviewed and looked for those items that truly don't make a difference in the education of the children in the charter schools?

Has the needle gone too far? Will we fail the very movement that was created to break out of all the bureaucracy that existed in the governmental structure of public education? The movement that was to allow public charter schools to innovate in addressing the needs to target populations? Let's not forget this is really about Ohio's kids and families who choose a better option for educational success. The school report cards have become too complex to be meaningful to the average parent, the sponsor evaluations appear to be following suit.

It's time to turn that around. Please consider using this time as the time of opportunity and not more regulation.



R. Gene Schuster  
Treasurer  
Buckeye Charter School Boards, Inc.



## **Comments by the Thomas B. Fordham Foundation on the Ohio Department of Education’s Community School Sponsor Evaluation Advisory Panel Preliminary Recommendations**

On behalf of the Thomas B. Fordham Foundation, an Ohio sponsor of eleven community schools serving approximately 3,500 students, I appreciate the efforts of the advisory panel and the opportunity to provide comments on the Advisory Panel’s preliminary recommendations on Ohio’s community school sponsor evaluation. The sponsor evaluation system is critical to the long-term success of Ohio’s community school sector. For too long, the quality of sponsors—the entities responsible for holding community schools accountable for performance—has varied significantly. The evaluation, if designed and implemented well, holds the promise to improve oversight and align the incentives in a way that improves student achievement.

With the importance of the effort established, we are pleased to say that we agree with many of the recommendations and commend the panel for its thorough review. However, other recommendations merit additional consideration, as we describe below in our comments.

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**Recommendation # 9:** The Academic Performance component must align to the Ohio School Report Cards so there is a coherent state accountability evaluation of academic performance.

- a. It should include all applicable report card measures.
- b. It should be weighted by the number of students enrolled in each school.

**Comments:** rather than allowing the Academic Performance grade to be formulated solely from the same report card methodology used for determining schools’ overall letter grades, as indicated on page 4, the department should consider weighting value added (growth), because it more accurately demonstrates the progress that schools make with students in poverty. As many Ohio charter schools serve significant populations of economically disadvantaged students, this is especially important. By counting “all applicable report card measures” toward a sponsor’s aggregate academic score, there is a risk that the Performance Index, gap closing, and AMOs (measures that are highly correlated with poverty) will have a much bigger impact than value added unless that factor is weighted. This could have a tremendous collective impact on a sponsor’s academic component grade and make it nearly impossible for any sponsor to score well in this area by virtue of the fact that charter schools often serve

a high percentage of poor students. This could have a chilling effect on the willingness of sponsors to permit schools to open in the most challenged areas.

Rather than stipulating that “all applicable” report card measures should be included and premising the academic evaluations on the “overall letter grade” of the schools in sponsors’ portfolios (the overall rating methodology has not yet been established), the department should limit itself to using the performance index and value-added measures (when applicable) from school report cards. For high schools that are not presently assigned value-added ratings (schools that exclusively have any combination of grades 9-12; e.g., a school with grades 10-12), the department should use the performance index and graduation rates. When high-school value-added ratings are made available (expected in 2017-18 if not sooner), the department could consider replacing graduation rates with value-added ratings. For schools that exclusively have any combination of grades K-3 (e.g., a school with grades K-2), the K-3 literacy measure should be used to rate schools. In most cases, non-dropout recovery charter schools have both performance index and value-added ratings (245 out of 300 non-dropout-recovery charters were assigned both PI and VA ratings in 2013-14). Taken together, the performance index and value-added measures are used in Ohio law to identify a “high-quality” and “low-quality” charter school (e.g., high-quality schools eligible for the charter facilities grant program, or low-quality schools prohibited from “sponsor hopping.”) For dropout recovery charters, which are schools on an alternative accountability system, the department should select measures from the dropout-recovery report cards.

Once an “overall” rating framework is established for all public schools—schools are protected from being assigned an overall rating until 2017-18 under the “safe harbor” provisions in state law—the department could reconsider the use of charter schools’ overall letter grade for the purposes of the sponsor rating system.

**Recommendation #10:** The Academic Performance component must meet statutory requirements in Ohio law (Ohio Revised Code 3314.016) in terms of which schools are included/excluded.

a. Schools that are excluded:

- Community schools that have been in operation for not more than two full school years;
- Special needs community schools described in law (ORC 3314.35(A)(4)(b)); and
- Prior to the 2014-2015 school year, Dropout Recovery Community Schools.

b. Schools to be included:

- All other community schools, including eSchools; and
- Dropout Recovery Community Schools starting with 2014-2015 school year.

**Comments:** as drafted, recommendation 10 is confusing and does not appear to align to 3314.016. Specifically, 3314.016 (effective 2/1/2016) does not reference dropout recovery community schools as among those to be excluded (ORC 3314.016 (B)(2)), contrary to the text of the recommendation. Additionally, as currently phrased, recommendation 10 leaves open to interpretation whether all dropout recovery schools that were started prior to the 2014-15 school year are exempt from the

sponsor evaluation and that only those started in the 2014-15 school year are subject to inclusion. Surely this was not the intent of this recommendation. We recommend deleting the dropout recovery language entirely.

**Recommendation #11:** For consistency with traditional schools, the panel recommends that the General Assembly revise language on the Academic Performance component regarding the basis of the performance measures so that academic performance of sponsors is measured the same as the academic performance of school districts.

**Comments:** this recommendation fundamentally misunderstands the work of a sponsor, and perpetuates the myth that in Ohio sponsors operate schools in the same manner as school districts. While sponsors are indeed responsible for the quality of their portfolio of schools – as they should be – sponsors do not have anywhere near the same level of direct control over key operations functions (e.g., hiring/termination, vendor contracts, length and/or structure of school day, school or district annual calendars, curriculum decisions, professional development programming, etc.) as do school districts. Nor should they, because such would result in an inherent conflict of interest with the sponsor’s essential functions of oversight and monitoring. We recommend that this recommendation be deleted.

**Recommendation #13:** Compliance reviews must be based on the respective sponsor’s certification of ALL relevant laws and rules.

