

Authorizing North Dakota Charters for
High-Quality Outcomes and Results

NORTH DAKOTA DEPARTMENT OF PUBLIC INSTRUCTION

Office of School Approval and Operations

CHARTER SCHOOL

ORGANIZATIONAL PERFORMANCE FRAMEWORK

A Tool for Accountability, Oversight, and Protection of the Public Interest

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Grounded in NDCC Chapter 15.1-40 | NDAC Chapter 67-36 | NDCC Chapter 44-04

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Section 1: Introduction and Purpose

The North Dakota Department of Public Instruction (NDDPI) has a fundamental obligation to protect the public interest by ensuring that every public charter school operates lawfully, ethically, and in fidelity to its charter. Charter schools exercise significant autonomy over their budgets, curriculum, and operations. In exchange for that autonomy, they accept accountability for sound organizational practice and for compliance with the laws that protect students, families, employees, and the public.

This Charter School Organizational Performance Framework (Organizational Framework) is the primary instrument NDDPI uses to verify that each charter school meets the legal and contractual obligations it owes to the public. It establishes the standards NDDPI evaluates, identifies the evidence NDDPI relies on, and defines the processes by which NDDPI monitors compliance, identifies concerns, and takes action to protect students and the public interest.

Statutory and Regulatory Basis

This Organizational Framework is grounded in the following legal authorities:

> **NDCC 15.1-40-10(5)(a).** The Charter Performance Agreement must include indicators related to governance performance and family and community engagement.
>
> **NDCC 15.1-40-12.** NDDPI shall monitor the performance and legal compliance of each charter school, including an annual evaluation, and shall provide a reasonable opportunity to remedy identified problems.
>
> **NDCC 15.1-40-15(1)(a) and (b).** Revocation or nonrenewal is authorized when a school fails to comply with chapter 15.1-40 or other law, or commits a material violation of a term, condition, standard, or procedure required under the Charter Performance Agreement.
>
> **NDCC 15.1-40-18.** The governing board must adopt a conflict of interest policy, a code of ethics, and a nepotism policy, and is a public entity under chapter 44-04.
>
> **NDCC Chapter 44-04.** Open meetings and open records requirements apply to charter school governing boards.
>
> **NDCC 15.1-40-03(2).** Charter schools are subject to federal laws and authorities related to education.
>
> **NDAC 67-36-01-04. NDDPI conducts ongoing monitoring; each school submits annual academic, fiscal, and other reports on the forms prescribed for school districts; and NDDPI issues written notice of required corrective actions, which the school must complete no later than one year after the notice.**
>
> **NACSA Standards for Quality Charter Authorizing.** This Framework aligns with national best authorizing practice for organizational oversight.

Scope and Application

This Organizational Framework applies to all public charter schools operating under a Charter Performance Agreement (CPA) with NDDPI. It is used for:

- Annual organizational monitoring and evaluation pursuant to NDCC 15.1-40-12;
- Charter performance reporting preceding the renewal year pursuant to NDCC 15.1-40-13;
- Renewal decisions under NDCC 15.1-40-14, requiring evidence of performance under the CPA's performance framework; and
- Revocation or nonrenewal decisions under NDCC 15.1-40-15.

> **A Framework Focused on Compliance**
> This Framework verifies compliance with legal and contractual obligations. It does not rate organizational quality beyond what law and the CPA require. This is a deliberate design choice. Under NDCC 15.1-40-03(1), except as provided in chapter 15.1-40, a charter school is not subject to state or local education law, rule, or policy. Accordingly, this Framework holds each school accountable only to the obligations that apply to it by law or contract, honoring the autonomy the statute grants while protecting the public interest.

Relationship to the Charter Performance Agreement

Organizational expectations in each school's CPA are drawn directly from this Framework. The CPA formalizes the specific obligations and reporting requirements applicable to each school for the duration of the charter term.

Relationship to the Academic and Financial Frameworks

NDDPI evaluates charter schools through three complementary performance frameworks. Each does independent work, and the frameworks are designed not to overlap:

- **Academic Performance Framework:** student academic proficiency, growth, and outcomes.
- **Financial Performance Framework:** financial health, viability, and stewardship of public funds, including financial reporting and audit compliance.
- **Organizational Performance Framework:** legal and contractual compliance in governance, employment, students' rights, program delivery, school environment, community engagement, and non-financial reporting.

Where an obligation could fall under more than one framework, this Framework defers to the more specific framework to avoid duplicate evaluation. Financial reporting and audit obligations are evaluated under the Financial Performance Framework. The substance of family and community engagement performance is evaluated under the Academic Performance Framework; this Framework verifies only that the school has adopted its engagement approach and meets the family and community engagement reporting obligations in its Charter Performance Agreement.

Section 2: Organizational Framework Structure

The Organizational Performance Framework is organized around a small set of levels. Understanding each level and how they relate to one another is essential to applying the Framework consistently and fairly.

Framework Levels

Level	Definition	Example
Indicators	General categories of organizational performance	Governing in the Public Interest
Measures	Specific compliance obligations evaluated within each indicator	Open meetings compliance
Standards	The legal or contractual requirement that defines compliance	The board complies with NDCC ch. 44-04
Evidence	The documents and information NDDPI relies on to verify compliance	Posted notices, agendas, and minutes
Ratings	NDDPI's assignment of performance into one of two categories	Meets Standard

Indicators, Measures, and Compliance Standards

This Framework uses eight indicators, derived from state and federal law and aligned with NACSA's Organizational Framework. Each indicator is assessed through specific measures tied to their primary legal authority. Student academic outcomes and financial reporting are evaluated separately under the Academic and Financial Performance Frameworks.

