

Indiana Charter School Board

**CHARTER SCHOOL  
START-UP MANUAL**

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## I. Introduction

The Indiana Charter School Board (“ICSB”) believes strongly in school accountability that is based on academic outcomes rather than a regulation or control of inputs. ICSB believes that a charter school should have significant flexibility to design and implement an educational program that is most appropriate for the community it serves and has designed its Accountability System and practices to reflect this belief. There are legal requirements and regulations that set “guardrails” within which the school must operate, including those governing licensure, discipline, health and safety, fiscal management, governance, just to name a few. Many, if not most, of these guardrails are set during the pre-opening process.

Starting a charter school requires a significant investment of time, and charter school organizers (the nonprofit and tax-exempt entity that executes, and is ultimately responsible for, the performance of the school) are faced with what can seem like an overwhelming list of things to do in a relatively short period of time. The purpose of ICSB’s Start-Up Manual is to assist newly charter recipients with the completion of ICSB’s Pre-Opening Checklist and to provide helpful background information and useful contacts pertinent to a charter school’s pre-opening activities.

A Charter Agreement may not be executed, and an organizer may not provide instruction to any student attending a school until and unless: (a) staff has determined that the organizer has completed, in a timely manner, all of the items in the Pre-Opening Checklist, and (b) the Executive Director confirms in writing that all items have, in fact, been completed. See [Section 1.5](#) of the Charter Agreement. ICSB reserves the right to revoke a charter or postpone the execution of the Charter Agreement at any time during the pre-opening process, if it becomes clear that significant deficiencies exist which lead ICSB to question the viability of the school. See, e.g., Indiana Code (“IC”) § 20-24-3-7.

### **The Pre-Opening Process**

Both the organizer and ICSB staff shall assign an individual to coordinate pre-opening requirements and duties. The ICSB staff member will be responsible for monitoring the completion of pre-opening tasks and to answer any questions. The organizer shall provide the name of their representative, as well as contact information within thirty (30) days of notice of the charter approval. The ICSB staff member and organizer representative will set up phone conversations as needed but no fewer than monthly, to discuss progress on checklist items. No later than ten (10) days prior to the first day of classes, the ICSB staff member will visit the physical school location to ensure the school is prepared to open.

## **The Pre-Opening Checklist**

ICSB provides newly approved charter school organizers the Pre-Opening Checklist as a guide to ensure all required activities are completed prior to the first day of classes. The Start-Up Manual should be used in conjunction with the Pre-Opening Checklist as it provides additional details and resources for completing the Pre-Opening Checklist tasks.

Each section in this document correlates to the sections on the Pre-Opening Checklist. Under the section title, one will find the required action items with more in-depth descriptions than provided in the Pre-Opening Checklist. Once the task is completed, the ICSB staff member will indicate the date of completion along with notes and verification. A copy of the Pre-Opening Checklist can be found in [Appendix A](#) of this manual.

## **The Pre-Opening Site Visit**

A charter school's ability to successfully fulfill the terms of its charter agreement depends a great deal upon what happens before the doors of the school ever open. Some of the most complicated tasks and critical timelines occur during a charter school's pre-operational year(s). In accordance with [Attachment B](#) of the Charter Agreement, Pre-Opening Checklist, ICSB staff members will visit the charter school facility for an inspection and review prior to the time that the charter school is scheduled to commence instruction. Progress toward completion of Pre-Opening Checklist items will be regularly assessed by ICSB staff.

The pre-opening site visit allows the school to demonstrate the work that has been done to prepare for a successful school opening and will also serve as a checkpoint to ensure that all Prior Actions have been completed.

Approximately seven (7) months prior to the first day of school, ICSB will hold an in-person meeting or conference call with the school's board chair, school leader (if identified), start-up coordinator, and Education Service Provider ("ESP") representative (if applicable). During the call, ICSB staff will walk through the Pre-Opening Checklist and describe the specific requirements for completing each item. In addition, ICSB staff will ask the board chair or start-up coordinator to provide a status update on the school's facility, insurance coverage, and start-up funding. The date of the pre-opening site visit will be scheduled during the pre-opening process. The pre-opening site visit may occur, at the latest, ten (10) days prior to the opening of the school, although they are generally conducted in the same month as the start of the school's first year.

ICSB will hold a conference call with the school's board chair, school leader, start-up coordinator and ESP representative (if applicable) approximately two (2) weeks in advance

of the pre-opening site visit to provide detailed guidance for the site visit and to address any questions or concerns that the school might have. During the call, ICSB staff will ask the school to provide a status update on the completion of each item listed in the Pre-Opening Checklist. In addition, ICSB staff will confirm the date, time, and location for the Pre-Opening site visit. This will enable ICSB staff to better prepare for the Pre-Opening site visit and will reduce the time needed for the visit.

The following persons may be requested to be present for all or part of the Pre-Opening site visit:

- Board Chair
- School Leader
- Financial Manager
- Operations/Business Manager or Start-up Coordinator
- Representatives from the ESP (If applicable)
- ICSB representatives

Additional school board members are welcome to attend parts of the site visit; however, to avoid the appearance of a violation of the Open Door Law (“ODL”), the members should refrain from discussing official board business, particularly if a quorum is present.

The pre-opening site visit will be held at the school site and will commence with a tour of the school facility followed by an opportunity for the school to demonstrate how the Pre-Opening Checklist items have been met. The final portion of the meeting will be reserved for discussion of the school’s progress. A pre-opening site visit typically takes two hours.

After the Site Visit, the Executive Director will issue a Pre-Opening Checklist Completion Letter if the school meets all the criteria specified within the Pre-Opening Checklist. Schools that have not completed all Pre-Opening Checklist items may be required to delay opening, potentially to the following school year.

### Document Submission

All required documents must be submitted to ICSB through a defined process and submission platform. Information and access to the system ,. will be provided to the organizer representative.