**Comments:** while we respect that the intent is to cover all laws and rules, we recognize that doing so means analyzing an incredibly vast list of federal and state statutes, regulations and guidance, as well as certain municipal laws. Given the breadth of this requirement we believe that there should be an opportunity for a sponsor to appeal, should a compliance review show that the sponsor wasn’t able to certify all relevant laws and rules. For example, during the sponsor evaluation at an on-site visit to a school, the school is unable to produce the document for the sponsor evaluation team. The sponsor has the documentation and can evidence that the requirement was indeed checked and the school was compliant. The sponsor should have an opportunity to provide evidence that it met the requirement even if the school fails to do so.

**Recommendation #15:** The department should strengthen data protocols for verification of sponsor evidence of compliance.

- a. Verification should be based on a judgmental, which includes, but is not limited to, critical items (not pre-identified) selection of laws and rules.
- b. If a certain percentage of the certified items cannot be verified, the sponsor should be scored at the lowest level for this component.
- c. The department may identify certain core compliance items that if not met would result in a sponsor receiving a reduction in the compliance rating (to be determined in administrative rule).

**Comments:** one of the central tenets of the proposed revisions to the sponsor evaluation is transparency, and to purposefully keep critical compliance requirements secret is neither transparent

nor is the best incentive to ensure that all sponsors are checking the most critical requirements, which often relate to student health and safety. The list of all laws and rules that are to be checked will be a public document subject to the Ohio Auditor of State's Sunshine Laws, it should be publicly available on the department's website, and the critical items should be identified and not kept secret.

**Recommendation #19:** The implementation of the Quality Practice (QP) rubric is time and resource intensive. The department should consider options for addressing these needs such as:

a. Allowing sponsors that receive the highest rating on the Quality Practice component to carry over that rating and be evaluated on a rotating instead of annual schedule.

b. Utilizing permitted third-party contractors to complete the Quality Practice reviews. This would require:

- Consistent protocols; and
- Studies to insure fidelity of the process.

c. The state should consider providing additional resources to address the department's capacity to do annual Quality Practice reviews.

d. The current Quality Practice review consists of 42 individual standards. The department should examine future data from Quality Practice results to determine if the number of standards in the review could be reduced and still produce reliable results. For example, standard statistical analysis (such as "factor analysis") should be conducted once full data are available to determine if multiple items used in the review produce redundant information.

**Comments:** sub (b) permits third-party contractors to complete Quality Practice reviews. Any individuals contracted via this process must have significant expertise in quality authorizing (i.e., have worked or contracted as a consultant with a highly respected nationally recognized authorizer or the National Association of Charter School Authorizers (NACSA)). Sponsoring schools is not the same work as running a school district or a school building; as noted above, it is fundamentally different. If the Quality Practice component is to have meaning and truly help Ohio sponsors improve their practice, selecting the right individuals as evaluators is critical.

**Recommendation #21(i):** Create a fair, transparent and not overly complex calculation for the summative ratings.

The compliance rule will need to be updated to align with HB 2, which specifies certification of all relevant laws and rules, as well as updating the scoring structure to reflect the common scoring scale. • The score will be based on the percentage of total items in compliance.

**Comments:** recommendation 21(i) requires that a sponsor be 100% compliant with all laws and rules to obtain a score of 4 (the highest) on the compliance rating. As noted previously, compliance with all state and federal statutes, regulations and guidance, as well as any applicable municipal laws, is quite broad. We recommend that full compliance be a rigorous yet attainable goal and that the department reconsider its percent of items compliant in this regard. If full compliance were not achievable, any

established incentives would be moot which would undermine the ability of the evaluation system to drive higher quality authorizing.

From: Villeite [<mailto:villeite@aol.com>]  
Sent: Sunday, November 29, 2015 11:26 AM  
To: ODE community schools <[Community.Schools@education.ohio.gov](mailto:Community.Schools@education.ohio.gov)>  
Subject: Charter Schools

I thought the committee was going to write the new evaluation system not make recommendations. Ross made this committee sound like they would independently write the new laws to keep from slanting them by ODE employees.

Charters should not have one single rule different than every public school in the state. Comparing apples and apples is the only way to actually give TRUE CHOICE!

Tim

Ruese  
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**From:** [jriwebmail@netscape.net](mailto:jriwebmail@netscape.net) [<mailto:jriwebmail@netscape.net>]  
**Sent:** Saturday, November 28, 2015 9:54 AM  
**To:** ODE community schools <[Community.Schools@education.ohio.gov](mailto:Community.Schools@education.ohio.gov)>  
**Subject:** Tell the truth

Clean up the charter school cover-up.

While you (the governor and state legislators) take in money from these groups for your own benefit, you sellout the kids in the public schools of Ohio.

ECOT Online charters account for 40% of the students and need to account for 40% of the charter school report, not 1/58 as the charters would prefer.

15,000 = 40%

An F grade is an F grade , not an aberration, not to be hidden by lies and statistical tricks.

Anything less than transparency on these reports is a lie.



**December 4, 2015**

### **The Ohio Alliance of Public Charter Schools (OAPCS) Response To ODE's Advisory Panel Preliminary SPR Recommendations**

OAPCS is a non-profit, independent membership organization dedicated to the enhancement and sustainability of quality charter schools in Ohio. The mission of OAPCS is to provide children with greater educational opportunities by improving and quality and fostering the growth of the state's charter schools. OAPCS is dedicated to preserving and promoting the principles of instructional freedom, flexibility and innovation that are the heart of the charter school concept.

OAPCS acknowledges the opportunity to respond to ODE's Advisory Panel preliminary SPR recommendations. Further, OAPCS recognizes and appreciates the efforts undertaken in the past three years to implement the **initial** SPR. The original sponsor performance review and rating system, which included significant input from stakeholders, sponsors, and national organizations, as well as its comprehensive pilot, represented the collective efforts of all those invested in the success of the SPR. We are hopeful the Advisory Panel fully considers the stakeholder responses to these recommendations with similar receptiveness to that demonstrated in the **initial** SPR development.

OAPCS is submitting feedback that is in agreement with responses provided by the Ohio Association of Charter School Authorizers (OACSA), the Buckeye Charter School Boards, Inc., and the Ohio Council of Community Schools on several areas of mutual concern. Further, OAPCS has questions and concerns on a number of specific recommendations that, if implemented, would have significant implications for sponsors, schools, students and families. The far reaching impact for families seeking quality educational options for their children, embedded within these recommendations, is extensive. The future landscape of charter schools in Ohio will clearly be shaped by this panel's work.

