SCHOOL CLOSURE PROTOCOL

Oregon Charter Schools Program
INTRODUCTION
Closing a school is almost always a painful and difficult time for a sponsor. However, closing schools that are not meeting performance expectations—and which are therefore not protecting students’ and the public’s interests—is a fundamental duty of all sponsors. Effective management of termination by a sponsor can significantly mitigate the discomfort of the process and, importantly, result in a smoother transition for students and families.

As part of its Knowledge Core, the National Association of Charter School Authorizers (NACSA) publishes several resources to support sponsors through the difficult process of terminating a school. In particular, sponsors are encouraged to refer to NACSA’s Accountability in Action: A Comprehensive Guide to Charter School Closure and Authorizing Matters Issue Brief, Navigating the Closure Process—both of which offer insights and guidance about developing comprehensive closure protocols which are aligned to professional authorizing standards. NACSA has also published a Sample Action Plan for Charter School Closure as one of its core resources (also available in Excel upon request). Sponsors are encouraged to use the core closure resource as a starting template, adapting it as needed to align with local requirements and circumstances.

The information below is meant to summarize key tenets of NACSA’s closure resources, pointing Oregon sponsors to key considerations to ensure termination is as smooth as possible. It includes specific recommendations for adapting NACSA’s Sample Action Plan for Charter School Closure to align with 2015 ORS§338.105.

REQUIREMENTS OF 2015 ORS§338.105: TERMINATION
As a first step in developing a termination protocol, Oregon sponsors should review all statutory provisions pertaining to termination of a charter school, contained in §338.105. In summary, statute requires that sponsors:

- Terminate a charter for grounds set forth in §338.105(1), including (a) failure to meet the terms of an approved charter and (e) failure to maintain financial stability;
- Notify the charter school governing body at least 60 days prior to a proposed effective date of a termination, stating the grounds for termination;
- If the grounds for termination include failure to maintain financial stability or a sound financial management system, consider agreeing with the charter school to a plan to correct the deficiencies per §338.105(b);
- Immediately terminate and close a charter school that is endangering the health or safety of its students.
The primary provisions are also summarized visually below.

**STEPS FOR SUCCESSFUL TERMINATION PLANNING**

Once familiar with Oregon statutory provisions related to termination, sponsors should turn to establishing a termination protocol. NACSA offers many resources to support sponsors to do so. One of the clearest directives is NACSA’s standard for school closure from its *Principles & Standards for Quality Charter School Authorizing*:

“In the event of a school closure, [a quality sponsor] oversees and works with the school governing board and leadership in carrying out a detailed closure protocol that ensures timely notification to parents; orderly transition of students and student records to new schools; and disposition of school funds, property, and assets in accordance with law.”

These elements are each described in greater detail in the NACSA resources named above. In particular, NACSA recommends that sponsors closely review its *Authorizing Matters Issue Brief, Navigating the Closure Process* for detailed information on instituting the following six steps:

1. **Partner with School Leadership**: Immediately following a sponsor’s decision to terminate, sponsors should contact and meet with the school’s board of directors. As described in *Navigating the Closure Process*, there are a few critical purposes of this meeting, including demonstrating the sponsor’s willingness to support the closure process, determining a “wind-down committee” comprised of key school and sponsor personnel and stakeholders, ensuring consistent messaging to constituents, and developing concrete plans, including reviewing a closure plan (developed by the sponsor) and determining immediate next steps. In Oregon, the initial meeting following the determination to terminate may also be an important opportunity to discuss the opportunity for a school to request a plan to remedy financial deficiencies pursuant to §338.105(b).

2. **Establish a Termination Timeline**: There is no clear right or wrong decision regarding timing for termination decisions, but NACSA recommends that sponsors make the timing
decision in the context of what is best for students and parents. Oregon sponsors should consider two primary obligations: 1) pursuant to §338.105(2), notifying schools of the decision to terminate at least 60 days prior to the effective date of termination; and 2) providing students and families with a reasonable amount of time in the current school year to make arrangements for school placement the following year. Taken together, these two requirements suggest that termination decisions would be best made in early spring. One useful yardstick may be making determinations to terminate prior to enrollment deadlines for other schools of choice. Sponsors should also consider that there can be unintended consequences of announcing closure too early in the school year, and some data indicate that impending termination negatively impacts academic achievement.

In the case of a school board seeking to terminate its charter, the governing body must notify the sponsor at least 180 days prior to the proposed effective date. In this case, sponsors should adapt their standard termination timeline as necessary, prioritizing transparency and the best interests of students (detailed in NACSA’s closure resources) to subsequently determine the optimal timeline for communicating the news to students and families and staff.

3. **Develop a Comprehensive Closure Plan:** A closure plan is a crucial blueprint for guiding a group of stakeholders through a complex and often emotional undertaking. Oregon sponsors are encouraged to review NACSA’s *Sample Action Plan for Charter School Closure* and adapt it for their needs. The template provides a comprehensive list of closure activities across four key areas of termination that are broadly applicable and aligned to standards for high quality authorizing: 1) immediate actions (critical to-do’s within the first 24 hours—one week of termination decisions); 2) notifications to parents, families, employees, vendors, and creditors; 3) orderly handling of records; and 4) financial wind-down. The sample plan includes details related to a comprehensive set of closure activities, and recommends a responsible party for each component, as well as a completion timeline based on best practices from authorizers nationally.

As it relates to aligning the plan to substantive terms of ORS§338.105, sponsors should revise the template to explicitly indicate that assets of the public school purchased with public funds should be given to the State Board of Education (§338.105(6)(a)) and that all student records should be transferred to the administrative office of the school district in which the public charter school was located (§338.105(6)(b)). As it relates to aligning the plan to timeline requirements of ORS§338.105, the only stipulation related to the timing of termination is the 60-day notification requirement prior to a termination being effective, whereas the closure plan is meant to guide sponsors’ and school boards’ activities immediately prior to and once termination is effective. Put differently, there are no timeline provisions for termination in the code that require modifications to NACSA’s template. Beyond aligning the plan to statutory provisions, sponsors should otherwise review the template and make any modifications, additions, or revisions that better align it to their local needs and circumstances.

4. **Anticipate the Need for Sponsor Personnel.** Termination can be a time-consuming process and sponsors should anticipate a need to dedicate human resources to ensure it is done well. In *Navigating the Closure Process*, NACSA recommends that sponsors identify a project manager to lead the endeavor and act as the single point of contact for the sponsor. A project manager can monitor a coordinated effort of multiple parties responsible for the myriad termination tasks in a closure plan. NACSA also encourages
sponsors to maintain a frequent physical presence at the school (an appropriate role for the designated project manager) to demonstrate the sponsor’s intent to be a partner in the process.

5. **Develop a communications plan.** Sponsors should develop a termination communication plan prior to the decision to terminate a school so that it is ready to implement immediately. The plan should include the first and subsequent communications to stakeholders, and sponsors should prioritize consistency in their messaging. NACSA’s resources provide additional details related to the purposes, substance, and recipients of initial and subsequent messaging related to the termination. While many communications will come from the school to its constituents, the sponsor should monitor to verify that all stakeholders have been informed, and if there are gaps, prompt the school as necessary.