Indicator	What It Verifies	Measures	Primary Authority
1. Governing in the Public Interest	The board, which holds the charter and bears ultimate legal and fiduciary responsibility, is properly formed and governs in compliance with laws protecting the public interest.	1.a Board Composition and Formation 1.b Open Meetings and Open Records 1.c Conflict of Interest, Code of Ethics, and Nepotism 1.d Insurance	NDCC 15.1-40-02, -18; NDCC ch. 44-04
2. Creating Great Places to Work	The school meets baseline legal requirements for employing qualified, properly screened personnel.	2.a Educator Licensure 2.b Teaching Assignments 2.c Background Checks and Nepotism in Hiring	NDCC 15.1-40-19; 15.1-40-18; 15.1-06-06(1)(b); NDCC ch. 15.1-18

Indicator	What It Verifies	Measures	Primary Authority
3. Supporting Students and Protecting Students' Rights	The school is open and accessible, admits students fairly, and complies with enrollment, nondiscrimination, civil rights, and student protection obligations.	3.a Enrollment and Lottery 3.b Nondiscrimination and Non-sectarian Operation 3.c Students with Disabilities, ELs, and Records 3.d Student Discipline and Due Process	NDCC 15.1-40-05, -02, -17, -03(2); federal civil rights law
4. Delivering the Education Program	The school delivers the educational program required by law and promised in its charter.	4.a State Standards, Hours, and Graduation 4.b In-Person Delivery 4.c Curricular Requirements 4.d Fidelity to the Charter 4.e State Assessment and Student Data 4.f Continuous Improvement Process	NDCC 15.1-40-02, -10; 15.1-06-06(1)(c), (d); 15.1-21-08; CPA
5. Maintaining a Safe and Positive Learning Environment	The school complies with legal requirements protecting the health and safety of students and the school community, including the school's facility, food service, health services, and transportation.	5.a Facilities, Fire, and Safety 5.b Food and Nutrition 5.c Student Health and Mandatory Reporting 5.d Transportation	NDCC 15.1-40-22, -21, -03(2); NDCC ch. 50-25.1
6. Building a Cohesive Community	The school has adopted an engagement approach and meets the family and community engagement obligation in its Charter Performance Agreement, with specific expectations developed in consultation with the school.	6.a Family and Community Engagement	NDCC 15.1-40-10(5)(a), -07(3)(h); CPA
7. Meeting Reporting Requirements	The school meets its non-financial reporting obligations accurately and on time, enabling NDDPI oversight.	7.a Required Reports to NDDPI 7.b State Aid Reporting 7.c Public Information and Website	NDAC 67-36-01-04(2); NDCC 15.1-40-21(3); NDCC ch. 44-04
8. Complying with Additional Obligations	NDDPI can hold the school accountable for all applicable legal and contractual obligations, including those not listed in this Framework or enacted after the Charter Performance Agreement is adopted.	8.a Compliance with Applicable Law 8.b Closure and Dissolution Preparedness 8.c New or Amended Requirements	NDCC 15.1-40-03(2), -15(1)(a), -16; NDAC 67-36-01-07

Materiality

Meeting a standard does not require perfection. NDDPI uses professional judgment to determine whether a school has substantially met the standard as presented. The trigger for a Does Not Meet Standard rating is material noncompliance, not a minor or technical deviation that the school corrects.

Ratings

Each measure is rated in one of two categories. Ratings reflect NDDPI's assessment of the totality of evidence and the materiality of any noncompliance.

Meets Standard	Does Not Meet Standard
The school materially complies with the applicable legal and contractual obligations for the measure. Minor or immaterial deviations that the school corrects do not by themselves result in a Does Not Meet Standard rating.	The school fails to materially comply with the applicable legal and contractual obligations for the measure. NDDPI will determine the appropriate action, which may include a Notice of Concern, required corrective action, or, for serious or unresolved noncompliance, high-stakes action under NDCC 15.1-40-15.

Important Note on Rating Determination

Ratings reflect NDDPI's holistic assessment of the totality of evidence and the materiality of any noncompliance, not a mechanical checklist. Context matters: NDDPI will consider whether a deviation was minor, isolated, or promptly corrected. However, context does not substitute for compliance. A school that fails to materially comply, or that does not cure identified noncompliance within established timelines, will receive a Does Not Meet Standard rating.

Differentiation by Stage of Operation

Some obligations apply from the time a charter is approved, such as board formation and adoption of a conflict of interest policy. Others apply only once a school is operating, such as the enrollment lottery, instructional hours, and state assessment administration. Before a school commences operations, NDDPI verifies foundational organizational requirements through its Ready-to-Open determination. This Framework governs ongoing organizational compliance after a school opens.

Section 3: How NDDPI Uses the Organizational Framework

Evidence Collection

The primary mechanism for organizational monitoring is the Annual Charter Assurance of Compliance Statement (Appendix A), signed by the governing board, paired with verification through the adopted documents and records that support it. An assurance alone is not sufficient: each attested item is supported by an actual adopted document or record that NDDPI reviews. Primary evidence sources include:

- The Annual Charter Assurance of Compliance Statement signed by the governing board
- Adopted school policies and procedures, including conflict of interest, code of ethics, nepotism, discipline, and enrollment and lottery policies
- Corporate formation documents and bylaws
- Board meeting notices, agendas, materials, and minutes
- The school's public website
- Student and staff handbooks
- Educator licensure verification from the Education Standards and Practices Board
- Inspection certificates and licenses the school is required to obtain and maintain, including fire and safety, food service, and health, submitted to NDDPI
- Reports submitted under NDAC 67-36-01-04(2) and the CPA
- Notifications of noncompliance received from federal, state, or county agencies

> **Verification Methods and Current Capacity**
>
> Document and website review is the primary method NDDPI uses to verify compliance. As capacity allows, NDDPI may also conduct interviews and site visits and may rely on inspection reports and findings issued by other federal, state, or county agencies, such as the State Fire Marshal and the Department of Health and Human Services. Where NDDPI does not independently inspect, the school remains responsible for obtaining and submitting the certificates, licenses, and documents required by this Framework.