Within the preliminary recommendations, OAPCS responds to the following items:

#### **Academic Performance Component**

Two recommendations within the Academic Performance Component, #9 and #11, essentially will treat a Sponsor as a traditional district in performance metrics. These two items suggest that Sponsors are functioning as traditional districts in all metrics with two caveats, all public schools and the traditional districts have been given "Safe Harbor" from the new PARCC report card metrics for the 2014-15 academic year, which will not be extended to Ohio Sponsors. Additionally, traditional districts will not be given an overall report card grade until 2017-2018.

This recommendation essentially sets the expectation that charter school Sponsors be under the same report card system as traditional districts, even though Sponsors do not statutorily function nor have the authority traditional schools districts have to manage operations at the school level. Sponsors do NOT hire HR (Superintendent, school leader, teachers, management company, etc.) nor do Sponsors dictate curriculum or provide day to day management of their schools. Sponsors, according to Ohio's model, set the accountability standards so charter schools have the autonomy to operate according to their specified mission. Because each charter school is its own district in Ohio – not a district of sponsored schools underneath a Sponsor, individual schools have very different operational systems that do not mirror the traditional district system. Most Sponsors are not Local Education Agencies (LEA's). Each sponsored charter school is its own LEA. The charter model was not initiated to imitate a traditional district model. It is the charter contracts that provide the performance framework metrics for academic, operational and financial expectations. If Sponsors are now assigned a dual role to function as a traditional school district

for the purposes of outcome assessments, it is a significant departure from the statutory framework of the Sponsor as defined in the original SPR.

Converting to the report card framework within these preliminary recommendations for Sponsors imposes expectations that traditional district peers within the Urban 8 currently do not meet across a number of measures. Because charters in Ohio are confined to the Urban 8 districts, true peer comparisons in academic performance and student demographics should be between these districts and the charter schools within them. OAPCS created a simulation spreadsheet (attached as Appendix A) for illustration purposes to show that if traditional districts in the Urban 8 would be scored using the new SPR academic component rubric, all of them would have overall grade of F using report card data available from 2013-14.

The implications for this are far reaching. No traditional district in the Urban 8, even with the authority and model to manage schools, could obtain a score that charter schools now would have to significantly surpass to obtain even an “Effective” rating. Ultimately, students will have fewer quality options to access in their communities and theoretically have to return to lower performing traditional district buildings.

Given that the preliminary recommendations outlined that the 2017 – 18 Scoring Framework would now require the portfolio to be “B” or Better for Exemplary, achieving the “score points” required would demand that a Sponsor’s portfolio of schools have a “B” or better overall grade on the report card. Within the rubric, Sponsor best practices are expected to deliver across the board high performing outcomes within a 2-3 year time frame, when realistically the majority of Ohio’s charter schools are located in the Urban 8.

## **Compliance with Laws and Rules Component**

For Recommendation #14, OAPCS suggest clarification for Compliance with Laws. Will ODE provide Sponsors with an annual list of updated laws and rules that factor into the SPR? Further, does it mean that Sponsors will be evaluated on the fact that they attempted to collect documents, or that Sponsors will have to have the physical documents in possession to get evaluation credit?

For Recommendation #15, Verification of Sponsor Evidence of Compliance, the compliance document collection in section A appears ODE has the latitude to identify key compliance items that could damage a rating review for a Sponsor, but it is not clear whether ODE is required to identify those items in advance to a Sponsor undergoing the SPR process. We suggest full disclosure to Sponsors for the range and specific type of rules and laws that will factor into this evidence of compliance.

For Recommendations #17 and #18, Review to Include Enrollment Data Submission, this appears to insert the Auditor of State into the SPR process even though the Auditor of State does not currently audit Sponsors.

For Recommendation #21, Compliance Rating of 100% Required for Exemplary Rating, it is noted that compliance must be 100 percent to obtain a rating of Exemplary. This is the only section that does not have a sliding scale and it is the only section that requires the full 100% of items in compliance. We suggest using a range from 90 – 100% for consistency as 100% expectation is not practical and highly unlikely that anyone will achieve it.

## **Summative Formula for Overall Rating**

The recommendation for Academic Performance Component to Reflect Year-to-Year Sponsor Portfolio Changes states that if a Sponsor non-renews/closes or terminates a contract, the academics does not count for that sponsored school. Does this also hold true for a sponsored school transferring into the portfolio that has a quality performance?

## **General Recommendations – Sponsor Evaluation Focused on Continuous Improvement**

For Recommendation #5, Continuous Improvement Element of the Sponsor Evaluation, it states that the system should be focused on “continuous improvement with appropriate resources linked to ratings so Sponsors and schools have access to aligned technical assistance and professional development.” OAPCS requests clarification on how this system is one of continuous improvement when two of the three components require immediate top scores for the highest rating. What resources are linked to ratings? Are these financial resources available via the state? Does ODE identify and provide the technical assistance and professional development that may need to be accessed by a Sponsor?

**-Appendix A-**

**Ohio Urban 8 Traditional Districts  
Simulated Academic Performance Grades  
2013-14 Local Report Card Data (OAA)**

Academic Performance Grades will be counted toward one-third of the overall Community School Sponsor Evaluation. A sponsor cannot receive a score better than "Ineffective" if it receives 0 points in any component. The other two components graded are Compliance and Quality Practice, which are not included in this analysis. This analysis calculates the Academic Performance grades of the Urban 8 traditional districts using the only available data from 2013-2014 report cards as it may be calculated for Community School Sponsors, based on the Community School Sponsor Evaluation Advisory Panel Preliminary Recommendations (November, 2015).

