

**NACSA CORE PRE-OPENING
MONITORING GUIDANCE
AND SAMPLE PRE-OPENING
REQUIREMENTS**



INTRODUCTION

Charter school authorizers play a pivotal role in the opening of new schools. Authorizers are under obligation to proactively monitor activity at all schools during the time between when new charters are awarded and when schools open. It is the authorizer's obligation to make the determination if a school has completed the necessary preparations and largely satisfied Pre-Opening Requirements before the school is allowed to open for instruction.

If the charter school does not complete the necessary Pre-Opening Requirements, and the authorizer determines the enrollment is too low for the school to be financially viable, or the adults in the building and/or the physical structure are not ready to receive students for instruction, the authorizer must not provide the school with final authorization to open. A delay in opening will be in effect until the authorizer can confirm that the school has satisfied all necessary Pre-Opening Requirements and all necessary documents are on file.

These critical tasks help ensure that a charter school is indeed ready to open and is as well positioned as possible for success. In contrast, research shows that schools that open under duress tend to have challenges in their first year and beyond. A study from the Center for Research on Educational Outcomes (CREDO) states that, "For the majority of schools, poor first-year performance will give way to poor second-year performance. Once this has happened, the future is predictable and extremely bleak. For the students enrolled in these schools, this is a tragedy that must not be dismissed."¹

NACSA's own analysis of first-year closures indicates these reasons for closure, many of which are preventable with proper authorizer expectations and oversight²:

- » Failure to enroll enough students to financially support the school's academic, staffing, and operational obligations;
- » Schools operating in potentially unsafe facilities and/or facilities not approved by the authorizer or state officials;
- » Highly problematic structural relationships with school boards and their management organizations; and
- » Illegal and/or unwise decision making in school board policy and operations, most often related to human resources actions or financial management decisions.

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¹ Center for Research on Education Outcomes. (January 30, 2013.) *Charter School Growth and Replication: Executive Summary*. Retrieved from <http://credo.stanford.edu/pdfs/CGAR%20Growth%20Executive%20Summary.pdf>

² National Association of Charter School Authorizers. (2015.) "Analysis of Reasons for 1st Year Closures." Retrieved from http://www.qualitycharters.org/wp-content/uploads/2015/10/QualityOpenings_FirstYearClosures_Handout.pdf

WHAT ARE PRE-OPENING REQUIREMENTS?

Pre-Opening Requirements are a set of primarily compliance-based actions that a school must complete prior to opening its doors and starting instruction. Schools must demonstrate sufficient demand (enrolled students) to warrant school opening. In addition, schools must demonstrate that the physical building and staff are ready to receive students for instruction. Pre-Opening Requirements usually consist of a combination of paper screening of compliance documents and an on-site visit to the school site to verify school leadership is prepared to begin the school year ready to educate students in alignment with the approved mission of the school, and that the facility and site logistics are on track for the first day of class. A detailed list of actions required for schools to demonstrate their readiness to serve students is included in a sample set of Pre-Opening Requirements, below.

WHAT CONSTITUTES A PRE-OPENING REQUIREMENT?

Pre-Opening Requirements are the set of tasks that, once completed, will facilitate effective and responsible management of school operations, as well as assist charter schools in coming into general compliance with applicable laws and regulations. Although charter school operators will likely identify additional tasks to complete during the critical time between charter authorization and the opening of the school, the tasks included in the Sample Pre-Opening Requirements (below) alert school founders to those tasks that are essential to school start-up and operations. Authorizers may also identify Pre-Opening Requirements specific to individual schools that are beyond those included here. It is appropriate for authorizers to add Pre-Opening Requirements to the template, as needed, to ensure schools are prepared to meet other performance expectations set by the authorizer. Any pre-opening requirements should be formally established, often as part of the initial charter contract, to ensure their transparency and enforceability.

HOW ARE PRE-OPENING REQUIREMENTS ORGANIZED?

Pre-Opening Requirements are organized by general categories, including: students, enrollment, and admissions; governance; budget; and transportation, among others. Each Pre-Opening Requirement should be assigned a specific due date. While some tasks within the sample protocol include suggested due dates, due dates should be left to the discretion of each authorizer and populated before sharing Pre-Opening Requirements with schools. Under the “Documentation” column, the Sample Pre-Opening Requirements tool also indicates for school operators the specific documentation required to fulfill particular terms. Finally, the template includes a column for authorizers to verify whether schools have met each Pre-Opening Requirement.



These critical tasks help ensure that a charter school is indeed ready to open and is as well positioned as possible for success.

HOW SHOULD AUTHORIZERS MONITOR SCHOOLS' COMPLETION OF PRE-OPENING REQUIREMENTS?