### **Disclaimer**

**This manual has been prepared for information purposes only and is not intended to be comprehensive or exhaustive. Nothing in this manual constitutes legal advice. Laws and their applications in the school setting are ever-changing through legislation and case law. Charter schools and governing boards should not rely or act upon any information contained in this manual without first seeking the advice of independent legal counsel.**

## II. Starting a School

### A. Governance and Management

A charter school organizer’s governing board is charged with three primary responsibilities: overseeing the use of public funds to educate Indiana students; complying with all applicable federal and state laws and the charter; and monitoring the academic performance of the school. It is therefore critical that board members understand their duties and obligations as the charter holder and are qualified to discharge those duties and obligations. Links to general governance resources can be found in [Appendix B](#).

The following Governance and Management action items must be completed prior to the first day of classes:<sup>1</sup>

- The governing board is actively governing the school.
- A school website has been created with, at a minimum, board member and board meeting information, including meeting notices, agendas and minutes.
- Expanded criminal history and child protection index checks have been completed for all board members.
- Statement of Economic Interest & Conflict of Interest Forms have been completed and submitted to ICSB and the Indiana Department of Education (“IDOE”) for all active Board members.
- Leadership roles in the school have been filled.
- A management contract with an ESP has been submitted to ICSB for review prior to execution (if applicable).
- The organizer is in good standing with the State of Indiana as a nonprofit corporation and has been determined to be tax-exempt by the IRS.

#### 1) The governing board is actively governing the school.

It is the governing board’s responsibility to manage the charter school’s activities in compliance with the charter agreement and applicable law. The board should hold regular board meetings in order to monitor school activities and make decisions where appropriate and necessary. More information about governing board responsibilities and requirements may be found in ICSB’s [Memorandum of Governing Board Requirements \(July 20, 2020\)](#).

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<sup>1</sup> Resources and contact information for completing the required action items can be found in [Appendix B](#) of this document.

Indiana's Public Access Laws, including the Open Door Law and Access to Public Records Act, apply to all charter schools. The board should be familiar with Indiana's Public Access Laws and develop a plan to comply with these laws. Board members are encouraged to pay close attention to Open Door Law requirements, including the obligation to post advance notice of board meetings, as well as limitations on the use of Executive Sessions. Board members should review and utilize the Indiana Public Access Counselor's [Handbook on Indiana's Public Access Laws](#).

#### Acceptable Documentation for Completion

- Meeting minutes from the most recent two (2) school board meetings.(Prior to the first day of school).

#### **2) A school website has been created with information about the Governing Board and Board Meetings.**

All ICSB charter schools must maintain a school website that contains, at an absolute minimum, a list of governing board members, a schedule of regular board meetings, notice of board meetings that comply with ODL requirements (including links and or call in numbers if the meetings permit electronic attendance), and links to current and historical board documents, including an agenda if one is used, as well as board minutes. Meeting notice information, in particular, must be on the front page of the website and easily identifiable.

#### Acceptable Documentation for Completion:

- A link to the school's website.

#### **3) Expanded Criminal History and Child Protection Index Checks have been completed.**

Please see ICSB's [Criminal History and Child Protection Index Checks Policy](#) for more information.

Because a charter school's governing board is charged with overseeing public dollars, all board members, including members of any subcommittee or board to which the organizer delegates some authority regarding the charter school, must undergo an expanded

criminal history check and an expanded child protection index check under IC §§ 20-26-2-1.5 & 20-26-2-1.3.

Any person convicted of the following acts is prohibited from serving on a board, unless such prohibition is expressly waived by ICSB's Executive Director in writing:

- an offense described in IC § 20-26-5-11 (Version b) (generally serious crimes involving injury or death, but also sex and drug related offenses, and operating a motor vehicle while intoxicated), whether occurring in Indiana or elsewhere; or
- any theft, misappropriation of funds, embezzlement, misrepresentation, or fraud, whether occurring in Indiana or elsewhere.

The organizer must conduct expanded background checks for any new board member joining the board over the course of the charter term, pursuant to Section 4.2(b) of the charter agreement. These background checks must be completed fourteen (14) days prior to the approval of any new board member.

To complete the check described in IC § 20-26-5-1.5(1), the organizer may use a private consumer reporting agency. A link to background check providers used by Indiana charter schools can be found at <https://www.in.gov/dcs/background-checks/>. Please note this is not an exhaustive list.

To complete the national criminal history background check (as defined in IC § 10-13-3-12) listed in IC § 20-26-5-1.5(2)(a)(A), the organizer must contact the Indiana State Police. Finally, the required check of sex offender registries in all fifty (50) states and the United State Department of Justice national sex offender registry may be completed by school administrators by visiting <https://www.nsopw.gov/>.

The organizer must work with the Indiana Department of Child Services (“DCS”) to complete the expanded child protection index checks. This process is initiated by completing the Indiana School Personnel Request for an Expanded Child Protection Index Check form found on the DCS website. The instructions for how to complete this form may be found [here](#).

#### Acceptable Documentation for Completion:

- Signed assurance that the expanded criminal history and expanded child protection index checks have been completed.
- As new Board members are added, an additional signed assurance must be submitted.

**4) Statement of Economic Interest and Conflict of Interest Statement submitted.**

During the application phase each founding board member was required to submit a signed statement as part of the application packet. Prior to opening of the school, each board member must complete an ICSB Statement of Economic Interest and Conflict of Interest Statement and submit it to both ICSB and IDOE pursuant to IC § 20-24-3-4(c).

**5) School leadership roles have been filled.**

During the application process, the organizer submitted an organizational chart for school leadership. Prior to the first day of students, school-level leadership positions must be filled in accordance with the staffing plan provided during the application process, as adjusted to reflect enrollment.

Acceptable Documentation for Completion:

- Updated organizational chart with the names of individuals occupying key leadership roles and with a detailed description of the roles and responsibilities for each.