**All letter grades are translated into points (shown below the letter grade in table), per the Advisory Panel's recommendation, so as to calculate an Overall grade.**

	Performance Index Grade	Indicators Met Grade	Value Added Grade	AMO Grade	K-3 Literacy Grade	Graduation (4 yrs) Grade	Graduation (5yrs) Grade	Overall Grade	Academic Performance Points
<b>Akron</b>	D	F	F	F	D	F	D	F	<b>0</b>
	1	0	0	0	1	0	1	0.11	
<b>Canton</b>	D	F	F	F	D	F	D	F	<b>0</b>
	1	0	0	0	1	0	1	0.11	
<b>Cincinnati</b>	C	F	F	F	C	F	F	F	<b>0</b>
	2	0	0	0	2	0	0	0.14	
<b>Cleveland</b>	D	F	F	F	F	F	F	F	<b>0</b>
	1	0	0	0	0	0	0	0.04	
<b>Columbus</b>	D	F	F	F	D	F	C	F	<b>0</b>
	1	0	0	0	1	0	2	0.14	
<b>Dayton</b>	D	F	F	F	C	F	F	F	<b>0</b>
	1	0	0	0	2	0	0	0.11	
<b>Toledo</b>	D	F	A	F	D	F	F	F	<b>0</b>
	1	0	4	0	1	0	0	0.21	
<b>Youngstown</b>	D	F	F	F	C	F	F	F	<b>0</b>
	1	0	0	0	2	0	0	0.11	

## OHIO ASSOCIATION OF CHARTER SCHOOL AUTHORIZERS

### *Stakeholder feedback on advisory panel's preliminary recommendations on the implementation of Ohio's Sponsor Performance Review (SPR)*

The Ohio Association of Charter School Authorizers (OACSA) strongly supports efforts to finalize and implement the Ohio Department of Education's (ODE) SPR, and welcomes the opportunity to offer feedback on the advisory panel's preliminary recommendations. With the exception of #6 – the intent of which is unclear -- OACSA generally supports the general recommendations made by the panel. However, OACSA does have questions and concerns regarding some of the more specific recommendations related to individual components of the SPR.

#### ACADEMIC PERFORMANCE COMPONENT

##### *Recommendation #11: Assess sponsors in the same manner as traditional public school districts*

It's important to note that "safe harbor" is extended to traditional public districts and schools during the implementation of a number of significant changes (new state report card, shift to Common Core, implementation of new state tests, etc.). **Safe harbor should also be extended to sponsors on the same timeline of that established for districts and schools.** How would school report card grades be determined for periods in which schools do not receive an overall grade? Would both Performance Index (PI) and value-added metrics be used to calculate school (and, ultimately, sponsor) grades?

Charter school sponsors and traditional public school districts may share some common responsibilities; however, there are clear differences in their roles and authority. Unlike districts, **sponsors do not dictate school curriculum and teaching methods. Sponsors do not hire staff** (superintendents, principals, teachers or management companies); rather, staff are hired and report directly to school governing boards (or, in some cases, management companies engaged by boards). Unlike districts, **sponsors are not Local Educational Agencies (LEAs)** – rather the individual charter schools are considered LEAs. Consistent with the fundamental charter philosophy, schools are autonomous, which appropriately prohibits sponsors from managing schools' day-to-day operations. Sponsors establish and negotiate clear, meaningful goals and expectations, which are outlined in the contract between the sponsor and the governing boards of schools. Sponsors do not have direct control or influence over academic outcomes beyond the terms provided for in contracts between sponsors and school governing authorities, nor is it the sponsor's role.

#### COMPLIANCE WITH LAWS AND RULES COMPONENT

##### *Recommendation #13: Compliance reviews must be based on the respective sponsor's certification of ALL relevant laws and rules*

**Sponsor compliance reviews are somewhat similar to audits** – for instance, outside of health and safety items, sponsors generally review a random sample of single student files (to confirm compliance with a number of requirements including student vaccinations, test scores, previous school transcripts, etc.), along with required policies and procedures. In order to meet this standard, sponsors would have to conduct inspections and reviews already under authority of

other state agencies, and sponsors would have to be directly involved in the operations of the school, thus violating the law as an oversight and monitoring entity. It is highly unlikely that any schools are 100% compliant with ALL rules and law 100% of the time. Per the role of the sponsor, the compliance component should be looking at how sponsors are monitoring items for compliance and what actions are they taking if a school is out of compliance. The requirement to have an item in place rests with the school leadership and governing board. **Would ODE provide sponsors with a list of ALL relevant laws and rules and expectations for review? Would sponsors be subject to ratings prior to ODE conducting its comprehensive review, as provided for in H.B. 2 (item #14)?**

*Recommendation #15: The department should strengthen data protocols for verification of sponsor evidence of compliance*

**The meaning and implementations for this item are unclear:** “Verification should be based on a judgmental, which includes, but is not limited to, critical items selection of laws and rules.” Does this give ODE the authority to determine what each sponsor should be held accountable for, with different expectations for each sponsor? Please define the use and meaning of the word “judgmental” in this context as it is not a term typically used in education.

#### SUMMATIVE FORMULA FOR OVERALL RATING

*Recommendation #21: Create a fair, transparent and not overly complex calculation for the summative ratings*

Item “e” is unclear: “As required by Ohio law, the department will not issue **overall grades** until the 2017-2018 report card, so the equivalent score will be used based on the formula for component and overall letter grades.” **What does this mean? What report card will they use ... the 2014-2015? Will PARCC data, from which districts and schools have safe harbor, be included?**

Item “g” raises a question regarding changes in sponsors’ portfolios of schools. If a sponsor non-renews a contract, is that school’s academic performance excluded from the sponsor’s rating? If the school closes by board resolution, would the school’s performance be excluded? **When a school changes sponsors, would the new sponsor be held accountable for the school’s performance under the previous sponsor?**

Item “i” raises questions and concerns with respect to full compliance being **100%**. **Is this really reasonable for a metric that represents one-third of a sponsor’s overall rating?** OACSA recognizes that “exemplary” is intended to represent near perfection, but in granting significant incentives to exemplary sponsors and their schools, it is clear that the General Assembly’s intent is that the expectations are achievable. It would be more reasonable to provide a range of scores (90 -100%) rather than a 100% target. Additionally, it is unclear exactly what the 100% represents. Does this mean that sponsors have demonstrated compliance by seeking to obtain specific compliance documents/information, or that the schools themselves are 100% compliant? Example: Sponsors verify that schools have current health inspection. Most health inspections, if not all, expire in March. What if the sponsor has documentation that a school has called and tried

to schedule a health inspection (several times) but due to the inspector's schedule the inspection happens after the current health certificate has expired? Would this be considered less than 100% compliant?

