

**NACSA
SAMPLE INTERVENTION
PROTOCOLS**

INTRODUCTION

Authorizers establish clear and transparent expectations of school performance through the charter contract and accompanying performance framework or accountability system. In exchange for this accountability, charter schools have the autonomy necessary to implement their education programs in service of their missions and within the parameters of their charter contracts and state laws.

Authorizers have an obligation to the public to monitor charter schools' progress against established and agreed-upon expectations and, when necessary, must communicate concerns and require corrections within the parameters of established autonomies. This communication and required correction process is often called "intervention."

Authorizers should only initiate formal intervention for school deficiencies or violations that are considered material. According to NACSA's *Core Performance Framework and Guidance*, "As a legal term, something is 'material' if it is relevant and significant...the authorizer should consider whether the information would be relevant and significant to decisions about whether to renew, non-renew, or revoke a charter."¹ For deficiencies or violations that the authorizer does not consider material (e.g., late submission of reports), the authorizer may provide the school an informal notification prior to, or instead of, initiating formal intervention. This is where an authorizer's professional judgment and its relationships with schools are important.

The following Sample Intervention Protocols provide general guidance to authorizers and schools on potential ramifications of schools failing to meet agreed-upon standards established in the charter contract and outlines the roles and responsibilities of the authorizer and charter school in the event of an intervention. However, the Intervention Protocols is only a tool to aid authorizers in decision making, not a determinative policy. Authorizers must have the autonomy and authority to consider each unique school issue and apply a unique solution based on professional judgment depending on the school history, identified issue, and other relevant context.

NACSA's *Principles & Standards for Quality Authorizing (Principles & Standards)* provides that, as it relates to applying interventions, a quality authorizer:

- » Establishes and makes known to schools at the outset [in the charter contract] an intervention policy that states the general conditions that may trigger intervention and the types of actions and consequences that may ensue;
- » Gives schools clear, adequate, evidence-based, and timely notice of contract violations or performance deficiencies;
- » Allows schools reasonable time and opportunity for remediation in non-emergency situations; and
- » Where intervention is needed, engages in intervention strategies that clearly preserve school autonomy and responsibility (identifying what the school must remedy without prescribing solutions).

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1 National Association of Charter School Authorizers, (2012.) *Principles & Standards for Quality Charter School Authorizing*.

WHAT ARE INTERVENTION PROTOCOLS?

The following Intervention Protocols outline general intervention triggers and possible consequences, which authorizers can use as a tool for decision making. Authorizers should consider a school's context, additional quantitative and qualitative data, and other information, and ultimately use professional judgment in determining whether, or at what level, to initiate intervention. All schools earn good standing until a performance deficiency constitutes the school formally entering a level of intervention.

While the Intervention Protocols outline a range of intervention options, it does not represent a mandatory linear escalation of steps and consequences, in which a school must proceed through every step or level. In any particular school's case, the authorizer may forgo intervention or skip levels of intervention, including moving straight to revocation, as may be appropriate. For example, for an extreme violation, a school might enter intervention at Level 3: Probationary Status, and then move directly to Level 5: Revocation, if warranted by circumstances. In another circumstance, an authorizer might contact a school about a potential issue and determine that formal intervention is unnecessary.

Authorizers should use the Intervention Protocols as a tool to help them make decisions using their professional judgment but they should not be locked into a rigid process. Authorizing is both an art and a science, and while authorizers should provide schools with as much transparency and consistency as reasonable, they must also maintain the autonomy and authority to make context-appropriate decisions.

WHEN SHOULD AUTHORIZERS USE THE INTERVENTION PROTOCOLS?

To develop and implement a quality intervention system, authorizers need established performance expectations (e.g., Performance Framework or accountability system). The intervention system should align to the performance expectations, as well as to obligations set forth in law, regulation, rule, and the charter contract. Authorizers should establish general conditions for material violations that could trigger intervention, in alignment with their state law, where appropriate. However, authorizers should use professional judgment in the intervention process rather than attempting to build a perfect "if this, then that" system of triggers and related consequences.

The most common conditions that may constitute intervention include:

