

GOOD AUTHORIZING,
GREAT
CHARTER
SCHOOLS

A PENNCAN ISSUE BRIEF

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start the new year with lots of learn
ember to show HEART, even when

GOOD AUTHORIZING, GREAT CHARTER SCHOOLS

THE CASE FOR HIGHER
EDUCATION AUTHORIZERS

This report was published
in February 2014 by PennCAN:
The Pennsylvania Campaign for
Achievement Now.

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at info@penncan.org

PennCAN: The Pennsylvania
Campaign for Achievement Now
www.penncan.org

Design & Layout
house9design.ca

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Foreword

Quality charter school authorizing is essential to creating an environment where top-notch charter schools can flourish.

This year, Pennsylvania has an opportunity to improve the way it authorizes charter schools so that families across the state can access the school options they crave.

By adding a high-quality statewide charter school authorizer, the Keystone state will increase authorizing capacity, improve the overall quality of Pennsylvania charter schools, and ensure that excellent charter schools can serve all of the students who want to attend them.

Why charter authorizing matters

1

The premise of charter schools is simple: more flexibility in exchange for more accountability. Charter school authorizers, the mechanism for holding charter schools accountable, therefore play a central role in ensuring the overall success of the charter model.

Under state law, authorizers have the authority to approve (or not approve) applications to open a new charter school. Authorizers also serve an important oversight role, ensuring that the charter schools under their purview are in fact providing a high-quality education to their students.

In the life cycle of a charter school, it is up to the authorizer to grant or deny the charter, monitor the school's progress over the life of the charter, and decide whether or not to renew the school's charter once its term is over.¹ If a charter school fails to properly educate its students, the authorizer is the one who intervenes.

1 "What is Charter School Authorizing?" National Association of Charter School Authorizers, accessed January 29, 2014, http://www.qualitycharters.org/assets/files/images/stories/pdfs/What_is_Authorizing_NACSAFactSheet.pdf.

The basics of good charter authorizing

2

Successful high-quality authorizers operate in line with recognized industry principles and standards, and function under charter laws that recognize best practices in granting chartering authority.

National Association of Charter School Authorizers' 12 Essential Practices for Every Authorizer²

- 1 Sign a performance contract with each school, which outlines goals for students' academic performance.
- 2 Have established, documented criteria for charter applications so that new applicants clearly understand how they will be evaluated.
- 3 Publish application timelines and materials.
- 4 Interview all qualified charter applicants.
- 5 Use expert panels that include external members to review charter applications.
- 6 Grant charters with initial five-year terms only.
- 7 Require and/or examine annual, independent financial audits of its charter schools.
- 8 Have established renewal criteria.
- 9 Have established revocation criteria.
- 10 Provide an annual report to each school on its performance.
- 11 Have staff assigned to authorizing within the organization or by contract.
- 12 Have a published and available mission for quality authorizing.

² "The State of Charter School Authorizing 2012: Fifth Annual Report on NACSA's Authorizer Survey," National Association of Charter School Authorizers, accessed January 29, 2014, p. 9, <http://www.pageturnpro.com/National-Association-of-Charter-School-Authorizers/50124-The-State-of-Charter-School-Authorizing--2012/index.html#1>.

NACSA best practices for lawmakers³

1. Tap authorizers that will embrace the chartering role.
2. Ensure that authorizers have sufficient resources to do their work.
3. Offer applicants at least two quality authorizer options in a given jurisdiction.
4. Empower and invest in authorizers likely to oversee multiple schools.
5. Hold all authorizers to high standards.

Who are charter school authorizers?

3

Numerous public and private entities serve as charter authorizers across the country. Some are local school districts, mayors or municipalities, and others are independent charter boards, higher education institutions, state education agencies, or other non-governmental organizations.⁴

Success stories exist across the charter spectrum and across all types of authorizers, but as the charter sector has grown over the last 20 years, certain patterns have started to emerge. In its most recent annual report on the state of charter school authorizing, NACSA points to several of the benefits of larger, non-district authorizers, and highlights positive developments in the area of higher education authorizers. Specifically, NACSA concluded:

- Non-district authorizers adhere to more essential practices than district authorizers.
- Large authorizers (including higher education institutions) score significantly better in the Index⁵ than small authorizers.
- District authorizers approve applications at a much higher rate (43 percent) than non-district authorizers. Among non-district authorizers, higher education institutions approve the lowest percentage of applications (14 percent). Generally, a more selective approval process is viewed as a positive indicator for later school success.⁶

³ "Multiple Charter Authorizing Options," National Association of Charter School Authorizers, accessed January 29, 2014, pp. 4-5, http://www.qualitycharters.org/assets/files/images/stories/Multiple_Authorizers.pdf.