Annual Evaluation Process

NDDPI evaluates each charter school's organizational compliance annually, consistent with NDCC 15.1-40-12. The evaluation proceeds in two phases.

Phase 1: Compliance Review.

NDDPI reviews the Annual Charter Assurance of Compliance Statement and the supporting documents against each measure. A school that demonstrates material compliance on all measures receives a Meets Standard rating on those measures, and no further review is required for that cycle.

Phase 2: Further Review, as needed.

If a school cannot attest to compliance, or if a document review, complaint, or agency notification raises a concern, NDDPI conducts further review before assigning a final rating. NDDPI may request additional documents, request a written explanation from school leadership, observe a board meeting, conduct a site visit as capacity allows, or contact the relevant oversight agency. NDDPI evaluates the materiality of any noncompliance before assigning a Does Not Meet Standard rating.

Handling complaints. NDDPI generally refers complainants to the charter school's governing board, which is responsible for investigating such matters. NDDPI may conduct direct fact-finding where a complaint involves student safety, an alleged major infraction, or the governing board itself, such as an alleged open meetings violation, and will notify the appropriate authorities where required by law.

Annual Monitoring

In addition to the annual evaluation, NDDPI monitors organizational compliance on an ongoing basis, including review of required reports under NDCC 15.1-06, such as the Licensed Personnel Report, Annual Compliance Report, and School Calendar. Monitoring may include document and website reviews and, as capacity allows, interviews and site visits. NDDPI provides written results to the school, which will have an opportunity to correct any identified issues by a deadline set by NDDPI. Consistent with NDCC 15.1-40-12(2), the school will have at least fifteen days to respond.

Corrective Action

When NDDPI identifies organizational noncompliance, it will notify the school promptly and provide a reasonable opportunity to remedy the problems, consistent with NDCC 15.1-40-12. A charter school must be given at least fifteen days to respond. NDDPI may:

- Issue a written Notice of Concern identifying the specific noncompliance;
- Require a Corrective Action Plan (CAP) with specific timelines and milestones;
- Require submission of the relevant adopted document or evidence of remediation, consistent with NDAC 67-36-01-04(3);
- Require enhanced reporting or follow-up verification.

Failure to complete required corrective actions within established timelines may result in further action under NDCC 15.1-40-15 and NDAC 67-36-01-04(4).

Annual Compliance Determination

A school is deemed to meet the Organizational Framework for a given year if it has not materially violated its Charter Performance Agreement and has no unresolved Notices of Concern.

Renewal

The Organizational Framework is integral to charter renewal decisions. Renewal decisions must be supported by evidence of the school's performance under the CPA's performance framework (NDCC 15.1-40-14). NDDPI reviews the school's organizational compliance record across the full charter term, not just the most recent year. For renewal, a school must demonstrate compliance with the Organizational Framework for each year of its contract term. A pattern of unresolved or recurring material noncompliance may result in nonrenewal. Renewal is not automatic; it must be earned through a demonstrated record of compliance.

Revocation

In the most serious cases of noncompliance, NDDPI may revoke a charter performance agreement. NDCC 15.1-40-15(1)(a) authorizes revocation when a school fails to comply with chapter 15.1-40 or other law, and NDCC 15.1-40-15(1)(b) authorizes revocation for a material violation of a term, condition, standard, or procedure required under the CPA. Revocation is the most extreme intervention and is reserved for situations of serious or unresolved noncompliance that present a threat to students, the public interest, or the school's lawful operation.

Per NDCC 15.1-40-15(2), revocation may not occur before a public meeting with the charter holder unless continued operation presents an imminent public safety issue. A school has thirty days to respond to a notice of revocation under NDCC 15.1-40-15(3).

Section 4: Indicators and Measures in Detail

The following pages provide detailed guidance for each indicator and its measures, including what is required to meet the standard, the legal or regulatory authority for the measure, and the evidence NDDPI relies on. For every measure, a Does Not Meet Standard rating is assigned only for material noncompliance, as described in Section 2. The trigger for a Does Not Meet rating on each measure is consolidated in Section 5.

Indicator 1: Governing in the Public Interest

A charter school's governing board is the keeper of the public trust. It holds the charter, bears ultimate legal and fiduciary responsibility for the school, and cannot delegate its core duties. This indicator verifies that the board is properly formed and that it governs in compliance with the laws that protect the public interest.

Measure	What "Meets Standard" Requires	Authority	Evidence Sources
1.a Board Composition and Formation	The school is governed by a properly formed governing board whose composition and membership are consistent with its bylaws and Charter Performance Agreement. Individuals compensated by an education service provider do not serve as voting members of the board except as approved by the Superintendent. Current board member information is maintained on file with NDDPI.	NDCC 15.1-40-02(4); 15.1-40-18; 15.1-40-18(2)	• Articles of incorporation and bylaws • Board roster and member information • Compensation and conflict disclosures • Annual Charter Assurance of Compliance Statement
1.b Open Meetings and Open Records	As a public entity, the governing board conducts its meetings and maintains its records in compliance with North Dakota open meetings and open records law, including required public notice of meetings.	NDCC 15.1-40-18(1)(e); 15.1-40-01(5); NDCC ch. 44-04	• Posted meeting notices and agendas • Approved board minutes • School website • Records request log, if any
1.c Conflict of Interest, Code of Ethics, and Nepotism	The board has adopted, maintains, and implements a viable conflict of interest policy, a code of ethics, and a nepotism policy. Potential nepotism in hiring and supervision is disclosed to the board, and an individual with a nepotism conflict is not involved in the related hiring decision or supervision.	NDCC 15.1-40-18(1)(b); 15.1-40-18(1)(c)	• Adopted conflict of interest policy, code of ethics, and nepotism policy • Signed board member disclosures • Board minutes documenting recusals or disclosures

