



TO: Legislative Education Study Committee  
FROM: Greg Richmond, NACSA  
DATE: August 12, 2016  
RE: Formative Authorizer Evaluation and 2015 State Policy Analysis

NACSA's formative evaluation of the New Mexico Public Education Commission (PEC) found that representatives from both the PEC and the Public Education Department (PED) are interested in supporting a thriving charter school community for students that is focused on quality, as well as on growing the number of high-quality charter schools in the state. We were pleased to find PEC has implemented key recommendations from its previous evaluation, and has worked hard to develop tools that more compressively evaluate school performance.

However, as we conducted this evaluation, it became clear that New Mexico is struggling with a structural problem in the arrangement between the PEC and the PED. When the legislature created this arrangement, it created a structure that lacked clear roles, responsibilities, and lines of authority. The resulting tension has made the important and urgent work of authorizing ineffective. Although both the PEC and PED speak in similar tones about the fundamental principles of quality charter authorizing, the dysfunction has resulted in decisions that are not in the best interest of students.

We were not comfortable issuing a report that saw only the trees and not the forest. As we summarize below and map out in more detail in the attached analyses, ineffective authorizing practices, weak charter school laws, and poor school performance all contribute to a charter school system that is not serving its children as well as it could. In order for this to truly improve in a fundamental, sustained way, the state's authorizing structure needs to be revisited.

### Ineffective Authorizing Practices

As we expand in great detail in the attached Authorizer Evaluation Report, the evaluation flags several practice areas that should be strengthened. Most importantly, there is a lack of clarity regarding roles and responsibilities between the PEC and the PED, and these roles are neither defined in state policy nor in the authorizer's operating policies.

### Weak State Policy

New Mexico lacks state laws that would support a charter school accountability structure based on outcomes, as we point out in our [2015 State Policy Analysis](#) (also attached). State law does not clearly define a minimum threshold for academic performance. In addition, its renewal standards are not clear, allowing the undefined term "substantial progress" to justify renewal, rather than the school's ability to meet or exceed performance expectations outlined in the new performance framework. Coupled with the lack of a threshold for academic performance, it is nearly impossible to make renewal decisions based on academic performance.

### Poor School Performance

Weak policy and ineffective practice play out in reality when a charter school sector struggles to perform, which is why the most important factor to consider in assessing a path forward is school performance. According to a 2013 study by Stanford University's Center for Research on Education Outcomes (CREDO), New Mexico charter schools are not performing any better than



their traditional district counterparts in reading, and in fact, are performing worse in math.<sup>1</sup> In addition, one-third of the PEC-authorized charter schools received a D or F on the state accountability grading system in 2015.<sup>2</sup>

### Recommendations

In order to create a high-performing charter school system, we recommend a singular entity structure that incorporates the following attributes:

- **Clear lines of authority to execute.** The legislature should consider placing all roles and responsibilities with either the NM-PEC or with the NM-PED. Continuing to divide roles and responsibilities will lead to continued confusion.
- **Capacity to fulfill authorizing duties.** The authorizer should control the fee collected from the schools to operate and should have the ability to manage its staff. Commission members should have the requisite expertise to fulfill their roles.
- **Ability to hold schools accountable for results.** The expectation for performance must be clear and the authorizer should have the responsibility and authority to hold schools accountable for performance, not just progress toward a goal.

Although we found that the PEC, PED, and charter schools are all interested in supporting a thriving charter school community focused on quality, the authorizing structure is hindering progress—to the extent that we recommend rethinking the statewide authorizer structure so that all responsibilities reside with one entity. Clarity of responsibilities will allow the single authorizer to implement the key recommendations from our evaluation report and get back to the important and necessary work of authorizing.

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<sup>1</sup> National Charter School Study, 2013. Center for Research on Education Outcomes. (<http://credo.stanford.edu/documents/NCSS%202013%20Final%20Draft.pdf>, accessed 08122016)

<sup>2</sup> New Mexico Charter Schools 2014 Annual Report. New Mexico-Public Education Department. (<http://ped.state.nm.us/ped/CharterSchoolsDocs/Reports/2014.Charter%20Schools%20ReportVDivisionV6.9.15VFINAL.Signed.pdf>, accessed 08122016)



## Authorizer Evaluations

### I. Purpose

The purpose of NACSA's authorizer evaluations is **to provide an authorizer with formative, practical guidance on strengths and priorities for improvement** in your charter authorizing practices. Since 2009, NACSA has conducted evaluations of over fifty authorizers, which together oversee more than 50 percent of the nation's charter schools.

### II. Evaluation Structure and Content

The evaluation provides an authorizer with a formative assessment and guidance regarding the organization's strengths as a charter school authorizer and areas for improvement. Consistent with NACSA's *Principles and Standards for Quality Authorizing*, the evaluation addresses the authorizer's primary responsibilities – application decision-making, performance contracting and monitoring, accountability decisions, school autonomy, and organizational capacity. Specifically, the evaluation poses five guiding questions:

1. Does the authorizer approve applications based on applicants' demonstrated preparation and capacity to open and operate a quality charter school?
2. Does the authorizer have effective systems for establishing and monitoring school performance expectations, and for holding schools accountable as necessary to protect student and public interests?
3. Does the authorizer have rigorous, appropriate standards by which it holds schools accountable for results? Are decisions made with the intent to maintain high standards and protect the students' and the public's interests?
4. Do schools have the autonomy to which they are entitled?
5. To what extent do the organizational structure and systems support quality authorizing practices and forward the authorizer's mission?

### III. Evaluation Process

The evaluation will include the following components:

- Analysis of documents and resources ("desk audit")
- Authorizer self-evaluation
- School leader and school board member survey
- Two-day in-person site visit
  - Interviews with authorizer staff and board members
  - School leader group interview
  - On site observation of authorizing practices
- Report drafting and revision
- In-person presentation of evaluation findings

### IV. Funding

Funding for NACSA's authorizer evaluations is provided by the U.S. Department of Education through the National Charter School Resource Center and is at no cost to the authorizer. The National Charter School Resource Center is led by Safal Partners under contract number ED-OII-13-C-0065.

For additional information about NACSA's authorizer evaluations, please contact **Elisa Westapher** at **(312) 376-2363** or [elisaw@qualitycharters.org](mailto:elisaw@qualitycharters.org).

JULY 19, 2016

# NACSA AUTHORIZER EVALUATION REPORT

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## **NEW MEXICO PUBLIC EDUCATION COMMISSION**

*Authorizer*

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*Commission Chair*

### **HANNA SKANDERA**

*Secretary of Education*

Funding for this report was provided by the U.S. Department of Education through the National Charter School Resource Center. The National Charter School Resource Center is led by Safal Partners under contract number ED-OII-13-C-0065.



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## EVALUATION SCOPE

This evaluation is designed to provide authorizers a reflective, formative look at its current authorizing policies and practices in relation to NACSA's *Principles & Standards for Quality Charter School Authorizing*. The evaluation process and this report serve as an opportunity for an authorizer to reflect upon the strengths of its authorizing program and determine how best to focus time and energy on areas where the program could be improved.

Consistent with NACSA's *Principles & Standards for Quality Charter School Authorizing*, this evaluation focuses on and is organized according to the following five guiding questions:

1. *Does the authorizer approve applications based on applicants' demonstrated preparation and capacity to open and operate a quality charter school?*
2. *Does the authorizer have effective systems for establishing and monitoring school performance expectations and holding schools accountable as necessary to protect student and public interests?*
3. *Does the authorizer have rigorous, appropriate standards by which it holds schools accountable for results? Are decisions made with the intent to maintain high standards and protect the students' and the public's interests?*
4. *Do schools have the autonomy to which they are entitled?*
5. *To what extent do the organizational structure and systems support quality authorizing practices and forward the authorizer's mission?*

The contents of this report are a culmination of a process involving analysis of authorizer policy and practice. NACSA gathers evidence that informs our assessment through an extensive document review, surveys, interviews, and a site visit. We explore each guiding question in detail and present the authorizer with analysis of the applicable standards and recommended actions for strengthening the future work of the authorizing office.

## RATING CATEGORIES

Authorization quality is rated in two categories:

### ESTABLISHED

Refers to the authorizer’s practices as set out “on paper” whether by policy, protocol, or other means. It also addresses the way that the authorizer communicates information about its practices to relevant stakeholders within the authorizing agency and to schools. This category rates the authorizer based on what it plans to do.

### APPLIED

Refers to the authorizer’s practices as applied. This category rates the authorizer based on what it actually does, in practice.

Within each part of the evaluation, the rating categories are defined more specifically with respect to the authorizer’s responsibilities in that area.

## RATING SYSTEM

For each category (established or applied), the authorizer receives a rating as follows:

-  Well-developed
 

Commendable in that it meets or exceeds NACSA’s *Principles & Standards*.
-  Approaching Well-developed
 

Fundamentally sound in that it contains most aspects of a well-developed practice but requires one or more material modifications to meet NACSA’s *Principles & Standards*.
-  Partially Developed
 

Incomplete in that it contains some aspects of a well-developed practice but is missing key components, is limited in its execution, or otherwise falls short of satisfying NACSA’s *Principles & Standards*.
-  Minimally Developed
 

Inadequate in that the authorizer has minimally undertaken the practice or is carrying it out in a way that falls far short of satisfying NACSA’s *Principles & Standards*.
-  Undeveloped
 

Wholly inadequate in that the authorizer has not undertaken the practice at all or is carrying it out in a way that is not recognizably connected to NACSA’s *Principles & Standards*.

## ABOUT THE AUTHORIZER

The New Mexico Public Education Commission (the PEC) is the largest of 19 authorizers in the state of New Mexico with a current portfolio of 62 operating charter schools. Charter schools in New Mexico have the option to be authorized through the school district in which they are located or apply to be authorized by the PEC. Charter schools authorized by the local school board are considered district-chartered schools, while charter schools authorized by the PEC are considered state-chartered schools.

New Mexico's charter school law was enacted in 1999 and the, then, state board of education opened its first state-chartered charter school in 2004. On July 1, 2007, the PEC was granted primary responsibility of authorizing the state-chartered schools; the commission's other responsibility is overseeing the Carl Perkins Grant. Today, the PEC authorizes two-thirds of the 99 charter schools in New Mexico and serves approximately 15,355 students. Two more charter schools were approved to open during the 2015 application cycle. During the PEC's tenure as an authorizer, seven state-chartered schools have closed.

Commission members must be residents of the district from which they are elected and each of the 10 districts elect a commissioner to serve on the PEC. The 10 elected commissioners serve for staggered terms of four years. Ultimately, the Secretary of Education has the power to override any decisions the PEC makes, including application, renewal, and closure decisions. The PEC has no annual budget. By statute, staff of the Charter Schools Division (CSD) of the Public Education Department (PED) serve as staff to the PEC. The PED has developed a strategic plan for charter schools—addressing both district-chartered and state-chartered schools. The PED presented the plan to the PEC but the PEC has not officially approved it.

Authorizing duties are handled at the staff level by the CSD. The CSD staff includes eight employees who are led by the director, Katie Poulos. The director is responsible for providing the PEC the information it needs to carry out its authorizing duties but is an employee of the PED and reports to the Secretary of Education. The CSD provides technical assistance and resources to charter schools and district authorizers, per state law. The director position has seen significant turnover with eight people holding the position since 2007.

Schools and districts under the jurisdiction of the PED must participate in the state's A-F school grading accountability system. Based on this system, 40 percent of charter schools authorized by the PEC received an A or B grade for the 2015 school year; 28 percent received a C grade; and 32 percent received a D or F grade.

## EXECUTIVE SUMMARY

RATINGS SUMMARY	ESTABLISHED	APPLIED
1. Application Decision-Making	 Partially Developed	 Partially Developed
2. Performance Management Systems	 Partially Developed	 Partially Developed
3. Performance-Based Accountability	 Partially Developed	 Minimally Developed
4. Autonomy	 Approaching Well-Developed	 Partially Developed
5. Organizational Capacity	 Minimally Developed	 Minimally Developed

## KEY COMPETENCIES

- Key recommendations from the Public Education Commission’s (PEC) first authorizer evaluation, conducted in 2010, have been implemented including development of an application toolkit.
- Representatives of both the PEC and Public Education Department (PED) are interested in supporting a thriving charter school community focused on quality and options for students, and both entities are interested in supporting the growth of high-quality charter schools.
- The PEC has worked hard to develop tools that more comprehensively evaluate school performance.

## FINDINGS

## RECOMMENDATIONS

The tension between the PEC and PED staff is so high that it undermines both entities’ capacity to make good decisions about charter schools.

Engage in intervention such as mediation to work through immediate issues; develop a long-term plan for resolving chronic dysfunctions that are proving debilitating to effective operation; and clarify authorizing roles, responsibilities, and authority.

The PEC has no authorizing policies that define the roles of each entity and that serve as a foundation for how the PEC makes critical high-stakes decisions.

Establish a set of authorizing policies that codify the roles and responsibilities of the PEC and PED, and that can serve as the foundation for how the PEC makes high-stakes decisions with support from the Charter Schools Division (CSD) of the PED, as defined in law.

At renewal, the PEC has struggled to hold schools to its established standards due to a lack of performance thresholds.

Prior to the next renewal period, define the academic and financial requirements to earn renewal; only grant renewal to schools that meet the established standard and that are in good standing with their charter.

The PEC’s application evaluation rubric sets a bar for approval that is too low and that contains ambiguous language.

Revise the application toolkit and embedded evaluation rubric to establish a clearer and higher bar for approval. Develop language to define the PEC’s threshold for approval and ensure only applications that demonstrate a high likelihood of success are approved.

## 1. APPLICATION DECISION-MAKING

*Does the authorizer approve applicants based on applicants' demonstrated preparation and capacity to open and operate a quality charter school?*

**ESTABLISHED:**  Partially Developed

**APPLIED:**  Partially Developed

### SUMMARY ASSESSMENT

The PEC's application evaluation rubric sets a bar for approval that is too low and that contains ambiguous language. The four-tiered application evaluation rubric uses subjective language rather than concrete descriptors of quality, which results in inconsistent reviews across years and discrepancies between the staff analyses/recommendations and the PEC's decisions. For example, for many questions, the difference between exceeds and meets expectations in the four-leveled rubric is determined by the amount of detail, with "adequate" being used to describe meets and "clearly" to describe exceeds. The difference between clear and adequate is not further explained in the rubric or application toolkit.

Furthermore, the rubric sets a standard for approval that allows underqualified applicants to receive a charter. For example, based only on the rubric language, a school with incomplete or partially inaccurate budgets, operations, and education plans would meet the standard for approval. Lastly, while four of the most recent six applications resulted in decision alignment between the CSD and the PEC, two applications that the CSD recommended for denial were ultimately approved by the PEC. Currently, there is not consensus between the PEC and the CSD staff about what constitutes the standard for approval.

The CSD of the PED, under the guidance of the PEC used NACSA's principles of authorizing to create its application toolkit that encompasses the elements necessary to run a well-structured application process. The toolkit includes a timeline; questions on the school's proposed educational plan, finance, and operations; an embedded rubric; questions for a capacity interview with a scoring guide; and a separate community-input hearing. The toolkit is publicly available on the website, along with previous applications, accompanied by staff recommendations, analyses, and board decisions.

### RECOMMENDATIONS

Revise the application toolkit and embedded evaluation rubric to establish a clearer and higher bar for approval. Develop language to define the PEC's threshold for approval and ensure only applications that demonstrate a high likelihood of success are approved.

For each application question, remove ambiguous language and replace such language with concrete descriptors of quality, which will improve the consistency of application evaluations and help ensure that only high-quality applications are approved.

Conduct an application review training session each year for all application review team members to ensure consistency between years and among reviewers.

## 1.1 APPLICATION MATERIALS & PROCESS

*The authorizer provides clear guidance and requirements regarding application materials and submission requirements and runs a clear and well-structured application process with realistic timelines.*

**ESTABLISHED:**  Partially Developed      **APPLIED:**  Partially Developed

### ANALYSIS | ESTABLISHED

As established, the PEC has partially developed policies and practices for application materials and process. While the application timeline and content are strong, the application rubric needs strengthening to ensure consistent and objective decisions. Also, the application review team lacks sufficient training and issue-area expertise. Potential applicants can access a variety of information through the PEC's website including: submission guidelines; previous charter school applications, and corresponding staff analysis and CSD recommendations; minutes from community-input hearings; and PEC final decisions. The application toolkit is comprehensive, containing: a timeline for the decision-making process; an application that embeds the approval language from the rubric for each question; questions for the in-person capacity interview conducted by PED staff; and guidance for the community-input hearing conducted by the PEC. Letters of intent are due in January and completed applications are due in June. Every applicant undergoes a capacity interview and a community-input meeting near the school's proposed location. PEC decisions are made by September, one year prior to opening.

While the application content is strong, the application rubric is insufficiently designed to ensure that evaluation teams make objective decisions. As further detailed throughout Section 1, application rubric language is ambiguous, using the words "clear, comprehensive, and cohesive" rather than concrete descriptors of quality for each question. Furthermore, for many questions, the difference between exceeds and meets expectations in the four-leveled rubric is determined by the amount of detail, with "adequate" being used to describe meets and "clearly" to describe exceeds. The difference between clear and adequate is not further explained in the rubric or application toolkit. The same lack of clarity exists between "partially" and "meets," making the rubric ineffective in providing a consistent threshold to measure application quality year over year and between review teams.

The application does not have a high bar for approval at "meets" the standard for approval. For example, responses that address *most*, but *not all*, elements of a question are often considered to meet the standard for approval, which can prove problematic when, for example, a budget that includes errors or curricula that are not fully aligned to applicable state standards are considered to meet the standard. Sections 1.2, 1.3, and 1.4 include specific examples to further illustrate this pervasive issue.

Existing applicant review teams are insufficient for providing thorough reviews of complex applications because they lack training and do not have the necessary expertise. Specifically, reviews were done by CSD staff who, while knowledgeable, are not experts in special education, English Language Learning, and finance. This can be easily rectified as PED has experts in special education, English Language Learning, and finance who could serve as part of a review team.

### ANALYSIS | APPLIED

As applied, the PEC is partially developed in its application review process. The PEC implements its established application process with fidelity, but the threshold for application approval has varied as well as the consistency of application reviews. School leaders noted that the applicant trainings provided by the CSD and the wealth of information available on PEC's website were helpful in developing their applications but some school leaders also reported not having a clear understanding of the threshold for approval. The PEC follows the established application review timeline, which includes time for CSD staff to conduct and publish a thorough analysis prior to the community-input hearing and a well-supported staff recommendation prior to the PEC vote. However, while the staff recommendations published on the PEC website demonstrate that the applicant review team is using the established rubric to evaluate the applications, the review team evaluations lack consistency from year to year. Furthermore, for the last application cycle, applicants were held to an "exceeds expectation" threshold, which resulted in no applications receiving enough points to be recommended for approval. While this standard

of excellence is consistent with NACSA's best practice, the application rubric sets a lower threshold, as described above. This is particularly evident in the case of the SAHQ (Student Athlete Headquarters) school, which was recommended for approval in 2014 (though ultimately denied by the PEC) and recommended for denial in 2015; reviews of essentially the same application conducted in different years resulted in different staff recommendations.

## RECOMMENDATIONS

For each application question, remove ambiguous language and replace such language with concrete descriptors of quality, which will improve the consistency of application evaluations and help ensure that only high-quality applications are approved.

Revise the application toolkit and embedded evaluation rubric to establish a clear and higher bar for approval.

Conduct an application review training session each year for all application review team members to ensure consistency between years and among reviewers.

Expand application review teams to include members of PED with extensive knowledge of special education, English Language Learning, and finances.

## 1.2 EDUCATIONAL PROGRAM

*The authorizer has thorough requirements and rigorous evaluation criteria for the proposed educational program including the vision and mission statements; educational philosophy; curriculum and instruction; teaching skills and experience; calendar and daily schedule; target population and enrollment; and plans for educating students with special needs.*

**ESTABLISHED:**  Approaching Well-Developed

**APPLIED:**  Partially Developed

### ANALYSIS | ESTABLISHED

As established, the application's educational program section is approaching well-developed because the relevant questions are comprehensive, requiring more than superficial or check-the-box responses. The application asks each applicant to describe its proposed curriculum and how it will align to state standards, fulfill the school's mission, and further the academic learning of the school's intended population. It also requires the applicant to establish a mission statement and develop at least two mission-critical goals.

While the application contains questions about the curriculum, instructional strategies, and calendar, the guidance embedded in the rubric is limited to providing "clear, comprehensive, and cohesive" narrative without expectation of the level of concrete standards of excellence. For example, while the application requires the applicant to produce a detailed plan for its curriculum development, it does not provide concrete criteria to determine what a "detailed plan" must include and what the completed curriculum must look like. In addition, the applicant must create SMART goals to measure its educational program, but the application materials do not provide sufficient guidance as to whether these goals will ultimately be used to measure a school's success in light of the state's A-F school grading accountability system. As described in Section 1.1, the rubric allows for applicants to meet the standard of approval by responding to most, but not all, of a question, without detailing whether the most critical components are addressed. In this section, applicants must only respond to *most* of the key elements in the goals and governance sections; *mostly* align their curriculum to the common core and state standards; and the school's day and year must meet *most* of the state's requirements.

### ANALYSIS | APPLIED

As applied, the authorizer's assessment of the educational program in application reviews is partially developed. Staff conducts comprehensive and thorough reviews of proposed educational programs but these reviews lack consistency. Each review of a proposed educational program includes detailed summaries and supporting evidence of the application's strengths and weaknesses for each question. The evidence is pulled directly from the application and is tied back to the rubric criteria. However, each year, the amount of points that an applicant can earn per section varies. For example, SAHQ applied both in 2014 and in 2015. In 2014, staff recommended approval and awarded 70 percent of the possible points (76 of 108) for the education plan and in its analysis found that it met the standard of approval for its goals, alignment to standards, its graduation requirements, its instruction of English Language Learners (ELLs) and students with disabilities (SWDs). Yet the PEC denied the application. In 2015, staff recommended denial of virtually the same application but the PEC approved it. These same sections, one year later, collectively earned 44 percent of the possible points (44 of 100) and reviewers found it to not meet the standard for approval for the same sections outlined above. While the applicant revised the application's narrative between years in order to address the deficiencies highlighted in the original analysis, the substance and essential elements stayed the same. Both reviews cited evidence from the application and provided analysis. The difference was in the interpretation of the rubric and the difference between partially meets and meets among reviewers.

## RECOMMENDATIONS

Revise the rubric to set a clear standard for approval of the education plan that can be applied each year.

Provide training for CSD staff to use the rubric consistently each year and across years.

### 1.3 ORGANIZATIONAL PLAN

*The authorizer has thorough requirements and rigorous evaluation criteria for the proposed organizational plan including effective governance, and management structures and systems (including staffing); founding team members demonstrating diverse and necessary capabilities; and understanding of legal requirements related to opening and operating a charter school.*

**ESTABLISHED:**  Partially Developed

**APPLIED:**  Minimally Developed

#### ANALYSIS | ESTABLISHED

The authorizer's established expectations for the organizational plan of the application is partially developed. The application contains some, but not all, of the key components in assessing an applicant's proposed organizational plan and the evaluation rubric provides too low a threshold for approval in this area. The application contains questions about governance, the management structure, choosing and evaluating a school leader, and self-evaluating the governing board. The application promotes strong governance at the school level as each board member must attend governance training, including financial training, which is required by the state.

However, the application is insufficient in assessing whether the school leader will have the right tools in place to run a quality charter school. While the application provides opportunities for the applicant to explain its process for hiring and evaluating the school's leadership, it does not reference the qualities that the leader(s) should have, such as experience with running a not-for-profit or handling a large budget, leading a school or working in education, and experience with or passion about the school's mission and education philosophy.

In addition, the rubric sets too low a threshold for overall approval in this area. For example, an applicant could "meet" the standard and not have a plan for selection of a quality school leader, which is paramount to overseeing a successful school and should be required of all successful applicants. Additionally, the evaluation rubric is insufficient in ensuring that the school is set up for operational success, as it does not require the organizational plan to be fully supported by the budget. This allows for applicants to be approved without having the tools necessary to execute the plan. Furthermore, the staffing plan needs to only "generally appear" to align with the budget; for example, the professional development needs to be mostly supported by the budget.

#### ANALYSIS | APPLIED

As applied, the PEC is minimally developed in analyzing the application's organizational plan because schools that received low scores in this section are approved by the PEC. In 2015, both approved applicants, Six Directions Indigenous School and SAHQ Academy, received less than half of the points possible for this section of the application. Staff identified specific concerns with regard to the applicants' ability to properly finance and operate the school in their recommendations to the PEC but the PEC approved the applications despite these concerns.

### RECOMMENDATIONS

Revise the rubric to require a higher standard for hiring and evaluating the school's leader and ensuring that the budget will sustain the school's operation.

Ensure only those applicants with strong organizational plans are approved by setting and implementing an appropriate threshold for approval; ensure that both staff and board adhere to this approval in their recommendations and final decisions.

## 1.4 BUSINESS/FINANCIAL PLAN

*The authorizer has thorough requirements and rigorous evaluation criteria for the proposed business plan including financial viability of the plan demonstrated through budget projections that are aligned with the proposed educational program.*

**ESTABLISHED:**  Approaching Well-Developed

**APPLIED:**  Partially Developed

### ANALYSIS | ESTABLISHED

The authorizer's established expectations for the business and financial plan of the application is approaching well-developed because the application requires a comprehensive budget information and allows the authorizer to get an understanding of whether the applicant can budget appropriately. The application requires a five-year budget, a one-year budget, insurance coverage, and a master facility plan. Importantly, it also requires alignment between the education plan and the proposed budget although not the organizational plan, as referenced in Section 1.3.

However, similar to other sections of the application, the standard for approval is too low to ensure that the school will be able to run without extensive support and oversight. For example, the budgets may contain errors of any type, the five-year budget must just "appear" to support the school's mission, and the applicant must only demonstrate a "general" understanding of budgeting.