**6) Any contract with Education Service Provider has been submitted to ICSB for review prior to execution (if applicable).**

The organizer must follow the requirements of IC § 20-24-3-2.5 when entering into a contract with a third party for the management, operation, or provision of a significant portion of the managerial or instructional staff to the School. The Charter law requires the organizer to be “structurally independent” of the ESP. To be “structurally independent” means that neither the ESP, nor any affiliate or member of the ESP, may control the organizer, or any decisions made by the organizer, either directly or indirectly. In essence, the relationship between an ESP and the governing body of an organizer is a “vendor” relationship, and the ESP should have no more power or control over the governing board than any other vendor.

The terms of any service contract must be reached by the organizer and the ESP through arms-length negotiations in which the organizer is represented by separate legal counsel.

Specific details about what is required to be included in any contract with an ESP may be found in IC § 20-24-3-2.5, including that the term of the service agreement may not exceed the length of the charter (five (5) years) or any subsequent renewal term.

**All ESP contracts must be submitted to ICSB’s Executive Director for approval prior to approval and execution of the contract by the governing board.** Failure to submit a proposed management contract for review prior to execution is considered a material violation of the Charter and may result in revocation or postponement of execution of the Charter Agreement. ICSB may request revisions to a contract to comply with state and federal law, the Charter Agreement, and general best practices.

Acceptable Documentation for Completion:

- Draft management contract for ICSB Executive Director review and approval.
- Once approved, a copy of the executed management contract.

**7) The organizer is in good standing with the State of Indiana as a nonprofit corporation and has been determined to be tax-exempt by the IRS.**

The organizer must be a nonprofit corporation in good standing with the State of Indiana and receive a “Determination Letter” from the Internal Revenue Service (“IRS”) that it is tax-exempt (as an IRC 170(b)(1)(a)(ii) school) before the organizer may provide instruction to students attending the school.

Acceptable Documentation for Completion:

- If the organizer did not provide its IRS Determination Letter during the application cycle, a copy of this document must be provided prior to signing the Charter Agreement.

**B. Staffing**

It is the governing board’s responsibility to select high-quality school leadership and staff to properly operate the school’s day-to-day activities. If the governing board has entered into a contract with an ESP which includes the provision of staffing services, it is the governing board’s responsibility to ensure that the ESP complies with all staffing

requirements. The following tasks are designed to ensure new charter schools hire the appropriate staff members.

The following staffing action items must be completed prior to the first day of classes:

- Staff has been hired in accordance with the staffing plan provided with the Charter Application.
- Special education and/or English Language Learner (“ELL”) personnel have been hired or contracted out.
- Employment policies (including the dispute/complaint resolution process and expanded criminal history and child protection index policy) have been established and made available to staff.
- The school has conducted expanded criminal history and child protection index checks for all staff members and volunteers (including parents) who are likely to have direct, ongoing contact with children within the scope of the individuals’ employment/duties.
- An orientation has been held to familiarize staff with mission and program of school and to clarify their roles and responsibilities.
- Each employee has a job description which he or she has read and agreed to, and there is a signed contract on file for each teacher.

#### **1) Staff hired in accordance with staffing plan.**

The organizer submitted a staffing plan for instructional, administrative, and support staff as part of its Charter Application. Prior to the first day of school, a sufficient number of these staff members must be hired in order to execute the school’s educational plan. ICSB realizes that the actual number of staff may vary depending on enrollment.

An organizer may search and verify a teacher’s licensure through the [Indiana Educator License Lookup](#). Organizers and school leadership should verify a teacher’s licensing information prior to employment to ensure he or she is appropriately licensed. Teachers use [Indiana’s Licensing Verification and Information System \(“LVIS”\)](#) to apply for a license or to verify status. The Educator License Lookup and more information may be found at the [Office of Educator Effectiveness and Licensing](#).

Acceptable Documentation for Completion:

- Updated organizational chart with the names of individuals occupying each role and with a detailed description of the roles and responsibilities for each.

## **2) Special Education and/or ELL Personnel have been hired.**

Pursuant to federal and state laws, charter schools are responsible for meeting the needs of all students enrolled at the school, including those identified with special needs. To do so, an organizer must ensure the appropriate special education and/or ELL personnel are hired. An organizer can also choose to contract with a service company for those particular services.

For assistance in understanding special education laws and requirements, the organizer is encouraged to contact IDOE's Office of Special Education or visit IDOE's Office of Special Education [webpage](#).

### Acceptable Documentation for Completion:

- Evidence that appropriate staff has been hired. If a special education or ELL services will be contracted out, a copy of the signed contract(s) must be provided to ICSB.

## **3) Employment policies have been established and made available.**

A charter school should establish specific employment policies to guide their human resources activities. These policies should include hiring policies; workplace and conduct policies; dispute/complaint resolution processes, and general operational policies. The policies should be collected in an employee handbook and distributed to all staff members prior to the start of their employment.

In particular, schools need to include the process for addressing any disputes or complaints from employees, but also from students and parents. This dispute/complaint policy should be included in both the employee handbook and the student/parent handbook.

### Acceptable Documentation for Completion:

- Employee Handbook and evidence of its distribution to staff submitted to ICSB.

#### **4) Expanded Criminal History and Child Protection Index Checks have been completed.**

The organizer must create and implement a policy for conducting criminal history background checks in its operation of the school that is consistent with IC § 20-26-5-10. All applicants for employment with the organizer who intend to provide services for the school are required to submit employment applications. All prospective employees of the organizer, employees of prospective contractors, sub-contractors, or service providers of the organizer, and school volunteers, who are likely to have direct, ongoing contact with children within the scope of the individuals' service, must be subject to an expanded criminal background check and an expanded child protection index check, as defined by IC § 20-26-2-1.5 and IC § 20-26-2-1.3, respectively, after obtaining written consent from such individuals, before or not later than three (3) months after the prospective employee's employment or volunteer service to the school.

To complete the required expanded criminal history checks, the organizer may work with a background checks provider. A link to background check providers used by Indiana charter schools can be found in [Appendix B](#). Please note this is not an exhaustive list.

The organizer must work with the Indiana Department of Child Services ("DCS") to complete the expanded child protection index checks. This process is initiated by completing the Indiana School Personnel Request for an Expanded Child Protection Index Check form found on the DCS website. Instructions for completing this form can be found [here](#).