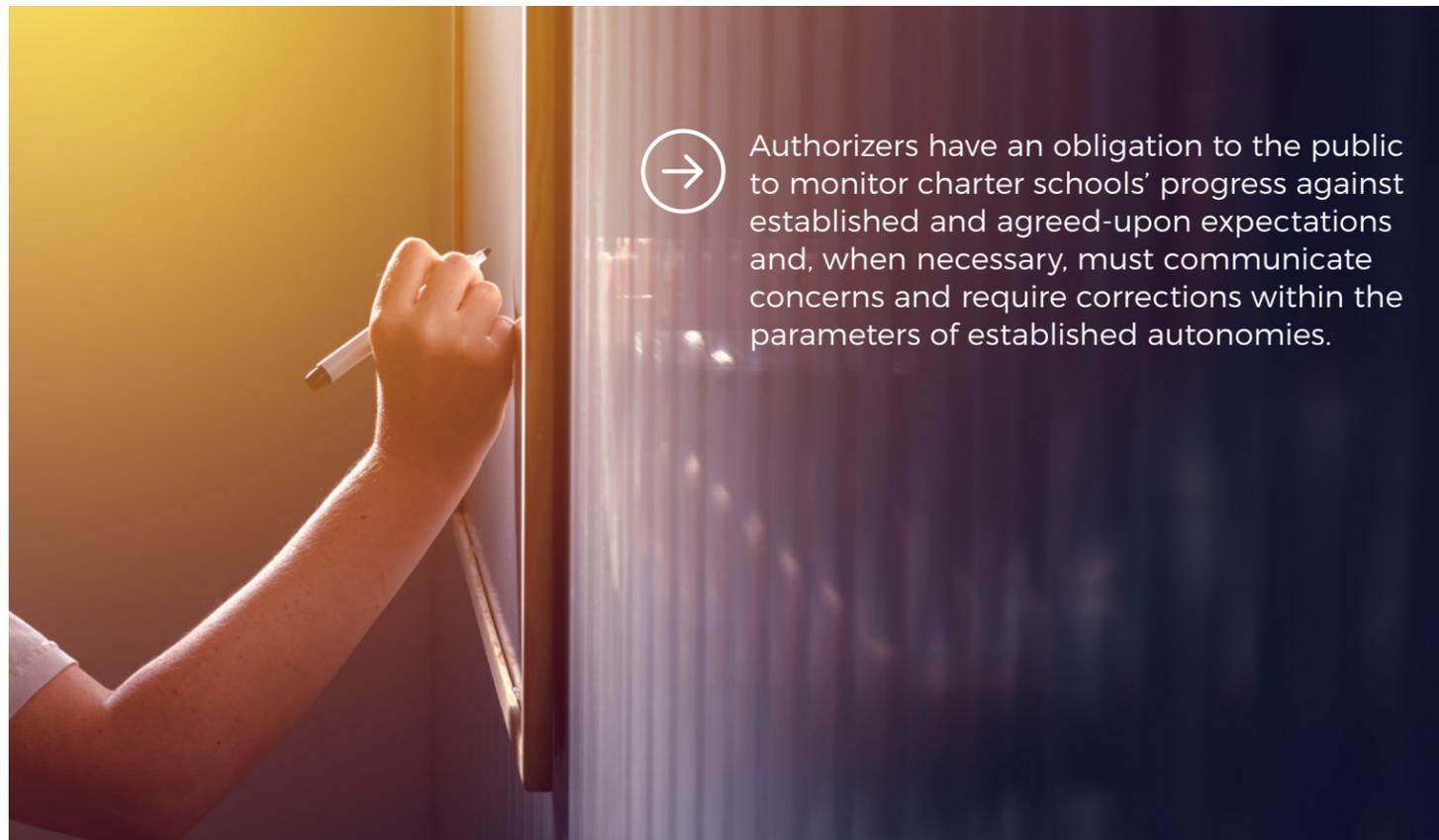
- » Failure to meet academic performance expectations, as defined by the Academic Performance Framework;
- » Failure to meet indicators of financial viability or sustainability;
- » Violations of federal or state statutes and applicable board policy and/or breaches of contract;
- » Issues pertaining to student safety, equity, or access;
- » Adverse findings in routine oversight; or
- » Material, substantiated complaints from parents or other stakeholders.

WHAT DOES INTERVENTION LOOK LIKE?

An essential component of a quality intervention process, as indicated by NACSA's *Principles & Standards*, is providing detailed and timely notice of concerns and a reasonable opportunity for schools to remedy concerns. If an authorizer identifies a potential concern at a school, the authorizer should contact the school to gather more information and to determine whether or not to formally enter intervention. If the authorizer does initiate intervention for a school, the authorizer should detail the concern and potential consequences in a written notice. Written documentation of the deficiency should include the authorizer's specific expectations for remedy, including a timeline and, if applicable, remedial action plan submission. Once a school enters formal intervention, the authorizer should provide written notice to the school's board, in addition to its school-level leadership, as the board is ultimately responsible for the charter.

In some cases, interventions will warrant a formal remedial action plan from schools. Under no circumstances should an authorizer recommend or require specific practices for remedy be included in the plan. Instead, the authorizer should provide clarity around expected outcomes and require the school to author its own remedial action plan. The authorizer may choose to review and approve the remedial action plan but should be careful to preserve school autonomy over process and focus on the sufficiency of the plan to achieve required outcomes.