### ANALYSIS | APPLIED

As applied, the PEC is partially developed in its evaluation of a school's proposed business and financial plan, as evidenced by the review of the SAHQ application. SAHQ applied two consecutive years for a charter. In the first year, it received 44 percent (23 of 52) of the possible points for the business plan/financial framework section and the second year earned 60 percent (31 of 52). However, the opening statements of the staff analysis are strikingly different. In year one, the analysis states: the application is "generally adequate" with concerns about "capacity." In year two, the analysis states: the responses are "complete but inaccurate." Interestingly, the "inaccurate" responses received a higher overall score than the "generally adequate" ones. Meanwhile, the substance of the analysis shows different standards being applied but both uncovering important deficiencies, such as lack of a complete salary schedule, insufficient experience, and inaccurate budgeting for special education. It should be noted that in both years, this section was flagged as problematic. However, in the first year, that did not stop the applicant from being recommended for approval while in the second, that did not stop the PEC from granting approval.

In addition, the financial plan is reviewed by CSD staff, who do not have the requisite expertise. Members of the PED or other reviewers that have extensive understanding of procurement, contracting, and finance should be included as reviewers, in addition to school business managers. Financial experts will add credibility to the review and additional context for discussion.

## RECOMMENDATIONS

Include members of the PED finance bureau and/or external reviewers with financial expertise in the application review team.

Train all reviewers on consistent application of the rubric.

Revise the rubric to require applicants to *fully* align the proposed budget with the education plan and organizational plan.

## 1.5 CAPACITY

*The authorizer has thorough requirements and rigorous criteria for evaluating the applicants' capacity to implement the school plan effectively, including but not limited to a substantive in-person capacity interview with all qualified applicants.*

**ESTABLISHED:**  Partially Developed

**APPLIED:**  Partially Developed

### ANALYSIS | ESTABLISHED

As established, the application is partially developed in its assessment of the applicant's capacity. The PEC has developed some strong practices in assessing applicant capacity, including an in-person capacity interview and a community-input hearing, but could further strengthen its established practices in this area. While the application requires the applicant to include biographies of its founding group members and disclose conflicts of interest, the founding group does not undergo background checks, resulting in the application being ultimately insufficient in vetting founding groups who can successfully run a quality charter school.

Publishing the questions for the capacity interview, while laudable, leads to prepared answers from the applicant and limits CSD's ability to evaluate the applicant's capacity. Specifically, using a set of pre-determined questions does not allow for probing questions or specificity in questioning that is necessary to fully vet an applicant. The published questions require the applicant to speak to each section of the application without allocating more time to weaker sections or requiring the interviewee to clarify confusing responses. Lastly, as established, there is no guidance on how the PEC will conduct community-input hearings, other than that they are held in the vicinity of the proposed school to allow for authentic community engagement.

### ANALYSIS | APPLIED

As applied, the PEC is partially developed in evaluating applicant capacity. For the most recent application cycle, the capacity interview results were not incorporated in the staff analysis and recommendation. However, the PEC appropriately uses the community input hearings as a means for assessing applicant capacity. During the hearings, PEC members informally comment on the merits of the application and engage in a dialogue with the applicant and local community members. Transcripts from these hearings reflect discussions about specific aspects of an application, such as the choice of curriculum, the intended target population, or the school day and year. Commissioners cite specific sections and drill into areas of concern or ambiguity, and the applicant has an opportunity to defend their application.

## RECOMMENDATIONS

Rather than being limited by a set of pre-determined questions, structure the capacity interview so that CSD staff can focus on weak sections of the application and develop their own probing questions to more fully assess applicant capacity.

Incorporate findings from the capacity interview in the staff recommendation for approval or denial to the PEC.

Establish a more transparent set of expectations for the community-input hearing, outlining how the results will be used to evaluate the application and applicant capacity.

## 1.6 SPECIALIAZED APPLICANT TYPES AND EXISTING OPERATORS

*The authorizer's application includes requirements that specialized applicant types (i.e. charter network applicants, virtual school applicants, or applicants planning to contract with an education service provider) provide additional relevant information. The authorizer conducts independent due diligence of existing operators' portfolio performance and requires them to provide evidence of past performance and capacity to expand.*

**ESTABLISHED:**  Undeveloped    **APPLIED:**  Undeveloped

### ANALYSIS | ESTABLISHED

As established, the application guidelines are undeveloped in evaluating specialized applicant types and existing operators because the PEC does not have any established practices for evaluating these applicant types. Most notably, the application toolkit is insufficient for identifying and vetting an experienced operator as the application does not ask for programmatic or financial outcomes of existing schools nor does it require disclosure of whether founding group members are affiliated with existing schools. The PEC has one application toolkit that does not differentiate for types of applicants (e.g., those with experience operating schools, charter management organizations, conversion schools, virtual or blended programs, or startup operators). Furthermore, while the mission and student-population questions focus on the types of students and educational program that the school will offer, there is no specific request for previous performance or mention of a due diligence process through which the PEC can review the performance of existing schools operated by or affiliated with the applicant.

In addition, while the state has a separate accountability system for designated “alternative” schools known as the supplemental accountability model (SAM) and eight alternative schools in its portfolio, the application toolkit does not provide separate questions or considerations for alternative education programs nor does the application include specific questions for blended learning schools, despite having 20 blended learning program schools in its portfolio.

### ANALYSIS | APPLIED

As applied, the PEC is undeveloped in evaluating applications from specialized applicants. The decision-making process incorporates a standard practice across all schools that does not adequately probe into an existing school operator's academic, financial, or organizational track record. The transcript from a PEC meeting discussing the applicant, Six Directions Indigenous School, which is part of the NACA network, notes that commission members had “heard” that existing affiliated schools were high performing but no actual data or other evidence was referenced or produced to warrant approval based on performance of the existing schools.

Furthermore, for schools that may be classified as SAM schools, the PEC misses an opportunity to probe this issue by not asking specific questions about whether and why a school believes it would qualify as a SAM school and how this will impact its performance when measured on the state grading system. The PEC made no distinction in its consideration and did not ask questions related to alternative state accountability or expectations, which would help in the decision-making process for such applicants.

## RECOMMENDATIONS

Include specific questions in the application toolkit for special circumstances such as:

- Applicants whose school may qualify for SAM status and why,
- Applicants proposing a blended or virtual educational model and how it will implement this model effectively,
- Applicants that operate or are affiliated with any existing or previously closed schools; in such cases, require applicants to provide information regarding the past academic and financial performance of the identified schools.

Develop a due-diligence process to examine the track record of experienced operators and incorporate this information into staff recommendations.

## 1.7 DECISION ALIGNMENT

*The authorizer makes application decisions that are informed by and align with documented evidence including the extent to which the plan satisfies approval criteria, and applicants demonstrate strong preparation and capacity to establish and operate a quality charter school.*

**ESTABLISHED:**  Partially Developed      **APPLIED:**  Partially Developed

### ANALYSIS | ESTABLISHED

As established, the PEC's decision alignment practices are partially developed because the PEC has not adopted any policies that set a threshold for application approval or guide the PEC's application decisions to ensure that only applications with a high likelihood of success are approved. The application evaluation rubric includes a standard for approval but, as described in earlier sections, this standard is low and is further complicated by ambiguous language included in the rubric. Despite these shortcomings, the application approval process requires the CSD to submit a recommendation, based on the rubric score and staff analysis, to the PEC. This recommendation is also posted on the PEC website prior to the final vote on the decision. In addition, through the community-input hearing, PEC members have the opportunity to vet applicants and ask additional questions. Finally the applicant is given an opportunity to respond to CSD's recommendation prior to the PEC's vote.

### ANALYSIS | APPLIED

As applied, the PEC's decision alignment is partially developed. While four of the most recent six applications resulted in decision alignment between the CSD and the PEC, two applications that the CSD recommended for denial were ultimately approved by the PEC. In all instances, some commissioners referenced staff analyses in their decisions. However, when asked about why decisions varied, some commissioners commented that the current CSD used "different criteria" when evaluating the schools and felt that they needed to conduct their own analyses to determine whether the application met the standard for approval. Some commission members were unaware that the application rubric had been approved by the PEC or that it was currently being used by the CSD.

This lack of consensus between the PEC and the CSD staff about what constitutes the standard for approval is evident in the cases in which the PEC voted against the staff recommendation. In these cases, the commissioners determined that sections noted as not meeting expectations in the staff recommendation did meet expectations, according to their interpretation of the standard for approval. Meanwhile, the publicly available rubric score shows that, according to the reviewer, only half the points in some sections were earned.

In particular, some commissioners shared their frustration with how one application had been recommended for approval by staff the year before but was ultimately denied by the PEC, only to have the applicant re-apply and then be recommended for denial. Even though the CSD and the PEC did not always align, when the PEC voted against staff recommendation, it requested that the applicant address "all of the deficiencies" outlined in the staff analysis and any additional deficiencies mentioned by PEC members, recognizing the value of CSD analysis.

## RECOMMENDATIONS

Develop and adopt an applications policy that defines the PEC's threshold for approval to ensure that only applications that demonstrate a high likelihood of success are approved.

Work with the CSD to further develop the underlying evaluation rubric and corresponding evaluation report form to ensure that the PEC and the CSD are using the same criteria to evaluate charter school applications.

## 2. PERFORMANCE MANAGEMENT SYSTEM

*Does the authorizer have effective systems for establishing and monitoring school performance expectations, and for holding schools accountable as necessary to protect student and public interests?*

**ESTABLISHED:**  Partially Developed      **APPLIED:**  Partially Developed

### SUMMARY ASSESSMENT

Progress to create a monitoring structure to address oversight in each phase of the charter cycle is still lacking and the CSD and PEC are experiencing gaps in oversight. This is despite the fact that the PEC has worked to develop tools to more comprehensively evaluate school performance.

The PED developed—and the PEC approved—a performance framework; and the CSD has been working to ensure that its oversight practices align with the new performance contract and performance framework. However, monitoring practices lack a comprehensive analysis of school performance. Site visits do include analysis of the performance framework—including reporting on mission-specific goal progress—but also focus heavily on compliance monitoring. Financial performance analysis and corresponding measures are almost completely lacking. A state-chartered charter school board is a “board of finance” which is a legal term in New Mexico that delegates powers to the charter board to manage finances independent of the PED but requires those entities’ financials to be included in the state agency’s financial reporting. The PED has access to schools’ finances and audits because charter schools are considered part of the state’s financial performance record and therefore included in the state’s financial audit. However, even with this level of access, CSD monitoring of financial performance is lacking almost completely from its processes and left to the PED finance bureau, which does not communicate or coordinate regularly with the CSD.

CSD monitoring is currently so focused on certain compliance concerns that it is missing opportunities to evaluate and influence its portfolio toward review and reflection of academic and financial performance. Since most schools have mission-specific goals, CSD must customize its performance monitoring for each school, which can be difficult to manage, especially when schools’ mission-specific goals are not measurable. A review of the completed performance framework analysis of each school with a performance contract shows that the CSD was often unable to fully assess charter schools’ performance on mission-specific goals due to a lack of data supplied by the schools.

Per state statute, the PED produces an annual report on the cumulative status of charter schools statewide. This is a great tool for authorizers and policymakers statewide but less helpful for schools, communities, and the general public because it does not report on performance by school or by authorizer (other than the PEC).

### RECOMMENDATIONS

Develop a comprehensive monitoring system—based on the performance framework—that allows the CSD to evaluate school performance; communicate school status, including notices of concern and annual progress; and prepare the PEC for high-stakes decision-making.

Develop financial performance standards and use those standards to inform ongoing monitoring and to determine intervention and renewal. Determine whether takeover of the school’s board of finance is appropriate as a mechanism for intervention.

Report on academic, financial, and operational performance by school annually to the public and make communications clear for families and schools to quickly gauge a school’s status.

## 2.1 CONTRACTING

*The authorizer executes a charter contract for each school that clearly articulates the rights and responsibilities of each party.*

**ESTABLISHED:**  Well-Developed **APPLIED:**  Partially Developed

### ANALYSIS | ESTABLISHED

As established, the charter contract is well-developed. The contract appropriately sets forth the charter school's academic and operational performance expectations by incorporating the PEC's performance framework. The sufficiency of the performance standards will be addressed in Section 3.

The PEC contract is appropriately separate and distinct from the charter application. The contract requires the parties to define the material academic and operational terms of the charter. Furthermore, the contract outlines the amendment process for renegotiating material terms. However, the authorizer has not established a quality standard that would guide amendment decisions related to enrollment or site expansion for schools wishing to expand programming. As a result, the PEC considers amendments without being required to take into account the school's past performance.

### ANALYSIS | APPLIED

As applied, the PEC's contract practices are partially developed. The PEC does not have an executed performance contract for each of the schools it authorizes. For the schools with performance contracts, the PEC and PED are continuously renegotiating this document, which is an inefficient use of resources and creates confusion for schools.

The PEC first issued charter contracts in 2013. As a result, schools that were authorized prior to 2013 and that have not been through the renewal process do not have performance contracts. However, about three-fourths of the charter schools authorized by the PEC now have charter contracts with a performance framework.

Contract negotiations (and renegotiations) have become a major cause for concern for charter schools and an example of a breakdown in operations between the PED and the PEC. According to the PEC, the state's charter school law requires the PEC to renegotiate the school performance targets and, at times, the school performance goals included in the charter contract *annually* rather than once per contract term. The CSD prepares schools for negotiations with the PEC by developing, with schools, performance targets and goals. Schools then take these recommendations to the PEC, which in turn renegotiates the newly proposed targets and goals with the schools. Consequently, schools are subjected to this negotiation process more than once in a term while also being subjected to a multi-stage negotiating process, first with the PED and then with the PEC. It is unclear why the PEC is renegotiating contracts midterm rather than structuring the performance framework at the outset of the contract term to include annual performance targets throughout the contract term. The law states, "Annual performance targets shall be set by each chartering authority in consultation with its charter schools and shall be designed to help each charter school meet applicable federal, state and chartering authority expectations as set forth in the charter contracts to which the authority is party" (NM Stat. 22-8B-9.1B).

## RECOMMENDATION

Set the charter school's performance expectations only upon execution of a new contract and at renewal, except in the event of extenuating circumstances.

## 2.2 SCHOOL OPENING

*The authorizer ensures that approved schools are prepared adequately for opening.*

**ESTABLISHED:**  Partially Developed      **APPLIED:**  Minimally Developed

### ANALYSIS | ESTABLISHED

The PEC's school-opening procedures are partially developed as established. The charter school planning-year checklist communicates reporting requirements for pre-operational schools but falls short of setting forth rigorous and measurable standards that allow the PEC to assess viability and readiness to open. The checklist states that schools must meet the checklist conditions and any charter approval conditions prior to "certification" by the PEC. However, the PEC lacks established practices that define the responsibilities of the PEC and CSD in ensuring schools are ready to operate.

Pre-opening requirements are minimal. For example, schools must have a confirmed site only two weeks prior to opening. As another example, the checklist requires that schools report enrollment as a percentage of the budget by March 31 but does not include a minimum percentage threshold that must be met to remain in good standing with the authorizer. Also, 10 days prior to opening, if enrollment is less than 95 percent of budgeted enrollment, the school must provide a "plan" for revising its budget. Therefore, the established standard is that the school must report its enrollment or provide a plan for adjusting its budget rather than a requirement to meet a certain enrollment percentage or submit a budget that reflects actual enrollment.

### ANALYSIS | APPLIED

As applied, the authorizer practices with regard to school openings are minimally developed because the PEC does not fully utilize its checklist or ensure that new schools are ready to open. According to data provided, five PEC-authorized schools opened in 2015. However, board meeting minutes from July and August 2015 do not include any PEC discussion about whether these schools were prepared to open. Therefore, it is not clear the extent to which the PEC decides whether pre-operational schools are ready to become operational.

Analysis of schools' histories indicate inconsistent implementation of the planning-year checklist. One school's file includes a March checklist but not a final assessment that is supposed to be completed two weeks prior to opening. This school opened in 2013 and closed in 2015 due to fraudulent enrollment and other financial and operational concerns.

Turnover in the CSD has affected the pre-operational support of new schools. CSD provides training for pre-operational schools and staff have begun to add important topics such as STARS reporting and serving special populations. Feedback from school leaders regarding pre-opening support is mixed: some believe training and support has decreased while others believe it has been sufficient.

## RECOMMENDATIONS

Establish a policy that defines the PEC and PED roles in monitoring and approving pre-operational schools to open.

Implement pre-opening standards and hold schools accountable for benchmarks, including enrollment and financial viability, prior to opening.

## 2.3 ONGOING MONITORING

*The authorizer has an effective process for monitoring educational, financial, and organizational performance of the schools it authorizes.*

**ESTABLISHED:**  Partially Developed

**APPLIED:**  Partially Developed

### ANALYSIS | ESTABLISHED

As established, the authorizer’s monitoring practices are partially developed because the PEC lacks a comprehensive oversight monitoring structure that would effectively allow it to collect, evaluate, and report on school performance against the established framework. While the CSD has some protocols for ongoing monitoring, these protocols are focused largely on compliance and do not provide a comprehensive assessment of a school’s academic and financial performance. For example, the site-visit protocol does include limited analysis of school performance against the performance framework, including mission-specific goals, but the protocol is designed for schools in their first year of operation and focuses too heavily on student counts and instructional time requirements. CSD monitoring is currently so focused on certain compliance concerns that it is missing opportunities to evaluate schools based on academic and financial performance, and provide clear feedback to schools based on established performance expectations.

One area of particular weakness is financial monitoring. The CSD only conducts financial monitoring in instances of extreme financial distress or mismanagement. In particular, financial performance analysis and attention to the school’s budget are lacking completely from the site-visit protocol. The only reference to the budget is for verifying instructional days. A state-chartered charter school board is a “board of finance” which is a legal term in New Mexico that delegates powers to the charter board to manage finances independent of the PED but requires those entities’ financials to be included in the state agency’s financial reporting. Therefore, the PED has access to schools’ finances and audits because charter schools are considered part of the state’s financial performance record and therefore included in the state’s financial audit. However, even with this level of access, CSD monitoring of financial performance is lacking almost completely from its processes and left to the finance bureau, which does not communicate or coordinate regularly with the CSD.

The CSD does not differentiate oversight of schools that have demonstrated strong organizational performance. Furthermore, the CSD does not have a data-collection management system, other than the state’s STAR system and an electronic filing system. Therefore, the CSD uses the site visit as the means to collect and evaluate documentation, which is an inefficient practice.

### ANALYSIS | APPLIED

As applied, ongoing monitoring is partially developed. With no comprehensive oversight monitoring structure, CSD monitoring activities are at times inefficient and misdirected. The CSD lacks critical data to inform its oversight practices, in large part due to the lack of structures. The CSD is unable to fully evaluate school academic performance against the performance framework, is not fully utilizing expertise within the PED, and is continuing to revise portions of a monitoring system without first determining what elements should be included in such a system.

Because of the large number of mission-specific goals established through the performance framework for each school, the CSD must customize its performance monitoring, which can be difficult to manage, especially if schools do not develop measureable goals and if staff do not have the capacity to collect data, review outcomes, and report on school status. Completed performance framework analysis of each school with a charter contract shows that, very often, the CSD was unable to fully assess charter schools’ performance on mission-specific goals due to a lack of data supplied by the schools.

The concern over performance monitoring is further compounded by changes in oversight processes each time a new director is hired. CSD staff stated that the division lacks institutional knowledge. Staff are compelled to re-establish monitoring tools and protocols with each change in leadership. We received three separate site visit protocol examples that all appear to have been developed within a few years. The CSD is using the first-year site-

visit protocol for all schools, regardless of age, and not adjusting it for higher-performing schools or for those that serve unique populations. This lack of consistency in oversight has contributed to concerns from the charter school community over the authorizer's ability to effectively monitor charter school performance.

The CSD is missing opportunities to utilize the expertise of other bureaus within the PED in monitoring and oversight, especially for financial, special education, and ELL oversight. The CSD is beginning to engage with the special education bureau to provide training to pre-operational charter schools and assist schools in resolving concerns related to special education programming. However, this level of engagement is not established and appears to be ad hoc.

## RECOMMENDATIONS

Develop a comprehensive monitoring system based on the performance framework that allows the CSD to evaluate school performance; communicate school status, including notices of concern and annual progress; and prepare the PEC for high-stakes decision-making.

If mission-specific goals continue to be emphasized in performance reporting and high-stakes decisions, then ensure that the CSD has structures in place to effectively collect and evaluate the data.

Focus site visits on academic and financial performance and, to the extent possible, monitor compliance through assurances and submissions of required documentation.

Develop financial performance standards and use those standards to inform ongoing monitoring and to determine intervention and renewal. Determine whether takeover of the school's board of finance is appropriate as a mechanism for intervention.

When utilizing expertise in monitoring from other bureaus of the PED, streamline and coordinate oversight through the CSD or ensure expectations, performance monitoring, and notifications of any concerns are coordinated internally.

## 2.4 SCHOOL INTERVENTION/REVOCATION

*The authorizer has effective policies and practices for school intervention and revocation and conducts merit-based interventions, including revocation where appropriate, in response to clearly identified deficiencies in the school's record of educational, financial, or organizational performance.*

**ESTABLISHED:**  Minimally Developed      **APPLIED:**  Minimally Developed

### ANALYSIS | ESTABLISHED

The PEC's intervention and revocation policies are minimally developed. The PEC does not have an established intervention policy or protocol stating the conditions that may trigger intervention or the consequences for failure to remedy concerns, and the threshold for revocation is unclear. The PEC performance framework template, which is negotiated and then incorporated into all charter contracts, stipulates that a school will be required to develop an improvement plan if it receives a school grade rating of C or lower. That improvement plan must be approved by the PEC. The PEC does not provide guidance to schools on what is required in an improvement plan and does not have policies that would direct the CSD to provide technical support to schools, as appropriate. However, by requiring that an improvement plan be developed and approved by the PEC, the authorizer is potentially focusing too strongly on inputs rather than outcomes.

### ANALYSIS | APPLIED

As applied, the PEC's intervention and revocation practices are also minimally developed. Without an established intervention policy, schools not meeting performance expectations report a lack of clarity about PEC and CSD process and requirements. Further, CSD staff do not receive clear guidance as to how to monitor and oversee schools not meeting expectations. During the observed commission meeting, a lack of clarity regarding who was responsible for developing the improvement plan, the PEC's role in approving such plan, and the CSD's role in providing technical assistance to schools requiring an improvement plan led to such heated discussion that PEC members requested the PEC and CSD engage in mediation to resolve their differences. The PEC and CSD lack an aligned position on quality and expectations for improvement when performance is not satisfactory and the result of this discord has created deep divides within the charter school community and left schools without clear direction. The witnessed challenges in ongoing oversight and monitoring of a school in need of improvement demonstrates that the PEC and CSD are currently not in a position to provide quality monitoring of charter schools in need of improvement.

The PED has intervened with schools in extreme financial distress and has taken over their financial management responsibilities (i.e. suspended their board of finance status). While this is an extreme measure, it is one taken by the state and not the authorizer. However, one must question why schools taken over by the state were not placed on intervention or given a notice of concern by their authorizer and why monitoring did not identify the concerns until they were so extreme as to warrant such drastic action. As discussed further in Section 3.2, the PEC does not have established financial performance measures in its performance framework.

## RECOMMENDATIONS

Do not require that improvement plans be approved by the PEC; instead, focus intervention policies and practices on communication of concern and ongoing monitoring to determine whether the school has cured concerns or whether additional steps, including revocation, are warranted.

Short of revisiting the legal structure, engage an independent mediator to define each party's roles and responsibilities, forge a more positive work relationship, and subsequently develop corresponding policies to guide intervention and revocation decisions.

Monitor financial performance and create an intervention policy that would ensure financial performance concerns are raised and addressed, with the goal of alleviating the need for a board of finance takeover.

## 2.5 RENEWAL

*The authorizer runs a well-structured renewal process including clear requirements and communications; a meaningful opportunity for the school to present information and respond to the authorizer's findings; and prompt notification of decisions.*

**ESTABLISHED:**  Approaching Well-Developed

**APPLIED:**  Partially Developed

### ANALYSIS | ESTABLISHED

As established, the PEC's renewal process is approaching well-developed. While the PEC has approved a well-structured renewal process, it has not identified the academic standards for renewal. The PEC has approved a renewal application kit that clearly outlines the process for renewal including a CSD-compiled performance data analysis, a required renewal application, a renewal site visit, an amendment proposal, a recommendation by the CSD, and finally a vote by the PEC. The kit outlines the timeline for renewal and trainings for school leaders to learn about the application process. The process provides each school with the opportunity to respond to its record of performance, which is based on the performance framework. Schools may submit supplementary evidence of performance and have the opportunity to correct the record. The renewal process, as established, does not contemplate or address transfers from other authorizers, conditional renewals, or short-term renewals. Despite having a performance framework incorporated into most charter contracts, the only established academic renewal standards are those defined in statute. The law states that the PEC may non-renew a school that does not meet or "make sufficient progress toward" performance framework goals. The law allows the authorizer discretion in determining the terms for renewal but the PEC has not defined sufficient progress and, therefore, has not defined renewal standards for academic performance. As a result, schools do not know the threshold expected of them to gain approval.

### ANALYSIS | APPLIED

As applied, the PEC's renewal practices are partially developed. While the renewal process is well-executed, renewal decisions are not based solely on the school's academic, financial, and organizational track records and are ambiguous due to lack of clarity for what constitutes renewal. In practice, the PEC delegates the renewal process to the CSD, and staff communicate the renewal process to charter schools prior to the renewal year. The CSD holds information sessions at which schools have the opportunity to ask questions regarding the process. The PEC votes on renewal decisions around December, well in advance of the close of the school year.

In 2015–2016, the PEC oversaw the renewal of five PEC-authorized charter schools and renewal through transfer of two district-authorized charter schools. Transcripts from the December commission meeting reveal that the PED chose not to provide the PEC with a renewal recommendation for schools up for renewal because of concerns over transparency and clarity of the decision-making process. In more than one instance, the PED analysis outlined that schools did not meet performance expectations outlined in the charter agreement and/or schools had material violations of the charter. The PEC renewed these schools even though they did not meet performance expectations in multiple areas of review. While renewal often includes conditions, the track record of decision-making indicates that the renewal standards, and those expectations outlined in the performance contract, are not upheld as expectations to earn renewal. Because the PEC has not defined the standards for renewal, the PEC has not attempted to close a school for poor academic performance.

## RECOMMENDATIONS

Prior to the next renewal period, define, in policy, the academic requirements to earn renewal and ensure that such requirements are aligned with the established performance framework and incorporated into charter contracts.

Grant renewal only to schools that meet the performance expectations set forth in the performance framework and that are in good standing with the terms of their charter.

Base renewal decisions on a track record of success and avoid conditional renewals whenever possible.