#### **Acceptable Documentation for Completion:**

- A copy of the organizer's expanded criminal history and child protection index policy.
- Signed assurance that the expanded criminal history and expanded child protection index checks were completed.
- As new staff members are hired, an additional signed assurance will need to be submitted.

#### **5) Staff orientation has been completed.**

It is important to have a school staff as dedicated to serving the mission of the school as is the organizer who established it. Staff members must understand the purpose of the school and all aspects of the school's education program. It is the responsibility of the

organizer to ensure each staff member understands his or her role and responsibilities in making the school a success for all students. Organizers should hold staff orientation meetings prior to the start of the school year to distribute this information and begin acclimating staff to the mission of the school.

Acceptable Documentation for Completion:

- Agendas, sign-in sheets, or other documentation indicating orientation was held for staff.

**6) Job descriptions have been created.**

To ensure all staff understand their roles and responsibilities, they must be provided clear job descriptions by the school leadership. All staff should review the job descriptions and ensure they are accurate to what was discussed at the time of hiring. Once the job descriptions have been reviewed by both the staff member and the school leadership, they should be incorporated into any employment contract signed by the parties. The school leadership must keep on file a signed contract for each staff member.

Acceptable Documentation for Completion:

- Complete Staff list with corresponding job title that is associated with the job description incorporated into the employment contract held at school.

**C. Curriculum and Instruction**

Once the school's governing board has selected the school leader, it is time for the school leader and his support staff to prepare the curriculum and instructional materials. The curriculum and assessments the school will use should have been provided in the original charter application. However, it is the school leader's duty to prepare the materials and school staff so they are ready on Day 1.

The following Curriculum and Instruction action items must be completed prior to the first day of classes:

- Instructional materials and supplies have been distributed to classrooms at every grade level.
- School calendar and class schedules have been made available to every student and family.

- Student records are available to teachers for planning.

### **1) Instructional materials and supplies have been distributed.**

For staff to properly carry out their duties, they must have access to the appropriate instructional materials and supplies. The organizer should ensure all necessary instructional materials and supplies are available to staff prior to the first day of school.

#### Acceptable Documentation for Completion:

- Instructional materials and supplies are evident at the time of the pre-opening site visit, or evidence that they will be in school in time for opening.

### **2) School calendar and class schedule have been made available.**

The school's original application required the submission of the school's master schedule, annual calendar and class schedule. Any changes to these schedules must be provided to ICSB as part of the pre-opening actions. If no changes are made, please inform ICSB staff contact that the schedules remain the same as the original application.

All school schedules must be provided to students and parents prior to opening day. This can be done as part of the student and family handbook or in whatever manner is most appropriate.

#### Acceptable Documentation for Completion:

- Evidence of distribution to family and students.

### **3) Student records have been made available.**

All student records should be maintained in an organized and secure manner. These records should also be available to teachers for use in planning their lesson plans and understanding the needs of each student. Student records must be maintained in accordance with the retention schedules approved by the Indiana Archives and Records Administration. School leadership should familiarize themselves with this schedule to ensure student records are properly retained and transferred when appropriate.

#### Acceptable Documentation for Completion:

- Evidence that student roster and student records are on file and accessible to teacher for planning.

#### **D. Students and Parents**

The organizer is responsible for creating and maintaining procedures around student records, enrollment and admissions, and general student processes. This section of the Start-Up Manual is to ensure all the appropriate procedures, processes, and policies are in place prior to the first day of classes.

The following Students and Parents action items must be completed prior to the first day of classes:

- Student admissions, enrollment, and intake procedures are identified, including transfer of student records, and the procedures used to identify students with disabilities.
- Families and students have been, or will be, provided with relevant information about the school.
- Procedures are in place for creating, storing, securing, and using student academic, and attendance, discipline, and test records.
- Student health records are separate from academic records and are in locked storage in the office of the school nurse or other appropriate location.

##### **1) Student admissions, enrollment, and intake procedures are in place.**

The organizer should have provided a copy of the school's enrollment policy during the application process. This enrollment policy should include any admissions requirements; tentative dates for the application period, including enrollment deadlines and procedures; description for receiving and processing Intent to Enroll forms; tentative lottery dates and procedures; and policies and procedures for student waiting lists, withdrawals, re-enrollment, and transfers. The organizer is also required to provide information on how the school will identify and meet the learning needs of students with disabilities.

The student admissions, enrollment, and intake procedures must comply with Indiana law. IC § 20-24-5-1 provides that a charter school must be open to any student who resides in Indiana. IC § 20-24-5-4 further provides that a charter school may not establish admission policies or limit student admissions in any manner in which a public school is not allowed

to limit admissions, e.g., on the basis of test scores, socioeconomic status, race or ethnicity, or a variety of other factors.

Accordingly, a charter school must admit and enroll each student who presents her or himself for enrollment unless the number of students seeking to enroll exceeds the number of seats available at the school, in which case the lottery provisions of IC § 20-24-5-5 apply.

Acceptable Documentation for Completion:

- If none of these policies or procedures have changed since the original submission, then no documentation needs to be submitted.
- If the policies and procedures have been changed, then an updated version of the Admissions and Enrollment Policy needs to be submitted.

**2) Families and students have been provided relevant school information**

The organizer should provide all parents and students a copy of the school’s student and family handbook. This handbook should include all important school information. The handbook should include, at a minimum, the school’s discipline policy; notice of parental rights under the Family Educational Rights and Privacy Act (“FERPA”); school health record procedures; dispute/complaint resolution process; and the right of individuals to attend board meetings.

This handbook should be distributed in whichever manner is most appropriate for the students and parents. If the organizer chooses to distribute electronically, the organizer should have paper copies available for those without electronic access. ICSB would also recommend the handbook be posted on any website maintained by the organizer.

Acceptable Documentation for Completion:

- Copy of the Student and Family Handbook, which includes, at a minimum:
  - the school’s discipline policy;
  - the school’s grievance policy
  - notice of parental rights under FERPA;
  - school health record procedures;
  - dispute/complaint resolution process; and
  - the right of individuals to attend Board meetings.