Measure	What "Meets Standard" Requires	Authority	Evidence Sources
1.d Insurance	The school maintains insurance against loss of or damage to its property, liability resulting from the use of its property, and liability arising from the acts or omissions of its officers and employees.	NDCC 15.1-40-02(3)	• Certificates of insurance • Current policy declarations

Indicator 2: Creating Great Places to Work

A school depends on its staff. This indicator verifies that the school meets the baseline legal requirements for employing qualified, properly screened personnel.

Measure	What "Meets Standard" Requires	Authority	Evidence Sources
2.a Educator Licensure	Teachers employed by the school are licensed by the Education Standards and Practices Board and meet the requirements of NDCC Chapter 15.1-18.	NDCC 15.1-40-19(1); NDCC ch. 15.1-18; NDCC 15.1-06-06(1)(a)	• Annual Charter Assurance of Compliance Statement
2.b Teaching Assignments	Each classroom teacher only teaches in the course areas or fields for which the teacher is licensed, or for which the teacher has received an exception.	NDCC 15.1-09-57; NDCC 15.1-06-06(1)(b)	• Licensed Personnel Report
2.c Background Checks and Nepotism in Hiring	Required criminal history background checks are completed for employees consistent with educator licensure requirements and the school's adopted personnel policies and Charter Performance Agreement, and the school applies its nepotism policy in hiring and supervision.	NDCC 15.1-40-19(1); 15.1-40-18(1)(c); adopted personnel policy and CPA	• Adopted background check and personnel policies • Records confirming completed checks • Nepotism disclosures

Indicator 3: Supporting Students and Protecting Students' Rights

As public schools, charter schools must be open and accessible, must admit students fairly, and must protect the rights of every student they serve. This indicator verifies compliance with the enrollment, nondiscrimination, civil rights, and student protection obligations that apply to all public charter schools in North Dakota.

Measure	What "Meets Standard" Requires	Authority	Evidence Sources
3.a Enrollment and Lottery	The school enrolls all eligible students who wish to attend, up to capacity, and conducts a randomized, transparent, and impartial lottery in a public setting when applications exceed capacity. The school applies only the enrollment preferences permitted by law and has adopted and published written enrollment and lottery procedures.	NDCC 15.1-40-05; NDAC 67-36-01-06	• Adopted and published enrollment and lottery procedures • Lottery records and public notice • Waiting list documentation • School website
3.b Nondiscrimination and Non-sectarian Operation	The school does not base admissions on prohibited characteristics, does not engage in religious practices in its educational program, admissions, employment policies, or operations, and does not charge prohibited tuition or fees. The school complies with applicable federal civil rights laws, including Title IX, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act.	NDCC 15.1-40-05(2)(c); 15.1-40-02(11); 15.1-40-02(12); 15.1-40-03(2)	• Adopted admissions and fee policies • Student handbook • School website • Notifications from civil rights agencies, if any
3.c Students with Disabilities, English Learners, and Student Records	As a local education agency for special education funding purposes, the school provides services to students with disabilities as required by the Individuals with Disabilities Education Act and Section 504, provides services to English learners, protects the privacy of student records under FERPA, and serves students experiencing homelessness consistent with the McKinney-Vento Act.	NDCC 15.1-40-17; 15.1-40-03(2)	• Special education policies and service records • EL identification and service documentation • FERPA policy and records practices • McKinney-Vento liaison designation • State special education monitoring results, where available

Measure	What "Meets Standard" Requires	Authority	Evidence Sources
3.d Student Discipline and Due Process	The school has adopted and implements student discipline policies consistent with applicable law and its Charter Performance Agreement, including due process protections and the procedural protections required for students with disabilities.	NDCC 15.1-40-07(3)(j); 15.1-40-03(2); CPA	• Adopted discipline policy and student handbook • Discipline records and required notices • Manifestation determination records, where applicable

Indicator 4: Delivering the Education Program

The educational program is the heart of a charter school. This indicator verifies that the school delivers the program required by law and promised in its charter. Student academic outcomes are evaluated separately under the Academic Performance Framework.

Measure	What "Meets Standard" Requires	Authority	Evidence Sources
4.a State Standards, Instructional Hours, and Graduation Requirements	The school provides a program of education that meets or exceeds state performance standards, instructional hour requirements, and graduation requirements.	NDCC 15.1-40-02(7)(a); NDCC 15.1-06-04	• Master schedule and instructional time calendar • Annual Charter Assurance of Compliance Statement • Fall & Spring School Calendar
4.b In-Person Delivery	The school operates as an in-person school and does not provide online, virtual, or home education as the primary method of educational programming.	NDCC 15.1-40-02(13)	• Master schedule and instructional model documentation • Annual Charter Assurance of Compliance Statement
4.c Curricular Requirements	The school meets all curricular requirements.	NDCC ch. 15.1-21; NDCC 15.1-06-06(1)(c); NDCC 15.1-40-02(15)	• Licensed Personnel Report • Course Catalog