⁴ "What is Charter School Authorizing?" National Association of Charter School Authorizers, accessed January 29, 2014, http://www.qualitycharters.org/assets/files/images/stories/pdfs/What_Is_Authorizing_NACSAFactSheet.pdf.

⁵ The Index score represents the number of essential practices adopted by a charter authorizer. See, "The State of Charter School Authorizing 2012: Fifth Annual Report on NACSA's Authorizer Survey," National Association of Charter School Authorizers, accessed January 29, 2014, p. 9, <http://www.pageturnpro.com/National-Association-of-Charter-School-Authorizers/50124-The-State-of-Charter-School-Authorizing--2012/index.html#1>.

⁶ "The State of Charter School Authorizing 2012: Fifth Annual Report on NACSA's Authorizer Survey," National Association of Charter School Authorizers, accessed January 29, 2014, pp. 12-15, <http://www.pageturnpro.com/National-Association-of-Charter-School-Authorizers/50124-The-State-of-Charter-School-Authorizing--2012/index.html#1>.

Charter authorizing across the country

STATE	ELIGIBLE AUTHORIZERS	NUMBER OF AUTHORIZERS
Alaska	LEA	8
Arizona	LEA, SEA, ICB	7
Arkansas	SEA	1
California	LEA, SEA	314
Colorado	LEA, ICB	47
Connecticut	SEA	1
Delaware	LEA, SEA	2
Washington, DC	ICB	1
Florida	LEA, HEI	44
Georgia	LEA, SEA	38
Hawaii	ICB	1
Idaho	LEA, ICB	13
Illinois	LEA, SEA, ICB	11
Indiana	LEA, ICB, HEI, NEG	8
Iowa	LEA	4
Kansas	LEA	12
Louisiana	LEA, SEA	8
Maine	ICB	1
Maryland	LEA	6
Massachusetts	SEA	1
Michigan	LEA, HEI	33
Minnesota	LEA, HEI, NFP	29
Mississippi		1
Missouri	LEA, HEI	12
Nevada	LEA, ICB	4
New Hampshire	SEA	1
New Jersey	SEA	1
New Mexico	LEA, SEA	19
New York	LEA, ICB, HEI	4
North Carolina	SEA	1
Ohio	LEA, SEA, HEI, NFP	67
Oklahoma	LEA, HEI, NEG	7
Oregon	LEA, SEA	73
Pennsylvania	LEA, SEA	44
Rhode Island	SEA	1
South Carolina	LEA, ICB	18
Tennessee	LEA, ICB	5
Texas	LEA, SEA	15
Utah	LEA, ICB	5
Virginia	LEA	3
Washington		1
Wisconsin	LEA, HEI	99
Wyoming	LEA	3

"Authorizer Comparison," National Association of Charter School Authorizers, accessed January 29, 2014, <http://www.qualitycharters.org/authorizer-comparison/overview-interactive-map.html>.

LEA LOCAL EDUCATION AGENCY ICB INDEPENDENT CHARTERING BOARD SEA STATE EDUCATION AGENCY
HEI HIGHER EDUCATION INSTITUTION MUN MUNICIPALITY NFP NOT-FOR-PROFIT

Best-case scenario: Multiple authorizers

4

Currently, only school districts can authorize brick and mortar charter schools in Pennsylvania. However, in an ideal environment, charter school applicants have access to at least two authorizing options in every jurisdiction.⁷ Multiple authorizers provide a check against a single authorizer behaving in an undesirable, biased, or overly bureaucratic manner.⁸

PennCAN therefore recommends allowing institutions of higher education to serve as an alternative, statewide charter school authorizer.