### **3) Procedures are in place for creating, storing, securing, and using student records.**

Student records and student information must be stored in a secure and appropriate location as many of the records are confidential under FERPA. FERPA is a federal law protecting the privacy of student education records. The law states that parents or eligible students (aged 18 years or older) have the right to inspect and review student education records maintained by the school, parents and eligible students have the right to request that a school correct record(s) they believe to be incorrect, and schools must have written consent in order to release any information from a student’s educational record.

Each school must employ a suitable electronic data system for creating, maintaining, and archiving student enrollment, academic, attendance, discipline, and assessment records. All student information requested by IDOE should be created at the school level within the student information system (“SIS”). IDOE’s Data Exchange (“DEX”) is the secure system used to transfer any data files that the SIS or school prepares. If the school does not push data directly to DEX from their SIS, IDOE requires specific data layouts, and the school must submit the reports in an IDOE-approved format. Additional information regarding alignment to DEX may be found [here](#).

#### Acceptable Documentation for Completion:

- Evidence that a suitable electronic data system is in place and evidence of locked and/or secured electronic storage.

### **4) Student health records are stored securely.**

Student health records, including immunization, vision, and hearing records, must be stored separately from academic records. The student health records must also be secured in locked storage in the office of the school nurse or other appropriate location.

#### Acceptable Documentation for Completion:

- Evidence of separation of health records in locked and/or secured electronic storage.

## E. Operations

The organizer is responsible for establishing all the appropriate systems and processes for the day-to-day operations of the school. This section includes many tasks that will require the organizer to work with additional public agencies.

### Required Action Items

The following Operations action items must be completed prior to the first day of classes:

- Arrangements have been made for food service.
- Appropriate provisions have been made for transportation in compliance with federal law, including homeless students and students whose Individualized Education Plan (“IEP”) requires transportation as a related service.
- Written plans for safety procedures, including fire drills and emergency evacuation, consistent with Indiana’s Health and Safety Standards (IC § 20-34) are in place.
- Provisions made for required health services and screenings, including immunization records.
- Individuals assigned and a system in place for gathering and reporting information required by the Department and other state agencies.

#### 1) Arrangements have been made for food service.

IDOE’s Office of School and Community Nutrition provides a list of several United States Department of Agriculture (“USDA”) Child Nutrition Programs for schools, including breakfast, lunch, milk, after-school snacks, and summer food. New schools that wish to participate in this program will be required to attend a mandatory training, fill out the necessary paperwork, and follow USDA and State rules and regulations of the Child Nutrition Programs to receive reimbursement for meals, milk, or snacks served to students.

Charter schools must contact IDOE’s Office of School and Community Nutrition before entering into a contract with a food service provider. There are a number of required procedures for schools that wish to qualify for federally-funded school food programs, and the contracting process takes several months. Therefore, schools should begin the process several months (possibly as early as January) prior to the first date of student enrollment.

To learn more about starting a school nutrition program visit:

<https://www.in.gov/doe/nutrition/potential-new-sponsors/>

Acceptable Documentation for Completion:

- Food or vendor services contract compliant with IDOE vendor selection and contracting requirements.

## **2) Appropriate provisions have been made for transportation.**

Indiana charter schools are not required to provide transportation for their students, except as required under the federal the McKinney–Vento Homeless Assistance Act of 1987 (Pub. L. 100-77, July 22, 1987, 101 Stat. 482, 42 U.S.C. § 11301 et seq.) (“McKinney-Vento Act”) and Individuals with Disabilities Education Act (“IDEA”), and 511 Indiana Administrative Code (“IAC”) 7-43-1(u), if applicable.

If a charter school wishes to provide transportation, they may operate their own transportation program, contract with a third-party provider, or contract with the district for transportation services. Under IC § 20-24-7-4, services that the school corporation provides to a charter school, including transportation, may be provided at no more than 103% of the actual cost of the services.

Crosswalks, speed zone signs, and school speed zone monitoring are all handled by local districts or municipalities. School should consider potential safety concerns related to student drop off and pick up and plan traffic flow as part of their school transportation plan. For guidance on traffic flow planning, the organizer must contact the local department of public works.

### Acceptable Documentation for Completion:

- Transportation plan and agreement with provider of supplemental transportation services.

## **3) Safety procedures are in place.**

All charter schools authorized by ICSB must develop and implement a school safety and emergency plan prior to the school opening. At a minimum, the plan must include: safety and emergency training and educational opportunities for school employees and periodic safety and emergency preparedness and evacuation drills, including provisions for students whose disabilities require special evacuation procedures. The school must provide a copy of floor plans that clearly indicates each exit, the interior rooms and hallways, and the location of any hazardous materials located in the building to the law

enforcement agency and the fire department that have jurisdiction over the school. IC § 20-34-3-23. IDOE’s [School Building Physical Security and Safety webpage](#) contains resources on safety procedures and references applicable laws.

Charter schools are eligible for grant funds under the Secured School Safety Grant Program. More information about the program may be found [here](#).

Many schools opt to participate in the Indiana School Safety Specialist Academy in order to receive training and ongoing information on national and state safety best practices. While not mandatory for charter schools, the specialists are provided helpful resources that can also be found on IDOE’s [School Building Physical Security and Safety webpage](#).

#### Acceptable Documentation for Completion:

- Specific, detailed plan for preparing and responding to emergencies is posted in the school at the time of the pre-opening site visit.
- Evidence that the local department of public works has been contacted and a request has been made for the installation of school.

#### **4) Provisions have been made for health services and screenings.**

Charter schools must have provisions in place for the day-to-day health needs of students as well as for medical emergencies. Specifically, should employ a nurse to coordinate health services. Health services include prevention, assessment, intervention, and referral. Schools may employ this person on a part-time basis, through a cooperative agreement with other charter or traditional public schools, or other methods. IDOE provides several resources specific to school nurses on their School [Health resources webpage](#).