## 2.6 CLOSURE

*Following non-renewal, revocation, or voluntary return of the charter, the authorizer has an effective plan to ensure the orderly closure of the school.*

**ESTABLISHED:**  Partially Developed

**APPLIED:**  Partially Developed

### ANALYSIS | ESTABLISHED

As established, the PEC's closure practices are partially developed. The PEC has a closure checklist that establishes roles and responsibilities for an orderly closure of a charter school. However, this checklist does not address student placement, arguably the most critical task to manage and execute upon closure of a charter school. It does not lay out who is responsible for ensuring students find a new school or outline enrollment options students may have with other charter or district schools.

The closure checklist calls for a plan to secure and transfer records, secure public property, and manage the school's financial assets through dissolution. It also calls for communications to parents and the community immediately and, because nonrenewal decisions are typically made in December, provides the CSD and families adequate time to plan for an orderly wind down. The closure checklist does not address, specifically, placement of special need populations who, arguably, need additional support for placement and/or continued services over the summer.

### ANALYSIS | APPLIED

As applied, the PEC's management of closure wind-down is partially developed. The PEC delegates this task to the CSD but the CSD currently does not provide much support for most critical element of closure: placement of students. The CSD is currently managing the closure of three charter schools. The CSD contracts management of the wind-down process to a consultant and her main role is in monitoring the charter schools' progress on the closure checklist and supporting redistribution of assets. Wherever possible, the CSD works to redistribute assets to new schools.

The CSD does not actively support students who must find new schools to attend. The extent of the CSD's support for student placement is supporting the transfer of student records. The CSD take a passive approach to supporting student placement by fielding complaints from students struggling with placement. In one instance, a student was told by a district that their credits from the closing charter school would not be honored. The CSD helped that student work with the school district to honor those credits.

### RECOMMENDATION

Make student placement the primary focus of the closure process, including placement of students with disabilities and English Language Learners.

## 2.7 TRANSPARENCY

*The authorizer communicates to schools and the public clearly and consistently regarding expectations for and status of school performance including formal reporting on school performance and status at least annually.*

**ESTABLISHED:**  Approaching Well-Developed

**APPLIED:**  Partially Developed

### ANALYSIS | ESTABLISHED

As established, the PEC's transparency is approaching well-developed. The PEC has established a number of strong practices through which it communicates school performance to schools and the public, but its ability to collect certain school academic performance data is limited and it does not yet communicate financial performance data to schools and the public. Annually, the CSD completes analysis of school academic performance against its performance framework goals, which include the state A–F school grading accountability system, mission-specific goals, and compliance standards. This information is presented to the PEC for review and is made public on the PEC website. The CSD provides the analysis to each of its authorized schools and states that it discusses performance against the goals during its annual site visit, per the site-visit protocol. However, oftentimes performance against certain measures are not reported because information is not available, mainly due to lack of mission-specific goal data that the schools are supposed to provide to the CSD. Another compounding issue with transparency is the regular renegotiation of performance goals that lead to ambiguity as to what goals schools are ultimately held accountable. We discuss this issue further in Section 3.1.

Prior to renewal decisions, to the extent data is available, performance framework analysis is included in the packet of information provided to the school at the beginning of the renewal process so that the school has this information available during the site visit and can respond to the analysis in its renewal application to the authorizer. As discussed further in Section 3, the framework does not include financial performance measures. Therefore, the PEC does not transparently communicate to schools and the public regarding school financial performance.

Per state statute, the PED produces an annual report on the cumulative status of charter schools statewide. This is a great tool for authorizers and policymakers statewide but less helpful for schools, communities, and the general public because it does not report on performance by school or by authorizer (other than the PEC). As required by law, the PED annually reports on the performance of the state-authorized charter schools, as well as the performance of district-authorized schools around the state. The report provides subgroup and comparative group analyses.

### ANALYSIS | APPLIED

In practice, the PEC's transparency practices are partially developed. Performance frameworks, which were completely absent six years ago, are now referenced in communications to schools. However, transparency of expectations and oversight monitoring has been inconsistent due to the constant turnover in CSD staff, the overreliance on mission-specific goals that are not measurable, and the annual renegotiations of performance targets. When asked whether school leaders have a good understanding of performance expectations and status for renewal, a number of school leaders stated that turnover in staff and the constant renegotiation of performance targets have led to confusion about what is expected of them. One leader summed it up well: "There have been language and metric changes every year. It's challenging since clear and consistent expectations have never been conveyed over eight years given the continual turnover within the PED's CSD."

### RECOMMENDATION

Report annually on the academic, financial, and operational performance of each charter school within the PEC portfolio; develop a clear means of communicating this performance to schools and the public.

### 3. PERFORMANCE-BASED ACCOUNTABILITY

*Does the authorizer have rigorous, appropriate standards by which it holds schools accountable for results? Are decisions made with the intent to maintain high standards and protect the students' and the public's interests?*

**ESTABLISHED:**  Partially Developed

**APPLIED:**  Minimally Developed

#### SUMMARY ASSESSMENT

The PEC has struggled to hold schools to its established standards due to a lack of authorizing policies and performance thresholds that are necessary to provide a structure for performance-based accountability.

The lack of a performance threshold and roll-up methodology has led to inconsistent application of performance standards, with the cumulative record of educational performance not fully reflected in accountability decision-making. Thirty-two percent of the commission's 57 charter schools received a D or F grade on the state's A-F school grading accountability system in 2015. And while the law requires that schools meet or "make substantial progress toward the achievement of the department's standards of excellence or student performance standards identified in the charter contract" (NM Stat. 22-8B-12K(2)), the PEC has not defined substantial progress, which has resulted in little to no accountability for low academic performance. In recent renewal decisions, the PEC renewed all six schools up for renewal. In the PED's analysis of school performance, none of the six schools met academic or operational performance standards and the PED determined that analysis of the schools' financial standards could not be determined. To add to the challenge, most of the mission-specific goals in schools' performance frameworks were not reviewable by the CSD due to a lack of available data.

The PED does not have established practices for monitoring school programming for special populations and tends to operate from a reactionary position. Review of the data the PED provides to the PEC on student performance indicates that the commission is not actively overseeing charter schools' education of SWDs or ELLs.

Since the last evaluation in 2010, the PEC developed some critical tools that inform decision-making, including the performance contract and performance framework. These tools are critical in communicating expectations to the charter community and for establishing a clear balance of oversight that protects autonomy and holds schools accountable for results.

#### RECOMMENDATIONS

Prior to the next renewal period define, in policy, the academic requirements to earn renewal; grant renewal only to schools that meet the established standard and that are in good standing with their charter.

Develop a roll-up methodology to effectively assess whether schools meet the performance framework standards or "make substantial progress toward" meeting the standards.

Consider revising the performance framework to minimize mission-specific goals to those that can be measured by available data, or incorporate into the framework a rating for schools that fail to submit reliable and valid data.

When reporting on school performance against the performance framework, highlight schools' outcomes of students who are English Language Learners or have disabilities, and schools' compliance with laws pertaining to serving these populations.

### 3.1 EDUCATIONAL PERFORMANCE

*The authorizer holds schools accountable for academic performance using objective and verifiable measures, established in the charter contract or performance framework, that address, at a minimum, student achievement, student growth, and post-secondary success as the primary measures of school quality.*

**ESTABLISHED:**  Partially Developed

**APPLIED:**  Minimally Developed

#### ANALYSIS | ESTABLISHED

The PEC-approved academic performance framework is partially developed because while it is reasonably comprehensive, there is no definition of sufficient progress and no roll up of scores. The PEC has developed a performance framework and incorporated it into the charter contract. It includes academic performance expectations for all charters and is focused primarily on the state's A–F school grading accountability system, with the addition of mission-specific academic goals. The state's grading system is applicable to all schools statewide and uses a value-added model to measure student growth year-over-year.

The only measurements that would enhance analysis of charter school-specific performance would be comparison data. The PED calculates comparison information for all of the state's charter schools and reports it to the public in the PED annual report. This analysis includes measures that compare students in charter schools to students with similar initial academic performance as well as a comparison of students by demographics. These data points are not incorporated into the PEC's charter performance framework. However, it is provided to the PEC in summary analysis for high-stakes decisions. This leads to more ambiguity as to what data points are considered for renewal. The state grade does focus on and give weight to the performance of the lowest 25 percent of students in the school, giving credit for growth where it is most critical.

Furthermore, while the law requires that schools meet or “make substantial progress toward achievement of the department's standards of excellence or student performance standards identified in the charter contract” (NM Stat. 22-8B-12K(2)), the PEC has not defined substantial progress. Lastly, the performance framework lacks a methodology for rolling up performance to an overall rating and therefore does not define what constitutes meeting the standard overall. This leaves the relative “weight” of each measure subject to interpretation and adds subjectivity to the process.

#### ANALYSIS | APPLIED

As applied, the PEC's academic performance accountability is minimally developed. The lack of a performance threshold and roll-up methodology has led to inconsistent application of academic performance standards, with the cumulative record of educational performance not fully reflected in accountability decision-making. Further, the lack of a definition of “substantial progress” has resulted in little to no accountability for low academic performance. Thirty-two percent of the commission's 57 charter schools received a D or F grade on the state's A–F school grading accountability system in 2015.

Evaluating schools against the performance framework has proven challenging for the PEC because it has not determined what constitutes minimal academic performance to warrant renewal. The PEC is phasing in the framework, with about three-fourths of schools on a performance contract. The PED provides analysis of schools' performance against the framework annually to the PEC and the PEC uses the measures to evaluate schools up for renewal. For those schools up for renewal but not yet on a performance contract, the PED provides analysis of performance against the state A–F school grading accountability system and charter goals outlined in the school's original charter application.

This past renewal cycle, the PEC renewed all six schools up for renewal despite none of them meeting their charter goals or receiving an A or B state grade, the loosely defined “standard” for renewal. While the PED provided analysis of the six schools up for renewal, it did not provide renewal recommendations due to its concern that the PEC had not clearly identified a renewal standard. As a result, all schools were renewed, some with conditions and/or shorter terms, even though none met the “standard” for academic performance. Review of the commission meeting transcript where these renewals were discussed shows that conditional renewals

were made based on promises of further performance and plans for revised programming.

Finally, the PED relies heavily on school-submitted data to inform mission-specific goal attainment. Absent this data, it is difficult to assess attainment of charter goals. Analysis of the performance frameworks CSD completed for the 2015 school year show that multiple schools could not be fully evaluated due to lack of school-specific data that the schools were responsible for collecting and submitting to the CSD.

## RECOMMENDATIONS

Develop a roll-up methodology to effectively assess whether schools meet the performance framework standards or “make substantial progress toward” meeting the standards.

Prior to the next renewal period define, in policy, the academic requirements to earn renewal; grant renewal only to schools that meet the established standard and that are in good standing with their charter.

Base renewal decisions on a school’s track record of performance rather than its plans for the future.

Consider revising the performance framework to minimize mission-specific goals to those that can be measured by available data or incorporate into the framework a rating for schools that fail to submit reliable and valid data.

## 3.2 FINANCIAL PERFORMANCE

*The authorizer holds schools accountable for financial performance using appropriate near-term and sustainability measures, established in the charter contract or performance framework, as the primary indicators of a school's financial viability.*

**ESTABLISHED:**  Undeveloped      **APPLIED:**  Minimally Developed

### ANALYSIS | ESTABLISHED

As established, PEC's financial performance framework is undeveloped because the financial measures in the framework evaluate charter management of finances and not the school's financial health. The authorizer is unable to assess whether its schools are in good financial health and standing. The financial framework included in the charter contract does not include measures of financial performance but rather operational requirements for managing schools' finances. The framework lacks near-term quantitative measures of financial well being such as current ratio and lacks long-term sustainability measures such as total margin. The PEC cannot effectively evaluate charter school financial viability because its current measures focus solely on operational health. For example, the first measure of the financial framework asks "was the information required for the budget provided on time for the current year operational budget, and the previous year, if requested by the PEC or its delegatee?" A school could meet this standard if it turns in a budget on time, regardless of the budget's accuracy or alignment with the school's enrollment. In fact, the financial framework has an overwhelming focus on timely reporting, so a fiscally distressed charter school that turns in its reports on time would theoretically score well on the financial framework. The framework appropriately asks whether expenditures ever exceed the budget in certain functions. However, the actual measure that this question informs only requires that the school submit periodic reports in a timely manner (financial framework measure 3). Therefore, this underlying information is not actually incorporated into the framework analysis.

Finally, the PEC has not adopted any process standards for how the results will be analyzed. The framework does not roll up to a single score and this leaves the PEC to interpret individual ratings and run the risk of making inconsistent decisions based on individual ratings and circumstances.

### ANALYSIS | APPLIED

As applied, the PEC's financial performance accountability is minimally developed. In the last renewal cycle, the PEC renewed all six schools up for renewal despite the fact that the PED school performance report provided to the PEC concluded that all six of the schools' financial statuses could not be determined. Additionally, this report did note some school-specific financial concerns. For example, the analysis noted the schools up for renewal had a range of cash balances, some with negative balances. In addition, the report questioned one school's billing of special education funding and another school's reporting of enrollment 50 percent higher than actual enrollment. Four of the six schools that have closed or been revoked in recent years have closed due to financial-performance concerns. At least in part due to the lack of financial performance requirements, schools that are in extreme financial distress are not identified until viability is clearly in question. The PED takes over the financial operations of schools in extreme financial distress but even in those cases, it is clear that the intervention may be too late. Five charter schools currently have their board of finance status suspended. These schools are still operating even though they have proven unable to manage their finances effectively. In one example, a school had a cash deficit of more than \$1 million; it was not paying its payroll taxes properly; and 72 employees were given W-2s even though no more than 50 employees were confirmed, among other things.

## RECOMMENDATIONS

Develop financial performance standards, and use those standards to inform ongoing monitoring and to determine intervention and renewal decisions. Do not rely on PED intervention and board of finance suspension as a means of school financial accountability.

Develop policies for how the PEC will roll up financial performance standards to a single rating and use that rating to inform decision-making.

### 3.3 ORGANIZATIONAL PERFORMANCE

*The authorizer holds schools accountable for compliance with organizational performance requirements established in the charter contract or the performance framework, including educational program requirements; governance and reporting; financial management and oversight; and operational requirements related to students, employees, and the school environment.*

**ESTABLISHED:**  Approaching Well-Developed

**APPLIED:**  Partially Developed

#### ANALYSIS | ESTABLISHED

As established, the PEC’s organizational performance standards are approaching well-developed. The charter contract includes an organizational performance framework that calls for assessment of all critical organizational aspects of the charter school and its operations, including meeting material terms of the educational program, financial management (including audit analysis), and governance, among other things. However, as mentioned in Section 3.2, measures currently in the financial framework that inform financial management should be included in the organizational framework. Similar to the academic framework, the organizational framework lacks a methodology for assessing the organizational performance of the school overall. At time of renewal, the PEC receives a report on the school’s organizational performance, with a detailed description as to whether the school met the material terms of the charter.

According to school leaders and the charter community, assessment of organizational performance has been inconsistent over time. The organizational framework alone is not sufficient to set a standard against which PED staff can evaluate schools. The PED and the PEC need both guidance to apply professional judgment of what constitutes meeting the standard of individual measures and a methodology for rolling up individual measures to an overall rating.

#### ANALYSIS | APPLIED

As applied, the PEC’s organizational performance accountability is partially developed. Similar to the academic performance framework, the lack of a threshold of performance and roll-up methodology has led to an inconsistent application of organizational performance standards. Of the six schools up for renewal this last round, none of the schools met the standard according to the PED’s organizational performance assessment. The PEC renewed two of the schools with conditions and four without conditions. It is unclear what determined renewal with conditions versus renewal without conditions.

### RECOMMENDATIONS

Develop implementation guidance to ensure PED staff consistently evaluate schools against organizational performance standards.

Shift financial management measures to the organizational performance framework.

Develop policies for how the PEC will roll up organizational performance standards to a single rating and use that rating to inform decision-making.

### 3.4 SPECIAL STUDENT POPULATIONS

*The authorizer holds schools accountable for meeting legal and educational obligations to special student populations including, but not limited to, students with disabilities and English Language Learner students.*

**ESTABLISHED:**  Partially Developed      **APPLIED:**  Minimally Developed

#### ANALYSIS | ESTABLISHED

As established, oversight and accountability of schools serving students who are English Language Learners (ELLs) or have disabilities (SWDs) is partially developed. The organizational framework includes requirements that schools meet the educational obligations of both of these populations. Further, the academic performance framework via the A–F school grading accountability system incorporates academic performance of SWD and ELLs, holding schools accountable for the performance of students with different needs. However, without a systematic approach to renewal decision-making or intervention, it is unclear how analysis of student performance and compliance play into high-stakes decisions.

#### ANALYSIS | APPLIED

As applied, the PEC's oversight and accountability of schools serving ELL or SWD students is minimally developed. Since the CSD does not have established practices for monitoring school programming for special student populations, it tends to operate from a reactionary position. Review of data the PED provides to the PEC on student performance indicates that the commission is not actively overseeing charter schools' education of SWDs or ELLs.

The PED's draft strategic plan provides evidence that the PED is working to improve monitoring of special student populations and to bring consistent training to schools. However, there is no systematic approach to oversight or intervention when concerns arise. At least one school was cited during its renewal review for inappropriately billing special education services and had to remedy those concerns as a condition of renewal. In another case, the special education bureau found alarming instances of poor IEP management, inappropriate caseloads, and uncertified instructors within a school, and has been working to ensure the school serves its students appropriately and comes into compliance with state law. The school did not receive any official notification of concern from the PED.

According to staff, historically, the PED structure has not supported cross-collaboration among the different bureaus and the CSD and, as a result, communication of concerns about charter schools and their management of services for SWD and ELL populations has not been well organized. Staff within the CSD have said that charter schools “don't know what they don't know” about serving students with special needs. To address this concern, the CSD has recently started engaging the other bureaus that work with special student populations to provide technical assistance and training to schools and new start-ups.

### RECOMMENDATIONS

When reporting on school performance against the performance framework, highlight schools' outcomes of students who are English Language Learners or have disabilities, and schools' compliance with laws pertaining to serving these populations.

Ensure that intervention policies provide a structure for evaluating and communicating concern regarding appropriate services for students with disabilities and English Language Learners.

### 3.5 DECISION ALIGNMENT

*The authorizer makes accountability decisions that are informed by and align with documented evidence and analysis of the extent to which the school satisfies performance expectations, ensuring that only charter schools that meet or exceed expectations continue to operate. (Note: this section focuses on decisions by the authorizer other than the application, which is addressed in Section 1.7.)*

**ESTABLISHED:**  Partially Developed      **APPLIED:**  Minimally Developed

#### ANALYSIS | ESTABLISHED

As established, the PEC's decision alignment is partially developed because while it has a performance framework and is working to phase schools on to a performance contract, it has not established any policies to provide a clear threshold for what constitutes renewal, conditional renewal, and nonrenewal. The law is not helpful in providing the framing necessary to inform decision-making because it is ambiguous in defining the academic performance necessary to earn renewal (See Section 3.1 for more detail).

The PEC lacks renewal policies that would be necessary to inform high-stakes decisions. Policies that are absent include: 1) the threshold for renewal including a definition of "substantial progress toward achievement of the department's standards of excellence or student performance standards identified in the charter contract," 2) methodology for rolling up performance framework scores to determine overall ratings of performance in each category against the standard, 3) differentiated renewal definitions (i.e. conditional renewal policies), and 4) intervention policies that would potentially drive revocation decisions. These policies or established guiding materials would help direct PED's analysis and presentation of recommendations and ultimately the PEC's decision-making.

#### ANALYSIS | APPLIED

As applied, the PEC's decision-alignment is minimally developed because the authorizer does not base decisions on a foundation of established expectations. The PED did not provide recommendations to the PEC for the last round of renewals because it did not believe the PEC had set a standard for renewal against which to judge school performance and make an informed recommendation.

The PEC has a renewal application and performance framework that helps to establish some expectations of performance but it is not clear how the individual measures are objectively calibrated to a final determination. Of the six schools up for renewal, according to the PED's analysis, none met the academic or operational expectations. All six schools had operational concerns cited and did not meet all individual measures of academic performance. The PED chose to interpret this as not meeting the standard but did not go so far as to provide recommendations of renewal or nonrenewal to the PEC. Unfortunately, this left the PEC with a set of schools about which to make renewal decisions but with no bar against which to judge. The PEC decided to renew all six schools, some with conditions, and one with a shortened renewal period of three years. With a lack of established policy for what constitutes shortened renewal periods and even conditions of renewal, and with all schools not meeting academic and operational standards according to the PED, the decisions appeared to be made without a clear standard. To add to the confusion, the PED determined that it could not determine the financial status of these schools up for renewal but cited concerns with financial performance for some (e.g., over-reporting student enrollment, negative fund balances) or financial management (material findings in audits).

#### RECOMMENDATION

Develop renewal policies to guide recommendations and to use as a basis for high-stakes decision-making.

## 4. AUTONOMY

*Do schools have the autonomy to which they are entitled?*

**ESTABLISHED:**  Approaching Well-Developed

**APPLIED:**  Partially Developed

### SUMMARY ASSESSMENT

At times, in practice, the CSD unnecessarily restricts autonomy of schools. Oversight policies and practices need to be further developed and refined to achieve a proper balance between respecting school autonomy and conducting effective oversight to track school performance. An example of oversight practices that unnecessarily restrict school autonomy is the requirement that each school must provide a 90-day curriculum prior to opening and again each year of operation according to the CSD's site-visit protocol. It is unclear whether schools must submit this curriculum plan for every subject, only core subjects, or for one sample subject. In addition, there is no corresponding established or communicated expectation about any curriculum plan requirements.

Furthermore, while the CSD is required to provide technical assistance and training to schools per state statute, its practices in this area are not well-defined, which leaves schools struggling to understand where support ends and oversight begins. Schools complained of overly burdensome and invasive monitoring of compliance during the site visits and not much attention spent on school programs or recognition and encouragement of flexible and/or innovative practices. Lastly, the CSD reports spending less time monitoring higher-performing schools but the PEC has not established any formal differentiated oversight practices.

The PEC's charter school contract appropriately preserves charter school autonomy over their educational program and finances. Requirements are outlined in the charter contract and schools have full autonomy over the development of their budgets.

### RECOMMENDATIONS

Define, in policy, what technical assistance the CSD will provide to schools that preserves its role as authorizer but that meets its statutory requirements to provide technical assistance. Do not veer from that definition.

To achieve a proper balance between preserving charter schools' autonomy over finances and monitoring schools' financial health, incorporate financial performance measures into the performance framework and create an intervention policy that stipulates requirements to remedy concerns or increasing levels of concern including potential revocation, well before board of finance takeover would be necessary.

Develop policies for differentiating oversight for high-performing schools that will decrease schools' reporting burdens, more effectively allocate resources, and promote the replication of high-performing schools.

## 4.1 EDUCATIONAL PROGRAM

*The authorizer defines and respects school autonomy over the educational program.*

**ESTABLISHED:**  Approaching Well-Developed

**APPLIED:**  Partially Developed

### ANALYSIS | ESTABLISHED

As established, the PEC is approaching well-developed in respecting school autonomy over their educational programs. While the contract is appropriately outcomes-focused, PEC's monitoring practices should be further refined to address schools' autonomy over their educational programs. The charter contract defines the role of PEC as evaluating the schools' outcomes and not establishing processes. It states that the schools have the "authority and responsibility" to develop their education plans and to apply for waivers from PED (not PEC) from state-mandated requirements. The contract appropriately does not incorporate the application and outlines the "material terms of the charter." Only these areas, rather than the entire charter application, require amendments and are subject to review during annual site visits.

However, certain oversight practices place an undue burden on schools and encroach upon school autonomy. For example, each school must provide a 90-day curriculum prior to opening and again each year of operation according to the CSD's site-visit protocol but it is unclear whether schools must submit this curriculum plan for every subject, only core subjects, or for one sample subject. In addition, there are no corresponding established or communicated expectations about any curriculum plan requirements, which leaves schools vulnerable to the changing expectations of the CSD or PEC.

Furthermore, with regard to site visits, the PEC and CSD have not articulated a clear purpose and a corresponding policy to ensure that these visits do not encroach upon school autonomy over curriculum and instructional methods. Under New Mexico's charter school law, every school, regardless of performance on the PEC's performance framework or the school's attainment of mission-specific goals, must undergo an annual site visit. School leaders noted that, for the first time after multiple years of operation, they were being monitored for meeting 1080 instructional hours, despite offering competency-based, alternative education with waivers for a shortened school day.

### ANALYSIS | APPLIED

As applied, the PEC's practices in this area are partially developed because while the CSD is required to provide technical assistance and training to schools, per state statute, this has not been well-defined. Without PEC-approved policy that defines technical assistance and what to expect during site visits, schools have struggled to understand where support ends and oversight begins. School leaders said that they have a hard time preparing for visits and do not always know what to expect. This lack of clarity resulted in some schools being surprised by the level of compliance oversight and complaining to the PEC during a public-comment period of commission meetings.

The PED's approach is to offer training and technical assistance, which is in accordance with its strategic plan and the charter contract. Currently, this is done by disseminating information about relevant programs, helping schools understand why they may be lower performing, and encouraging schools to use flexibilities to innovate. In practice, schools complained of overly burdensome and invasive monitoring of compliance during the site visits and not much attention spent on school program or recognition and encouragement of flexible and/or innovative practices. Other than compliance trainings, no school mentioned receiving technical assistance to improve programming.

## RECOMMENDATION

Define, in policy, what technical assistance the CSD will provide to schools that preserves its role as authorizer but that meets its statutory requirements to provide technical assistance. Do not veer from that definition.

## 4.2 FINANCIAL MANAGEMENT AND BUSINESS OPERATIONS

*The authorizer defines and respects school autonomy over financial management and business operations.*

**ESTABLISHED:**  Approaching Well-Developed      **APPLIED:**  Partially Developed

### ANALYSIS | ESTABLISHED

As established, the PEC is approaching well-developed in respecting schools' autonomy over their financial and business operations. Schools have autonomy over developing their budgets without CSD restrictions over expenditures. CSD requires schools to undergo annual audits, conducted by PED-approved auditors, and respond to any findings. The law requires the PED provide financial oversight for schools' governing boards, placing the fiduciary responsibility on them. School governing boards must, by law, sign assurances of financial compliance, and each board must qualify as a board of finance, which includes training and certification. If a school has findings, the law and the contract require the school to enter into a corrective action plan with the authorizer that could lead to closure if not completed.