Authorizers monitor the completion of Pre-Opening Requirements through each school's timely and complete submission of appropriate documentation, as indicated within the template. In addition, it is appropriate for authorizers to conduct a short site visit to the school facility prior to each school's first day of instruction. Most authorizers tend to conduct this visit around six to eight weeks before the first day, with potential follow-up visits scheduled closer to the start date if concerns are raised. It is critical to determine whether a school is prepared to open as early as possible in the process, in case there is a delay and the school and/or authorizer need to notify enrolling students. Regular contact with charter school operators can also inform authorizers about the progress each charter school is making toward completing the Pre-Opening Requirements. Ultimately, many authorizers provide written affirmation to schools that have met all Pre-Opening Requirements, and they do not allow schools to open without that documentation.

HOW SHOULD AUTHORIZERS USE THE SAMPLE PRE-OPENING REQUIREMENTS?

The Sample Pre-Opening Requirements tool on the following pages is informed by effective pre-opening requirements used by NACSA's members nationwide. Authorizers can adapt this general tool by adding additional Pre-Opening Requirements or adjusting the suggested categories and/or benchmarks to meet local legal requirements, and by inserting and/or adjusting due dates. Authorizers should then formally adopt the Pre-Opening Requirements and share it among newly authorized charter schools. Authorizers should also incorporate or reference the Pre-Opening Requirements in their charter contracts with schools and ensure that they have the authority to delay or stop a school from opening if it has not materially met the Pre-Opening Requirements.

SAMPLE PRE-OPENING REQUIREMENTS

PRE-OPENING REQUIREMENTS FOR: _____

DATE OF CHARTER APPROVAL: _____

TARGET SCHOOL OPENING DATE: _____

Please deliver all documentation and notification to:

[AUTHORIZER NAME]

[AUTHORIZER MAILING ADDRESS]

Failure to submit required documentation in a sufficient and timely manner may result in the authorizer taking action to postpone the opening of the school or revoke its charter. Additional documentation may be required prior to the start of the school year. The authorizer will provide written notice and a reasonable timeline for response to any additional requirements and/or changes to the following list:

CATEGORY	BENCHMARK	DUE DATE	DOCUMENTATION	APPROVED BY AUTHORIZER
		[Authorizer to insert appropriate due dates relative to the start of the school year]	[Authorizer to insert appropriate required documentation; wherever possible, work to minimize reporting burdens by using documentation already required of the school]	
Students, Enrollment, and Admissions	Enrollment and admissions policies are approved by school board, if different from materials approved by the authorizer in the original application	Prior to recruiting or enrolling students	Enrollment and admissions policy	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	Board-approved student code of conduct is on file and provided to students and families in a Student and Family Handbook		Board-approved code of conduct Copy of Student and Family Handbook	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	School has procedures in place for creating, storing, securing, and using student academic, attendance, and discipline records		Evidence of protocols/systems for student records	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	Student admissions lottery conducted according to rules and regulations and waitlist maintained appropriately (if applicable)		Required evidence to be determined by authorizer	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	50% of student enrollment target met		Roster of enrolled students, including name, address, grade, and prior school attended	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:

CATEGORY	BENCHMARK	DUE DATE	DOCUMENTATION	APPROVED BY AUTHORIZER
		[Authorizer to insert appropriate due dates relative to the start of the school year]	[Authorizer to insert appropriate required documentation; wherever possible, work to minimize reporting burdens by using documentation already required of the school]	
Students, Enrollment, and Admissions	80% of student enrollment target met		Roster of enrolled students, including name, address, grade, and prior school attended	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	95-100% of student enrollment target met	[Date should be early enough to allow school to submit a revised budget and for the authorizer to consider whether the school is likely to be financially viable with reduced enrollment.]	Roster of enrolled students, including name, address, grade, and prior school attended. If a school does not reach 95% of planned enrollment well in advance of school opening, the school must submit a revised budget (see "Budget" section) and may be at risk of not opening.	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
Governance	Charter contract executed by Board		Board-executed charter contract	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	Organization is incorporated as a not-for-profit		Copy of charter holder's certificate of incorporation or similar documentation	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	Organization has secured federal tax-exempt status		Copy of tax exempt letter and federal tax identification number from IRS	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	Bylaws are executed by the board		Copy of executed bylaws	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	Board roster (with officer designations) and organizational chart updated		Board roster and organizational chart	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	First board meeting conducted		Copy of board meeting minutes	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:

CATEGORY	BENCHMARK	DUE DATE [Authorizer to insert appropriate due dates relative to the start of the school year]	DOCUMENTATION [Authorizer to insert appropriate required documentation; wherever possible, work to minimize reporting burdens by using documentation already required of the school]	APPROVED BY AUTHORIZER
Educational Program	School calendar is final, including official start date, and complies with statutory and authorizer-specific requirements (if applicable)		School calendar including all key dates	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
Administration and Staff	Qualified school administrator hired	Within 10 days of hiring and no later than six weeks prior to school opening	Name, resume, and copies of administrator license(s) demonstrating compliance with certification requirements (if applicable)	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	All key administrative/ leadership roles filled		Updated organizational or staffing chart with names filled in for all administrative/ leadership roles.	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	All teaching positions filled	Two weeks prior to school opening	Copy of staff roster	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	Health, safety, and criminal background checks completed for all school staff and volunteers that come into contact with students			<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	Employees meet licensure and certification requirements	Two weeks prior to school opening	Copies of valid teaching and administrative licenses for applicable teachers and administrators	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	Adequate Special Education and English Learner (EL) staffing in place to serve enrolled students	Two weeks prior to school opening	Documentation of students identified as requiring Special Education or EL services and indication of how staffing will meet student needs in accordance with law and IEPs	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	Board-approved personnel policies are provided to all staff in an Employee Handbook		Board-approved personnel policies Copy of Employee Handbook	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:

CATEGORY	BENCHMARK	DUE DATE [Authorizer to insert appropriate due dates relative to the start of the school year]	DOCUMENTATION [Authorizer to insert appropriate required documentation; wherever possible, work to minimize reporting burdens by using documentation already required of the school]	APPROVED BY AUTHORIZER
Management Contract (if applicable)	Management contract executed		Copy of executed agreement approved by the authorizer and signed by representatives of the management company and the school's board	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
Budget	Board-approved budget for first fiscal year	On or before July 1	Copy of board-approved budget with detailed assumptions for all key revenues and expenditures	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	Board-approved five-year budget		Copy of board-approved five-year budget aligned to provisions of approved charter application	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	Detailed monthly cash-flow projection for first year of operation		Copy of monthly cash flow projections	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	Revised budget if enrollment is below 95% of projections included in board-approved budget	<i>(Date should be early enough to allow school to submit a revised budget and for the authorizer to consider whether the school is likely to be financially viable with reduced enrollment.)</i>	Revised budget that demonstrates fiscal viability of school and ability to fulfill material terms of the approved educational program with reduced enrollment. If revised budget does not demonstrate viability, the authorizer will delay or stop school opening.	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
Financial Management	Completed necessary state documents and requirements to generate payments		Documentation as determined by authorizer	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	Board-approved fiscal controls policies and procedures		Copy of board-approved internal controls policies	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	Accounting system in place		Evidence of employment of or contract with accountant, bookkeeper, or person who will handle such duties	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:

CATEGORY	BENCHMARK	DUE DATE [Authorizer to insert appropriate due dates relative to the start of the school year]	DOCUMENTATION [Authorizer to insert appropriate required documentation; wherever possible, work to minimize reporting burdens by using documentation already required of the school]	APPROVED BY AUTHORIZER
Facility	Viable facility secured	120 days prior to opening		<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	Certificate of Occupancy	30 days prior to school opening	Certificate of Occupancy	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	Safety and Emergency Plan finalized	2 weeks prior to school opening	Safety and emergency plan	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	Space meets program requirements to execute material elements of the education program (classrooms, technology, special purpose space, and restrooms meet requirements of program and number of students enrolled)		Inspection during pre-opening visit	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	Space is accessible to all students and complies with anticipated IEP requirements		Inspection during pre-opening visit	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
Transportation	Contract with transportation provider (<i>as applicable</i>)	30 days prior to school opening	Copy of agreement with transportation provider (<i>as applicable</i>)	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
	Final transportation plan documentation (<i>if applicable</i>) including related health and safety certificates	At least two weeks prior to school opening	Copy of health and safety certificates Copies of criminal background checks for provider	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:

CATEGORY	BENCHMARK	DUE DATE [Authorizer to insert appropriate due dates relative to the start of the school year]	DOCUMENTATION [Authorizer to insert appropriate required documentation; wherever possible, work to minimize reporting burdens by using documentation already required of the school]	APPROVED BY AUTHORIZER
Food Service	Food service plan (<i>if applicable</i>)	30 days prior to school opening	Copy of food or vendor services contract	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:
			Evidence of appropriate state and local health department inspections and licenses	
Insurance	Appropriate and required coverage obtained	30 days prior to school opening	Proof of appropriate coverage from insurance provider that meets local and statutory requirements	<input type="checkbox"/> Yes <input type="checkbox"/> No Comments:

National Association of Charter School Authorizers
105 W. Adams Street, Suite 1900
Chicago, IL 60603
www.qualitycharters.org