Several drawbacks to school district-level authorizing reinforce the need for a statewide alternative in Pennsylvania. Oftentimes, school district authorizers are uninterested in or unable to dedicate sufficient resources to diligent authorizing. Many school districts also view charter schools as competitors for students and funding, presenting a conflict of interest in the authorizing process. And when a school district is the only authorizing option, charter applicants are unable to seek out alternate authorizers that may be better aligned with a school's oversight and monitoring needs.⁹

Creating a solid legal framework that incorporates best practices for higher education authorizing will strengthen Pennsylvania's charter sector and ultimately foster an environment where schools meeting high standards can flourish.

⁷ "Policy Recommendation: Statewide Alternative Authorizers," National Association of Charter School Authorizers, accessed January 29, 2014, http://www.qualitycharters.org/assets/files/images/Statewide_Authorizers.pdf.

⁸ "Multiple Charter Authorizing Options," National Association of Charter School Authorizers, accessed January 29, 2014, p. 2, http://www.qualitycharters.org/assets/files/images/stories/Multiple_Authorizers.pdf.

⁹ "Multiple Charter Authorizing Options," National Association of Charter School Authorizers, accessed January 29, 2014, p. 3, http://www.qualitycharters.org/assets/files/images/stories/Multiple_Authorizers.pdf.

Spotlight: SUNY and CMU

5

Nationwide, 13 states permit higher education institutions to authorize charter schools.¹⁰

New York and Michigan, which both have university authorizers who oversee high-performing charter schools serving diverse student populations, offer two promising examples.

The Charter Schools Institute at The State University of New York oversees a portfolio of 124 charter schools serving approximately 35,500 students statewide. More than 75 percent of students in SUNY charter schools qualify for free or reduced lunch. In the last four years, 87 percent of SUNY authorized charter schools outperformed their

¹⁰ "Authorizer Comparison," National Association of Charter School Authorizers, accessed January 29, 2014, <http://www.qualitycharters.org/authorizer-comparison/overview-interactive-map.html>.

school districts in mathematics, and 84 percent outperformed their districts in English-language arts.¹¹

The Governor John Engler Center for Charter Schools at Central Michigan University has seen similar success. CMU authorizes 64 elementary, middle, and high schools that serve nearly 31,000 students across the state of Michigan. Of those schools, 94 percent met or outperformed their school districts on state assessments, and six are among the top ten charter schools in the entire state. CMU charter school students also outperform the state graduation rate by seven percentage points.¹²

11 "Fast Facts: SUNY Authorized Charter Schools," Charter Schools Institute, accessed January 29, 2014, http://www.newyorkcharters.org/documents/FastFacts_000.pdf.

12 "Proving the Promise: 2013 Annual Review," The Governor John Engler Center for Charter Schools, Central Michigan University, pp. 8-11, http://www.thecenterforcharters.org/modules.php?name=Documents&op=viewlive&sp_id=858.

A closer look at SUNY and CMU

	SUNY	CMU
Chartering authority	New York state statute specifically names SUNY as one of two statewide authorizers. ¹³	Michigan state statute allows state public universities, community colleges, intermediate school districts, and local school districts to authorize charter schools. ¹⁴
Governance structure	The Institute is an administrative body that: <ul style="list-style-type: none"> • Has delegated oversight authority from the SUNY Board of Trustees, and • Makes recommendations to the board for approval of charters.¹⁵ 	The CMU Board of Trustees is the authorizing body. The Center was created to perform the oversight necessary for the board to ensure that the charter schools are operating according to statute, rules, and the terms of their charter contract. ¹⁶
Funding	The Institute's funding comes from two line items in the state budget each year. ¹⁷	The Center receives 3 percent of the foundation allowance funding for each child enrolled in a CMU authorized charter school. ¹⁸

13 The New York State Charter Schools Act of 1998, Article 56 § 2851, text available at <http://www.p12.nysed.gov/psc/article56.html>.
14 "Overview of CMU's Authorizing Practices," The Center for Charter Schools, Central Michigan University, p. 2, accessed January 29, 2014, http://www.thecenterforcharters.org/modules.php?name=Documents&sp_id=291.

15 "SUNY Authorized Charter Schools," Charter Schools Institute, The State University of New York, p. 7, accessed January 29, 2014, <http://www.newyorkcharters.org/documents/10thAnnivPub-Final.pdf>.