### ANALYSIS | APPLIED

As applied, the PEC is partially developed in this area. Without clearly defined financial performance expectations outlined in the charter contract or PEC policy, the PEC is limited to oversight of financial performance as defined in state statute. As a result, the PEC rarely intervenes except in cases of extreme financial mismanagement—and even then, the intervention is often through a separate PED action: takeover of the school's board of finance rights. This is a department act, however, and outside the purview of the authorizer.

### RECOMMENDATION

To achieve a proper balance between preserving charter schools' autonomy over finances and monitoring schools' financial health, incorporate financial performance measures into the performance framework and create an intervention policy that stipulates requirements to remedy concerns or increasing levels of concern including potential revocation, well before board of finance takeover would be necessary.

### 4.3 DIFFERENTIATED OVERSIGHT

*The authorizer periodically reviews compliance requirements and evaluates the potential to differentiate school oversight based on flexibility in the law, demonstrated school performance, and other considerations.*

**ESTABLISHED:**  Undeveloped      **APPLIED:**  Partially Developed

#### ANALYSIS | ESTABLISHED

The PEC is undeveloped in establishing differentiated oversight policies and practices. PEC's policies do not differentiate for high-performing schools, schools that are part of larger networks, SAM schools, or schools that seek to serve alternative populations. In addition, materials provided for school oversight, charter amendments for expansions, replications, and for charter renewals do not contemplate a differentiated system. Currently all schools, regardless of prior performance, undergo the same processes.

While the law requires the PEC to annually monitor all schools, the PEC has not developed policies and CSD has not developed monitoring tools that would allow for differentiated oversight. The law also requires that technical assistance be provided to charter schools during annual site visits but the PEC has not created policies to define how and when technical assistance will be provided and the extent to which technical assistance will be customized or differentiated to the needs of individual schools. It is important to note that some of the most recent PED-created oversight documents mention differentiated oversight. However, these have not been approved by PEC.

#### ANALYSIS | APPLIED

In practice, the PEC is partially developed in this area because it differentiates oversight of higher-performing schools, as outlined in Section 4.1. Schools with a rating of A or B on the state accountability framework receive less oversight than those earning C, D, or F. While the PEC does not have established policies for differentiating oversight and decision-making, the PEC public working session held on April 7, 2016, began discussions about differentiating oversight for schools with higher academic performance.

Compliance oversight is not differentiated for high-performing schools but rather conducted annually through site visits and includes the same compliance checklist that is used for new schools. While the checklist is limited to items that are required of all schools by law, there is no process for submitting documents electronically rather than having them audited on site each year.

### RECOMMENDATIONS

Develop policies for differentiating oversight for high-performing schools that will decrease schools' reporting burden, more effectively allocate resources, and promote the replication of high-performing schools.

Develop an online reporting process for compliance that can be completed annually but is less burdensome on schools.

## 5. ORGANIZATIONAL CAPACITY

*To what extent do the organizational structure and systems support quality authorizing practices and forward the authorizer's mission?*

**ESTABLISHED:**  Minimally Developed      **APPLIED:**  Minimally Developed

### SUMMARY ASSESSMENT

The PEC and PED do not work effectively and efficiently as a unit. The tension between the PEC and PED staff is so high that it undermines both entities' capacity to make good decisions about charter schools. The PEC has no authorizing policies that define the roles of each entity and that serve as a foundation for how the PEC makes critical decisions such as renewal, intervention, and charter school closure. The lack of such policies leads to ambiguity in roles as well as conflict. Additionally, necessary organizational policies that govern staff work, such as monitoring, contracting, and renewing charter schools, have not all been adopted by the PEC, causing misunderstandings between the PEC and PED, and confusion among school leaders. The lack of coordination between PEC and CSD has resulted in mixed messages to schools and schools having to go through processes twice—once with CSD and again with PEC—as is the case with contract negotiations.

While both entities are equally invested in improving school quality, they are not united under a common strategic plan, reporting structure, or vision of authorizing. The PEC is currently without an updated strategic plan. A revised strategic plan was created by the PED and brought to the PEC for input but the PEC refused to engage in an open discussion about a plan that it did not help create. As a result, the schools are caught between two entities that are currently unable to stand behind a unified message of school quality and accountability, which is hampering effective oversight, particularly in expanding the number of high-quality charter schools and closing low-quality schools.

However, it is difficult to discuss the organizational capacity of the PEC without discussing the limitations state law places on the PEC. The PEC has no annual budget and has no authority or opportunity to provide input on the PED's budget, which includes fees from PEC charter schools. In addition, the PEC has no staff of its own and must rely upon collaboration with the staff of the CSD to carry out its authorizing duties. Lastly, the Secretary of Education ultimately has the power to override PED high-stakes decisions.

### RECOMMENDATIONS

Engage in intervention such as mediation to work through immediate issues; develop a long-term plan for resolving chronic dysfunctions that are proving debilitating to effective operation and clarify authorizing roles, responsibilities, and authority.

Establish a set of authorizing policies that codify the roles and responsibilities of the PEC and PED, and that can serve as the foundation for how the PEC makes high-stakes decisions using the support provided by the CSD as defined in policy.

Working with a trained facilitator, identify operating principles that the PEC and PED can agree on. Using these principles, create a strategic plan that engages the PEC, PED, and charter schools where synergy among the entities can be more easily found and which identifies goals and priorities for a healthy and thriving charter school community, such as expansion of high-performing charter schools.

Provide the PEC with the ability to review and provide input on the CSD's annual draft budget.

## 5.1 STRATEGIC PLANNING

*The authorizer plans well for the future in a way that aligns with NACSA's Principles and Standards. The authorizer uses quality authorizing to forward its mission and, to the extent applicable, to address identified needs or to attract desired school program types.*

**ESTABLISHED:**  Minimally Developed      **APPLIED:**  Undeveloped

### ANALYSIS | ESTABLISHED

The PEC is minimally developed in creating a strategic plan to govern its work. It does not have a current, public, and approved strategic plan. The process of adopting a common strategic plan requires the PEC and CSD to collectively engage in creating a unified vision of quality authorizing, which currently does not exist. The plan on PEC's website, which was approved by the PEC in 2012 is outdated and the PEC has not taken steps to update or act on a strategic plan. The PED recently developed a draft strategic plan for charter schools, statewide the scope of which is broader than the PED's authorizing duties. However, despite some efforts to solicit feedback from stakeholders, the plan was developed without much meaningful engagement from the charter schools or the PEC. This draft PED-developed strategic plan was brought before the PEC for input after it was completed but the PEC did not offer input and has not placed it on a PEC agenda for approval or discussion.

Although not adopted by the PEC, the PED-developed draft strategic plan identifies performance targets for under-performing schools and prioritizes closure for academic reasons. It seeks to raise the percent of high-performing seats in New Mexico but does not include an overarching measurable goal specific to increasing high-performing seats and relies heavily on CSD-provided training and technical assistance to improve performance. While training can be helpful for schools to improve, it can also lead to the authorizer becoming a central office and pushing practices out to schools rather than respecting schools' autonomy in developing curriculum and instruction.

The PEC/CSD does not have a unified vision or policy in place to identify and attract school founders offering desired program types to interested communities. The PED-developed draft plan does not include strategies for improving quality through replication and expansion of high-performing charter schools. The current landscape does not include CMOs or networks from other states and the PED-developed draft plan does not include an initiative to attract applicants with track records of success.

### ANALYSIS | APPLIED

The PEC is undeveloped in implementing a strategic plan. As applied, the lack of a common strategic plan, agreed to by both the PEC and PED, has resulted in undeveloped leadership and strategic thinking. During the two-day visit, there was no evidence that the PEC and PED are aligned in vision or process in quality authorizing. Despite PED creating a draft strategic plan for the PEC to review, the commission has no plans to include the plan on the PEC agenda, nor are there plans for the PEC to develop its own plan. The stalemate between the PED and PEC over the draft strategic plan is at the heart of the organizational dysfunction the PEC, PED, and the schools described during the two-day site visit.

## RECOMMENDATIONS

Working with a trained facilitator, identify operating principles that the PEC and PED can agree on. Using these principles, create a strategic plan that engages the PEC, PED, and charter schools where synergy among the entities can be more easily found and which identifies goals and priorities for a healthy and thriving charter school community, such as expansion of high-performing charter schools.

Establish a set of authorizing policies that codify the roles and responsibilities of the PEC and PED, and that can serve as the foundation for how the PEC makes high-stakes decisions using the support provided by the CSD as defined in policy.

## 5.2 ORGANIZATIONAL STRUCTURE AND STAFF DEVELOPMENT

*The authorizer purposefully and economically staffs its office to effectively carry out its authorizing duties, and staff positions are clearly defined both in policy and in practice. The authorizer has systems for developing and maintaining staff to support a strong organizational culture.*

**ESTABLISHED:**  Partially Developed      **APPLIED:**  Undeveloped

### ANALYSIS | ESTABLISHED

The PEC is partially developed in organizational structure and staff development. The PEC's organizational structure is extremely limited by state statute but the CSD has the organizational capacity to implement its monitoring responsibilities. Under state law, the PEC, the authorizing body, is not provided with its own budget or staff. PED staff are assigned to help the PEC in carrying out its duties but report directly to the head of the PED. As a result, while the elected PEC is ultimately responsible for setting the vision for authorizing and opening, closing, and monitoring charter schools, the number and qualification of staff carrying out such duties is determined by the CSD director, who is hired by the PED.

This situation is further exacerbated by the PEC's lack of authorizing policies that define the roles and responsibilities of PED and PEC with regard to high-stakes decisions. Without such policies, this ambiguity leads to conflicts and misunderstandings between the PEC and PED, and confusion among school leaders. Policies prepared by PED are not added to the PEC agenda and therefore not adopted by the PEC.

Amidst these challenges, the CSD is currently well-staffed to conduct charter school oversight. The director oversees three teams: charter school evaluation, charter school support, and administrative. The teams are divided by function, creating a line between evaluation and support, and prioritizing evaluation over support in terms of FTEs. The evaluation team has four positions, with one vacancy, and is responsible for the annual site visits, and renewal and new charter school recommendations. In its monitoring, the team focuses on academic, operational, and fiscal performance, as well as governance and compliance. The charter school support team has two positions, with one vacancy, and is responsible for providing technical assistance for new and established charters, including assistance around the application, planning year, and renewal requirements. The team is also designed to be the liaison between the schools and PED. Finally, the administrative team has a business operations manager and an administrative assistant who are responsible for the daily operations of CSD and its budget. Additional human resource policies such as staff evaluations and onboarding documents were not provided.

### ANALYSIS | APPLIED

As applied, the PEC's organizational structure and staff development practices are undeveloped. The tension between the PEC and PED (including CSD staff) is so high that it has made the important and urgent work of authorizing ineffective. While the PEC, CSD, and PED all are in agreement with the fundamental principles of quality charter authorizing, the dysfunction created by the fact that the CSD director reports to the PED rather than the PEC has resulted in decisions that are not in the best interest of students. One example is a strategic plan, created by PED staff, that has not been added to the PEC agenda for approval. Another example is monitoring reports created by PED staff being publicly disregarded and refuted by the PEC commissioners at a public hearing. Additionally, as noted earlier, without quality authorizing policies, the PEC leaves the PED to define its role in oversight through practice that is continually reinvented with each turnover in staff.

Furthermore, lack of communication and cooperation amongst PED bureaus results in inefficient use of resources and confusion for schools. CSD is funded to carry out charter support and oversight, and is supported by other bureaus within PED, including the special education and finance bureaus. However, CSD works in a silo, missing an opportunity to share insight and benefit from the knowledge of other bureaus. For example, CSD staff currently conducts application reviews, but such review teams could and should include PED staff with experience in school finance, special education, and English Language Learners.

Finally, of the eight CSD positions outlined above, two are vacant with no job postings. Most staff are new, with

less than one year of experience working at the office. Based on discussions, the staff had little onboarding prior to interfacing with schools and monitoring their progress. Only one staff member is explicitly responsible for communications with schools. School leaders identified lack of communication and technical assistance, and an increased focus on compliance monitoring as primary issues of concern.

## RECOMMENDATIONS

Short of revisiting the legal structure, engage an independent mediator to define each party's roles and responsibilities and forge a more positive work relationship.

Establish a set of authorizing policies that codify the roles and responsibilities of the PEC and PED, and that can serve as the foundation for how the PEC makes high-stakes decisions using the support provided by the CSD as defined in policy.

Foster greater collaboration between CSD staff and other PED bureaus to expand internal capacity and expertise.

Develop and implement onboarding and evaluation processes for CSD staff.

## 5.3 CONFLICT OF INTEREST

*The authorizer operates free from conflicts of interest.*

**ESTABLISHED:**  Partially Developed      **APPLIED:**  Well-Developed

### ANALYSIS | ESTABLISHED

As established, PEC's conflict-of-interest policies are partially developed because the conflict of interest policies applicable to the PEC do not protect against commission members or their families from working for or serving on the board of a school within the PEC's portfolio. Commission members must abide by the New Mexico Statutes Annotated (NMSA) and the Governmental Conduct Act (GCA) which establish that commission members may not benefit financially from their positions. The PEC has also adopted a "rules of order" document in February 2015 that includes a conflict-of-interest statement.

However, these laws do not prohibit schools from having close ties to commission members. Commissioners or their family members may work at or serve on boards of charter schools that they oversee. The NMSA and GCA do not prohibit a charter school employee from serving on the PEC, as discussed in a court ruling in August 2014.

### ANALYSIS | APPLIED

As applied, while at least one commissioner works directly with a school authorized by the PEC, there is no indication that the PEC does not manage conflicts of interest well and within the confines of the law, and is therefore well-developed in this area. Commissioners, as elected public officials, are held to the NMSA and GCA, and we found no evidence of commissioners violating these laws. As mentioned above, commissioners are not prohibited from working at or serving on a board of a school that the PEC oversees as long as this information is public.

### RECOMMENDATION

Adopt a conflict-of-interest policy that prohibits commissioners or their family members from serving on boards of public charter schools that they oversee.

## 5.4 ORGANIZATIONAL BUDGET

*The authorizer's budget allows for organizational effectiveness and stability. The budget is aligned with the strategic goals and supports quality authorizing practice.*

**ESTABLISHED:**  Undeveloped    **APPLIED:**  Undeveloped

### ANALYSIS | ESTABLISHED

The PEC is undeveloped in this area because it does not have its own budget nor does PEC have any ability to approve, monitor, and audit the CSD's budget. The CSD is part of the overall PED budget and receives up to 2 percent of the "school generated program cost." The money goes directly to the PED and the evaluation team was not provided a budget for the CSD or an accounting of how fees collected from charter schools are allocated across the bureaus that support the CSD. Without a current budget or previous budgets, there is no evidence to support that the money is spent in support of a strategic vision. The PEC also has not created policies that would provide for PEC oversight in how funds are prioritized or spent and to ensure that all eligible funding is part of the CSD budget.

### ANALYSIS | APPLIED

Given that the PEC does not have a budget to oversee and currently has no authority over the PED's budget for charter schools, the PEC is unable to exercise its fiduciary responsibility and is undeveloped in implementing a budget that supports organizational effectiveness. According to the minutes, at no time did PEC review or provide input into a proposed budget or an annual audit of such funds. PED retains exclusive authority over the budget and spending on charter schools. This adds to the feelings of mistrust between the PEC and PED, displayed in public meetings and discussed in multiple interviews.

## RECOMMENDATIONS

Provide the PEC with the ability to review and provide input on the CSD's annual draft budget.

Conduct an annual audit of the CSD budget; allow the PEC to review the results of this annual audit in a public meeting.

## 5.5 LEADERSHIP AND DECISION-MAKING BODY

*The authorizer leadership and decision-making body understand their roles and responsibilities; are invested in the mission, vision, and strategic plan of authorizing; and have the expertise necessary to make well-informed decisions that support the tenets of a high-quality authorizer.*

**ESTABLISHED:**  Minimally Developed      **APPLIED:**  Minimally Developed

### ANALYSIS | ESTABLISHED

As established, the PEC and PED are minimally developed in understanding their roles and responsibilities, and in having the expertise necessary to make well-informed decisions. While both PEC and CSD share a common goal of increasing the number of high-quality options for students, the PEC has not developed and adopted a strategic plan or policies to guide its work, especially around critical high-stakes decisions as discussed throughout this report. Furthermore, the PEC does not have any policies that articulate the varied roles and responsibilities of the PEC, PED, and the CSD which, as further described below, has led to an environment in which arguments between adults are overshadowing the interests of children.

With regard to established expertise, commission members are elected officials and state law does not require that they have knowledge of or experience with public charter schools prior to taking office. The PED may screen for public charter school and authorizing experience in making employment decisions and the current CSD director has authorizing experience.

### ANALYSIS | APPLIED

As applied, the PEC and PED are minimally developed in understanding their respective roles and responsibilities, and in creating an environment within the current legal constructs that can support the implementation of high-quality authorizing practices. The PEC believes that they are unable to make decisions that are independent from the interests of the PED and the Secretary of Education without control over their own budget and staff. The relationship between PEC and PED has evolved into one of constant conflict. For example, PED wanted the PEC to reverse a closure decision, so the PEC filed a lawsuit over this matter and the court sided with the PEC, noting that the PED did not have the authority to force the PEC to change its decision. However, by law, the Secretary of Education does have the right to overturn a PEC decision, which she ultimately did in this case. The relationship between the PEC and PED has further deteriorated due in part to a revolving door of CSD directors and the PED's desire to close academically low-performing schools.

The practical impact of this continued conflict between the PEC and PED is misaligned practices, inefficient use of resources, and a breakdown in communication. Some examples include the PEC re-negotiating annual goals and the CSD's implementation of site visit monitoring practices that the PEC concludes are not appropriate, such as conducting a student count to verify enrollment. While the PEC had an important discussion regarding setting a standard for academic performance and progress, no decisions about how a school would demonstrate academic progress have been made.

The current standstill between the PEC and the PED leaves schools in the middle without consistent and clear direction. The schools feel like the children of a bitter custody battle. As one school leader stated, "I don't know whose house to live in," referring to the PEC and PED. For example, one school's appearance before the PEC lasted for almost two hours because of cross-questioning between the PEC and CSD.

## RECOMMENDATION

Establish a set of authorizing policies that codify the roles and responsibilities of the PEC and PED, and that can serve as the foundation for how the PEC makes high-stakes decisions using the support provided by the CSD as defined in policy.

## SOURCES

### **Background and Organizational Capacity**

Charter School Portfolio Information  
 Charter School Law  
 Charter Office Organizational Chart  
 Staff Job Descriptions  
 Board Member Information

### **Application Decision-Making**

Model Charter School Applications  
 New Charter School Application Kit  
 Completed Application Evaluations  
 Application Recommendations  
 PEC Board Minutes

### **Monitoring Operations**

Charter School Contract  
 Contract Process Overview  
 Charter Amendment Request Form  
 Board of Finance Application  
 Planning Year Checklist  
 Governance Changes Form  
 Site Visit Protocol  
 Renewal Decision Policies  
 School Closure Form  
 Authorizer Annual Report

### **Performance-Based Accountability**

Performance Framework Template  
 Rated Performance Frameworks  
 Renewal Applications  
 Renewal Decision Policies

### **School Histories**

Charter Applications  
 Charter School Contracts  
 Renewal Applications  
 Site Visit Reports  
 Annual Reports

### **School Performance Data**

State accountability grades

## BIOGRAPHIES

Katie Piehl is a director of Authorizer Development at NACSA. Katie, formerly the director of authorizing with Volunteers of America-Minnesota and a legislative program evaluation analyst focusing on education reform issues, brings to the organization her knowledge of improving charter school and authorizer accountability through state policy reform. In her role at NACSA, Katie leads implementation of model practices for authorizers and develops comprehensive authorizer partnerships that focus on improved practice. Katie is a former teacher and holds an M.P.P. from the Hubert H. Humphrey Institute of Public Affairs at the University of Minnesota.

Naomi DeVeaux is a national expert in charter school education and the Deputy Director of the Public Charter School Board (PCSB). Since her start as an English teacher more than twenty years ago, Naomi has developed new tools and measurements, curricula, and policy initiatives that have shaped public education across the country. She has testified, presented, and written extensively on the role of charter schools in providing quality educational choices to K-12 students and their families. At DC PCSB, Naomi manages the team responsible for charter authorizing including negotiating charter agreements and holding schools accountable for meeting quality academic and non-academic standards. Before joining DC PCSB in 2012, Naomi was Deputy Director at Friends of Choice in Urban Schools (FOCUS), based in Washington, DC. Naomi earned her bachelor's degree from Reed College, a teaching credential from Chapman University, and a Master in Curriculum and Instruction from California State University, Long Beach.



ON THE ROAD TO BETTER ACCESSIBILITY, AUTONOMY, & ACCOUNTABILITY:  
**STATE POLICY ANALYSIS**  
2015

ON THE ROAD TO BETTER ACCESSIBILITY, AUTONOMY, & ACCOUNTABILITY:

# STATE POLICY ANALYSIS

2015

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# EXECUTIVE SUMMARY

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Across America, there is much debate about charter schools. Some of that debate is about the existence of charter schools and whether there should be more or fewer of them. More of the debate is about the quality and oversight of charter schools.

This publication is part of that debate and speaks to the state laws and policies that greatly determine how many charter schools exist (accessibility), the flexibility they have to operate (autonomy), and the standards of quality and oversight they must meet (accountability).

It is easy to find zealous voices arguing for or against charter school policies based on theories or ideologies. Some believe charter schools should be heavily regulated, along the lines of school districts. Some believe that 6,700 charter schools serving more than 2.9 million children can somehow all be eliminated. Others argue for less regulation and faster growth, even in places where some charter schools or types of operators are failing.

The National Association of Charter School Authorizers (NACSA) approaches this debate from a unique position—real-world experience—and that position is reflected in this publication. NACSA is a professional membership organization of the agencies that approve, monitor, renew, and sometimes close charter schools. NACSA staff has worked in virtually every state and major city with charter schools. Here is what we know from our experiences:

***Most of the state laws and policies governing charter school accessibility, autonomy, and accountability need to be improved.***

In communities where charter schools and authorizers are achieving good things, they sometimes are achieving them despite state laws, not because of them. In communities where there are too many failing charter schools, too often the laws do not support quality and accountability.

This publication presents eight state policy recommendations that can provide a solid foundation for better accessibility, autonomy, and accountability for charter schools. It also analyzes and ranks each state's current policies against these eight recommendations.

This is not a rating of the quality of the charter schools in each state, for state laws are only one factor affecting school quality. It is also not a rating of the actions of the authorizers in each state, for authorizers often develop practices that work around weaknesses or vagaries in state law.

Rather, this is a publication that presents policies that NACSA believes would strengthen every state charter school law based on experience. Each state will need to customize these policy recommendations to fit its unique context. But no state should believe that it can ignore or avoid this debate.

The debate about more or fewer charter schools and more or less regulation is upon us. The question is not whether new laws will be passed, but which ones.

At NACSA, we recommend that policymakers draw heavily from these commonsense recommendations that have been informed by years of experience strengthening accessibility, autonomy, and accountability for charter schools.

As the charter school sector continues to evolve and push into new realms of policies and experiences, NACSA is committed to the continual examination of our policy approach and analysis. NACSA is dedicated to ensuring that the policies we promote are supported by the best evidence available to support authorizers, charter schools, and, most importantly, strong student outcomes.

## POLICIES THAT PROMOTE CHARTER SCHOOL EXCELLENCE

These eight policies are not new ideas, nor are they cumbersome rules and regulations. They are simply cornerstones of charter school excellence protected in state law.

Together these policies ensure a legal framework for every state to

- **set high standards for all charter schools;**
- **approve only good new charter schools;**
- **monitor the performance of all charter schools;**
- **empower successful schools to remain open and possibly grow;**
- **close charter schools that persistently fail.**

A strikingly diverse group of states—states that aren't often grouped together in policy discussions, such as Alabama, Delaware, Indiana, Maine, Minnesota, Missouri, Nevada, Ohio, South Carolina, Texas, and Washington—have adopted six, seven, or all eight of these policies. These states can already point to results that matter to families, such as the default closure policy weeding out the schools that aren't doing right by kids, and the replication policy making it easier for successful schools to grow.

On the other hand, when these policies aren't codified in state law—as was the case in Connecticut and Indiana—even the best charter authorizers and schools are in danger.

### 3 Principles and 8 Policies

**AUTONOMY:**  
uphold school autonomy

**ACCOUNTABILITY:**  
maintain high standards for schools

**ACCESSIBILITY:**  
protect student and public interests

#### Authorizer Quality Policies

- 1. Who Authorizes (alternative authorizer):** every charter school can be authorized by at least one body other than the local school district
- 2. Authorizer Standards:** the state endorses national professional standards for quality charter school authorizing
- 3. Authorizer Evaluations:** a state entity can evaluate authorizers on their practices or the performance of their charter schools—regularly or as needed
- 4. Authorizer Sanctions:** authorizers face consequences if they have poor practices or a high proportion of persistently failing schools

#### School Accountability Policies

- 5. Reports on Performance:** every authorizer publishes an annual report on the academic performance of the charter schools it oversees
- 6. Performance Management and Replication:** every charter school is bound by a charter contract and a set of performance expectations; high-performing charter schools are encouraged to replicate
- 7. Renewal Standard:** authorizers can close charter schools that don't meet their academic performance expectations
- 8. Default Closure:** charter schools that perform below a certain minimum threshold are closed

## WHAT'S POLICY GOT TO DO WITH IT?

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Good policy is the road to stability, consistency, and quality in public school systems.

But today's system—which in most states includes charter schools—isn't our parents' public school system. This is a newer, more nimble system of schools built on the premise that it is a privilege to educate America's children. This privilege must be earned, not granted in perpetuity. This newer kind of public school system means we need new policies to protect and guide those who seek this privilege to serve.

NACSA's [\*Principles & Standards for Quality Charter School Authorizing\*](#) were developed a decade ago and are continually updated. The three national professional principles are to uphold school autonomy, maintain high standards for schools, and protect student and public interests. The eight policies reflect those three principles at work within state law—the logical, natural next step of the field's values.