**Overall, OACSA has concerns that Ohio's charter schools are being compared to the academic expectations of all public districts/schools (statewide), rather than that of the Big 8 districts which they are located.** (Note: Under Ohio law, new start-up charter schools can only open/locate in a district that meets the definition of challenged.) To achieve a strong score on academics, sponsors' schools would generally need to earn "A" and "B" ratings. Consideration of the academic performance of districts/schools in Ohio's Urban 8 reveals that using the proposed rubric, charter schools would need to greatly exceed the academic outcomes produced by traditional public schools serving the same economically-disadvantaged students. Setting the bar too high for charter schools could result in sponsors non-renewing contracts with schools earning a grade of "C," forcing students to return to district schools with "D" and "F" ratings. All urban schools, including charters, serve disproportionately high percentages of students who live in poverty. This practice is discriminatory in nature in that students would be forced back into failing district schools. This process potentially forces sponsors to close dropout recovery schools and e-schools because a sponsor can never make an exemplary rating with those schools in their portfolio. Is the state willing to give up on those most vulnerable, at-risk, high-need students?



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## Ohio Council of Community Schools (OCCS) Comments on Proposed SPR Revisions

### 1. Academic Performance Component

- a. Treating an Sponsor as a District for Performance: Page 2 Items #9 and #11: These two items suggest that Sponsors are functioning as traditional districts in all metrics with one caveat, all public schools and the traditional districts have been given “Safe Harbor” from the new PARCC report card metrics for the 2014-15 academic year which will not be extended to Ohio Sponsors using the 2014-15 report card data. The expectation that charter school Sponsors be under the same report card system as traditional districts presents unrealistic challenges because Sponsors do NOT hire HR (Superintendent, school leader, teachers, management company, etc.) nor do Sponsors dictate curriculum or provide day to day operational management of their schools. Sponsors, according to Ohio’s model, set the accountability standards so charter schools have the autonomy to operate their schools according to their specified mission. Because each charter school is its own district in Ohio – not a district of sponsored schools underneath the Sponsor, individual schools have very different operational systems that do not mirror the traditional district system. Most Sponsors are not Local Education Agencies (LEA’s). Each sponsored school is its own LEA. The charter model was not initiated to imitate a district model. Sponsors do not have direct operational or management responsibilities within their schools, hence they cannot exert direct control or influence over metric outcomes outside of contractual agreements with boards. Within the charter contracts are performance framework metrics for academic, operational and financial expectations. Further clarification is requested as to the “all applicable” report card measures – will these include graduation rates and AMO’s? What criteria are used to determine what is “applicable?”
- b. Calculating the Academic Performance Component in the Quality Section:  
Page 3  
Item #20: If the three parts of academics, compliance and quality formulate the evaluation, why are academics now also appearing in the Quality rubric? How does the performance contracting section of Quality Practice align with Academic Performance? Are we now saying that Sponsor contracts with sponsored schools should outline performance frameworks and metrics with the new OH local report cards? If so, Sponsor contracts with schools will need to be adjusted and Sponsors will not be able to be evaluated on the changes until they can take effect. Currently, Sponsors set performance goals and metrics in the negotiated contract which can be evaluated during the Quality portion of the review.
- c. 2017 –18 Scoring Framework Would Require the Portfolio to be “B” or Better for Exemplary: To achieve the “score points” required for Exemplary in 2017-18, the portfolio of schools would have to have a “B” or better overall grade on the report card. Within the rubric, Sponsor best

practices are expected to deliver across the board high performing outcomes within a 2-3 year time frame, when realistically the majority of Ohio's charter schools are located in the Urban 8 and no traditional district in the Urban are reaching that performance (only 1 traditional Urban 8 District – Cincinnati – was rated at C or above on the 2013-14 report card). Therefore, a comparison metric/evaluation should be put into place to measure that the charter school's report card scores with those of the district in which it is located. For statewide schools, a comparison against the state wide average may be utilized.

## 2. Compliance with Laws and Rules Component

- a. Specialized Lists for Different Types of Entities: Page 3 Item #14: Clarification needed as to Compliance with Laws – will ODE provide Sponsors with an annual list of updated laws and rules that factor into the SPR? Further, does it mean that Sponsors will be evaluated on the fact that they attempted to collect documents and made a good faith effort to obtain? Or, does it mean that sponsors will have to have the physical documents in possession to get evaluation credit?
- b. Verification of Sponsor Evidence of Compliance: Page 3 Item #15: The compliance document collection in section A appears to be a random and changeable list of a surprise selection of rules and laws that a Sponsor needs to monitor, but would not necessarily be held accountable for in any given rating period. Item C suggests ODE has the latitude to identify key compliance items that could damage a rating review for a Sponsor, but it is not clear whether ODE is required to identify those items in advance to a Sponsor undergoing the SPR process. Will this be random, or will Sponsors have advance notice of those items they will be held accountable for?
- c. Compliance Rating of 100% Required for Exemplary Rating: Page 5 Item #21:  
In Section D, Rule 1 and Section I, it is noted that compliance must be 100 percent to obtain a rating of Exemplary. This is the only section that does not have a sliding scale and it is the only section that requires the full 100% of items in compliance. We suggest using a range from 90 – 100% for consistency as 100% expectation is not practical and highly unlikely that anyone will achieve it.
- d. Compliance Review to include Enrollment Data Submission: Page 3 Items #17 and #18: This appears to insert the Auditor of the State into the SPR process even though the Auditor of State does not currently audit Sponsors. In addition to the monthly attendance checks the Sponsor already monitors, will the Auditor's surprise school visits where "head counts" are conducted now factor into the Sponsor review? Attendance does not equate to enrollment and again, Sponsors do not have authority over day-to-day operations. Does this section also suggest ODE will contract with third party vendors to conduct independent reviews? Another concern is around the ODE's system of data collection, Education Management Information System (EMIS). EMIS most recently underwent a redesign that has been far from seamless. ODE has struggled to put forth a system that adequately works, therefore, using submissions or timeline requirements as a measure would not be fair or just.

### 3. Summative Formula for Overall Rating

- a. Academic Performance Component to Reflect Year-to-Year Sponsor Portfolio Changes: Page 5, Item 21-G states that if a Sponsor non-renews/closes or terminates a contract, the academics does not count for that sponsored school. Does this also hold true for a sponsored school transferring into the portfolio that has a quality performance?