The School Health Services page on IDOE’s website contains information on statutes and resources for school nurses, student medication possession and administration, health care, safety measures, care for students with diabetes, immunizations, and the Americans with Disabilities Act (“ADA”) Amendments Act of 2008. As this is a complex area, ICSB recommends that each charter school have its counsel review procedures and statutes independent of the information provided within this manual and [IDOE’s School Health webpage](#).

#### Acceptable Documentation for Completion:

- Evidence that health services will be made available (e.g., school nurse on staff or contract, contract with health care clinic, etc.).
- Medication administration policy.
- Written plan for providing required health services (e.g., student hearing and vision).
- Immunization records or proper exemption forms.

#### **5) Reporting coordinator and systems are in place.**

Operating a school requires reporting of certain student data and information to both IDOE and ICSB. IDOE requires each charter school to register the school, its staff, and its students with IDOE's data collection systems.

IDOE assigns each charter school a school corporation ID and a school ID. These numbers are used by IDOE to generate reports and mailings for schools and to update IDOE's student database. The organizer must contact IDOE's Charter School Specialist and Director of the Office of School Finance to initiate this process.

All schools must identify a Corporation Test Coordinator ("CTC"). Identifying a CTC (typically, a member of the charter school leadership or chief operating officer) at the school will help ensure smooth testing and efficient communication with both the Department and relevant test providers. CTCs are legally responsible for the security of tests. By contacting IDOE's Office of Assessment, the designated staff member(s) will be placed on testing email list to receive up-to-date information. More information on IDOE's assessment resources may be found [here](#).

It is also important the school designate a person to monitor IDOE communication. IDOE has transitioned information from internal departments to [Moodle](#). Prior to Fall of 2020, Learning Connection was the primary tool and statewide portal for educators, parents and students maintained by IDOE. The system provided access to aggregate and student level data and serves as a communication and collaboration hub for Indiana's K-12 schools. This communication system was decommissioned during the fall of 2020. The most current School and Corporation level data is now available for public access via [Indiana Graduates Prepared to Succeed website \("GPS"\)](#). For the most up-to-date information, visit the [LINK Initiative](#) webpage.

Ongoing communication from IDOE is sent each week from the Secretary of Education. It is beneficial for individuals to [sign-up](#) to receive the weekly updates from the department.

Additional reporting requirements relate to immunizations and Medicaid reimbursement. The organizer should designate a specific staff member to be trained in how to properly manage these reporting requirements.

Acceptable Documentation for Completion:

- Written assurance that updated school administration contact information has been provided to IDOE’s Charter School Specialist and Director of the Office of School Finance for communications related to: Federal Charter School Program (“CSP”) grant reporting (if applicable); per-pupil funding; state financial reporting (i.e., Form 9).
- Written assurance that updated school administration contact information has been provided to IDOE for all other state reporting requirements to include Corporation Test Coordinator for the Office of Student Assessment.
- Written assurance that updated school administration contact information has been provided to and individual trained on other state agency reporting to include Children and Hoosier Immunization Registry Program (“CHIRP”) and Medicaid Reimbursement.

## **F. Finance**

The organizer is the fiscal agent for the school. The organizer has exclusive control of, and is responsible for, the funds received by the school and the financial matters of the school. The below action items are to ensure the organizer establishes the appropriate financial policies and systems. More information on the accounting, audit, and financial reporting requirements for charter schools can be found on the [Charter School resources webpage](#) of the Indiana State Board of Accounts (“SBOA”).

The following Finance action items must be completed prior to the first day of classes:

- School has established fiscal management and oversight policies and an accounting system with internal controls in accordance with [Section 6.4](#) of the Charter Agreement.
- A payroll system has been established.

### **1) School has established fiscal management and oversight policies.**

The Organizer must provide ICSB's Executive Director with an Initial Statement by July 1<sup>st</sup> in the year in which it intends to open which demonstrates that the school has documented adequate controls relating to:

- preparing financial statements in accordance with generally accepted accounting principles, and also with the requirements for charter schools established by SBOA;
- payroll procedures;
- accounting for contributions and grants;
- procedures for the creation and review of quarterly and annual financial statements, which procedures shall specifically identify the individual who will be responsible for preparing and reviewing such financial statements and ensure that such statements contain valid and reliable data;
- appropriate internal financial controls and procedures;
- safeguarding of assets including cash and equipment;
- ensuring that the purchasing process results in the acquisition of necessary goods and services at the best price; and
- following appropriate guidance relating to a code of ethics, budget development and administration, and cash management and investments.

The Initial Statement should be reviewed and ratified by the board prior to its submission to the Executive Director. The organizer is required to retain an independent certified public accountant ("CPA") or independent certified public accounting firm licensed in Indiana to perform the Independent Accountants' Report. This report must begin within sixty (60) days after the school has received and disbursed more than \$50,000 in monies from state funding. The resulting Independent Accountants' Report should be provided to the board no later than forty-five days (45) after the commencement of the report a copy to the Executive Director.

In the event that the Independent Accountants' Report reveals that any of the above management and financial controls listed in the Initial Statement are not in place, the organizer must fix these deficiencies no later than forty-five (45) days from the date the Independent Accountants' Report was received by the Board. Within that forty-five (45) day period, the organizer then must provide to the Executive Director a statement that all deficiencies identified in the Independent Accountants' Report have been corrected within that forty-five (45) day period.

The organizer must ensure the school employs the proper persons or contracts with an appropriate company to provide administrative financial services such as accounting, purchasing, and the required annual audit. The organizer has the flexibility to hire an in-

house staff member to manage these processes or can contract with a company that provides these services.

Acceptable Documentation for Completion:

- By July 1<sup>st</sup>, Initial Statement as adopted by the Board as well as evidence that the school has contracted with a CPA firm or Accountant to complete an Independent Accountants' Report, pursuant to Section 6.4 of the Charter Agreement.
- Independent Accountants' Report no later than forty-five (45) days of engagement of CPA.
- Evidence of employment of or contract with accountant, bookkeeper or other evidence to handle such duties.