## POSITIVE POLICY CHANGES TO STATE LAW

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***NACSA's first State Policy Analysis in 2014 was used to understand challenges and push for change. A number of improvements have happened in the months since:***

**Alabama** became the 44<sup>th</sup> state to pass a charter school law. The state's policies receive a nearly perfect score.

**Arizona** added new laws to create mechanisms for the oversight of authorizing activity.

**Colorado** made it easier for high-performing charter schools to replicate.

**Connecticut** adopted a strong renewal standard that links renewal with school performance, instituted annual reporting requirements, and now requires a charter contract with clear performance goals.

**Delaware** modified its display method for annual performance data, ensuring the public can access this data for every charter school.

**Indiana** established an authorizer application and evaluation process and added the final recommended performance management tool. Indiana now receives a perfect score.

**Georgia** adopted new rules that create an authorizer evaluation system, require authorizers to issue annual performance reports, establish a strong renewal standard, and create incentives for the replication of high-performing charter schools.

**Louisiana** made it easier for high-performing charter schools to replicate.

Good authorizer practice—also guided by the same *Principles & Standards*—can get you far, but it is impermanent. Practice alone is not enough. It fills in the voids left by state policy; the larger the void, the more we must trust practices to fill in the details. When we find success in authorizer practices, it is the responsibility of leaders to go back and fill in those voids with smart policies. This ensures that future iterations of our public school systems are stable, consistent, and high quality.

NACSA crafted these policies so that when winds blow, whims shift, or leadership changes, the bedrock of the charter sector in any given state can hold steady. We already have 25 years of experience as a nation getting chartering right, so we know a lot about which policies make the most sense. NACSA's *Principles & Standards* point to these policies, which work in state law to improve charter school sectors using quality authorizing.

**Missouri** made it easier to monitor charter school performance by requiring authorizers to use performance frameworks.

**Nevada** adopted regulations for regular authorizer evaluations and made it easier for high-performing charter management organizations to expand. Nevada now receives a perfect score.

**Ohio** passed comprehensive legislation to address many of the challenges discovered during implementation of earlier charter school reform legislation. This includes creating a strong renewal standard and specific policies to prevent authorizer shopping.

**Oklahoma** passed significant charter school reform legislation that expands charter schools statewide while putting in place performance management and annual reporting requirements, authorizer standards, authorizer sanctions, and mechanisms to close failing charter schools. Oklahoma gained the most points of any existing charter state in 2015.

**Tennessee** issued new rules and guidelines concerning annual reports on charter school performance, ensuring the public has access to robust academic performance information.

**Wisconsin** added additional authorizers, now requires annual reports on charter school performance, and created an incentive for the replication of high-performing charter schools.

# IMPORTANT CHANGES TO THE 2015 STATE POLICY ANALYSIS

This 2015 edition is streamlined and considerably simplified. We use the same rubric and scoring scheme. But last year's more complex grouping of states (based on their authorizing environment) has been replaced by a single ranked list of all 42 states plus Washington, D.C.<sup>1</sup> A universal scoring mechanism makes it easier to see where your state stands and where it can improve. Both of these changes reflect our cumulative experience working in the field. Both help stakeholders focus on one goal: smart policies in every state.

This report describes how each of these eight policies promotes quality and accountability in charter schools across the country. State-by-state profiles provide a road map to address shortcomings and safeguard what's working. The focus here is state policies that set expectations for and requirements of both authorizers and the schools they oversee—not on local or individual authorizers' policies or practices.

In this analysis, states receive **points (A)** for each recommended policy in their law (or partial points for partial policies). The points are added to determine the **score (B)** for each state's charter law. Based on this score, each state receives a corresponding **rank (C)**.

Each state's two-page profile gives score and rank, and some quick data on the chartering sector. We provide a comparison between 2015 and 2014, highlight any improvements, and share recommendations. The opposite page dives into each of the eight policies and why that state received the points it did.

**CONNECTICUT**  
**RANK 21, SCORE 15/33**

**C (rank)** → RANK 21

**B (score)** → SCORE 15/33

**A (points)** → 15 POINTS

**22 CHARTER SCHOOLS**  
**8,036 CHARTER STUDENTS**  
**1% OF PUBLIC SCHOOL STUDENTS**

**STATE WITH FEW AUTHORIZERS**  
**1 AUTHORIZER**  
**100% ARE AUTHORIZED BY THE STATE BOARD OF EDUCATION**

**YEAR LAW ESTABLISHED: 1996**

**SCORE: 15/33**  
**RANK: 21**  
(TIED WITH MA, NC, WI)

**AUTHORIZER QUALITY (BY POLICY)**

**SCHOOL ACCOUNTABILITY (BY POLICY)**

YEARLY COMPARISON									
	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	4	0	0	0	2	3	6	0	15/33
2014	4	0	0	0	0	0	0	0	4/33

**NOTEWORTHY IN 2015**

**SCORE INCREASE: +11**

**Reports on Performance (+2).** New state law requires charter schools to annually submit a report to the Commissioner of Education on the school's progress in meeting academic and organizational performance goals in the charter. State law also requires these reports to be posted on the Commissioner's public website.

**Performance Management and Replication (+3).** New state law requires a charter contract that includes academic and organizational performance goals and indicators, the key components of a performance framework. New state law also clarifies that a charter school may receive approval to operate an additional facility under its existing charter contract, similar to opening an additional campus.

**Renewal Standard (+6).** New state law requires the authorizer to evaluate the charter school according to academic and organizational performance goals in the charter contract when considering renewal.

New laws increase transparency for charter schools, authorizers, and charter management organizations.

Legislation in 2015 modified the charter school approval process. The State Board of Education may grant only initial certificates of approval to new charter petitions. The initial certificate of approval is then submitted to the General Assembly along with a summary of the required public hearing. The final charter is considered granted only when the General Assembly appropriates funds for the Department of Education for the proposed charter school. The State Board of Education remains the authorizer.

**NACSA RECOMMENDS**

- Endorse professional standards for charter school authorizing.**
- Simplify the annual charter school appropriation mechanism** to make funding levels more predictable for charter schools. Connecticut has an unusual charter school funding process that requires the legislature to annually appropriate funding for each charter school seat through a budgetary line item. This process was further codified in 2015 through a new initial certificate process, described above, whereby a charter petition is not considered approved until funding is appropriated, often fewer than three months before the start of the school year. This process creates uncertainty for students and families at new schools, existing schools, and at those

**nacsa**  
NATIONAL ASSOCIATION OF CHARTER SCHOOL AUTHORIZERS

2015 State Policy Analysis: Connecticut  
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## CLOSING THOUGHTS

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This publication analyzes the current policy reality of each chartering state, not authorizers' day-to-day practices.

It isn't designed to tell the whole story of a state charter school law or the whole story of a state's charter school sector. We focus here on policy to ensure quality both tomorrow and for years to come, in recognition that increased accountability is how to open and sustain more great public schools for our nation's kids. The publication tells a unique story that is a complement to other publications in the field.<sup>2</sup>

At NACSA, we believe all kids deserve a quality public education. We want to work with decision makers to ensure a policy environment to make that more likely, not less likely. Let's create a policy environment where great schools can be created and sustained so more kids get that chance that is their unalienable right: the chance to attend a quality public school.

# CHARTER SCHOOL STATES AND THEIR STATE POLICY SCORES

**Table 1. Charter School States & Their State Policy Scores**

(See Appendix A for Methodology)

As context for NACSA’s ranking, below is the briefest of snapshots of each state’s charter school policy, which can provide insight into a state’s motivation to enact policy changes or address practice challenges

**Context Matters**

NACSA’s scoring rubric is based on a framework of policies in law, regulation, and/or rules. The eight policies are not new ideas, nor are they cumbersome rules and regulations. They are simply cornerstones of charter school excellence protected in state law.

We recognize that certain states may not have the ability to enact some of the policies for a variety of reasons. Moreover, policies are only one part of the puzzle—what people do with them through implementation and the development of practices matters, too. Implementation does not exist in a vacuum. It is done within an administrative and political landscape by people and institutions that might not always get it right the first time.

Beyond the policy framework, lawmakers, stakeholders, and authorizers must ensure that the policies are implemented properly to provide quality charter schools to families and avert perverse incentives that undermine the system. Over time, a successful charter school system requires a combination of smart policy, committed people, and strong practice.

As with any study, there are anomalies:

- **Ohio is illustrative of the complex dynamic between policy and implementation. The state scores very well on our rubric; however, there have been problems putting the policies into practice. Policymakers responded with another round of reforms to rectify the situation. NACSA and the charter community believe it can work.**
- **New York represents an example of a successful charter school system with strong practices in place across their authorizing sector, despite not having NACSA’s recommended policies enacted into law.**
- **In addition, there are states—Alabama, for example—that rank high because they recently passed legislation containing most, if not all, of NACSA’s policies. However, it will take time for those policies—and their implementation—to affect student outcomes and be reflected in an assessment of the charter school system.**

NACSA, through smart policy, committed people, and strong practice, will maintain its high expectations for charter schools and the children they serve.

RANK	STATE	2015 SCORE (33 points possible)	POLICY & PRACTICE CONTEXT
1	Indiana	33	Indiana passed law changes between 2011 and 2015 designed to increase the consistency of school accountability and authorizer quality. Indiana authorizers supported these changes.
1	Nevada	33	In 2013 and 2015, Nevada passed laws designed to improve authorizer quality, strengthen charter school accountability, and encourage the growth of high-performing charter schools. The legislation was partially motivated by generally weak charter school performance.

**Table 1. Charter School States & Their State Policy Scores**

<b>RANK</b>	<b>STATE</b>	<b>2015 SCORE</b> (33 points possible)	<b>POLICY &amp; PRACTICE CONTEXT</b>
3	Ohio	32	Ohio passed law changes between 2009 and 2015 that, among other provisions, created new charter school closure mechanisms and a system for the evaluation of authorizers. Ohio had significant challenges with implementation at the state, authorizer, and school level over several years. New reforms passed in fall 2015 are an attempt to address these challenges.
4	Alabama	31	Alabama passed a new charter law in 2015 that is based on best practices in charter school policy.
5	Texas	27	Texas passed significant reforms in 2013 to address a history of mixed charter school quality and accountability in the state. The legislation also raised the cap on the number of charter schools allowed and created several first-of-its-kind measures to encourage the replication of high-performing charter schools.
6	Minnesota	26	Minnesota passed policy provisions in 2009 that created the first authorizer application system, designed to regularly evaluate authorizers to determine if they should be allowed to continue authorizing schools. This includes requirements that authorizers use numerous best practices. The implementation of these policies is in progress.
6	Mississippi	26	Mississippi passed a new charter law in 2013 that is based on best practices in charter school policy.
8	Missouri	25	Missouri passed significant authorizer quality and school accountability reforms in the last several years. The implementation of these policies is ongoing.
8	South Carolina	25	In 2011 and 2014, South Carolina passed significant authorizer quality and school accountability reforms, largely in concert with the statewide authorizer created in 2006. The implementation of these policies is ongoing.
10	Louisiana	24	The Recovery School District had already developed and employed several model practices, which were subsequently enacted into policy. If any additional statewide authorizers, which are allowed but not currently operating, ever become active, they must adhere to several authorizer quality policies.
10	Oklahoma	24	Oklahoma passed comprehensive legislation in 2015 to allow charter schools across the state and establish additional school and authorizer accountability measures. The implementation of these measures has just begun.
12	Delaware	21	Over the last several years, Delaware passed and implemented significant authorizer quality and school accountability reforms through law, regulation, and changes in practices. The implementation of these policies is ongoing.

**Table 1. Charter School States & Their State Policy Scores**

RANK	STATE	2015 SCORE (33 points possible)	POLICY & PRACTICE CONTEXT
12	Hawaii	21	Hawaii passed significant reforms of its charter school law in 2011, including the creation of a new statewide authorizer. The implementation of these policies is ongoing.
14	Georgia	20	Georgia adopted several charter school policies over a number of years, notably through the regulatory process in 2014 and 2015. The policies were designed, among other things, to improve authorizer quality and consistency, create assistance for struggling authorizers, and create a strong renewal process throughout the state.
14	Tennessee	20	In 2014, Tennessee passed significant school accountability and authorizer quality policies, which included the expansion of the appellate authorizer. The State also modified the implementation of a handful of policies, most notably making an existing annual charter report more robust to provide better information to the public.
16	District of Columbia	19	D.C. has only one authorizer, with policy set by the City Council. This sole authorizer voluntarily employs strong practices that mirror those that result from NACSA's recommended policies—enacting them into law will ensure they continue into the future.
16	Maine	19	Maine passed a new charter law in 2011 based on best practices in charter school policy.
18	Arizona	18	In 2015, Arizona passed several authorizer quality policies to ensure strong practices among all authorizers. The primary authorizer already employs strong practices and the new law was designed to ensure all authorizers do so, as well.
18	Florida	18	Florida has several school accountability policies with few authorizer quality policies. The state has developed and promulgated voluntary standards for authorizer quality; however, the State should incorporate these Principles & Standards and performance metrics into law.
20	Idaho	16	In 2013, Idaho modernized its charter school law to put several charter school accountability mechanisms in place, including performance-based contracts. Idaho voluntarily employs strong authorizing practices that mirror those that result from NACSA's recommended policies—enacting them into law will ensure they continue into the future.
21	Connecticut	15	In 2015, Connecticut passed comprehensive policy reform to ensure the single authorizer employs strong practices for charter school accountability and transparency. However, the State does not officially endorse professional standards for charter school authorizing.

**Table 1. Charter School States & Their State Policy Scores**

<b>RANK</b>	<b>STATE</b>	<b>2015 SCORE</b> (33 points possible)	<b>POLICY &amp; PRACTICE CONTEXT</b>
21	Massachusetts	15	Massachusetts has adopted several charter school accountability policies, largely through the regulatory process. The sole authorizer voluntarily employs practices that largely mirror those that result from NACSA’s recommended policies.
21	New Mexico	15	New Mexico has a mixed policy and practice environment, partially as a result of a diverse community of school district, Native American-focused, and statewide authorizers.
21	North Carolina	15	North Carolina has a high growth rate since the charter school cap was expanded in 2011. The sole authorizer has put several school accountability policies in place through regulation.
21	Wisconsin	15	Wisconsin passed significant legislation in 2015 that created new authorizers and strengthened authorizer quality and school accountability initiatives.
26	Illinois	14	Illinois has several authorizer quality policies in place, spurred largely by the creation of an appellate Independent Charter Board and the resulting rules and regulations. Charters are concentrated in Chicago, where authorizing practices have become unpredictable.
27	New Jersey	13	New Jersey has only one authorizer, with much policy set through rules and regulations. The sole authorizer voluntarily employs strong practices that mirror those that result from NACSA’s recommended policies—enacting them into law will ensure they continue into the future.
27	Rhode Island	13	Rhode Island has only one authorizer, with much policy set through rules and regulations. The sole authorizer voluntarily employs strong practices that largely mirror those that result from NACSA’s recommended policies—enacting them into law will ensure they continue into the future.
29	Arkansas	12	Arkansas has a small charter school sector with largely undeveloped authorizing policies.
29	New Hampshire	12	New Hampshire has a small charter school sector with largely undeveloped authorizing policies.
31	California	11	California has a school district-focused policy structure that combines some charter school accountability policies with a multi-tiered appeal structure. This creates extreme variability within the authorizing sector, with hundreds of authorizers with very small portfolios and largely undeveloped authorizer practices.
31	Pennsylvania	11	Pennsylvania has tried unsuccessfully to pass charter law reform in the last several years. The State should bring consistency to historically variable authorizer practices and engage in standardized performance management practices.

## Table 1. Charter School States & Their State Policy Scores

RANK	STATE	2015 SCORE (33 points possible)	POLICY & PRACTICE CONTEXT
33	Colorado	10	Colorado has a school district-focused policy structure that encourages authorizers to use best practices in charter school authorizing through rules, making samples available, and an appeal process. There is significant variability of authorizer size, with generally strong authorizer practices among authorizers with 10 or more schools.
34	Michigan	9	Opinions on Michigan’s charter school law, authorizing practices, and charter school quality vary tremendously. There are instances of both strength and weakness and local stakeholders vigorously debate how to improve.
35	Utah	8	Utah policy lacks many basic school accountability and authorizer quality provisions.
36	New York	7	New York is an example of a state where authorizers successfully work around many deficiencies in state policy. Authorizers voluntarily employ strong practices that largely mirror those that result from NACSA’s recommended policies.
37	Oregon	5	Oregon has school-district focused authorizing with generally undeveloped charter school policy and authorizer practices. The state primarily has authorizers with small portfolios of charter schools.
38	Iowa	4	Iowa has a moribund charter school law with little accountability or autonomy.
39	Alaska	3	Alaska has a moribund charter school law with little accountability or autonomy.
39	Wyoming	3	Wyoming has a moribund charter school law with little accountability or autonomy.
41	Maryland	2	Maryland has a highly variable charter sector with autonomy and accountability determined largely by each school district. Outside of those districts that grant autonomy, including Baltimore, the law is considered moribund.
42	Virginia	1	Virginia has a moribund charter school law with little accountability or autonomy.
43	Kansas	0	Kansas has a moribund charter school law with little accountability or autonomy.
--	Washington*	--	The Washington State Supreme Court held Washington’s 2012 charter school law unconstitutional. Before the court’s decision, Washington received a score of 33.

*\*Note: On September 4, 2015, the Washington Supreme Court held Washington State’s charter school statute unconstitutional under “common school” and other provisions of the state constitution, based primarily on how those provisions relate to public school funding and governance. On November 19, 2015, the Washington Supreme Court ruled it will not reconsider its earlier decision; therefore, the state’s charter school law remains invalidated. The ruling was not a comment on NACSA’s eight recommended policies. To learn more about how the state’s law scored before it was struck down, see our [2014 analysis](#).*

# NACSA AT A GLANCE

## **At NACSA, we believe all kids deserve a quality public education.**

When done well, charter schools are a proven way to provide quality public education—not just for a few kids, but for millions.

While most education improvement plans can take a decade or even a generation to demonstrate impact, in many urban areas, charter schools have immediately transformed lives.

Charter school authorizers—many of whom are NACSA members, including school districts, education agencies, independent boards, universities, and not-for-profits—work to increase the number of great charter schools across the nation. They do this through smart charter growth: encouraging the replication of the best schools and making tough decisions to close low-performing schools. Through smart growth, authorizers will give hundreds of thousands of kids a better chance each year.

For more than 15 years, NACSA has worked alongside authorizers to build the gold standard for charter school authorizing. Our work advances excellence and accountability in the sector, whether we're providing authorizers with practical resources and policy guidelines or advocating for laws that raise the bar among authorizers and the schools they charter.

NACSA's One Million Lives campaign is dedicated to providing one million more children the chance to attend a great school that will prepare them for success throughout their lives. We work to engage and support authorizers and a broad coalition to open many new, high-performing charter schools and close those charter schools that persistently fail children.

This state policy analysis is based on NACSA's research on authorizing, education policy, and years of experience in every state with a significant charter school presence. NACSA has extensive, first-hand experience working with, and for, authorizers across the country. This includes overseeing application evaluation processes in Arizona, Florida, New Orleans, Tennessee, and Washington; designing performance frameworks in Delaware, Hawaii, Indiana, Nevada, and New Mexico; and conducting detailed and comprehensive evaluations of nearly 40 authorizing agencies across the nation.

# EIGHT STATE POLICIES

## FOR ACCESSIBILITY, AUTONOMY, AND ACCOUNTABILITY

### Authorizer Quality Policies

- 1. Who Authorizes (alternative authorizer):** every charter school can be authorized by at least one body other than the local school district
- 2. Authorizer Standards:** the state endorses national professional standards for quality charter school authorizing
- 3. Authorizer Evaluations:** a state entity can evaluate authorizers on their practices or the performance of their charter schools—regularly or as needed
- 4. Authorizer Sanctions:** authorizers face consequences if they have poor practices or a high proportion of persistently failing schools

### POLICY 1: WHO AUTHORIZES

#### What:

NACSA supports policy that produces at least two high-quality authorizers in every jurisdiction. At least one of these authorizers should be an alternative to the local school district (LEA)—ideally a statewide independent charter board (ICB) established with the sole mission of chartering quality schools. Each charter applicant should be able to apply directly to either authorizer. If only one authorizer is present, such as a local school district, there should at a minimum be an authorizer that can consider and authorize on appeal.

#### Why:

Having more than one authorizer provides a fail-safe for high-quality charter schools—it prevents a single reluctant, ambivalent, or hostile authorizer from blocking good charter school applicants or inappropriately closing schools. These alternative authorizers can also help establish expectations for all authorizers and provide models of strong practice that others can follow. Additionally, the presence of a second authorizer gives states the ability to sanction a specific authorizer without indirectly harming future applicants or strong schools.

This policy receives double weight in NACSA's rubric because the absence of a quality authorizer in any jurisdiction can make it difficult to establish quality charter schools, diminishing the impact of the rest of the policies.

This approach is not meant to promote a large number of authorizers operating in any single locale.

### POLICY 2: AUTHORIZER STANDARDS

#### What:

NACSA supports policy requiring every state to endorse national professional standards for quality charter school authorizing and requiring all authorizers to meet these standards. Ideally, these standards will be NACSA's *Principles & Standards*. They were created by independent experts and represent more than 15 years of continuous development in the changing charter school landscape. These standards ensure authorizers engage in a full range of oversight activities, including (1) holding schools accountable for their performance goals, (2) protecting public dollars, and (3) looking out for the needs of special populations and the larger community. Importantly, these standards also uphold the charter school model by striking the appropriate balance between autonomy and oversight overreach. Alternatively, a state should develop or endorse standards that are well aligned with NACSA's, requiring and providing guidance on strong authorizer practices and addressing all major stages and responsibilities of charter school authorizing and oversight.

### **Why:**

Professional standards for authorizing promote rigor in charter school oversight and accountability for charter school performance. Authorizing is both a major public stewardship role and a complex profession requiring particular capacities and commitment. It should be treated as such—with standards-based barriers to entry and ongoing evaluation to maintain the right to authorize. NACSA's *Principles & Standards* guide authorizers through all key stages of charter oversight and include standards designed to protect student and public interests and to safeguard charter school autonomy.

## **POLICY 3: AUTHORIZER EVALUATIONS**

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### **What:**

NACSA supports policy requiring a qualified state entity to regularly evaluate authorizers on adherence to authorizer standards and on the performance of the charter schools they oversee. In some states, such as those that have only one authorizer, regular self-evaluation by authorizers themselves may be appropriate.

### **Why:**

Authorizer evaluations function as the authorizer equivalent of a charter school renewal evaluation, providing an opportunity to assess an authorizer's performance on multiple levels. Evaluations ensure transparency so the public and policymakers know if and how an authorizer is contributing to a high-quality charter school sector. If needed, these evaluations also provide a basis for further oversight. They require authorizers to step back from their day-to-day actions and transparently evaluate their practices. External evaluations also provide rigorous, unbiased evidence that can form a legitimate basis for authorizer sanctions.

## **POLICY 4: AUTHORIZER SANCTIONS**

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### **What:**

NACSA supports policy that sanctions authorizers if they do not meet professional standards or if the schools they oversee persistently fail to meet performance standards. Sanctions may include revoking the authorizer's authority to oversee schools, revoking the authorizer's authority to authorize new schools, and transferring schools to other authorizers. Some forms of authorizer sanctions may be counterproductive until a state has a viable alternative authorizer. Where this is the case, authorizer standards and evaluations should be used to inform and improve the authorizer's practices rather than to apply sanctions that would eliminate the only available authorizer.

### **Why:**

Authorizers, like charter schools, must be closed if they persistently fail.<sup>3</sup> The public entrusts authorizers with the expectation that they will maintain portfolios of schools that serve the public good. This includes fostering strong student outcomes; maintaining the public trust through transparent, ethical actions; and adhering to professional standards in practices. An authorizer that violates this trust is no longer serving the public good and, as a result, should no longer have the right to authorize charter schools. Authorizer sanctions are not meant to eliminate the only available authorizer in any state or locale. This would contradict the purpose of charter school authorizing. Rather, authorizer sanctions ensure that, where there is an alternative authorizer, policymakers have a mechanism for pushing failing authorizers out of the sector. Even a single authorizer willing to help weak applicants and failing schools escape rigor and accountability can undermine strong practices by all other authorizers.

## School Accountability Policies

5. **Reports on Performance:** every authorizer publishes an annual report on the academic performance of the charter schools it oversees
6. **Performance Management and Replication:** every charter school is bound by a charter contract and a set of performance expectations; high-performing charter schools are encouraged to replicate
7. **Renewal Standard:** authorizers can close charter schools that don't meet their academic performance expectations
8. **Default Closure:** charter schools that perform below a certain minimum threshold are closed

### POLICY 5: REPORTS ON PERFORMANCE

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#### **What:**

NACSA supports policy requiring a public report on the academic performance of each charter school in an authorizer's portfolio. This report should include measures of performance as established by the state accountability system and, ideally, the measures from the school performance framework used by the authorizer and set forth in the charter contract.

#### **Why:**

Policymakers, schools, parents, and the general public should have access to transparent information on the academic performance of charter schools. These reports serve multiple purposes. They provide individual schools with an annual check-in against the performance goals in their charter agreement. They provide policymakers, authorizers, and other stakeholders with a consolidated look at the portfolio of schools each authorizer oversees, helping identify any patterns of school performance that may point to either deficient or exceptional authorizing practices. But most importantly, these reports ensure transparency. Transparency is necessary to help parents make informed educational choices. Annual public performance reports provide all stakeholders with a clear picture of charter school performance.

### POLICY 6: PERFORMANCE MANAGEMENT AND REPLICATION

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#### **What:**

NACSA supports policy requiring every authorizer to execute a charter contract with each of its schools. The contract should be a distinct document—separate from the charter petition or application—articulating the rights and responsibilities of the school and authorizer and setting forth the performance standards and expectations the school must meet to earn renewal. Each authorizer should be required to use a performance framework for all its schools. These frameworks should reflect the academic, financial, and organizational performance expectations outlined in the charter contract and provide the basis for authorizers' renewal decisions.