### 4. General Recommendations – Sponsor Evaluation Focused on Continuous Improvement

- a. Continuous Improvement Element of the Sponsor Evaluation: Page 2 Item #5: It states that the system should be focused on “continuous improvement with appropriate resources linked to ratings so Sponsors and schools have access to aligned technical assistance and professional development.” OCCS requests clarification on how this system is one of continuous improvement when two of the three components require immediate top scores for the highest rating. What resources are linked to ratings? Are these financial resources available via the state? Does ODE identify and provide the technical assistance and professional development that may need to be accessed by a Sponsor?

### 5. Quality Performance Component

- a. We request some clarification on how this section is weighted internally among the sections to calculate the overall score for this component.
- b. Academic Performance component requirements: Page 3 Item 20: States that the student performance items in the performance contracting section of the Quality Practice rubric must be updated to align with the Academic Performance component requirements. This would require an extreme amount of work as it would require OCCS to revise 48 contracts prior to the evaluation. We request that this section be amended to state upon expiration of the current contract, the sponsor must include student performance items in the performance contracting section of the academic performance component.

St. Aloysius Orphanage: Comments to Community School Sponsor Evaluation Advisory Panel Preliminary Recommendations

- 1) The sponsor evaluation framework must be transparent.  
**Comment: The process could be more transparent by including stakeholder feedback in the development process.**
  - a. No Comment
  - b. No Comment
  - c. All related information (report cards, compliance reports, Quality Review measures, audit findings, related links) should be easily accessible from a central site on the department's website.  
**Comment: Consideration should be given to what documents are included on the central site. For example, some of the items within parentheses are too extensive to be included, such as report cards and audit reports.**
  
- 2) No Comment
- 3) No Comment
  
- 4) Public reporting mechanisms must be strengthened.  
**Comment: We agree that public reporting mechanisms must be strengthened.**
  - a) No Comment
  - b) The department of education should consider development of a template for the sponsor's annual community school reports so that common elements can be compared.  
**Comment: A sponsor annual report template is not likely to add value. In the alternative, a clear set of metrics and a standard presentation format for these metrics should be developed and combined with the larger individually generated sponsor report. Utilizing this method will not sacrifice the ability of the sponsor to communicate its individual work for the sake of a form.**
  - c) No Comment
  
- 5) The system should be focused on continuous improvement with appropriate resources linked to ratings so sponsors and schools have access to aligned technical assistance and professional development.  
**Comment: We agree that the system should focus on the continuous improvement of sponsors. The Ohio Department of Education and the Office of Community Schools should be engaged in high level technical assistance which fosters continuous improvement and the sharing of best practices. This high level technical assistance would be well timed and not include the dissemination of links to professional development.**

- 6) To the extent legally permissible, the department should be referenced as an intended third party beneficiary under the contract between the sponsor and the community school.

Comment: This recommendation is vague as it does not specify the rights or specific contractual terms to which the Ohio Department of Education would become a party to. Additionally, any specific rights granted to the Ohio Department of Education would threaten the autonomy of schools and sponsors.

- 7) To the extent possible, resources should be allocated to support the department in conducting this evaluation process on an ongoing basis.

Comment: The Ohio Department of Education does not have the resources or the capacity to evaluate this work. Additionally, there should be a segregation of duties due to the Ohio Department of Education's inherent conflict of both performing sponsorship duties and evaluating them. Any additional resources provided should only be utilized to engage a third party evaluator with significant experience in authorizing.

- 8) The recommendations outlined by the panel are suggested for the 2015-2016 sponsor evaluations.

Comment: We are currently half-way through the 2015-2016 school year and have just now been apprised of the potential evaluation criteria that will be used to summarily assess sponsor performance in approximately six months. The panel suggests rule changes that will need to be made to properly enact this new evaluation system. Rule changes will not be completed prior to the end of the 2015-2016 school year. Additionally, the process has not included valuable stakeholder input which is critical to maintaining the evaluation's transparency.

- 9) The Academic Performance component must align to the Ohio School Report Cards so there is a coherent state accountability evaluation of academic performance.

Comment: Overall we agree with this recommendation with the caveats listed below.

- a) It should include all applicable report card measures.

Comment: Appropriate weighting should be used for the value added measure on the local report card as this measure most accurately represents the education each student is receiving on a yearly basis.

- b) It should be weighted by the number of students enrolled in each school.

Comment: This is an inappropriate measure used to weight the academic performance component. How many students attend a school is not a performance measure. The number of students enrolled at a particular community school can be affected by several factors, including: size of the facility; resources of the school; program model; and size of a niche group of students. This measure is not relevant or valid to the oversight provided to schools by sponsors.

10) The Academic Performance component must meet statutory requirements in Ohio law (Ohio Revised Code 3314.016) in terms of which schools are included/excluded.

Comment: Care must be taken in understanding the relationship of academic performance to oversight. Schools are autonomous and they must be free to innovate which necessarily implies variations in academic performance. In many ways, the academic performance of schools is not related to the oversight provided by sponsors. One would no more blame the sponsor for poor academic performance at a school than one would blame the auditor for poor financial performance at a school. The issue is one of accurate reporting not substantive performance of the primary entity, in the case, the school.

a) No Comment

b) Schools to be included:

- All community schools, including eSchools; and
- Dropout Recovery Community Schools starting with 2014-2015 school year.

Comment: How will Dropout Recovery Community Schools be included as their ratings are still in flux? A committee has been established to evaluate the ratings previously used and take into account NWEA testing.

11) For consistency with traditional schools, the panel recommends that the General Assembly revise language on the Academic Performance component regarding the basis of the performance measures so that academic performance of sponsors is measured the same as the academic performance of school districts.

Comment: Sponsors are not school districts and as such should not be evaluated on the same level. Sponsors do not perform the same duties as the central office of districts. As developed in the original charter school model, schools are to be autonomous of sponsors, a characteristic not found within a traditional school district.

12) No Comment

13) No Comment

14) No Comment

15) The department should strengthen data protocols for verification of sponsor evidence of compliance.

a) Verification should be based on a judgmental, which includes, but is not limited to, critical items (not pre-identified) selection of laws and rules.