Measure	What "Meets Standard" Requires	Authority	Evidence Sources
4.d Fidelity to the Charter	The school implements the mission, grade levels, and key design elements described in its approved application and Charter Performance Agreement. Material changes are made only through the amendment process.	NDCC 15.1-40-02(2); 15.1-40-10(4); CPA	• Approved application and CPA • Approved amendments, if any • Program and enrollment documentation
4.e State Assessment Administration and Student Data	The school administers the state assessments required by the Superintendent and collects, analyzes, and reports student data in accordance with the performance framework in its Charter Performance Agreement. Academic outcomes are evaluated under the Academic Performance Framework; this measure verifies participation and data obligations.	NDCC 15.1-40-02(14); NDCC 15.1-21-08	• State assessment participation records • Data submissions through state systems • Annual Charter Assurance of Compliance Statement
4.f Continuous Improvement Process	The school participates in and fulfills the requirements of a continuous improvement process. The process is designed to improve student achievement through an ongoing cycle of planning, implementation, evaluation, and improvement. This measure verifies participation in and completion of the required continuous improvement planning and reporting activities.	NDCC 15.1-06-06(1)(d); NDCC 15.1-40-02(15)	• Cognia 3-5 Year Strategic Plan • Cognia Annual Improvement Plan

Indicator 5: Maintaining a Safe and Positive Learning Environment

At a minimum, a school must be a safe place to learn. This indicator verifies compliance with the legal requirements that protect the health and safety of students and the school community, including the school's facility, food service, health services, and transportation.

Measure	What "Meets Standard" Requires	Authority	Evidence Sources
5.a Facilities, Fire, and Safety Approvals	The school operates in the facilities authorized in its Charter Performance Agreement and holds current occupancy, fire, and safety approvals required by applicable codes. The school obtains and submits current inspection certificates to NDDPI.	NDCC 15.1-40-22; 15.1-40-03(2); NDCC 15.1-06-06(1)(e); NDCC 15.1-06-09; CPA	• Current fire and safety inspection certificates • Certificate of occupancy • Facility use agreement or lease • Adopted emergency and safety plans

Measure	What "Meets Standard" Requires	Authority	Evidence Sources
5.b Food and Nutrition	If a school chooses to participate in the federal school nutrition programs, it must comply with applicable federal and state meal program requirements, including financial integrity, free and reduced-price eligibility, food safety licensure and inspections, receiving USDA Foods.	NDCC 15.1-40-03(2); applicable federal child nutrition law and state licensure; CPA	• Program participation agreements, for all programs sponsor is participating in • Annual renewal process • Initial and ongoing administrative review of each program sponsor is participating in • Annual Charter Assurance of Compliance Statement
5.c Student Health and Mandatory Reporting	The school complies with applicable student health requirements, including immunization requirements, and with North Dakota requirements for the mandatory reporting of suspected child abuse and neglect.	NDCC 15.1-40-03(2); NDCC ch. 50-25.1; CPA	• Immunization records and compliance reports • Adopted mandatory reporting policy • Staff training records
5.d Transportation	If the school provides student transportation, it does so consistent with applicable safety requirements and any transportation contract.	NDCC 15.1-40-21(4); 15.1-40-03(2)	• Transportation contract, if any • Vehicle inspection, maintenance, and safety records • Insurance documentation • Driver qualification and training records

Indicator 6: Building a Cohesive Community

Charter schools are schools of choice, and their relationship with the families and community they serve is part of the public trust. This indicator verifies that the school has adopted a family and community engagement approach and meets the engagement obligations in its Charter

Performance Agreement. Engagement results are evaluated under the Academic Performance Framework.

Measure	What "Meets Standard" Requires	Authority	Evidence Sources
6.a Family and Community Engagement	The school has adopted a family and community engagement approach consistent with its approved application and Charter Performance Agreement, and it submits the family and community engagement information required by the CPA on time.	NDCC 15.1-40-10(5)(a); 15.1-40-07(3)(h); CPA	• Board-adopted family and community engagement approach • Engagement information submitted under the CPA • Annual Charter Assurance of Compliance Statement

Indicator 7: Meeting Reporting Requirements

Timely and accurate reporting allows NDDPI to fulfill its oversight responsibilities. This indicator captures the non-financial reporting obligations a charter school must meet. Financial reporting is captured in the Financial Performance Framework.

Measure	What "Meets Standard" Requires	Authority	Evidence Sources
7.a Required Reports to NDDPI	The school submits all required annual academic, operational, and other reports on the forms and by the deadlines prescribed by NDDPI and its Charter Performance Agreement.	NDAC 67-36-01-04(2); CPA	• Submitted reports and submission dates • Annual Charter Assurance of Compliance Statement
7.b State Aid Reporting	If the school receives federal or state aid, it complies with the related reporting requirements.	NDCC 15.1-40-21(3)	• State aid applications and reports • Federal program documentation
7.c Public Information and Website	The school maintains a public website and makes available the public information required by applicable law and its Charter Performance Agreement.	NDCC ch. 44-04; CPA	• School website • Posted board materials and required notices

Indicator 8: Complying with Additional Obligations

Law and circumstances change. This indicator ensures that NDDPI can hold a charter school accountable for the full range of applicable legal and contractual obligations, including

requirements that are not specifically listed in this Framework and those enacted after the Charter Performance Agreement is adopted.

Measure	What "Meets Standard" Requires	Authority	Evidence Sources
8.a Compliance with Applicable Federal and State Law	The school complies with all federal and state laws and authorities related to education that apply to it, including obligations not specifically enumerated in this Framework.	NDCC 15.1-40-03(2); 15.1-40-15(1)(a)	• Agency notifications and findings, if any • Adopted policies responsive to applicable law • Annual Charter Assurance of Compliance Statement
8.b Closure and Dissolution Preparedness	If the school decides to close, the governing board submits a closure plan to NDDPI within ten days of the decision, including timelines for transferring student records to resident districts and notifying families, and distributes assets as required by NDCC 15.1-40-16. The school maintains the student records and asset inventory needed to meet these obligations.	NDCC 15.1-40-16; NDAC 67-36-01-07	• Closure and records transition plan, if applicable • Asset inventory • Board resolutions related to closure, if applicable
8.c New or Amended Requirements	The school complies with legal or contractual requirements that are enacted or amended after the Charter Performance Agreement is adopted.	NDCC 15.1-40-03(2); CPA	• Updated policies • Evidence of implementation of new requirements

Section 5: Consolidated Compliance Reference

The following table consolidates, for each measure, the conduct that constitutes material noncompliance and results in a Does Not Meet Standard rating. This table is a quick reference; see Section 4 for the full standard and evidence sources for each measure.