16 "Overview of CMU's Authorizing Practices," The Center for Charter Schools, Central Michigan University, p. 2, accessed January 29, 2014, http://www.thecenterforcharters.org/modules.php?name=Documents&sp_id=291.

17 Personal interview, Susan Miller Barker, Executive Director, Charter Schools Institute, The State University of New York, January 24, 2014; see also, "Division of the Budget," New York State, accessed February 3, 2014, <http://www.budget.ny.gov/>.

18 "Overview of CMU's Authorizing Practices," The Center for Charter Schools, Central Michigan University, p. 12, accessed January 29, 2014, http://www.thecenterforcharters.org/modules.php?name=Documents&sp_id=291.

A closer look at SUNY and CMU

(continued)

	SUNY	CMU
Staff	The Institute has 19 full-time staff (15 content area experts, four support staff) and occasionally brings on consultants for school visits, application review, and revising protocols. ¹⁹	The Center has a staff of 41. ²⁰
Charter application process	<p>The Institute’s rigorous application review process includes:</p> <ul style="list-style-type: none"> • In-depth interviews with applicants and potential board members, • Fiscal review, • Legal review, and • Review by a panel of external experts in education and school finance.²¹ 	Under Michigan law, authorizers must review all charter applications on a competitive basis. In evaluating the application, the Center considers a multitude of factors, such as the resources available for the school, the population to be served, the educational goals, curriculum, instructional design, assessment and evaluation, personnel, facilities, the business plan and compliance. ²²
Oversight and Monitoring	<p>School visits are conducted over the course of the charter, where visitors monitor teaching, learning, curriculum, instruction, assessment, environment, discipline, facilities and fidelity to the school charter.</p> <p>Feedback to schools always circles back to how schools are performing relative to the State University Charter Renewal Benchmarks.²³</p>	<p>Over the course of the charter, the Center continuously collects and evaluates data in three essential areas:</p> <ul style="list-style-type: none"> • Academic performance and student achievement, • Fiscal performance and sustainability, and • Operational performance and board stewardship.²⁴

¹⁹ Personal interview, Susan Miller Barker, Executive Director, Charter Schools Institute, The State University of New York, January 24, 2014.

²⁰ Personal interview, Brad Wever, Director of Public Policy, The Governor John Engler Center for Charter Schools, February 6, 2014.

²¹ “SUNY Authorized Charter Schools,” Charter Schools Institute, The State University of New York, p. 8, accessed January 29, 2014, <http://www.newyorkcharters.org/documents/10thAnnivPub-Final.pdf>.

²² “Overview of CMU’s Authorizing Practices,” The Center for Charter Schools, Central Michigan University,

p. 4, accessed January 29, 2014, http://www.thecenterforcharters.org/modules.php?name=Documents&sp_id=291.

²³ “SUNY Authorized Charter Schools,” Charter Schools Institute, The State University of New York, p. 8, accessed January 29, 2014, <http://www.newyorkcharters.org/>

[documents/10thAnnivPub-Final.pdf](http://www.thecenterforcharters.org/documents/10thAnnivPub-Final.pdf).

²⁴ “Overview of CMU’s Authorizing Practices,” The Center for Charter Schools, Central Michigan University, pp. 8-10, accessed January 29, 2014, http://www.thecenterforcharters.org/modules.php?name=Documents&sp_id=291.

SUNY

CMU

Charter Renewal

The school's performance relative to the Charter Renewal Benchmarks and the charter school's Academic Accountability Plan²⁵ are the key factors that the Institute considers when making a renewal recommendation.

Additionally, to be recommended for renewal a school must provide:

- A comprehensive, evidence-based, case of the school's growth and increased student achievement,
- A description of the systems in place to ensure that academic growth continues, and
- A clear plan that will result in further growth in the future.²⁶

When a school is ready for charter reauthorization at the end of the initial five-year term, the process is guided by the following questions:

- Is the school's academic program successful?
- Is the school's organization viable?
- Is the school demonstrating good faith in following the terms of its charter and applicable law?