Comment: We agree that certain items to be checked during a comprehensive review of the list of all applicable laws and rules will be more important than others. We also agree that verification should be based on professional judgment, provided that professional judgment is provided by a third party evaluator with significant experience in authorizing.

b) No Comment

c) No Comment

- 16) The scoring structure for the Compliance component shall be updated to reflect the recommendations referenced in #13-#15 above.
- a) No Comment
  - b) No Comment
  - c) Seek legislative change to permit sponsors with one school who receive “exemplary” ratings to carryover ratings for extended periods (such as two to three years) and avoid need for repetitive annual reviews.  
Comment: For the most part, only traditional public school districts will qualify for this “exemption”. All sponsors should be afforded the same perks for performing at high levels.

17) No comment

18) No comment

- 19) The implementation of the Quality Practice rubric is time and resource intensive. The department should consider options for addressing these needs such as:
- a) Allowing sponsors that receive the highest rating on the Quality Practice component to carry over that rating and be evaluated on a rotating instead of annual schedule.  
Comment: Agreed
  - b) Utilizing permitted third-party contractors to complete the Quality Practice reviews.  
Comment: We would agree with using third party evaluators on the condition that they have significant experience in authorizing. Utilizing inexperienced third-party contractors could lead to inconsistency in the reviews less accuracy.
  - c) The state should consider providing additional resources to address the department’s capacity to do annual Quality Practice reviews.  
Comment: These resources should only be used to employ a third party evaluator with significant experience in authorizing.
  - d) The current Quality Practice review consists of 42 individual standards. The department should examine future data from the Quality Practice results to determine if the number of standards in the review could be reduced and still produce reliable results. For example, standard statistical analysis (such as “factor analysis”) should be conducted once full data are available to determine if multiple items used in the review produce redundant information.  
Comment: The Quality Practice review was developed with the appropriate and much needed input of stakeholders around the state and NACSA. Any reduction in standards to be reviewed may eliminate vital elements of the NACSA Principles and Standards that have been purposefully included to ensure rigor.

20) No Comment

21) Create a fair, transparent and not overly complex calculation for the summative ratings.

Comments:

- a) Initially, the entire academic portion of the sponsor performance review should be re-vamped to begin including schools in the calculation only after they have been open for 5 years or more. The national best practice is to allow schools a full five years to grow into an effective educational institution. Some of Ohio's own top performing schools, such as Columbus Preparatory Academy, Citizens Academy and Arts & College Preparatory Academy were performing less than stellar after two years, and some even close to failing. Therefore, the grade for each school should be weighted based on how many years the school has been open. For example, if a school has been open for 6 years, an F would be worth 1 point, a D worth 2 points, a C worth 3 points, a B worth 3.5 points and A worth 4 points. If a school has been open 7 years, an F might be worth 0.5 points, a D worth 1 point and so on up the scale.
- b) As required by Ohio law, the department will not issue overall grades until the 2017-2018 school year. As such, any grades issued prior to the 2017-2018 school year should not be used in the calculation of the academic performance of the sponsors.
- c) Weighting the report card data by the total percentage of the average daily membership (ADM) of the sponsor's entire statewide portfolio is inappropriate for the following reasons:
  - i) As previously mentioned, how many students attend a school is not a performance measure. The number of students enrolled at a particular community school can be affected by several factors, including: size of the facility; resources of the school; program model; and size of a niche group of students. This measure is not relevant or valid to the oversight provided to schools by sponsors.
  - ii) The use of ADM does not promote transparency as the calculation is convoluted and not understandable by the common layperson.
  - iii) ADM is primarily used as a calculation by the school finance department to determine payments made to a school. It is irrelevant to the academic performance of a school and not designed to be included in a weighted scoring scale.
- d) By allowing a sponsor to base its school data on its portfolio at the exact time of the review, the sponsor evaluation would promote the unethical recruiting of high performing schools and the premature closing of promising schools. We would suggest providing for a "depreciation" method where a school would still be counted with the original sponsor for a certain amount of years after the school changes sponsorship to reflect true accountability not mere formality.
- e) The academic portion of the sponsor evaluation should include a weighted provision evaluating a sponsor's failure to close a school. Additionally, sponsors should be given credit for closing schools when necessary.
- f) If during the data verification process for the Compliance component, compliance percentages may be adjusted based on "verification" of each item, the sponsor performance evaluation needs to include a definition of verification. Can this item be verified by the sponsor or only the school?



22) Expectations for the sponsor performance should increase as best practices are implemented and this evaluation framework becomes fully embedded. Accordingly, the summative scoring scale should be adjusted starting with the 2018-2019 school year.

**Comment: It is premature to entertain the notion of adjusting the summative scoring scale prior to reviewing one round of full implementation of the new criteria.**

23) This scoring framework has been developed prior to producing full sets of data for each component. Accordingly, the formula including rating thresholds should be reviewed after full implementation in 2015-2016, and regularly thereafter.

**Comment: We strongly agree with this recommendation.**

My name is Sue Westendorf and I was a former President of the State Board of Education. I served on the board from 1997 – 2008.

I have been following the Community School Sponsor Evaluation process, have read Advisory Panel Preliminary Recommendations and would like to offer the following suggestions.

S. Westendorf

December 4, 2015

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**Public Comments by section to the Advisory Panel's Preliminary Recommendations:**

9) a. The recent Fleeter study shows (yet again) that the state's report card results are highly correlated to average family incomes at schools. Community Schools, which by law are located in Urban districts, draw a highly disproportionate percent of low income or otherwise disadvantaged students. The ultimate goal of Community School and therefore Sponsor evaluation is to determine if a Sponsor's schools perform at least as well as the other schools serving such a population – not to compare them to high income suburban schools or the state average. Community Schools attaining parity in academic performance with similarly populated schools represents a win for taxpayers given that community schools only receive about two-thirds the revenue of districts (and less than half of many major urban districts).

For some reason the business term "efficiency" is never used in assessing academic effectiveness; it should. New performance analyses should be applied that take demographic factors into account to determine academic relative performance for both Sponsors and their schools. A school should not be put in a position to affect its report card results simply by marketing to affluent families. The existing report card system rewards that type of behavior.

b. The designated unit of accountability for education in Ohio is at the Governing Authority's (Board's) level. Each school board is independently responsible for numerous responsibilities including curriculum design, student instruction, teacher recruiting and training, and financial management to appropriately allocate resources in support of the school's or district's mission. Each of these functions requires a similar effort to administer and evaluate regardless of the size of the district or school.