Measure	Does Not Meet Standard (Material Noncompliance)
1.a Board Composition and Formation	The board is not properly formed or constituted as required, a prohibited individual serves as a voting member or required member information is not maintained.
1.b Open Meetings and Open Records	The board fails to provide required public notice, conducts business outside properly noticed open meetings, or fails to maintain or produce public records as required.
1.c Conflict of Interest, Ethics, and Nepotism	The school has not adopted a required governance policy, or fails to implement one in a material respect, such as an undisclosed conflict or nepotism conflict affecting a decision.
1.d Insurance	The school does not maintain the required insurance coverage.
2.a Educator Licensure	Teachers are not appropriately licensed by the Education Standards and Practices Board.
2.b Teaching Assignments	A classroom teacher teaches outside the course areas or fields for which the teacher is licensed, without an exception.
2.c Background Checks and Nepotism in Hiring	Required background checks are not completed, or the nepotism policy is not applied in hiring or supervision.
3.a Enrollment and Lottery	The school turns away eligible students without a capacity basis, fails to conduct a fair public lottery when oversubscribed, applies impermissible preferences, or lacks published enrollment and lottery procedures.
3.b Nondiscrimination and Non-sectarian Operation	The school bases admissions on prohibited characteristics, engages in prohibited religious practices, charges prohibited tuition or fees, or is found in violation of applicable civil rights law.
3.c Students with Disabilities, ELs, and Records	The school fails to provide required services to students with disabilities or English learners, fails to protect student records, or fails to meet McKinney-Vento obligations.
3.d Student Discipline and Due Process	The school lacks compliant discipline policies or fails to provide required due process, including protections for students with disabilities.
4.a State Standards, Hours, and Graduation	The program does not meet state performance standards, instructional hour requirements, or graduation requirements.
4.b In-Person Delivery	The school provides online, virtual, or home education as the primary method of programming.
4.c Curricular Requirements	The school does not meet the curricular requirements of NDCC chapter 15.1-21.
4.d Fidelity to the Charter	The school materially departs from the mission, grade levels, or key design elements of its charter without an approved amendment.
4.e State Assessment and Student Data	The school fails to administer required state assessments or to report student data as required.
4.f Continuous Improvement Process	The school does not participate in or complete the required continuous improvement process.
5.a Facilities, Fire, and Safety Approvals	The school operates without required occupancy, fire, or safety approvals, or operates outside its authorized facilities.

Measure	Does Not Meet Standard (Material Noncompliance)
5.b Food and Nutrition	A food service program operates without required licensure or in violation of applicable food and nutrition requirements.
5.c Student Health and Mandatory Reporting	The school fails to meet immunization requirements or fails to comply with mandatory child abuse and neglect reporting requirements.
5.d Transportation	Transportation is provided in violation of applicable safety requirements.
6.a Family and Community Engagement	The school has not adopted a family and community engagement approach, or does not submit the engagement information required by its CPA.
7.a Required Reports to NDDPI	Required reports are not submitted or are materially incomplete or untimely.
7.b State Aid Reporting	The school fails to meet state aid reporting requirements.
7.c Public Information and Website	The school fails to maintain required public information or a public website.
8.a Compliance with Applicable Law	The school is found to be in violation of an applicable federal or state law not otherwise listed.
8.b Closure and Dissolution Preparedness	The school does not submit a closure plan within ten days of a decision to close, or does not carry out the plan as required.
8.c New or Amended Requirements	The school fails to comply with a legal or contractual requirement enacted or amended after the CPA was adopted.

Section 6: Considerations for Education Service Provider Arrangements

This Framework applies to each charter school as the legal entity holding the Charter Performance Agreement with NDDPI. Where a charter school contracts with an Education Service Provider (ESP) for education, administrative, or management services, as defined in NDCC 15.1-40-01 and governed by NDCC 15.1-40-08, the following principles apply.

- The charter school, not the ESP, is the entity accountable under the CPA and this Framework.
- The governing board and the school's leadership and management team must be legally and operationally independent from the ESP (NDCC 15.1-40-08(5)).
- Individuals compensated by an ESP may not serve as voting members of a governing board contracting with that ESP, except as approved by the Superintendent (NDCC 15.1-40-18(2)).
- The governing board retains the right to access ESP records to oversee the ESP contract (NDCC 15.1-40-18(1)(d)).
- The governing board retains the right to terminate the ESP performance agreement for failure to meet defined performance standards after notice and a reasonable cure period (NDCC 15.1-40-08(7)).
- Faculty performance agreements must be separate from management performance agreements (NDCC 15.1-40-08(6)).
- Any conflict of interest between the governing board, the school's leadership and management team, and the ESP must be disclosed and managed consistent with NDCC 15.1-40-08(8) and the school's conflict of interest policy (NDCC 15.1-40-18(1)(b)).

Governing Board Responsibility

The governing board, not the ESP, bears ultimate legal accountability for the charter school. A school's organizational compliance rating reflects the school's compliance regardless of whether an ESP manages day-to-day operations. NDDPI expects governing boards to actively oversee the ESP and to take corrective action where the ESP's management contributes to noncompliance identified through this Framework.