States should also adopt policies that promote the thoughtful replication of high-quality schools. Policies that encourage replication include using a differentiated application process designed for high-performing schools seeking to replicate, and allowing successful charter operators to run multiple campuses under one charter. NACSA particularly recommends state policies that (a) explicitly encourage quality replication of successful schools and (b) require authorizers to evaluate prospective school replicators rigorously (and differently from initial charter applicants) based on their performance records, growth planning, and demonstrated capacity to replicate high-quality schools.<sup>4</sup>

### **Why:**

Performance management policies are the foundation on which charter school accountability is built. These practices promote academic rigor and accountability for performance. Charter contracts and performance frameworks establish school performance expectations at the outset. They also provide the transparency and predictability that allow authorizers to fulfill their public obligations while focusing on results instead of compliance-based oversight that can erode charter school autonomy. With these tools in place to establish and enforce high expectations, it then becomes possible to identify the charter schools that are ripe for replication. State policies promoting quality replication make this possible by encouraging successful school models to flourish and serve more students while guarding against low-quality replication.

## **POLICY 7: RENEWAL STANDARD**

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### **What:**

NACSA supports policy requiring strong renewal standards. A strong renewal standard allows authorizers to hold schools accountable if they fail to achieve the outcomes in their charter contract at the end of their charter term. It is distinct from a standard applied for charter revocation (closing a school during its charter term). Revoking a charter before the end of its term typically requires clear evidence of extreme underperformance or violation of law or the public trust that imperils students or public funds. A renewal standard should be set much higher.

### **Why:**

The strong renewal standard allows authorizers to enforce accountability and close failing charter schools when necessary. It shifts the burden of proof from the authorizer to a failing school—making renewal something that is earned by schools when they demonstrate success. In practice, statutory language around “reasonable progress” has led some courts and appellate bodies to keep demonstrably failing schools open because the school argued that state law required the authorizer to keep them open if they could provide any evidence of “progress.” Success should be defined by the achievement of a goal, not merely the opposite of failure. This policy change would remove language from charter laws that makes it difficult to close failing schools.

This element receives double weight in NACSA’s rubric. Authorizers can put in place many strong performance management tools, but the test of this work occurs when an authorizer decides to close a failing school at renewal and that school is then actually closed.

## **POLICY 8: DEFAULT CLOSURE**

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### **What:**

NACSA supports policy requiring the state to establish a threshold of minimally acceptable academic performance for charter schools. Schools performing below this threshold at the time of renewal, or that remain below this level for a certain period of time, face closure as the default—or expected—consequence. In some situations, the authorizer or state may decide to keep a school open based on special circumstances, such as an alternative school serving a specific high-risk population, known as alternative education campuses (AECs).<sup>5</sup> A default closure mechanism should allow these exceptions. If a school falls below the minimally acceptable performance threshold, the expectation is that the school will be closed, but performance above that “floor” does not guarantee a right to stay open. A default closure policy should not be used to prevent authorizers from establishing and enforcing higher academic performance standards for the schools they oversee.

### **Why:**

Default closure provisions address the “worst-of-the-worst” schools. Barring special circumstances, it should be accepted and expected that charter schools that fail to meet a minimal threshold of performance will be closed. Schools can still be subject to closure for failure to meet any higher expectations established by authorizers and agreed to in their charter contracts, but at a minimum, closure is expected when schools fall below a state’s default closure threshold.

This policy receives double weight in NACSA’s rubric because it can safeguard other elements of authorizer practice. In essence, there can be no ultimate charter school accountability if state law allows the worst-of-the-worst schools to continue operating.

## Connecticut: Modernizing State Law in Face of Opposition

Connecticut's charter sector has, for years, relied on the solid reputation of many great schools, with little concern that the state's rudimentary charter school law had been virtually untouched in 20 years. That changed in 2014 when significant problems were uncovered in one local network of charter schools. Without an existing law that codified quality authorizing practices, a plethora of policy proposals—some of which would have done more harm than good—were introduced. After robust legislative debates, Connecticut law now includes many smart accountability provisions. The political battle surrounding those provisions, however, should serve as a warning of what can happen when statutory policy does not reflect the new demands of quality authorizing. The law helps ensure strong authorizing now and into the future.

### CHALLENGES

Connecticut charter school law was outdated and not as strong as it needed to be to weather controversy. In particular, it lacked strong and smart accountability provisions that would protect strong authorizing practices and extend quality oversight. Everyone agreed it needed to be modernized, but the large holes also gave charter opponents room to advance anti-charter provisions, including a moratorium.

**” Connecticut Stakeholders Said: “The old law allowed opponents to put a bunch of terrible stuff in the modernization law under the guise of accountability...[I]t would have been better to have a strong law in place in the first place to defend rather than fighting off bad new ideas...”**

### POLICY FIXES

Driven in part by heightened public attention after a very public scandal in a local charter network, Connecticut's legislators chose to make significant changes to policies that impact transparency, accountability, and charter school regulation.

Public Act No 15-239<sup>1</sup> contained these authorizing and accountability elements:

- **Formal charter school contracts that must include academic and organizational goals used by the State Board to evaluate charter school performance**
- **Enhanced financial and organizational transparency measures**
- **The required use of performance frameworks**
- **The establishment and use of renewal standards tied to school performance**
- **Annual reporting on school performance**
- **A comprehensive set of new application requirements, including requiring the State Board to conduct due diligence regarding potential charter school operators**
- **A comprehensive set of new provisions that must be included in contracts for whole school management services**
- **A strengthened set of criminal background check requirements and conflict of interest policies**

**” Connecticut Stakeholders Said: “The more rigorous transparency requirements are key. That will help with things such as performance expectations and management contracts....[T]he annual reporting will also ensure clear lines of communication and feedback between the State DOE and charter schools.”**

## EVIDENCE OF PROGRESS

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- **Protection:** Strong authorizing policy in state law is a critical protective element and can help advance a quality-focused charter school agenda.

**”** *Connecticut Stakeholders Said: “It [new legislation] clarifies accountability measures so the public is getting all the [information] it deserves.”*

## THE ROAD AHEAD

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- Connecticut must now focus on implementation of these new accountability policies, which include a smooth transition for existing charter schools. The State must pay attention to balancing the demands of accountability and compliance to ensure that autonomy and innovation in the sector are not stifled.
- Connecticut policymakers can focus on other needed reforms for the law, such as measures to protect autonomy and equitable charter school funding levels and procedures.
- One aspect of the legislation—requiring the dual approval of the General Assembly (in addition to the State Board of Education) before a new charter school approval is finalized—could politicize the approval process as well as cause problems in attracting and cultivating quality school operators.

**”** *Connecticut Stakeholders Said: “We had a really tough fight on trying to explain why certain provisions were not actually facets of strong and quality authorizing...[We] should continue to educate policymakers and authorizers on their respective roles, as well as what charter authorizing policies should be all about: balancing flexibility with accountability and transparency without compromising [school] quality.”*

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1. Full text of Public Act No 15-239 (Senate Bill 1096 as signed by the Governor) can be found at <https://legiscan.com/CT/text/SB01096/2015>

## Indiana: Preventing Authorizer Shopping to Preserve Quality Schools

Indiana has multiple authorizers and a growing charter community. While the state had an otherwise strong charter law, Indiana's story is an example of the risks associated with not having comprehensive authorizing policies in statute. Authorizer shopping—when charter schools change authorizers to avoid closure or scrutiny—was one symptom of underlying problems with a law that allowed vastly different standards of practice among authorizers. Strong authorizer practices and open lines of communication are critical, and policy helps reinforce and spread these practices. This is especially important if inappropriate behavior emerges.

### CHALLENGES

Failing charter schools in Indiana kept finding ways to stay open. Even in recent years, as authorizers increased performance expectations and showed greater willingness to close failing schools, some schools sought out new authorizers to avoid accountability. The lack of strong statutory policies led to highly public instances of authorizer shopping in 2013: when an established authorizer increased its accountability process and moved to close seven failing schools, three were able to find new authorizers and remain open. Not all authorizers were enforcing strong standards and, as a result, schools were allowed to continue failing students.

**”** *Indiana Stakeholders Said: “It only takes one bad authorizer to mess things up for everyone.”*

### POLICY FIXES

Legislation enacted during the 2013, 2014, and 2015 legislative sessions was designed to bolster common standards of practice and accountability among all authorizers, preventing inappropriate authorizer shopping using these mechanisms:<sup>1</sup>

- **Standards of authorizer practice: authorizer standards, performance frameworks, annual reporting, and stronger default closure provisions**
- **Consequences for authorizers if they engage in poor authorizing**
- **A screening process for new authorizers to ensure they have the capacity and commitment necessary to authorize successfully**
- **Provisions to increase transparency of chartering activity, including the disclosure of a charter school's history and required communication between a school's former and potential future authorizers.**

**”** *Indiana Stakeholders Said: “I'm glad we have a stronger law now and hope it prevents shopping in the future, but we should have had it in place five years ago.”*

## EVIDENCE OF PROGRESS

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- **Communication:** Indiana’s legislation has already opened up lines of communication among authorizers.
- **Transparency:** There is greater transparency of charter school outcomes and of authorizer decision-making processes. This helps policymakers and the public understand why authorizers must at times make the difficult decisions not to renew a charter, reject a charter application, or close a failing charter school.

**”** *Indiana Stakeholders Said: “...To be sure, we need both policy and practice, but it had to be both in our state to force those who won’t engage in best practices to change.”*

## THE ROAD AHEAD

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- While this new law provides protections against authorizer shopping, it has not been tested yet.
- More experienced authorizers remain hopeful that increased conversations with new authorizers will build community and coordination.
- Indiana will need to do the difficult work of enforcing authorizer sanctions if needed, especially if authorizer shopping continues. The law may need revisiting if the problem persists.

**”** *Indiana Stakeholders Said: “We need more accountability and transparency for authorizers. It’s unacceptable and immoral for a failing school to continue badly serving kids.”*

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1. <http://iga.in.gov/legislative/laws/2015/ic/titles/020/articles/024/chapters/2.2/>

## Nevada: Trading One-Star Performance for Five-Star Accountability

Nevada's leaders, spurred by lagging charter school performance, have pushed through various rounds of policy reform during the past four years. Nevada's stakeholders—while realistic that this is a work in progress—are optimistic that these policy reforms will ultimately result in stronger student outcomes and protected public interests. Today, enrollment in quality charter schools is up, authorizing is seen as a profession rather than an activity, and the state is working to uphold strong academic standards for all charter schools.

### CHALLENGES

Nevada charter school students were losing ground academically faster than in any other state, and the schools that were failing them were continuing to operate with little improvement and no accountability. The law did not give authorizers much direction outside of basic compliance monitoring.

**” Nevada Stakeholders Said: “[The Department of Education] treated authorizing like any other state program...[F]inancial accountability was emphasized rather than student outcomes.”**

### POLICY FIXES

The Nevada State Public Charter School Authority, designed to be a model authorizer in the state, was created in 2011. Schools previously authorized by the Nevada State Department of Education were transferred to the new State Public Charter School Authority.

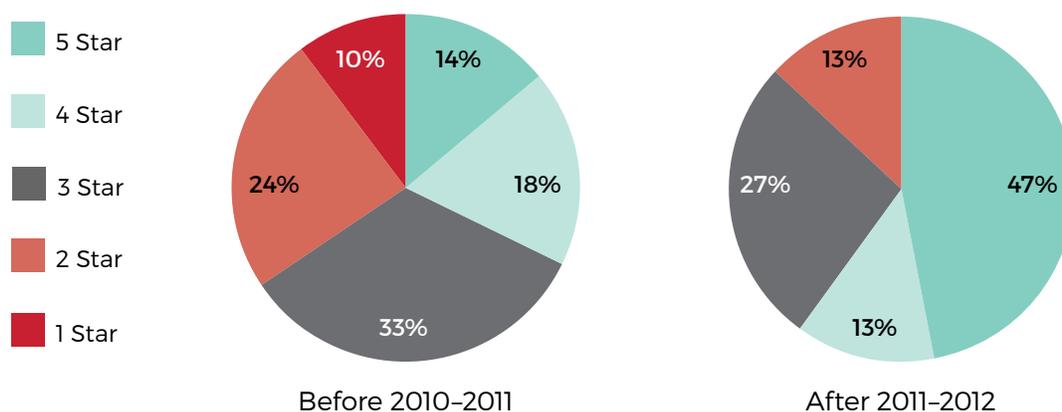
During the 2013 and 2015 legislative sessions, application and accountability measures were reformed in state law to ensure all authorizers did the following:

- **Use a team of knowledgeable reviewers to evaluate charter applications**
- **Use and develop charter contracts and performance frameworks with all their schools**
- **Use a separate renewal application that focuses on past performance**
- **Employ a default closure provision for persistently failing charter schools**
- **Publish annual reports on the performance of their portfolios of schools**
- **Be subject to authorizer sanctions for failure to adhere to authorizing standards**

The National Alliance for Public Charter Schools has since ranked Nevada's charter school law in the top third of all charter laws in the nation.<sup>1</sup>

**” Nevada Stakeholders Said: “...[W]e knew we needed to start with high-quality procedures that would result in decisions to open schools that have the highest probability of success for our kids.”**

## Academic Performance of State-Authorized Charter Schools Before & After Creation of Nevada State Public Charter School Authority



## EVIDENCE OF PROGRESS

- **Quality Schools:** Nearly half of the schools authorized by the Authority have received a five-star rating, the highest possible<sup>2</sup> from the State of Nevada.
- **Quality Growth:** Between 2011 and 2015, the number of students served by four- and five-star charter schools statewide grew 147%.<sup>3</sup>
- **Accountability:** The default closure provision, while important to Nevada’s reform effort, represents the floor, not the ceiling of their expectations. Authorizers are able to enforce a strong standard for charter school renewal.

**” Nevada Stakeholders Said: “It [the Authority] was the example of how to do it right. Authorizing in Nevada [went from being] focused on processes and procedures to being focused on outcomes for kids.”**

## THE ROAD AHEAD

- Nevada is poised to make significant student achievement gains.
- Nevada needs robust infrastructure and capacity to implement reforms.
- Nevada must figure out how to transition schools with a weak or non-existent performance framework to a new, outcomes-focused framework as part of the charter contract.
- Nevada is implementing several other systemwide reforms that apply to all public schools in the state— both traditional and charter— designed to improve student achievement, including a new funding formula.

1. <http://www.publiccharters.org/get-the-facts/law-database/states/NV>

2. According to the Nevada Department of Education, star ratings are generally referred to as school “classifications.” Generally, a five-star school is considered above the 89th percentile, a four-star rating represents schools in the 75th to 89th percentile range, a three-star rating represents schools within the 25th to 74th percentiles and two-star schools fall between the 5th and 24th percentiles. One-star schools are in the lowest 5% of the state.

3. State Public Charter School Authority, 2016-2017 Agency Overview.

## Texas: Raising Expectations by Closing Schools that Fail

In the early years of the Texas charter law, charters were easy to obtain and charter schools opened at a precipitous rate. A lack of uniform standards for applicants, along with poor performance results, fed a negative public perception of charter schools. State policies now include strong, explicit, consistent standards for charter school authorizing and for charter school performance, buoyed with additional authorizer authority to enforce them. This has had a direct, transformative effect on the quality of the state's charter schools, including the closure of 20 failing charter schools since 2013.

### CHALLENGES

The number of Texas charter schools increased rapidly from zero in 1995 to 176 schools just a few years later in 1999.<sup>1</sup> Failing charters were difficult to close. Lax standards, fed by a dearth of policy guidance related to school and authorizer quality, affected the quality of existing charter schools as well as the public perception of these schools.

**”** *Texas Stakeholders Said: “In the beginning, people thought the market approach would work [to close schools], but after 20 years of chartering in Texas, we’ve realized it is a lot more difficult and challenging...”*

### POLICY FIXES

A comprehensive overhaul of the state's charter school law in 2013 provided the following corrective measures:

- **Enhanced applicant approval standards:** applicants must be capable of carrying out the responsibilities required by the charter, likely to operate a school of high quality, and must meet any financial, governing, educational, and operational standards adopted by the Commissioner
- **Specification of the academic, operational, and financial performance expectations** by which a school will be evaluated, including standards for renewal, non-renewal, and revocation
- **Default closure of schools with unacceptable performance for the three preceding years<sup>2</sup>**
- **Differentiated renewal process with clear expectations for schools at all performance levels**

**”** *Texas Stakeholders Said: “We really had an organizational shift in [the] charter application in trying to highlight the standards that were outlined in the law and tying those standards back to the application.”*

### EVIDENCE OF PROGRESS

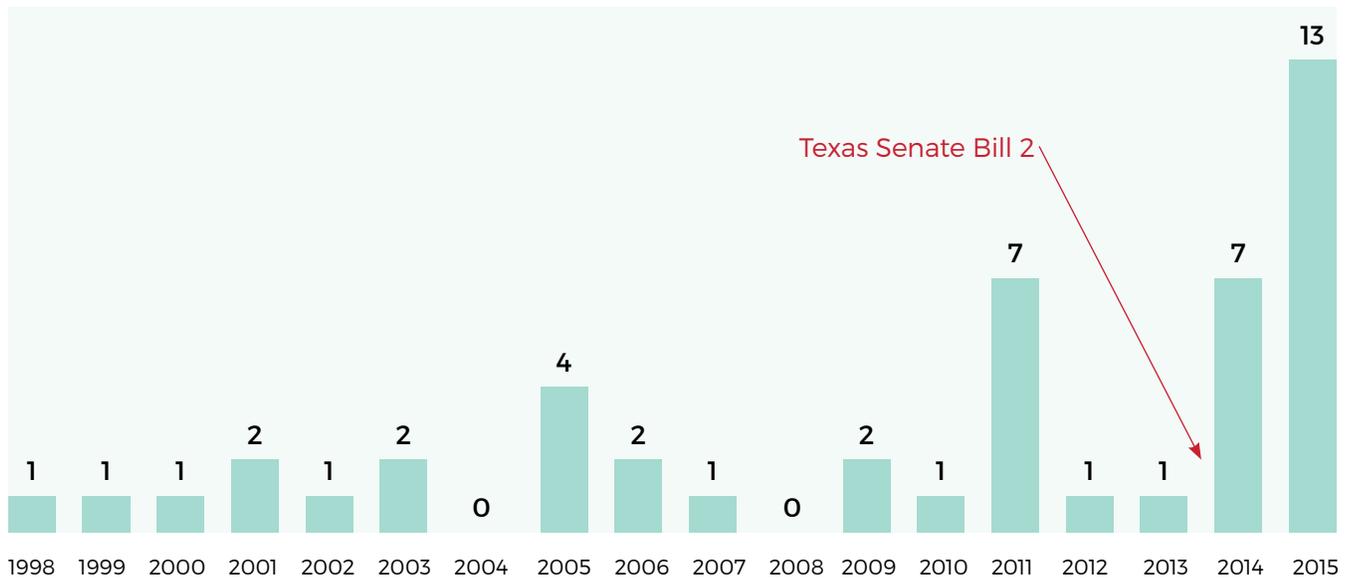
- **Application Process:** The Commissioner of Education, not the State Board of Education, is now the authorizer. This, coupled with the requirement that the Commissioner adopt enhanced application standards, has led to significant changes in the state's charter application process.
- **Closure:** From 1995, when Texas first enacted its charter law, until the passage of 2013 legislation, 27 charter schools were non-renewed or had their charters revoked.<sup>3</sup> Since the passage of that legislation, 20 low-performing charter schools have been closed by the Texas Education Agency using the default closure provisions.<sup>4</sup>

**”** *Texas Stakeholders Said: “You really have to serve kids or you’re going to get closed down because of these guidelines. You are quality checked.”*

## THE ROAD AHEAD

- Texas must continue to evaluate the measures it uses to determine academic and financial performance of charter schools—and to make any adjustments to adapt the traditional public school metrics to the charter sector as needed and allowed. The new policies ensure the robustness of charter school accountability, and now it behooves the State to make sure the new closure mechanisms are indeed identifying the right schools.
- Texas must balance needed sector clean-up with due process, especially during the current transition between old and new processes. This means putting practices in place to ensure reasonable due process for schools facing closure, including review of potential errors in the ratings that trigger closure.
- Texas needs to codify standard practices and procedures for asset distribution at closure.

Texas Charter School Closures



1. <http://www.publiccharters.org/dashboard/schools/state/TX/year/2014>

2. <https://legiscan.com/TX/drafts/SB2/2013>

3. The Texas Education agency distinguishes between default closures and voluntary closures. Default Closures include revocations under Texas Education Code (TEC) §§ 12.115(a), 12.115(c), and expirations/non-renewals under TEC §12.1141(d). Voluntary Closures include surrenders/returns, conversions, and consolidations.

4. <http://tea.texas.gov/WorkArea/DownloadAsset.aspx?id=2147485098>

# GETTING IT RIGHT

## ADAPTING THE EIGHT FOR YOUR STATE

Each state's two-page profile contains the following:<sup>6</sup>

- Points (A), score (B), and rank (C), plus some brief data points (D) describing the charter school landscape
- A comparison of points in 2015 v. 2014 (A), and any noteworthy developments (E)
- NACSA's recommendations to boost quality charter school oversight (F)
- A table with details and context for each policy and the points received (G)

**DISTRICT OF COLUMBIA**  
RANK 16, SCORE 19/33

112 CHARTER SCHOOLS  
37.6% CHARTER STUDENTS  
44% OF PUBLIC SCHOOL STUDENTS

STATE WITH FEW AUTHORIZERS  
1 AUTHORIZER  
100% ARE AUTHORIZED BY THE PUBLIC CHARTER SCHOOL BOARD

YEAR LAW ESTABLISHED: 1996

SCORE: 19/33  
RANK: 16  
(TIED WITH ME)

1 2 3 4  
AUTHORIZER QUALITY (BY POLICY)

5 6 7 8  
SCHOOL ACCOUNTABILITY (BY POLICY)

1. Who Authorizes (# points)	2. Standards (# points)	3. Evaluations (# points)	4. Sanctions (# points)	5. Reports (# points)	6. RMR (# points)	7. Renewals (# points)	8. Default Closure (# points)	Total (# points)
2015	4	1	3	0	3	2	6	19/33
2014	4	1	3	0	3	1	6	18/33

**NOTEWORTHY IN 2015**

**SCORE INCREASE: +1**  
Score Change: Performance Management and Replication (+1: Performance Contracts). After an application is approved, state law provides for the creation of a charter that includes the performance goals agreed to by the authorizer and charter school. This is equivalent to a performance contract and is used by the authorizer as such.

**NACSA RECOMMENDS**

- **Codify the use of performance frameworks.** In practice, the sole authorizer uses a performance framework, but nothing in state policy ensures this practice will continue in perpetuity.
- **Endorse robust authorizer standards** that are equivalent in rigor to nationally recognized standards for charter school authorizing.
- **Establish a default closure policy.** In practice, the District of Columbia Public Charter School Board (DCPCSB) uses its rigorous performance framework and a formal five-year review process to, in effect, make closure the expected outcome for failing schools. Codifying that practice in state policy would ensure it continues into the future.

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	4/6	Independent Charter Board only.
2. Authorizer Standards	1/3	State law identifies establishing authorizer standards as evaluation criteria but does not provide guidance on the content of the standards.
3. Authorizer Evaluations	3/3	By law, the Comptroller General reviews the authorizer every two years.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	3/3	The sole authorizer's policy is to publish an annual report on the academic performance of its entire portfolio of charter schools.
6. Performance Management & Replication	2/3	State law provides for the creation of a charter agreement that includes school performance goals. In practice, the District of Columbia Public Charter School Board uses performance frameworks. The law allows a charter school to add an additional campus under an existing charter.
7. Renewal Standard	6/6	By law, an authorizer may close a charter school for failure to meet student achievement goals in its charter.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards. In law, the sole authorizer is required to review a charter school at least every five years to determine if the charter should be revoked. The practices adopted by the sole authorizer for this review should lead to the closure of failing schools.

**TOTAL POINTS: 19/33, RANK 16 (TIED WITH ME)**

**Look at your state's policy points, score, rank, and details. Then you and other stakeholders can begin to map the changes needed and adapt them to your state, so your journey on the road to public charter school excellence will be safer, more predictable, and ultimately more successful. Here are some conversation starters:**

- What is your authorizing structure? (School district authorizers? Many overlapping authorizers? One or two non-district authorizers?)
- What entities currently oversee other public agencies? Is there an agency or other entity that routinely handles guidance, accountability, and oversight in the education space? To streamline this work, could you piggyback on activities already happening in your state, such as reporting, technical assistance, or professional development?
- What are some strengths to build upon and challenges to address in your state's charter school sector in the areas of academics, accessibility, autonomy, and accountability?

## GETTING STARTED: THE ROADMAP TO IMPROVED ACCESSIBILITY, AUTONOMY, & ACCOUNTABILITY

- Every state can benefit from NACSA's policy recommendations. These eight policies encourage the kind of behavior you want; these policies also discourage and address problems that may arise.
- They fit together. School accountability is not separate from authorizer quality—it is a loop of positive reinforcement when all policies are adopted.
- Policies need to be adapted to fit your state and coordinated with other aspects of charter school and general public education policy. Policies should minimize duplication and work towards a cohesive system of oversight for charter schools.

### SCENARIO 1: My state has school district authorizers. What policies should I prioritize to make these authorizers the best?

States with primarily school district authorizers are prone to wide variations in their authorizing quality and in their enforcement of school accountability, based partially on the sheer number of school districts, usually with small portfolios of charter schools. In addition, the relationship between the school district and the charter school can be adversarial; thus, policies that foster transparency (for both schools and authorizers) help establish trust.

#### START WITH

**Authorizer standards:** these frame authorizing duties as a distinct responsibility for school districts and bring consistency to their practices across the state.

**Performance management:** a charter contract and charter framework are tools unique to charter school accountability that define a school district's relationship with a charter school as one based on autonomy and accountability.

**Alternative authorizer:** an alternative authorizer or, at a minimum, an appeal option, provides an alternative when a school district does not want to be an authorizer or is hostile to charter schools.

#### THEN CONSIDER

**Reports on performance:** this lets the public see how charter schools are performing and if a school district is appropriately holding charter schools accountable.

**Default closure:** this creates a universal threshold for charter school closure and requires all districts to take appropriate, consistent action.

**Authorizer evaluations:** this gives the state a way to evaluate if a school district is respecting charter autonomy and enforcing accountability.

**Authorizer sanctions:** these create consequences for school districts that don't fulfill their authorizing responsibilities. Sanctions must ensure that authorizing activity can continue in each locale.

**Renewal standard:** this reinforces that renewal is based on performance outcomes, giving charter schools and school districts a transparent basis for renewal decisions.

## SCENARIO 2: My state has many authorizers operating in overlapping jurisdictions. What policies should I put in place to make these authorizers the best?

