

Underperformance or Noncompliance with Charter School Contract¹

Noncompliance with Charter School Contract:²

Corrective Action Plans: The Superintendent may implement appropriate consequences at any time during the term of a charter school contract approved by the Board when the Superintendent has received evidence of underperformance by the charter school against the performance framework standards, or noncompliance by the charter school with the terms and conditions of the charter school's contract. Consequences implemented against a charter school may increase in severity according to the seriousness and duration of the specific underperformance or noncompliance, and may be used as a basis for a recommendation by the Superintendent to the Board for the revocation or nonrenewal of the charter schools' contract.

In cases where the Superintendent has made a determination that there has been material underperformance against the performance framework standards or noncompliance with a material element of a charter school contract approved by the Board, the charter school shall submit a proposed corrective action plan (CAP) to the Superintendent for approval by the Board. The proposed CAP shall be submitted within a deadline established by the Superintendent, assisted by the Director of School Choice, and shall include detail regarding the area(s) of deficiency determined by the Superintendent, the strategies to be used to correct the area(s) of deficiency, a timeline for correction, the measures to be used determine whether correction has occurred, the staff responsible for the implementation of the CAP, the frequency and scope of required reporting and onsite monitoring of implementation of the CAP, and consequences for failure to remedy area(s) of deficiency in a timely manner. The Board shall approve a proposed CAP unless the Board determines that implementation of the proposed CAP will not correct the area(s) of deficiency, in which case the Board may implement additional appropriate consequences under the following paragraph of this policy. A charter school subject to a CAP will be monitored by the Superintendent, assisted by the Director of School Choice, in accordance with the CAP monitoring requirements and the board of directors of a charter school subject to a CAP shall incorporate updates regarding the implementation of the CAP into its meeting minutes for the duration of the CAP. The Superintendent, assisted by the Director of School Choice, shall provide periodic updates to the Board regarding CAP implementation, as needed.

In the event of noncompliance by any charter school with a CAP, the Board may implement additional appropriate consequences against the charter school, including but not limited to, a prescribed CAP issued by the Superintendent, assisted by the Director of School Choice, that shall replace the original CAP.

Letter of Deficiency: Any charter school demonstrating material underperformance against the performance framework standards or found to be out of compliance with a material element of its charter school contract, resulting in a high-risk level of monitoring, may be issued a Letter of Deficiency by the Superintendent which shall be posted on the District webpage and be noticed to the Board, the commissioner of education, the Kentucky Board of Education, the charter school board of directors, the

¹ KRS 160.1594 701 KAR 8:020, Section 2

² KRS 160.1594; KRS 160.1596(1)(c); 701 KAR 8:020, Section 6

charter school leader, and provided to all parents and guardians of students attending the charter school.

If a charter school is subject to a CAP for noncompliance with a material element of the charter school's contract or material underperformance against the performance framework standards and fails to meet the performance expectations of the CAP within the deadline set forth in the CAP, the Letter of Deficiency shall provide detail as to the noncompliance or underperformance and indicate the corrective action to be taken by the charter school in order to bring the charter school into compliance with the charter contract. The charter school will be given 10 days to respond to the Letter of Deficiency. The Letter of Deficiency and the response from the charter school shall become part of the charter school's record and will be presented to the Board with all other evidence collected throughout the term of the charter school contract when renewal of the charter school contract is to be considered by the Board. The Letter of Deficiency and the charter school's response shall be incorporated into the charter school board of directors meeting minutes and included in the charter school's annual report to the Board.

Letter of Probation: A charter school that implements a CAP but does not meet the required targets for correction of the material underperformance or noncompliance with a material element of the charter school contract within the time period defined in the CAP, and has already received a Letter of Deficiency, may receive a Letter of Probation. The Letter of Probation shall establish the process and timeline by which the school may exit probationary status. A school that has received a Letter of Probation may be considered by the Board for revocation or nonrenewal of its charter school contract at any time after the issuance of the Letter of Probation. Consequences for probationary status shall be determined by the Board on a case by case basis and shall be consistent with the charter school contract and the Kentucky charter school statutes and regulations.