Section 7: Glossary

The following terms are used throughout this Organizational Framework.

Annual Charter Assurance of Compliance Statement. The annual statement, signed by the governing board, in which the school attests to compliance with the legal and contractual provisions identified in this Framework. The attestation is supported by adopted documents and verified by NDDPI; it does not by itself substitute for that documentation.

Charter Performance Agreement (CPA). The legally binding agreement between NDDPI and a charter school's governing board describing academic, operational, and financial performance expectations and defining the autonomy and accountability of each party (NDCC 15.1-40-01).

Code of Ethics. An adopted policy governing the ethical conduct of governing board members and, as applicable, school officials, required of every governing board under NDCC 15.1-40-18(1)(b).

Compliance Measure. A measure that asks a yes or no question grounded in a specific legal or contractual obligation. Compliance measures are rated Meets Standard or Does Not Meet Standard.

Conflict of Interest Policy. An adopted policy requiring disclosure and management of conflicts of interest, required of every governing board under NDCC 15.1-40-18(1)(b).

Corrective Action Plan (CAP). A written plan, with specific timelines and milestones, that a school submits to remedy identified noncompliance.

Education Service Provider (ESP). A for-profit or nonprofit entity a charter school contracts with for education services, administrative support, or management (NDCC 15.1-40-01).

Governing Board. The board of directors that holds the charter and bears ultimate legal and fiduciary responsibility for the charter school. The governing board is a public entity under NDCC Chapter 44-04 (NDCC 15.1-40-18(1)(e)).

Indicator. A general category of organizational performance. This Framework uses eight indicators.

Local Education Agency (LEA). A charter school is an LEA for purposes related to the funding of special education services (NDCC 15.1-40-17).

Material Noncompliance. Noncompliance that is significant rather than minor or technical, judged by its effect on students, the public interest, or the school's lawful operation. Material noncompliance is the trigger for a Does Not Meet Standard rating and corresponds to the grounds for action in NDCC 15.1-40-15(1)(a) and (b).

Materiality. The principle that meeting a standard does not require perfection. NDDPI uses professional judgment to determine whether a school has substantially met a standard.

Measure. A specific compliance obligation evaluated within an indicator.

Notice of Concern. A written notice issued by NDDPI identifying specific noncompliance and initiating the opportunity for the school to remedy it, consistent with NDCC 15.1-40-12(2).

Open Meetings and Open Records. The requirements of NDCC Chapter 44-04 governing public notice, open meetings, and access to public records, applicable to charter school governing boards as public entities.

Public Meeting. A meeting subject to the requirements for public meetings under NDCC Chapter 44-04 (NDCC 15.1-40-01(5)).

Ready-to-Open Determination. NDDPI's verification, before a school commences operations, that foundational organizational, academic, and financial requirements are in place. This Framework governs ongoing compliance after a school opens.

Standard. The legal or contractual requirement that defines compliance for a measure.

Appendix A: Annual Charter Assurance of Compliance Statement

This Annual Charter Assurance of Compliance Statement affirms that the school has complied with the legal and contractual provisions listed below for the prior school year. It does not limit the school's obligation to comply with all applicable laws and regulations at all times, whether or not they are referenced here. The governing board shall review each provision, attest to compliance by marking the corresponding box, and submit the signed statement by the deadline prescribed by NDDPI.

Each attested item must be supported by the adopted document or record identified in this Framework. NDDPI verifies compliance through document and website review and may request the supporting documents. A school that cannot attest to compliance with any provision may be subject to a Notice of Concern, corrective action, and the process described in Section 3.

We, the Governing Board of _____ (School Name), certify that the school has complied with the following provisions for school year _____:

Governance (Indicator 1)

Attest	Provision	Authority
☐	1.a Board Composition and Formation	NDCC 15.1-40-02(4); 15.1-40-18; 15.1-40-18(2)
☐	1.b Open Meetings and Open Records	NDCC 15.1-40-18(1)(e); 15.1-40-01(5); NDCC ch. 44-04
☐	1.c Conflict of Interest, Code of Ethics, and Nepotism	NDCC 15.1-40-18(1)(b); 15.1-40-18(1)(c)
☐	1.d Insurance	NDCC 15.1-40-02(3)

Employees (Indicator 2)

Attest	Provision	Authority
☐	2.a Educator Licensure	NDCC 15.1-40-19(1); NDCC ch. 15.1-18
☐	2.b Teaching Assignments	NDCC 15.1-09-57; 15.1-06-06(1)(b)
☐	2.c Background Checks and Nepotism in Hiring	NDCC 15.1-40-19(1); 15.1-40-18(1)(c); adopted personnel policy and CPA

Students and Students' Rights (Indicator 3)

Attest	Provision	Authority
☐	3.a Enrollment and Lottery	NDCC 15.1-40-05; NDAC 67-36-01-06
☐	3.b Nondiscrimination and Non-sectarian Operation	NDCC 15.1-40-05(2)(c); 15.1-40-02(11); 15.1-40-02(12); 15.1-40-03(2)
☐	3.c Students with Disabilities, English Learners, and Student Records	NDCC 15.1-40-17; 15.1-40-03(2)
☐	3.d Student Discipline and Due Process	NDCC 15.1-40-07(3)(j); 15.1-40-03(2); CPA

Education Program (Indicator 4)

Attest	Provision	Authority
☐	4.a State Standards, Instructional Hours, and Graduation Requirements	NDCC 15.1-40-02(7)(a)
☐	4.b In-Person Delivery	NDCC 15.1-40-02(13)
☐	4.c Curricular Requirements	NDCC ch. 15.1-21; 15.1-06-06(1)(c)
☐	4.d Fidelity to the Charter	NDCC 15.1-40-02(2); 15.1-40-10(4); CPA
☐	4.e State Assessment Administration and Student Data	NDCC 15.1-40-02(14); NDCC 15.1-21-08
☐	4.f Continuous Improvement Process	NDCC 15.1-06-06(1)(d); 15.1-40-02(15)