States with lots of different authorizers operating in overlapping locales can present a real challenge for charter school accountability. When there are many different authorizers, challenges can sometimes manifest as a “race to the bottom” as some charter schools or operators seek out the authorizers with the lowest standards. Policy should seek to raise the quality bar for all authorizers and all schools to make it clear there is room only for quality authorizing and quality charter schools in the state.

### START WITH

**Authorizer standards:** this provides a common set of rules that all authorizers must follow to standardize practices and expectations in every locale.

**Reports on performance:** the impact of authorizers can get lost if the public doesn’t know which authorizer oversees which charter schools. Annual reports clearly link the authorizer with their charter schools and identify if any authorizers have good or bad histories of school performance.

**Authorizer evaluations:** these identify which authorizers are great and could serve as models for the state and if any authorizers are failing to fulfill their responsibilities.

**Authorizer sanctions:** these impose a consequence for failing authorizers, which ensures a single authorizer cannot erode charter school accountability for the entire locale.

### THEN CONSIDER

**Performance management:** this provides a common set of tools that all authorizers can use to set clear expectations for performance that the public (and other authorizers) can see.

**Default closure:** this establishes a universal performance threshold that all authorizers must enforce which prevents failing schools from jumping from one authorizer to another to avoid accountability.

**Renewal standard:** this allows authorizers to enforce the charter contract and hold schools accountable. Decisions to non-renew a charter school must be respected by all the authorizers in a locale to ensure the decision “sticks.”

### SCENARIO 3: My state has only one or two non-district authorizers, who are

- a) doing a great job;
- b) not doing a great job. They don't seem to know how to handle something that is not a traditional public school.

States with only one or two authorizers are impacted by the quality of that dominant authorizer. This can be a great asset if the authorizer is high quality, but the reverse is also true. State policy serves one of two purposes for these authorizers: it codifies existing high-quality charter school oversight practices to ensure a smooth transition to new personnel or a new administration; or it sets high expectations for the authorizer if current practices are weak.

#### START WITH

**Authorizer standards:** this will justify a high-quality authorizer's existing practices and require low-quality authorizers to change their practices.

**Renewal standards:** renewal decisions are less likely to be circumvented in a state with few authorizers, and as such, a strong renewal statute can significantly improve charter school accountability for the entire state.

**Performance management:** standardized, modern practices reflect the unique relationship between a charter school and its authorizer. They can help authorizers "flip the switch" to outcome-based accountability. These tools also can immediately impact the entire sector and make it easier for any authorizer to manage a large portfolio of schools.

#### THEN CONSIDER

**Authorizer evaluations:** this will bring transparency to authorizer practices and help ensure the authorizing sector is operating well. In states with just one authorizer, a self-evaluation may be appropriate as it can be used to identify areas for improvement.

**Reports on school performance:** these ensure that both the public and the charter schools themselves are provided regular updates on the performance of the schools.

**Alternative authorizer:** the addition of a second authorizer provides an alternative for charter schools and a safeguard if the only available authorizer becomes unwelcoming to charter schools.

**Default closure:** this requires the authorizer to act if there are failing charter schools. This can appropriately streamline the process for charter school accountability, which can help very large authorizers focus staff resources appropriately.

**COMMON PROBLEM:** I have a hard time figuring out how the charter schools in my state are doing. How can I bring more transparency to the work of the authorizers and the charter schools?

**START WITH**

Reports on performance make sure the public knows how charter schools are doing each and every year.

Performance contracts and frameworks publically detail the responsibilities of charter schools and authorizers. This includes setting performance goals as well as policies that ensure fairness and transparency for all families and students.

**ALSO CONSIDER**

Authorizer standards make authorizer practices consistent, and those practices reinforce academic, operational, and financial transparency for authorizers and charter schools.

Authorizer evaluations publicize the practices used by authorizers and if those practices meet national standards.

**COMMON PROBLEM:** My authorizers are all over the place, with big differences in the quality of their schools and the quality of their practices. How do I make these authorizers and their practices reasonably consistent?

**START WITH**

Authorizer standards define what good authorizing looks like and require authorizers to employ those practices.

Authorizer evaluations highlight which authorizers are models and which may need to change their practices.

**ALSO CONSIDER**

Default closure sets a statewide minimum threshold for charter school performance, ensuring that failing charter schools are closed regardless of the identity of their authorizer.

Authorizer sanctions create consequences for bad authorizers, removing bad actors from the authorizing sector.

## COMMON PROBLEM: I have great charter schools that I want to grow.

### START WITH

Reports on performance objectively identify which schools have great academic performance and may be candidates for replication.

Performance management policies set operational and financial parameters for school health that help authorizers judge if a school is ready to replicate. Replication policies make it easier for a high-quality school to gain approval to replicate or to manage the logistics of multi-campus operation.

### ALSO CONSIDER

Alternative authorizers have only one responsibility: to be a high-quality authorizer of high-quality schools. This lets them bring a laser-like focus to charter schools that is often defined in their mission. As such, they often have more capacity and experience to identify and replicate great charter schools.

Authorizer standards give authorizers the tools to differentiate practices and the confidence to evaluate if a school is prepared to replicate.

Also see NACSA and Charter School Growth Fund's report on [Replicating Quality](#).

## COMMON PROBLEM: There are lots of low-performing charter schools in my state that no one is trying to close.

### START WITH

Default closure sets a statewide minimum threshold for charter school performance, ensuring that failing charter schools are closed.

Reports on performance identify which schools are failing and who their authorizer is, identifying which authorizers are letting failing schools stay open.

### ALSO CONSIDER

Authorizer standards require authorizers to enforce charter contracts and give them policy and practice tools to enforce school accountability.

Renewal standards make achieving goals the bar for renewal, making it easier for authorizers to close schools that don't fulfill their promises.

## **COMMON PROBLEM: What can I do to get a reluctant authorizer to do better?**

### **START WITH**

Authorizer standards enumerate an authorizer's responsibilities and require authorizers to fulfill them.

Performance contracts and performance frameworks place authorizer responsibilities in an enforceable contract that protects the rights of charter schools and the authorizer and sets standards for regular oversight of academic, financial, and operational benchmarks.

Reports on performance ensure an authorizer is annually assessing their charter schools and providing that information to schools and the public.

### **ALSO CONSIDER**

Alternative authorizers are designed solely to authorize charter schools and have no competing priorities.

Default closure makes it easier to close failing charter schools, giving authorizers additional statutory support to fulfill a core accountability function.

Authorizer evaluations identify areas of strength and weakness and can encourage authorizers to change their behaviors.

# STATE-BY-STATE PROFILES

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Alabama.....	35	Nevada.....	85
Alaska.....	37	New Hampshire.....	87
Arizona.....	39	New Jersey.....	89
Arkansas.....	41	New Mexico.....	91
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Colorado.....	45	North Carolina.....	95
Connecticut.....	47	Ohio.....	97
Delaware.....	49	Oklahoma.....	99
District of Columbia.....	51	Oregon.....	101
Florida.....	141	Pennsylvania.....	103
Georgia.....	55	Rhode Island.....	105
Hawaii.....	57	South Carolina.....	107
Idaho.....	59	Tennessee.....	109
Illinois.....	61	Texas.....	111
Indiana.....	63	Utah.....	113
Iowa.....	65	Virginia.....	115
Kansas.....	67	Washington.....	117
Louisiana.....	69	Wisconsin.....	118
Maine.....	71	Wyoming.....	120
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Massachusetts.....	75		
Michigan.....	77		
Minnesota.....	79		
Mississippi.....	81		
Missouri.....	83		

# ALABAMA

**RANK 4, SCORE 31/33**



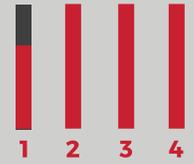
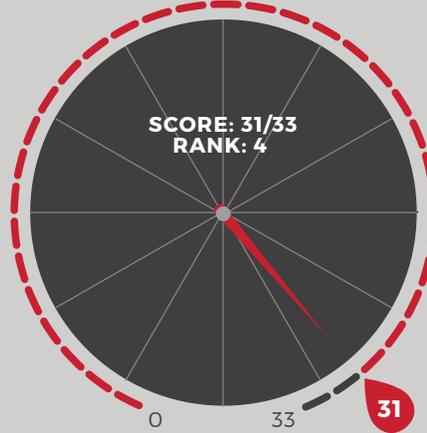
0 CHARTER SCHOOLS  
0 CHARTER STUDENTS  
0% OF PUBLIC SCHOOL STUDENTS



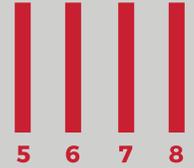
**DISTRICT AUTHORIZING STATE**  
(ANTICIPATED)  
0 ACTIVE AUTHORIZERS



YEAR LAW ESTABLISHED: **2015**



**AUTHORIZER QUALITY**  
(BY POLICY)



**SCHOOL ACCOUNTABILITY**  
(BY POLICY)

## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	4	3	3	3	3	3	6	6	31/33
2014	-	-	-	-	-	-	-	-	-

## NOTEWORTHY IN 2015

### SCORE INCREASE: +31

In 2015, Alabama passed its first charter school law, the Alabama School Choice and Student Opportunity Act. It includes all of NACSA's recommended policies.

## NACSA RECOMMENDS

- Alabama has all of NACSA's recommended policies in law.** NACSA encourages the state to continue with thoughtful implementation and development of high-quality authorizer practices. Strong statutes identified in this report, as well as a robust charter school petition and evaluation process also defined in law, will help Alabama authorizers conduct rigorous front-end quality controls to get this new sector off to a strong start.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	4/6	LEA, Independent Charter Board. The Alabama Public Charter School Commission is the only statewide authorizer. School districts may register with the Department of Education for the authority to authorize charter schools. Registration includes the submission and review of several components to demonstrate commitment and understanding of quality authorizing. The Commission may directly authorize charter schools in jurisdictions where the local school district is not a registered authorizer and may also authorize on appeal. Authorizers may approve no more than 10 start-up charter schools per year until 2020. As of October 2015, four school districts have started the registration process to become authorizers.
2. Authorizer Standards	3/3	State law requires all authorizers to develop and maintain chartering policies and practices consistent with nationally recognized principles and standards for quality charter authorizing in all major areas of authorizing responsibility. The State Board of Education will promulgate rules and regulations to this effect.
3. Authorizer Evaluations	3/3	By law, the Department of Education oversees the performance and effectiveness of all authorizers. The Department can conduct a special review and evaluation of any authorizer, if needed.
4. Authorizer Sanctions	3/3	State law allows the Department of Education to revoke the chartering authority of local school boards if they fail to remedy identified deficiencies. State law allows the Department of Education to recommend the removal of Commission members if the Commission fails to remedy deficiencies.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	3/3	By law, all authorizers must submit to the State Board of Education an annual report on the academic and financial performance of their charter school portfolio. This includes a performance report for each charter school it oversees.
6. Performance Management & Replication	3/3	State law requires the use of a charter contract and a performance framework. Multiple schools may be governed under one charter.
7. Renewal Standard	6/6	Authorizers may non-renew a school if it fails to meet the performance expectations set forth in the charter contract.
8. Default Closure	6/6	By law, a charter contract shall not be renewed if the school fails to attain the minimum state proficiency standard for public charter schools in each year of operation and over the charter term. A school that receives an F at the time of renewal or a D or F for the past three most recent years is considered to fall below the minimum state standard. The authorizer may justify keeping the school open under exceptional circumstances.

**TOTAL POINTS: 31/33, RANK 4**

# ALASKA

## RANK 39, SCORE 3/33



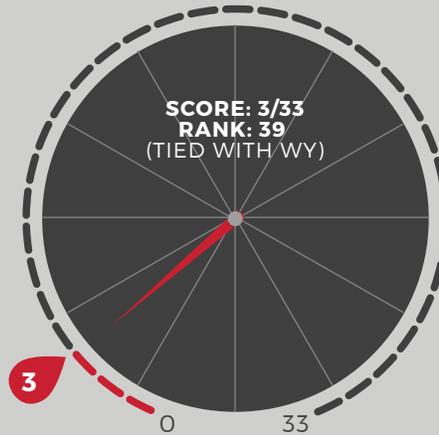
27 CHARTER SCHOOLS  
6,224 CHARTER STUDENTS  
5% OF PUBLIC SCHOOL STUDENTS



DISTRICT AUTHORIZING STATE  
8 AUTHORIZERS  
100% ARE AUTHORIZED BY LEAS



YEAR LAW ESTABLISHED: 1995



### YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	2	0	0	0	0	1	0	0	3/33
2014	2	0	0	0	0	1	0	0	3/33

### NACSA RECOMMENDS

- **Alaska has a moribund charter school law. Creating legally autonomous schools should be the primary policy goal for the state.** Policy should ensure that schools have a legally autonomous governing board and autonomy in crucial areas of school operations.
- **Eliminate the dual-approval system and empower school districts and an alternative authorizer to directly approve charter schools.** Alaska is one of only four states with a dual-approval system, which is nearly synonymous with limited autonomy charter schools. The dual-approval system should be eliminated and school districts and a statewide alternative authorizer should be empowered to directly approve legally autonomous charter schools. If an alternative authorizer is not viable, the state should, at a minimum, empower the State Board of Education and Commissioner of Education to serve as an authorizer on appeal.
- **Endorse professional standards for charter school authorizing.**
- **Create a strong renewal standard** that directly links school academic performance to renewal.
- **Require performance frameworks and annual performance reports for all charter schools.**

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	2/6	LEA, SEA consider appeals. Alaska has a dual-approval system for charter schools. All schools are authorized by LEAs but, upon district approval, must also be approved by the State Board of Education (SBE). The Commissioner of Education and the SBE consider and rule on appeals, but LEAs remain the legal authorizers.
2. Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their portfolio of schools.
6. Performance Management & Replication	1/3	State law requires a charter contract but not a performance framework. The law does not explicitly encourage or address replication of successful schools.
7. Renewal Standard	0/6	State law does not specify provisions for renewing charters.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 3/33, RANK 39 (TIED WITH WY)**

<sup>1</sup>Alaska has a moribund charter school law. Creating legally autonomous schools and a viable alternative authorizer should be the primary policy goals for the state.

# ARIZONA

## RANK 18, SCORE 18/33



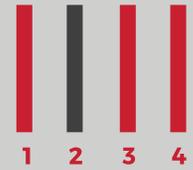
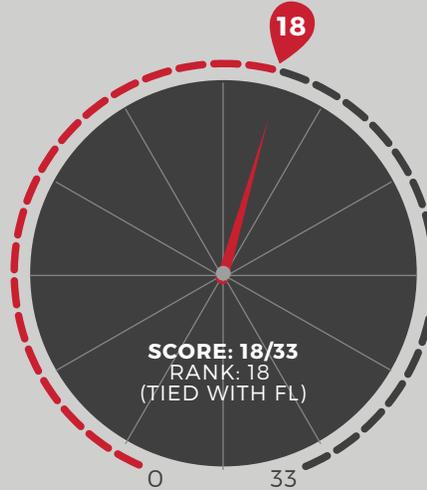
**623 CHARTER SCHOOLS**  
**165,961 CHARTER STUDENTS**  
**15% OF PUBLIC SCHOOL STUDENTS**



**STATE WITH MANY AUTHORIZERS**  
**27 AUTHORIZERS**  
**8 AUTHORIZERS WITH 5 OR MORE SCHOOLS**



**YEAR LAW ESTABLISHED: 1994**



**AUTHORIZER QUALITY**  
 (BY POLICY)



**SCHOOL ACCOUNTABILITY**  
 (BY POLICY)

### YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	6	0	3	3	3	3	0	0	18/33
2014	6	0	0	0	0	3	0	0	9/33

### NOTEWORTHY IN 2015

#### SCORE INCREASE: +9

**Reports on Performance (+3).** New law in 2015 requires authorizers to submit annual reports to the Auditor General on the academic and operational performance of the authorizer's charter portfolio as measured by the authorizer's adopted performance framework. The report also includes information on the number of schools authorized; the number of new charters approved; the number of charter schools closed and the reason for the closure; and the authorizer's application, amendment, renewal and revocation processes, charter contract template, and current performance framework.

**Authorizer Evaluations (+3).** The Auditor General must review the annual report described above. As a result of that review, the Auditor General may make a finding of significant noncompliance. Given the broad content of the report and the scope of the review, this fulfills the function of an authorizer evaluation.

**Authorizer Sanctions (+3).** If the Auditor General finds significant non-compliance during the review of the annual report, the Auditor General must report it to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chairs of the Senate and House Education Committees. At such time, the Legislature shall consider revoking the authorizer's authority to authorize charter schools.

### NACSA RECOMMENDS

- **Institute a strong renewal standard** by ensuring all authorizers may close schools that fail to achieve the performance goals set out in their charter contracts. The Arizona State Board for Charter Schools, the primary authorizer, enforces a strong renewal standard in practice, but there is no requirement that the growing segment of LEA and HEI authorizers do so.
- **Establish a default closure provision** that makes closure the expected outcome for failing charter schools, regardless of their authorizer.
- **Endorse professional standards for charter school authorizing.**

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	6/6	LEA, Independent Charter Board, SEA, Higher Education Institution (HEI). Arizona allows the Arizona State Board for Charter Schools (ASBCS), the State Board of Education, LEAs, and HEIs to authorize charter schools. The State Board of Education currently has a self-imposed moratorium on charter school authorizing, and LEAs are under a statutory moratorium prohibiting them from issuing new charters.
2. Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
3. Authorizer Evaluations	3/3	<b>New in 2015:</b> The Auditor General will review annual reports submitted by each authorizer for noncompliance with state law.
4. Authorizer Sanctions	3/3	<b>New in 2015:</b> The Legislature will consider revoking the authorizer's authority to authorize charter schools if the Auditor General finds significant noncompliance with state law.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	3/3	<b>New in 2015:</b> Authorizers are required to submit an annual report to the Auditor General that includes the academic and operational performance of the authorizer's charter portfolio.
6. Performance Management & Replication	3/3	State law requires a charter contract and a performance framework and allows multi-site charter schools.
7. Renewal Standard	0/6	State law allows "reasonable progress" to be sufficient for a charter to be renewed. In practice, the state's dominant authorizer sets a strong renewal standard through their adopted performance framework system.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards. <sup>1</sup>

**TOTAL POINTS: 18/33, RANK 18 (TIED WITH FL)**

<sup>1</sup>In practice, the state's dominant authorizer has adopted practices that should lead to closure of failing schools.

# ARKANSAS

**RANK 29, SCORE 12/33**



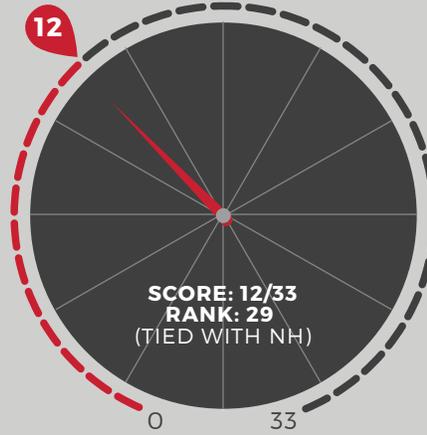
**45 CHARTER SCHOOLS**  
**19,179 CHARTER STUDENTS**  
**4% OF PUBLIC SCHOOL STUDENTS**



**STATE WITH FEW AUTHORIZERS**  
**1 AUTHORIZER**  
**100% ARE AUTHORIZED BY THE STATE BOARD OF EDUCATION**



**YEAR LAW ESTABLISHED: 1995**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	4	0	0	0	0	2	6	0	12/33
2014	4	0	0	0	0	2	6	0	12/33

## NACSA RECOMMENDS

- **Endorse professional standards for charter school authorizing.**
- **Establish an autonomous Independent Charter Board** that includes members outside the Department of Education. An Independent Charter Board could focus solely on authorizing high-quality charter schools.
- **Require the authorizer to use performance frameworks.** Performance frameworks set academic, financial, and organizational performance expectations for each charter school.
- **Require the authorizer to issue annual public reports on the academic performance of its portfolio of charter schools.**
- **Establish authorizer evaluations** on an as-needed or self-evaluative basis. Authorizer self-evaluations require authorizers to reflect on their practices and outcomes and identify areas for improvement.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	4/6	SEA only. Arkansas allows only the State Board of Education to authorize new-start charter schools. State law establishes the Charter Authorizing Panel, an internal body established to review charter school applications and renewal requests. Members of the Panel are appointed by the Commissioner of Education and must be employees of the Department of Education. In addition, the State Board of Education may choose to review decisions made by the Department of Education and may affirm them, request additional information, or take other actions. Conversion charter schools must first be approved by their LEA and then be authorized by the SEA (dual approval).
2. Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their portfolio of schools.
6. Performance Management & Replication	2/3	State law requires a charter contract but not a performance framework. The law requires a differentiated process for replicating proven successful schools.
7. Renewal Standard	6/6	State law allows an authorizer to place a school on probation or revoke its charter for failure to meet academic or fiscal performance criteria.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 12/33, RANK 29 (TIED WITH NH)**

# CALIFORNIA

**RANK 31, SCORE 11/33**



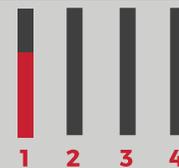
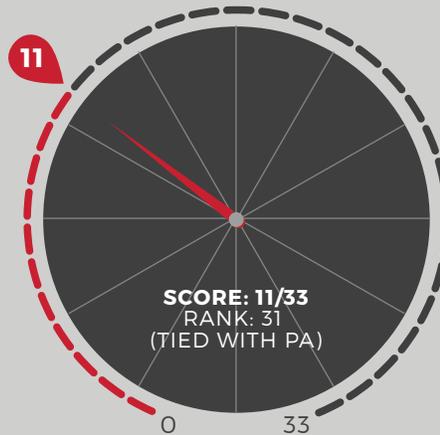
**1,184** CHARTER SCHOOLS  
**544,980** CHARTER STUDENTS  
**9%** OF PUBLIC SCHOOL STUDENTS



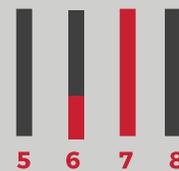
**DISTRICT AUTHORIZING STATE**  
**324** AUTHORIZERS  
**97%** ARE AUTHORIZED BY LEAs



YEAR LAW ESTABLISHED: **1997**



**AUTHORIZER QUALITY**  
(BY POLICY)



**SCHOOL ACCOUNTABILITY**  
(BY POLICY)

## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	4	0	0	0	0	1	6	0	11/33
2014	4	0	0	0	0	1	6	0	11/33

## NOTEWORTHY IN 2015

Two voluntary statewide initiatives have been launched to improve the quality of authorizing practices: the California Authorizers Regional Support Network (CARNet), a federally funded training and development network for small authorizers, and California Charter Authorizing Professionals (CCAP), a network of support and resources for authorizing professionals.

## NACSA RECOMMENDS

- **Endorse professional standards for charter school authorizing.**
- **Require charter contracts and performance frameworks for all charter schools.** California is one of only six states that do not require a separate charter contract. California's new Local Control and Accountability Plans (LCAPs), a component of the Local Control Funding Formula reforms passed in 2013, include school-site goal setting, which is one of the qualities of a performance framework. As rules governing LCAPs are developed, NACSA recommends the State provide for authorizer involvement, as appropriate, in the oversight and development of charter school LCAPs to make them robust tools for autonomous charter school improvement and accountability. Development in this way would fulfill NACSA's performance framework recommendation.
- **Require regular, consistent reporting and data collection on authorizing activity,** including the performance of charter schools by authorizer. This includes consistent and reliable state-level data collection on the new charter petitions, renewals, and closure decisions made by every authorizer.
- **Create mechanisms for the oversight of authorizers, and, if necessary, intervention.**
- **Make closure the expected outcome for persistently failing charter schools.** Once the new assessment and accountability metrics are stabilized, California should reform its statutory provisions on renewal to create a true default non-renewal or closure mechanism and a distinct renewal petition process. This would make it easier for authorizers to assess charter school performance and ultimately close failing charter schools.
- **Consider a statewide or regional network of alternative authorizers that are independent from local school districts.** These independent authorizers would not only authorize charter schools, but could also assist with the development and dissemination of model practices to California's hundreds of authorizers.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	4/6	LEA, <sup>1</sup> SEA on appeal. <sup>2</sup> There is extreme variability in the size of California authorizers.
2. Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers. <b>New in 2015:</b> Two voluntary statewide initiatives have launched to improve the quality of authorizing practices: the California Authorizers Regional Support Network (CARNet), a federally funded training and development network for small authorizers, and California Charter Authorizing Professionals (CCAP), a network of support and resources for authorizing professionals.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their portfolio of schools.
6. Performance Management & Replication	1/3	State law does not require a charter contract or performance framework. Multiple schools may be operated under a single charter. Significant education reforms passed in 2013—collectively referred to here as the Local Control Funding Formula reforms—may impact charter school performance management as they are fully implemented over the next several years.
7. Renewal Standard	6/6	By law, authorizers must consider academic performance as the most important factor when considering renewal. In addition, a charter school may not be renewed unless the school demonstrates academic achievement according to state standards or the authorizer determines the school's performance is at least equal to the performance of a school in the school district in which it is located.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards. While the law does set a non-renewal threshold, the law provides authorizers with considerable discretion to renew schools that fail to meet the minimum performance standards, far beyond what NACSA considers reasonable circumstances for exemption. As such, NACSA does not interpret California law as making closure the default or expected consequence for schools that fail to meet a minimum academic standard.

**TOTAL POINTS: 11/33, RANK 31 (TIED WITH PA)**

<sup>1</sup>LEAs include County Offices of Education. The County Office of Education may authorize on appeal and may also directly authorize schools of county-wide benefit.

<sup>2</sup>California has a two-tiered appeals process. Schools can appeal a decision from the school district to their respective County Office of Education. The County Offices of Education can authorize the school or uphold the denial. If

denied by the County Office of Education, the school can then appeal to the State Board of Education (SBE), which can authorize the school or uphold the denial. The SBE can authorize schools of statewide benefit.