**2) A payroll system has been established.**

The organizer must ensure the school employs the proper persons or contracts with an appropriate company to provide payroll services. The organizer has the flexibility to hire an in-house staff member to manage these processes or can contract with a company that provides these services.

Acceptable Documentation for Completion:

- Contract with payroll company or evidence of employment of or contract with persons to handle payroll; and copy of deduction policy.

**G. Facilities, Fixtures, and Equipment**

Securing an appropriate and affordable facility is one of the biggest challenges facing new charter schools. New charter schools must coordinate with a number of state and local agencies to ensure the school's physical plant meets the state zoning, health, and safety requirements. These tasks should be started immediately upon charter application approval.

The following Facilities, Fixtures, and Equipment action items must be completed prior to the first day of classes:

- School location identified and facility secured and/or in development.
- Evidence of insurance coverage.
- Available space (including classrooms, restrooms, and special purpose space) which meets the requirements of the program and the number of students enrolled. Space is accessible to all students (including handicapped students), clean, and well-lit.
- A certificate of occupancy (or statement of substantial completion) is on file, as well as any other appropriate certificates of inspection or permits.
- Systems are in place for student drop-off and pick-up.
- Space is safe and secure; entrance and egress from the school's space is adequately controlled.

### **1) School facility identified and secured.**

Ideally, by the time an application has been approved, an organizer has specifically identified a potential facility located within the school corporation described in the charter application. While we recognize that negotiation of the sale or purchase of a facility may take some time, the organizer must take possession of the facility with enough time before opening to ensure all other prior actions, including any required health and safety measures, can be completed. It is critical that the organizer notify ICSB staff if there are complications or delays with either securing the facility or in ensuring compliance with occupancy requirements.

If ICSB's Executive Director determines that the proposed facility will not be ready in time for the school to open, the Executive Director may require the organizer to delay the opening to a subsequent year.

One facility option may be to claim a building from IDOE's "unused facility" list pursuant to the "one dollar" law statute. More information can be found on IDOE's [website](#).

An organizer operating a virtual charter school may seek an exemption from this section by obtaining prior written consent from ICSB's Executive Director.

#### Acceptable Documentation for Completion:

- Copy of lease or deed with physical address of the facility indicated.

## 2) Evidence of insurance coverage.

Charter schools authorized by ICSB are required to indemnify ICSB, IDOE, any related entities, and their respective members, officers, employees, officials, and agents. In addition, charter schools must obtain liability insurance coverage naming ICSB and IDOE as Additional Insured on a primary, non-contributory basis.

All coverage must be obtained from a licensed insurance carrier that is rated “A” or better by A.M. BEST or a comparable rating service. Coverage must be renewed at the frequency determined by the insurance carrier(s) and must remain in effect for the full duration of the charter term.

Charter schools authorized by ICSB must obtain the following minimum insurance coverage per school:

- **Workers’ Compensation Liability:** Workers’ compensation for all employees as required by Indiana law (see IC § 22-3)
- **Commercial General Liability:** Commercial general liability in an occurrence form, with limits of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate for bodily injury, personal injury and property damage liability coverage. Liability coverage shall include the following: all premises and operations, products/completed operations, independent contractors, separation of insureds, defense and contractual liability. Such comprehensive general liability insurance must expressly cover sexual abuse/molestation liability, and medical payments of \$5,000. ICSB and IDOE must each be named as an Additional Insured on a primary, non-contributory basis for any liability arising directly or indirectly from all school business, including school-sanctioned functions that may take place outside of normal school hours. As noted above, a copy of the endorsement reflecting these additions must be submitted to ICSB.
- **Educators’ Legal Liability (including Directors’ and Officers’ and Employment Practices Liability):** Liability insurance covering the school and its directors and officers from liability claims arising from wrongful acts, errors or omissions with regard to the conduct of their duties related to operation and management of the school with limits of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate.
- **Automobile Liability:** Required when any motor vehicle (whether owned, non-owned or hired) is used in connection with all school business, including school-sanctioned functions that may take place outside of ICSB Insurance Requirements normal school hours, with limits of not less than \$1,000,000 per occurrence for

bodily injury and property damage. NOTE: such liability insurance provides coverage for the school only. ICSB strongly encourages schools to establish a policy whereby any school employee who drives a personally-owned vehicle for school-related business (including field trips or conferences) must have personal auto coverage of at least \$100,000, and that all such employees must provide certificates of insurance to keep on file at the school.

- **Umbrella/Excess Liability:** Umbrella or Excess Liability Insurance with limits of not less than \$4,000,000 to provide additional limits for underlying general, automobile, employers' and educators' legal liability.
- **Property Insurance:** Property insurance from an A-rated insurance carrier for full Replacement Cost of property, whether by lease or other agreement, from physical loss or damage. Such insurance shall cover boiler and machinery exposures and business interruption/ extra expense losses. If the charter school is leasing its property, ICSB will accept insurance in the name of either the school or the property owner.
- **Student Accident Coverage:** All Indiana High School Athletic Association (IHSAA) schools must include coverage for athletic participation.
- **Employee Dishonesty Liability:** Employee Dishonesty liability insurance in the amount of at least \$250,000 for all school employees. Note that the state of Indiana has specific fidelity bond requirements for certain school employees.
- **Cyber Liability:** Schools may wish to obtain cyber liability insurance, depending upon the school model.
- **Foreign Travel/Field Trip Liability:** Schools may wish to obtain liability insurance covering field trips and/or foreign travel, depending on the school model.

Those schools entering into a management agreement with an ESP must factor in these additional requirements:

- The service agreement between the charter school and the ESP must require the school to be named as an Additional Insured on the ESP's liability policies.
- The ESP must obtain liability insurance coverage from an A-rated carrier naming ICSB and IDOE as Additional Insured on a primary, non-contributory basis. As noted above, a copy of the endorsement reflecting these additions must be submitted to ICSB.
- Workers' compensation insurance that complies with state law must be carried by whichever entity employs the school's staff. If both the school and the ESP employ staff, then each entity must carry the appropriate insurance coverage for their respective employees. If the school does not employ any of the staff or

administration and does not carry workers' compensation insurance, then the service agreement between the charter school and the ESP must include a provision to indemnify the school against any liability for workers' compensation claims.