By distorting the accountability unit to school size, the effect is to hold some boards "less accountable" for performance than others. This approach would create disparate incentives and levels of accountability and oversight that would produce disincentive for sponsors to pay adequate attention to small schools. Often, these small schools require disproportionate sponsor intervention because the school cannot afford to pay for adequate levels of expertise in all areas.

The Auditor of State has noted that small charter schools represent a disproportionate number of findings for recovery and insolvency. Such schools need intensive oversight, but the proposed weighting provides incentive for sponsor to focus their time elsewhere. A high performing large school could mask the low performance of many smaller schools. This is obviously not in the public's best interest.

11) The new performance metrics recommended in response to 9 should also apply to districts. The high correlation of poverty to report card results represents inexcusable public policy.

12) The panel's comments about district review and appeals most definitely do not apply to the non-transparent value-added calculations and results.

19) d. The suggestion of using statistical analysis to determine the predictive power of sponsor evaluation elements to produce results in its portfolio of schools is important to make the process more effective and efficient. This recommendation should apply to all three components of the evaluation process.

21) b. The rubric should not be created until the individual items and scoring rubrics have been vetted and completed. Without taking the detailed information into account the rating system that has been suggested is arbitrary.

d. Rule 1 – If this Rule is needed, then the grading metric should be re-visited. There is no reason to create the complexity of exclusions.

e. The asterisked comment conflicts with the concept behind Safe Harbor provisions as this approach of applying “equivalent” scores fails to allow Sponsors, and therefore their Community Schools, the same time as district schools to adjust to the new tests and standards. This is clearly inequitable and fails to meet the intent behind safe harbor regulations.

23) This comment about the need to adjust the rubric after producing full sets of data is valid. Therefore, the first year of implementation should be made a pilot year with safe harbor protection provided to sponsors.

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December 7, 2015

Dear Ohio Department of Education:

Thank you for giving stakeholders the opportunity to provide feedback on the advisory panel's recommendations for the Ohio Sponsor Performance Review. The Cleveland Metropolitan School District (CMSD) appreciates the work you have done to improve charter school accountability in Ohio. CMSD is both a district, serving more than 38,000 students across 102 schools, and a charter sponsor, with around 2,800 students attending our ten sponsored schools.

While we support the majority of recommendations provided, we do offer some suggestions here as to how they could be improved.

Please let us know if you have any questions or wish to discuss further.

### **Recommendation 9**

Recommendation 9 asserts that the academic performance component should include “*all* applicable report card measures.” CMSD believes that performance index and value measures bear more consideration than others and should be weighted more heavily. The most important measures for assessing performance are performance index and value add. CMSD also believes certain measures should not be included at all, such as the Annual Measureable Objective (AMO) measure. Because AMO is strongly correlated with poverty, and because the majority of charters are in impoverished districts, the AMO measure does little to help gauge how a school or sponsor is doing. This is especially important considering there is a good chance that the AMO measure will no longer be used by the state following the reauthorization of the Elementary and Secondary Education Act.

### **Recommendation 11**

The panel suggests that the academic performance of sponsors should “be measured the same as the academic performance of school districts.” But this recommendation indicates a lack of understanding about the work of sponsors. As both a district and a sponsor, CMSD can attest to the many and vast differences between the role of a *district* and the role of a *sponsor*. The governance structure is just one of the many differences; the CMSD board is the governing authority for each of the 102 district schools in CMSD, but it is not the board for any of our 10 sponsored schools, which are each governed by their own independent governing authority. Along the same lines, CMSD is one local education agency (LEA), but each sponsored charter is its own independent LEA. Furthermore, CMSD is a portfolio district committed to devolving authority and decision-making to our district schools, but CMSD still has far more operational control over our district schools than we do over our sponsored charters. As a sponsor, we establish operational, financial, and academic expectations for charter schools, and we monitor and hold our sponsored charter schools accountable for performance, but we are not involved in the direct management of the schools. CMSD suggests removing this language entirely so that

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sponsors and other stakeholders can be assured that these important distinctions between districts and sponsors are understood.

**Recommendation 13**

CMSD requests more information regarding this recommendation, which states that compliance reviews must be based on a sponsor’s certification of “ALL relevant laws and rules.” First, what does “relevant” mean in this recommendation, and who determines which laws and rules are relevant? Next, will sponsors be required to demonstrate that they are holding schools accountable for all compliance items, or does this require all of the schools in a sponsor’s portfolio to be in full compliance of all laws and rules at any given time? Sometimes a sponsor will request an item required by law, but the school will not submit it on time. Other times, a school may submit the item on time, but it might be missing some needed information or reflect a misunderstanding of what is required. A good sponsor follows up with that school and ensures that the documentation is provided as soon as possible and in the manner required. There are often understandable and reasonable explanations for the delay or inaccuracies, and schools notify and work with the sponsor to provide the information in a timely fashion. CMSD believes the recommendations should clarify what it means to have the compliance reviews based on the “sponsor’s certification of ALL relevant laws and rules.” Sponsors should not be automatically penalized for late or inaccurate submissions from a school.

**Recommendation 19**

Again, CMSD requests more clarity regarding the quality practice review. During the prior implementation of the Sponsor Performance Review, ODE weighted some components of the Quality Practices component more heavily than others. For example, the Application Process and Decision Making category was worth more than some other categories. CMSD believes that all categories of the Quality Practices Review should be weighted equally, as all categories are equally important to assessing the performance of a sponsor. If ODE does decide to weigh some categories more heavily, CMSD requests that any such weighting be made known in advance and that a rationale is provided for the differentiated weighting. Finally, some categories within the Quality Practices portion have more subcategories than others; for instance, there are twelve subcategories under Oversight and Evaluation but only four under Performance Contracting. Please provide clarity as to how each subcategory within each category will be weighted to determine the overall rating for the quality practice review.



Thank you for providing us with the opportunity to provide feedback on the recommendations to the Sponsor Performance Review. We are happy to speak with you more about our above comments if you have any questions or concerns.

Very truly yours,

Christine Fowler-Mack  
Chief Portfolio Officer