Schools are generally reauthorized for seven years if they exceeded their goals, five years if they met their goals, and three years if they didn't meet all goals but still demonstrated solid progress. Schools that do not meet their goals but commit to turning around are issued a one-year probationary contract, and schools that are unwilling or unable to improve are not recommended for reauthorization.²⁷

Community involvement

Evidence of effective community outreach is a minimum eligibility criterion for charter approval.²⁸

CMU's charter application requires a detailed assessment of community need. This assessment must include a description of the characteristics, population and unmet educational needs of the community where the proposed public charter school will be located, and a description of how those needs will be met by the new school.²⁹

It is also the authorizer's responsibility to ensure that the local community is represented in each school's board.³⁰

25 All SUNY authorized schools have an Academic Accountability Plan incorporated into their charters. These plans include school created measures and Institute developed measures that all schools must meet.
26 "SUNY Authorized Charter Schools," Charter Schools Institute, The State University of New York, pp. 8-9, accessed January 29, 2014,

<http://www.newyorkcharters.org/documents/10thAnnivPub-Final.pdf>.

27 "Overview of CMU's Authorizing Practices," The Center for Charter Schools, Central Michigan University, p. 10, accessed January 29, 2014, http://www.thecenterforcharters.org/modules.php?name=Documents&sp_id=291.

28 "Legislative Review of Charter

Schools and SUNY's Designation as a Charter School Authorizer," Charter Schools Institute, The State University of New York, p. 2, accessed January 29, 2014, http://www.suny.edu/Board_of_Trustees/webcastdocs/LegislativeReviewHistoryofSUNYAuthorizing.pdf.

29 "Charter Application," The Center for Charter Schools, Central

Michigan University, p. 9, accessed February 6, 2014, http://www.cmucso.org/modules.php?name=Pages&sp_id=182&pmenu_id=258.

30 "Michigan Charter Schools - Questions and Answers," Michigan Department of Education, p. 14, http://www.michigan.gov/documents/PSAQA_54517_7.pdf.

The life cycle of a CMU charter contract

1. A charter application is submitted.
2. The Center reviews and makes a recommendation to the CMU Board of Trustees.
3. The CMU Board votes whether or not to authorize a charter.

If authorized:

4. The Board of Trustees appoints a charter school board, school board members take an oath of office as public officials, and the board has its first organizational meeting.
5. The charter contract is signed.
6. The school becomes operational.
7. The Center performs oversight and provides support.
8. When the charter is up for renewal amendments are drafted.
9. The school board requests reauthorization.
10. The Center makes a reauthorization recommendation.
11. The Board of Trustees votes on reauthorization.³¹

Conclusion

Pennsylvania's charter school law must be updated because the authorizing system we have now just isn't working.

More than 40,000 students are waiting to get into charter schools across the state. Their already slim chances of getting off the waiting list and into the school of their choice cannot improve unless the law changes.

In Philadelphia, the school district has not even opened its charter application in four years, much less authorized any new schools. And year after year, Pennsylvania drops in the annual rankings produced by the National Alliance for Public Charter Schools, while other states that have bolstered their charter laws and created more opportunities for students rise. In the most recent rankings, Pennsylvania's law ranks a disappointing 24th out of 43.³²

Fortunately, it is possible to solve Pennsylvania's charter authorizing crisis and give families across the state the school options they are waiting for. Legislation that allows for higher education authorizers and holds them to high standards would take advantage of one of Pennsylvania's greatest assets—our colleges and universities—to replicate the success of programs like SUNY and CMU.

Our children deserve to attend the schools that best fit their needs. As a state, we have not only the duty, but also the power, to make sure they can.

³¹ "Overview of CMU's Authorizing Practices," The Center for Charter Schools, Central Michigan University, p. 11, accessed January 29, 2014, http://www.thecenterforcharters.org/modules.php?name=Documents&sp_id=291.

³² "Measuring Up to the Model: Pennsylvania" National Alliance for Public Charter Schools, accessed January 30, 2014, <http://www.publiccharters.org/get-the-facts/law-database/states/PA/>.

About PennCAN

PennCAN: The Pennsylvania Campaign for Achievement Now launched in the Spring of 2012 as an education reform advocacy organization building a movement of Pennsylvanians with the political will to enact smart public policies so that every Pennsylvania child has access to a high-quality education regardless of their address. We are a branch of 50CAN: The 50-State Campaign for Achievement Now, a growing national network of state-based education reform advocacy groups with campaigns in Rhode Island, Minnesota, New York, Maryland, New Jersey and North Carolina.

www.penncan.org