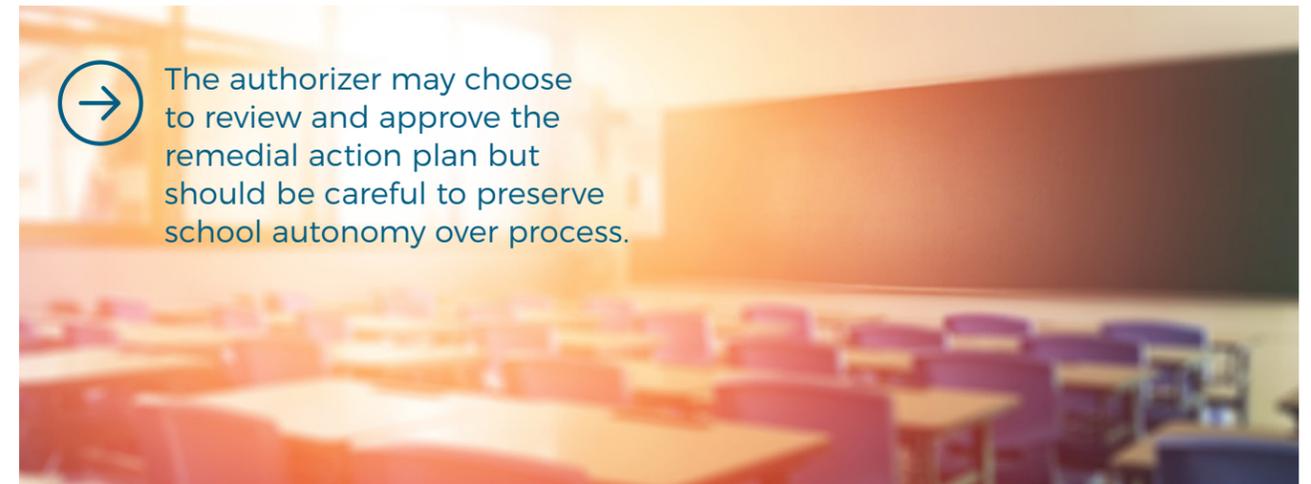
² If an authorizer does not have established performance expectations, please refer to NACSA's *Core Performance Framework and Guidance* document for information on how to develop a rigorous accountability system.



If a school does not meet the authorizer’s expectations, the authorizer’s interventions may escalate, possibly all the way to revocation. If a school remedies concerns to the satisfaction of the authorizer, the authorizer should remove the school from intervention, though authorizers should consider schools’ cumulative records of performance, including any past interventions, when considering schools for renewal.

SAMPLE CHARTER SCHOOL INTERVENTION PROTOCOLS

This is a tool to assist the authorizer in decision making and not an exhaustive list of either consequences or conditions that may trigger intervention. The authorizer will consider a school’s context, additional quantitative and qualitative data, and other information. The authorizer will ultimately use professional judgment in determining whether, and at what level, to initiate intervention. The authorizer reserves the right to forgo intervention or skip levels of intervention, including moving straight to revocation, as may be appropriate. Examples of situations where the authorizer may proceed directly to revocation may include, but not be limited to, if a school is financially insolvent or poses a significant risk to the health or safety of its students.



INTERVENTION PROTOCOLS		
INTERVENTION STATUS	CONDITIONS THAT MAY TRIGGER STATUS ³	POSSIBLE CONSEQUENCES
Level 1: Notice of Concern	Indications of weak or declining performance identified through routine monitoring, site visits, or other means; Repeated failure to submit requirements on a timely basis.	Written notification to school board detailing severity of concern, authorizer’s requirements for resolution, timeline, and consequences if not satisfactorily remedied
Level 2: Notice of Breach	Failure to satisfactorily remedy or make substantial progress toward remedying previously identified concern(s); Failure to meet multiple performance targets; An overall “Does Not Meet” rating on any Performance Framework; One or more indicator-level “Falls Far Below” ratings on any Performance Framework; Failure to comply with applicable law or breach of contract.	Written notification to school board detailing severity of concern, authorizer’s requirements for resolution, timeline, and consequences if not satisfactorily remedied; Specialized site visit, as necessary; Meeting with school board, as necessary; Remedial action plan developed by the school and approved by the authorizer, as necessary.

³ Each authorizer should review these conditions and revise them as necessary to align to all applicable rules, regulations, and statutes, as well as the established Performance Framework or accountability system and the charter contract.

INTERVENTION PROTOCOLS		
INTERVENTION STATUS	CONDITIONS THAT MAY TRIGGER STATUS ³	POSSIBLE CONSEQUENCES
Level 3: Notice of Probationary Status	Any overall “Falls Far Below” rating on any Performance Framework; Continued failure to comply with applicable law or with the charter; Failure to meet or make sufficient progress toward meeting terms of remedial action plan, as relevant.	Remedial action plan developed by the school and approved by the authorizer; Meeting with school board; Specialized site visit, as necessary; If needed, authorizer may appoint an agent to monitor implementation of remedial action plan.
Level 4: Notice of Revocation Review	Continued failure to comply with applicable law or with the charter contract; Failure to meet or make sufficient progress toward meeting terms of the remedial action plan, as relevant; Noncompliance with an applicable health or safety standard.	Written notice stating intent to consider revocation; Meeting with school board; Remedial action plan developed by the school and approved by the authorizer; If needed, the authorizer may appoint an agent to monitor implementation of remedial action plan.
Level 5: Notice of Revocation	Extended pattern of failure to comply or to meet performance targets; Failure to satisfactorily address or make sufficient progress toward meeting terms of prior interventions; Applicable conditions for revocation set forth in charter school law.	<i>Revocation process must be conducted in accordance with state law and will include:</i> Written notice from authorizer stating reason for proposed revocation; Specialized site visit, as necessary; Decision to revoke by authorizer.

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