Acceptable Documentation for Completion:

- Certificates of Insurance for all required insurance coverage from an insurance company that is licensed to do business in Indiana or in another state, if applicable, and is rated an "A" or better by A.M. BEST rating service.

**3) The facility meets adequate and accessible space requirements.**

Any building chosen by an organizer must be suitable to conduct school activities. There must be adequate space for classrooms, restrooms, and special purposes such as dining and physical education. These spaces must be accessible to all, including handicapped students. If the organizer intends to use a building not required to be handicap accessible, procedures for reasonable accommodations for handicap persons must be put in place. These procedures must be in compliance with the [ADA regulations for public accommodations](#).

If a building needs to be renovated or the organizer intends to build a facility to properly fit the needs of the schools, the organizer must follow proper bidding and wage determination procedures pursuant to IC § 20-24-7-7. For more information on bidding and wage determination requirements please review SBOA's Charter School Manual chapter on the [Public Works Law](#).

All buildings must receive certification from an engineer or architect indicating the building complies with an E occupancy under the rules of the Fire Prevention and Building Safety commission. The organizer should contact the [Indiana Department of Homeland Security \("IDHS"\)](#) to assist in completing this certification. More information can be found at the IDHS [Division of Fire and Building Safety](#).

Acceptable Documentation for Completion:

- Written procedures for accommodation of handicapped persons in compliance with ADA.
- Copy of certification (or re-certification of an existing structure) from an engineer or architect that the building complies as an E occupancy under the rules of the Fire Prevention and Building Safety commission.
- Inspection at time of the Pre-Opening Site Visit.

#### **4) Proper certification and permits have been secured.**

Note: the certification and permitting requirements for a school facility are complicated. The following is provided as a general overview only, organizers are responsible for contacting each relevant agency or entity to ensure that all compliance requirements are met.

Prior to opening the school, the organizer must receive documentation from several different agencies to ensure the building meets the appropriate requirements to operate as a school. Such communication may be handled directly by the charter school organizer or by the organizer's facilities partner (e.g., architect, construction manager), depending upon the agency or facilities preparation task. The specific requirements differ depending upon whether a school constructs a new facility, leases a facility, or purchases and/or renovates an existing facility.

Some of that documentation has been previously mentioned in this manual. This documentation must be received from agencies and entities outside of ICSB.

Each school must receive a certificate of occupancy or statement of substantial completion. In Marion County, this documentation is referred to as the Certificate of Completion and Compliance. It can be obtained by contacting the [Department of Business and Neighborhood Services](#) to obtain a Certificate of Completion and Compliance. For schools locating outside of Marion County, the organizer must check with the local building commission or department for the appropriate certification. You can find your local building official [here](#).

Furthermore, an organizer must connect with the local planning and zoning departments to receive the appropriate zoning, land use, and building use permits required to operate a school in that location. It is the organizer's responsibility to check with most the local municipality and the local county officers to ensure all the necessary permits and certifications are received.

If an organizer is renovating a building or building new construction, it must receive a state construction design release. This process is completed by submitting the building plan for review by IDHS. To begin this process, an organizer should visit the IDHS's [Indiana Building Plan Review webpage](#). IDHS building safety & services applications, forms & permits may be found [here](#).

Charter schools are also subject to the [Sanitary Schoolhouse Rule](#). The Commissioner of the Indiana Department of Health ("ISDH") or local health officer is authorized to make inspections to determine the condition, of school buildings and sites and has the authority to enter at reasonable times any public school building for the purpose of inspecting and investigating conditions relating to the enforcement of the Rule. ISDH's Applications, Bulletins, Forms, Laws and Regulations, including the application for a construction permit may be found [here](#).

Additional documentation may be required from the State Fire Marshall, including an [inspection](#) of heating and cooling lines, a fire suppression system, and smoke detector compliance; a local building inspector; or the local fire department. It is the responsibility of the organizer to ensure all appropriate agencies are contacted and the necessary documentation is received.

#### Acceptable Documentation for Completion:

- Certificate of occupancy or statement of substantial completion.
- Zoning, land use, and building use permits and/or certification.
- State construction design release (if applicable).
- Documentation from Indiana Department of Homeland Security.
- Documentation from the county or relevant local Health Department.
- Documentation from the State Fire Marshall or local Building Inspector.
- If applicable, documentation from the local Fire Department.

#### **5) Systems are in place for student drop-off and pick-up.**

The organizer must develop a plan for safe and efficient student drop-off and pick-up times before, during, and after school. This plan should provide detailed times and locations in which parents or guardians can safely deliver and receive their student. Schools should consider potential safety concerns related to student movement and plan this traffic flow as part of their school transportation plan.

Acceptable Documentation for Completion:

- Plan detailing times and locations for student drop-off and pick-up before school, during, and after school.

**6) The school is a safe and secure space.**

The organizer must ensure the school building and property are safe and secure for all students, staff, parents, and others who use the school. Evacuation plans must be posted in each classroom. Signage indicating the evacuation plans and building exit doors should be clearly posted. Entrance and egress from the school building must be controlled to ensure unwanted or inappropriate persons do not enter the building.

An initial and/or updated safety and security plan that includes, at a minimum, safety and emergency training and educational opportunities for school employees and periodic safety and emergency preparedness and evacuation drills, must be submitted to ICSB for approval no later than August 1 of each school year to include the initial year of operation. This safety plan must comply with IC § 20-34-3-23. In addition, the school must provide a copy of floor plans that clearly indicates each exit, the interior rooms and hallways, and the location of any hazardous materials located in the building to the law enforcement agency and the fire department that have jurisdiction over the school.

Acceptable Documentation for Completion:

- Inspection at time of Pre-Opening Site Visit to ensure safety and evacuation plans in each classroom and school signage are posted.
- School Safety Plan.