School Environment (Indicator 5)

Attest	Provision	Authority
☐	5.a Facilities, Fire, and Safety Approvals	NDCC 15.1-40-22; 15.1-40-03(2); CPA
☐	5.b Food and Nutrition	NDCC 15.1-40-03(2); applicable federal child nutrition law and state licensure; CPA
☐	5.c Student Health and Mandatory Reporting	NDCC 15.1-40-03(2); NDCC ch. 50-25.1; CPA
☐	5.d Transportation	NDCC 15.1-40-21(4); 15.1-40-03(2)

Community (Indicator 6)

Attest	Provision	Authority
☐	6.a Family and Community Engagement	NDCC 15.1-40-10(5)(a); 15.1-40-07(3)(h); CPA

Reporting (Indicator 7)

Attest	Provision	Authority
☐	7.a Required Reports to NDDPI	NDAC 67-36-01-04(2); CPA
☐	7.b State Aid Reporting	NDCC 15.1-40-21(3)
☐	7.c Public Information and Website	NDCC ch. 44-04; CPA

Additional Obligations (Indicator 8)

Attest	Provision	Authority
☐	8.a Compliance with Applicable Federal and State Law	NDCC 15.1-40-03(2); 15.1-40-15(1)(a)
☐	8.b Closure and Dissolution Preparedness	NDCC 15.1-40-16; NDAC 67-36-01-07
☐	8.c New or Amended Requirements	NDCC 15.1-40-03(2); CPA

Signature of Governing Board Chair: _____

Printed Name: _____ Date: _____

The signed Annual Charter Assurance of Compliance Statement is submitted to NDDPI through the process prescribed in the Charter Performance Agreement.

Appendix B: Evidence Sources and Verification Methods

NDDPI verifies compliance primarily through review of the Annual Charter Assurance of Compliance Statement and the adopted documents and records that support it, together with review of the school's public website and the reports the school submits to NDDPI. As capacity allows, NDDPI may also conduct interviews and site visits and may rely on inspection reports and findings issued by other agencies. Where NDDPI does not independently inspect, the school remains responsible for obtaining and submitting the certificates, licenses, and documents required by this Framework.

Evidence Sources by Indicator

Indicator	Typical Evidence Sources
Indicator 1: Governing in the Public Interest	• Articles of incorporation and bylaws • Board roster and member information • Compensation and conflict disclosures • Annual Charter Assurance of Compliance Statement • Posted meeting notices and agendas • Approved board minutes • School website • Records request log, if any • Adopted conflict of interest policy, code of ethics, and nepotism policy • Signed board member disclosures • Board minutes documenting recusals or disclosures • Certificates of insurance • Current policy declarations
Indicator 2: Creating Great Places to Work	• ESPB licensure verification • Licensed Personnel Report • Staff roster with assignments • Annual Charter Assurance of Compliance Statement • Annual Compliance Report • Adopted background check and personnel policies • Records confirming completed checks • Nepotism disclosures

Indicator	Typical Evidence Sources
Indicator 3: Supporting Students and Protecting Students' Rights	• Adopted and published enrollment and lottery procedures • Lottery records and public notice • Waiting list documentation • School website • Adopted admissions and fee policies • Student handbook • Notifications from civil rights agencies, if any • Special education policies and service records • EL identification and service documentation • FERPA policy and records practices • McKinney-Vento liaison designation • State special education monitoring results, where available • Adopted discipline policy and student handbook • Discipline records and required notices • Manifestation determination records, where applicable
Indicator 4: Delivering the Education Program	• Master schedule and instructional calendar • Course of study, course catalog, and graduation policy • Annual Charter Assurance of Compliance Statement • Instructional model documentation • Schedule and attendance practices • Approved application and CPA • Approved amendments, if any • Program and enrollment documentation • State assessment participation records • Data submissions through state systems • Continuous improvement strategic and annual plans
Indicator 5: Maintaining a Safe and Positive Learning Environment	• Current fire and safety inspection certificates • Certificate of occupancy • Facility use agreement or lease • Adopted emergency and safety plans • Food service license and inspection reports • Program participation agreements, if any • Annual Charter Assurance of Compliance Statement • Immunization records and compliance reports • Adopted mandatory reporting policy • Staff training records • Transportation contract, if any • Driver and vehicle safety documentation
Indicator 6: Building a Cohesive Community	• Board-adopted family and community engagement approach • Engagement information submitted under the CPA • Annual Charter Assurance of Compliance Statement

Indicator	Typical Evidence Sources
Indicator 7: Meeting Reporting Requirements	• Submitted reports and submission dates • Annual Charter Assurance of Compliance Statement • State aid applications and reports • Federal program documentation • School website • Posted board materials and required notices
Indicator 8: Complying with Additional Obligations	• Agency notifications and findings, if any • Adopted policies responsive to applicable law • Annual Charter Assurance of Compliance Statement • Closure and records transition plan • Asset inventory • Board resolutions related to closure, if applicable • Updated policies • Evidence of implementation of new requirements

Verification Methods

- Annual Charter Assurance of Compliance Statement signed by the governing board
- Review of adopted documents, policies, and records
- Review of the school's public website
- Review of reports the school submits to NDDPI
- Interviews and site visits, as NDDPI capacity allows
- Inspection reports and findings from other federal, state, or county agencies, where available
- Direct fact-finding by NDDPI in matters involving student safety, an alleged major infraction, or the governing board; other complaints are generally referred to the school's governing board