# COLORADO

**RANK 33, SCORE 10/33**



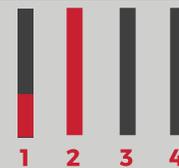
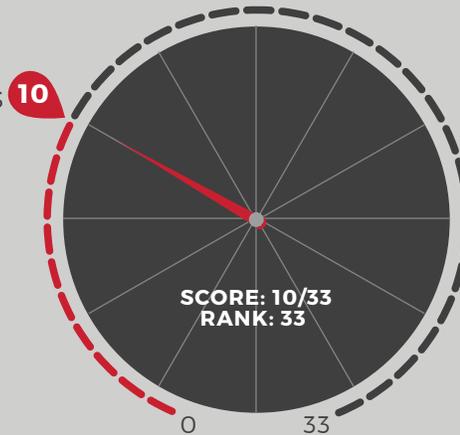
**214** CHARTER SCHOOLS  
**100,506** CHARTER STUDENTS  
**11%** OF PUBLIC SCHOOL STUDENTS



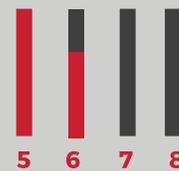
**DISTRICT AUTHORIZING STATE**  
**49** AUTHORIZERS  
**84%** ARE AUTHORIZED BY LEAs



YEAR LAW ESTABLISHED: **1993**



**AUTHORIZER QUALITY**  
(BY POLICY)



**SCHOOL ACCOUNTABILITY**  
(BY POLICY)

## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	<b>2</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>10/33</b>
2014	<b>2</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>9/33</b>

## NOTEWORTHY IN 2015

### SCORE INCREASE: +1

**Performance Management and Replication (+1: Replication).** Legislation passed in 2015 allows a single charter school board to hold multiple charters.

## NACSA RECOMMENDS

- **Institute a strong renewal standard.** Empower authorizers to close schools that fail to achieve the performance goals set out in their charter contracts.
- **Codify the expectation that all authorizers use performance frameworks.** Performance frameworks used by Denver Public Schools and the Colorado Charter School Institute (CSI) are already promoted in the state for use by all authorizers. State law should require all authorizers to use performance frameworks.
- **Institute a default closure provision.** Enforcement of charter school accountability has been inconsistent among Colorado authorizers. A default closure provision will ensure that failing charter schools are considered for closure. Colorado is well positioned to adopt such a policy because of the state's existing well-developed accountability system that prioritizes student growth and differentiates accountability for Alternative Education Campuses.
- **Transform the Colorado Charter School Institute into a statewide Independent Charter Board.** The CSI should be able to directly authorize schools across the state. Its authority should not be constrained to jurisdictions that relinquish their authorizing authority, whether voluntarily or through force.

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	2/6	LEA, Independent Charter Board (ICB) with limited jurisdiction, SEA considers appeals. <sup>1</sup> The Colorado Charter School Institute (CSI) is a limited jurisdiction ICB. The CSI was established to serve both as an alternative authorizer and as a model authorizer for the state. The CSI may authorize charter schools directly in the nine districts that do not currently have exclusive authorizing authority. Districts may not have exclusive authorizing authority for a variety of reasons, including voluntary relinquishment (either wholesale or for a particular school or applicant) or forcible loss after demonstrating a pattern of treating charters in a hostile manner. The CSI oversees a portfolio that has a larger proportion of Alternative Education Campuses and virtual schools than found among charter schools authorized by Colorado districts.
2. Authorizer Standards	3/3	State law requires the State Board of Education (SBE) to adopt authorizer standards. The SBE's final rules reference NACSA's <i>Principles &amp; Standards for Quality Charter School Authorizing</i> . Authorizer practices around the state have achieved some consistency due to the establishment of authorizer standards and a collaborative effort among districts, the CSI, the State Department of Education, and the Colorado League of Charter Schools to improve authorizing. At the same time, the small scale of authorizing by the majority of Colorado's LEA authorizers remains an ongoing challenge.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority. Colorado has a limited form of authorizer sanctions through the SBE's power to remove a district's exclusive chartering authority for cause. When invoked, a charter applicant may seek authorization directly from the CSI. The SBE has exercised this authority a handful of times since the CSI was created in 2005.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	3/3	State law requires the ICB and LEAs to produce an annual public report on the academic performance of their portfolios of schools. State law requires all LEAs to provide an annual report to the Department, which by regulation must include reporting school performance data.
6. Performance Management & Replication	2/3	State law requires a charter contract. State law does not require authorizers to use a performance framework for charter school oversight. In practice, the Department's School Performance Framework is established in policy and promoted as a model tool to be used by district authorizers statewide for all schools, but it is not explicitly required to be tied to charter school oversight. <b>New in 2015:</b> A single charter board may hold multiple charters.
7. Renewal Standard	0/6	State law allows "reasonable progress" to be sufficient for a charter to be renewed.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 10/33, RANK 33**

<sup>1</sup>The SBE is the official appellate body. If the SBE overturns a decision by an LEA, the school is first remanded back to the LEA for their authorization. If the LEA refuses to authorize the school, the SBE may order the establishment of the school. At that point, the LEA is the authorizer.

# CONNECTICUT

**RANK 21, SCORE 15/33**



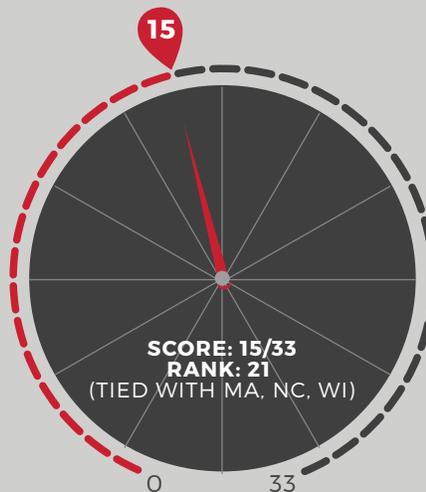
**22 CHARTER SCHOOLS**  
**8,036 CHARTER STUDENTS**  
**1% OF PUBLIC SCHOOL STUDENTS**



**STATE WITH FEW AUTHORIZERS**  
**1 AUTHORIZER**  
**100% ARE AUTHORIZED BY THE STATE BOARD OF EDUCATION**



**YEAR LAW ESTABLISHED: 1996**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	4	0	0	0	2	3	6	0	15/33
2014	4	0	0	0	0	0	0	0	4/33

## NOTEWORTHY IN 2015

### SCORE INCREASE: +11

**Reports on Performance (+2).** New state law requires charter schools to annually submit a report to the Commissioner of Education on the school's progress in meeting academic and organizational performance goals in the charter. State law also requires these reports to be posted on the Commissioner's public website.

**Performance Management and Replication (+3).** New state law requires a charter contract that includes academic and organizational performance goals and indicators, the key components of a performance framework. New state law also clarifies that a charter school may receive approval to operate an additional facility under its existing charter contract, similar to opening an additional campus.

**Renewal Standard (+6).** New state law requires the authorizer to evaluate the charter school according to academic and organizational performance goals in the charter contract when considering renewal.

New laws increase transparency for charter schools, authorizers, and charter management organizations.

Legislation in 2015 modified the charter school approval process. The State Board of Education may grant only initial certificates of approval to new charter petitions. The initial certificate of approval is then submitted to the General Assembly along with a summary of the required public hearing. The final charter is considered granted only when the General Assembly appropriates funds for the Department of Education for the proposed charter school. The State Board of Education remains the authorizer.

## NACSA RECOMMENDS

- **Endorse professional standards for charter school authorizing.**
- **Simplify the annual charter school appropriation mechanism** to make funding levels more predictable for charter schools. Connecticut has an unusual charter school funding process that requires the legislature to annually appropriate funding for each charter school seat through a budgetary line item. This process was further codified in 2015 through a new initial certificate process, described above, whereby a charter petition is not considered approved until funding is appropriated, often fewer than three months before the start of the school year. This process creates uncertainty for students and families at new schools, existing schools, and at those tentatively approved to expand. NACSA encourages the state to consider a simplified, predictable approval and appropriation mechanism for charter schools.

- **Consider additional autonomies for charter schools.** Connecticut is one of only a few states that do not automatically give charter schools exemptions from some provisions that govern traditional public schools. Instead, charter schools must individually request each exemption and receive approval from the State. NACSA encourages the State to consider identifying a subset of exemptions that can be given automatically to all charter schools.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	4/6	SEA only. The State Board of Education is the only authorizer. Local charter schools, which include conversions, must be authorized by both the local or regional board of education and by the State Board of Education. State law includes enrollment restrictions (subject to waivers) and geographic restrictions. <b>New in 2015:</b> The State Board of Education may grant “initial certificates of approval” to charter schools. The charter is considered effective only when the General Assembly appropriates the necessary funding.
2. Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer’s portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	2/3	<b>New in 2015:</b> State law requires charter schools to annually submit a report to the Commissioner of Education on the school’s progress in meeting academic and organizational performance goals in the charter. State law also requires these reports to be posted on the Commissioner’s public website.
6. Performance Management & Replication	3/3	<b>New in 2015:</b> State law requires a charter contract and a performance framework. State law allows a charter school to operate multiple facilities under a single charter contract upon authorizer approval. This provides an additional mechanism for quality growth and replication. However, other policies, such as the General Assembly enrollment approval mechanism and limitations on allowable charter governance structures, can inhibit the growth of high-quality charter schools.
7. Renewal Standard	6/6	<b>New in 2015:</b> By law, the authorizer must evaluate the performance of the charter school according to its academic goals when considering renewal of the charter. The authorizer may decide what level of performance warrants renewal.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 15/33, RANK 21 (TIED WITH MA, NC, NM, WI)**

# DELAWARE

**RANK 12, SCORE 21/33**



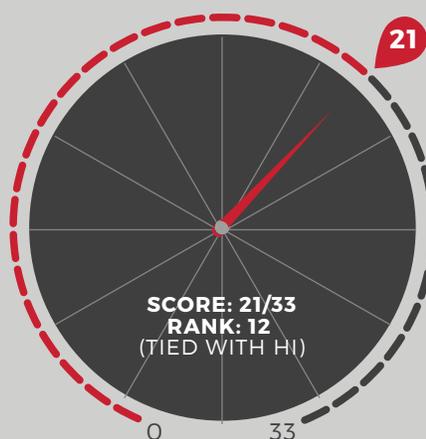
**24 CHARTER SCHOOLS**  
**11,346 CHARTER STUDENTS**  
**8% OF PUBLIC SCHOOL STUDENTS**



**STATE WITH FEW AUTHORIZERS**  
**2 AUTHORIZERS**  
**85% ARE AUTHORIZED BY THE DEPARTMENT OF EDUCATION**



**YEAR LAW ESTABLISHED: 1995**



**AUTHORIZER QUALITY**  
 (BY POLICY)



**SCHOOL ACCOUNTABILITY**  
 (BY POLICY)

## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	6	3	0	0	3	3	6	0	21/33
2014	6	0	0	0	0	3	6	0	15/33

## NOTEWORTHY IN 2015

### SCORE INCREASE: +6

**Score Change: Authorizer Standards (+3).** Regulations specify that the charter school law is to be implemented with chartering policies and practices consistent with nationally recognized principles and standards for quality charter school authorizing in all major areas of authorizing. Delaware should have been awarded full points for this category in 2014.

**Reports on Performance (+3).** State law requires the Department of Education to report annually on charter schools and the charter school program. State regulations specify that the report must analyze the performance of all charter schools according to their performance framework and the report must be posted on the Department's public website. The report includes school performance by authorizer.

The State has instituted a moratorium on new charter school openings in the City of Wilmington. The moratorium is in place until June 30, 2018 or until the State Board of Education develops a strategic plan for the number of charter, district, and vocational-technical schools in the state, whichever occurs first. In addition, new charter schools proposing to operate in Wilmington will be subject to an additional local screening and approval process.

## NACSA RECOMMENDS

- **Consider a default closure policy to make closure the expected outcome for failing charter schools.** This creates a differentiated renewal mechanism that can streamline the renewal process while enforcing a high level of charter school accountability.
- **Develop a strong strategic plan for the state's charter sector to lift the moratorium on new charter schools.** NACSA encourages all parties to develop a plan for charter schools that preserves charter autonomy and allows for the growth of quality public schools, charter and otherwise. NACSA hopes this plan will address any concerns with charter concentration in Wilmington and remove any duplicative approval processes while ensuring appropriate community involvement and input.
- **Review charter school enrollment policies** to ensure that state law prevents charter schools from establishing undue barriers to enrollment.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	6/6	<p>LEA, SEA. For state-approved charters, the Department of Education is referred to as “the approving authority.” The oversight and staff support for authorizing functions are performed by the Department. The Department’s decisions to approve, renew, revoke, or make a material modification to a charter, as well as changes to the performance framework and regulations, require the assent of the State Board of Education. Local district authorizer decisions do not require Board approval.</p> <p><b>New in 2015:</b> New law establishes a moratorium on new charter schools in Wilmington until June 30, 2018 or until the Board develops a strategy for the number of charter, district, and vocational-technical schools in the state. In addition, new charter schools proposing to operate in Wilmington will be subject to additional local screening processes and approval processes to varying degrees by the local school district.</p>
2. Authorizer Standards	3/3	<p><b>New in 2015:</b> Regulations specify that the charter school law is to be implemented with chartering policies and practices consistent with nationally recognized principles and standards for quality charter school authorizing in all major areas of authorizing. Delaware should have been awarded full points for this category in 2014.</p>
3. Authorizer Evaluations	0/3	<p>State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.</p>
4. Authorizer Sanctions	0/3	<p>State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer’s portfolio; or remove authorizing authority.</p>
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	3/3	<p><b>New in 2015:</b> State law requires the Department of Education to produce an annual report on charter schools. Regulations require that report to contain an analysis of each charter school’s performance according to their performance framework and to post the report on the Department’s public website. In addition, state law requires charter schools to submit annual reports on their progress in meeting student performance goals to their authorizer, the Department of Education, and the State Board of Education. Per regulations, these reports must be publicly accessible on the school’s website.</p>
6. Performance Management & Replication	3/3	<p>State law requires a charter contract and performance framework. A Charter School Performance Fund is available for high-quality schools seeking to expand.</p>
7. Renewal Standard	6/6	<p>State law requires renewal decisions to be grounded in the performance framework. In addition, regulations make renewal contingent on performance according to the school’s performance framework.</p>
8. Default Closure	0/6	<p>State law does not provide for default closure for failure to meet minimum academic standards.</p>

**TOTAL POINTS: 21/33, RANK 12 (TIED WITH HI)**

# DISTRICT OF COLUMBIA

**RANK 16, SCORE 19/33**



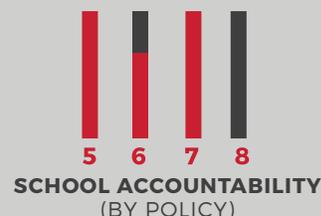
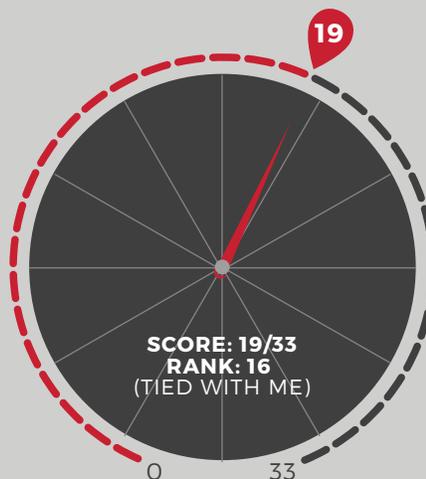
**112 CHARTER SCHOOLS**  
**37,684 CHARTER STUDENTS**  
**44% OF PUBLIC SCHOOL STUDENTS**



**STATE WITH FEW AUTHORIZERS**  
**1 AUTHORIZER**  
**100% ARE AUTHORIZED BY THE PUBLIC CHARTER SCHOOL BOARD**



**YEAR LAW ESTABLISHED: 1996**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	4	1	3	0	3	2	6	0	19/33
2014	4	1	3	0	3	1	6	0	18/33

## NOTEWORTHY IN 2015

### SCORE INCREASE: +1

**Score Change: Performance Management and Replication (+1: Performance Contracts).** After an application is approved, state law provides for the creation of a charter that includes the performance goals agreed to by the authorizer and charter school. This is equivalent to a performance contract and is used by the authorizer as such.

## NACSA RECOMMENDS

- **Codify the use of performance frameworks.** In practice, the sole authorizer uses a performance framework, but nothing in state policy ensures this practice will continue in perpetuity.
- **Endorse robust authorizer standards** that are equivalent in rigor to nationally recognized standards for charter school authorizing.
- **Establish a default closure policy.** In practice, the District of Columbia Public Charter School Board (DCPCSB) uses its rigorous performance framework and a formal five-year review process to, in effect, make closure the expected outcome for failing schools. Codifying that practice in state policy would ensure it continues into the future.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	4/6	Independent Charter Board only.
2. Authorizer Standards	1/3	State law identifies establishing authorizer standards as evaluation criteria but does not provide guidance on the content of the standards.
3. Authorizer Evaluations	3/3	By law, the Comptroller General reviews the authorizer every two years.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	3/3	The sole authorizer's policy is to publish an annual report on the academic performance of its entire portfolio of charter schools.
6. Performance Management & Replication	2/3	State law provides for the creation of a charter agreement that includes school performance goals. State law does not require a performance framework. In practice, the District of Columbia Public Charter School Board uses performance frameworks. The law allows a charter school to add an additional campus under an existing charter.
7. Renewal Standard	6/6	By law, an authorizer may close a charter school for failure to meet student achievement goals in its charter.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards. In law, the sole authorizer is required to review a charter school at least every five years to determine if the charter should be revoked. The practices adopted by the sole authorizer for this review should lead to the closure of failing schools.

**TOTAL POINTS: 19/33, RANK 16 (TIED WITH ME)**

# FLORIDA

## RANK 18, SCORE 18/33



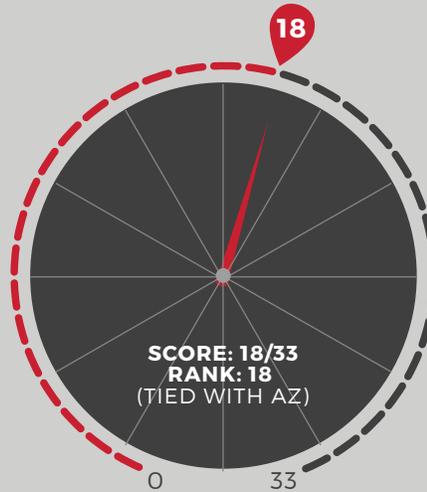
**653** CHARTER SCHOOLS  
**250,583** CHARTER STUDENTS  
**9%** OF PUBLIC SCHOOL STUDENTS



**DISTRICT AUTHORIZING STATE**  
**48** AUTHORIZERS  
**99%** ARE AUTHORIZED BY LEAs



YEAR LAW ESTABLISHED: **1996**



### YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	2	0	0	0	2	2	6	6	18/33
2014	2	0	0	0	0	2	6	6	16/33

### NOTEWORTHY IN 2015

#### SCORE INCREASE: +2

**Score Change: Reports on Performance (+2).** In 2015, NACSA modified the “Reports on Performance” Policy Rubric to reorient the score levels towards the desired outcome of this policy—an annual report on the academic performance of every charter school in each authorizer’s portfolio. This desired outcome is achieved through state law. As such, Florida receives partial points (2/3) in this category. Florida would receive full credit if the reports were generated by authorizers themselves or otherwise verified by authorizers prior to publication.

### NACSA RECOMMENDS

- **Incorporate the Florida Principles & Standards for Quality Charter School Authorizing into law.** These standards give authorizers guidance on executing their responsibilities over all stages of charter school oversight. This includes improving front-end screening of charter school applications to make sure the schools are likely to succeed, conducting regular monitoring, and making renewal and closure decisions.
- **Require authorizers to use performance frameworks with academic, financial, and organizational performance metrics** and incorporate that into the charter contract. This establishes the agreed-upon expectations for school performance before a school is open, providing a basis for on-going accountability and renewal decisions.
- **Enrich the annual reports on school performance** by including data from authorizers on the progress each school is making towards their contractual performance goals.
- **Establish authorizer evaluations.** Evaluations facilitate improvement of authorizer quality and, as a result, help foster quality charter schools. State law should allow as-needed or regular evaluations of authorizers based on the quality of their authorizing practices or the quality of the charter schools in their portfolio. Incorporating the Florida Principles & Standards for Quality Charter School Authorizing into law will provide an important set of benchmarks for these evaluations.
- **Explore a constitutional amendment** that would enable a non-LEA alternative authorizer such as an Independent Charter Board.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	2/6	LEA, limited jurisdiction Higher Education Institution (HEI); SEA considers appeals. Florida constitutionally limits charter school authorizing mostly to its 67 school districts, although HEIs may authorize specified career technical and lab schools. Florida school districts are generally large and, as such, many have large portfolios of charter schools. Florida statute also empowers the State Board of Education to hear charter school appeals, but the original LEA serves as the authorizer if its decision is reversed on appeal.
2. Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers. In 2014, the Florida Department of Education released the Florida Principles & Standards for Quality Charter School Authorizing, which are consistent with national authorizing standards. While NACSA applauds the State and Florida authorizers for voluntarily developing these standards, nothing in state law or rules required the development of these standards or their adoption, use, or endorsement by any authorizer.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	2/3	<b>New in 2015:</b> A charter school must report progress in meeting academic goals to its authorizer. This report is then transmitted by the authorizer to the Commissioner of Education (SEA). Florida would receive full credit if the reports were generated by authorizers themselves or otherwise verified by authorizers prior to publication.
6. Performance Management & Replication	2/3	State statute requires the use of a charter contract but not a performance framework. Multiple high-performing charter schools may operate or replicate under a single governing board.
7. Renewal Standard	6/6	By law, authorizers may decide not to renew a school if it fails to meet the performance goals in its charter.
8. Default Closure	6/6	By law, charter schools that receive an F rating two years in a row must be closed, with few exceptions.

**TOTAL POINTS: 18/33, RANK 18 (TIED WITH AZ)**

# GEORGIA

## RANK 14, SCORE 20/33



**103 CHARTER SCHOOLS**  
**83,277 CHARTER STUDENTS**  
**5% OF PUBLIC SCHOOL STUDENTS**



**DISTRICT AUTHORIZING STATE**  
**46 AUTHORIZERS**  
**87% ARE AUTHORIZED BY LEAS**



**YEAR LAW ESTABLISHED: 2002**



### YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	6	0	3	0	3	2	6	0	20/33
2014	6	0	0	0	0	1	0	0	7/33

### NOTEWORTHY IN 2015

#### SCORE INCREASE: +13

**Reports on Performance (+3).** Rules passed over the last year require authorizers to produce an annual public report on the academic and financial performance of their portfolio of charter schools.

**Performance Management and Replication (+1: Replication).** Rules passed in fall 2014 require authorizers to provide for an expedited review process for renewal, expansion, and replication of high-quality schools.

**Authorizer Evaluations (+3).** Rules passed over the last year require the Department of Education to annually assign authorizers into one of four categories (first-time authorizer, exemplary, adequate, and needs improvement) and then to provide technical assistance to authorizers not in the “exemplary” category. When implemented, this will require a state entity to assess authorizers’ compliance with applicable standards and/or portfolio performance.

**Renewal (+6).** Rules passed over the last year require an authorizer to evaluate a renewal petition based on the charter school’s performance in relation to the expectations and goals in the charter and to take appropriate action based on that evaluation. In addition, the rules specify that an authorizer has a responsibility to enforce clear expectations for, and ensure achievement of, performance goals set forth in a charter agreement. This allows an authorizer to non-renew a school if a school does not achieve their performance goals. As such, this is a strong renewal standard.

### NACSA RECOMMENDS

- **Implement the authorizer evaluation and rating system** to encourage authorizer improvement and provide support to improve the quality of all authorizers in the state.
- **Require authorizers to follow best practices in charter authorizing in accordance with national professional standards.** This provision should be incorporated into the authorizer evaluation system under development.
- **Institute a default closure mechanism** to make closure the presumptive expectation for failing charter schools, barring extenuating circumstances.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	6/6	LEA, Independent Charter Board. Georgia law allows LEAs and the Georgia Charter Schools Commission, an Independent Charter Board, to authorize charter schools. The Commission was established in 2008, ruled unconstitutional in 2011, and then re-established in 2012 after a successful voter referendum.
2. Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
3. Authorizer Evaluations	3/3	<b>New in 2015:</b> Rules passed over the last year require the Department of Education to annually assign authorizers into one of four categories (first-time authorizer, exemplary, adequate, and needs improvement) and then to provide technical assistance to authorizers not in the “exemplary” category. When implemented, this will require a state entity to assess authorizers’ compliance with applicable standards and/or portfolio performance.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer’s portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	3/3	<b>New in 2015:</b> State law requires authorizers to produce an annual public report on the performance of their portfolio of schools. In addition, rules adopted over the last year specify the inclusion of academic performance mechanisms.
6. Performance Management & Replication	2/3	State law requires a charter contract but not a performance framework. <b>New in 2015:</b> Authorizers must provide for an expedited review process for renewal, expansion, and replication of high-quality schools.
7. Renewal Standard	6/6	<b>New in 2015:</b> State rules require authorizers to evaluate renewal petitions based on the charter school’s performance in relation to the expectations and goals in the charter and to take appropriate action based on that evaluation.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 20/33, RANK 14 (TIED WITH TN)**

# HAWAII

**RANK 12, SCORE 21/33**



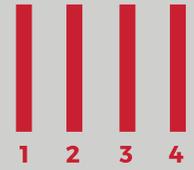
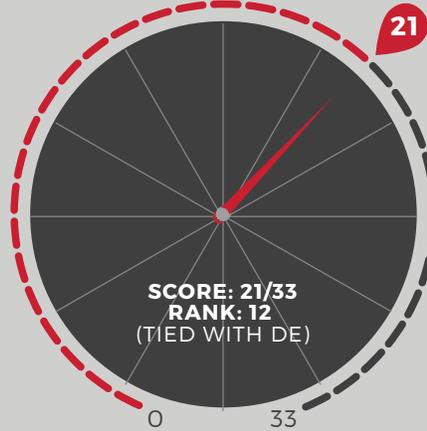
**34** CHARTER SCHOOLS  
**10,413** CHARTER STUDENTS  
**6%** OF PUBLIC SCHOOL STUDENTS



**STATE WITH FEW AUTHORIZERS**  
**1** AUTHORIZER  
**100%** ARE AUTHORIZED BY THE  
HAWAII STATE PUBLIC CHARTER  
SCHOOL COMMISSION



YEAR LAW ESTABLISHED: **1994**



**AUTHORIZER QUALITY**  
(BY POLICY)



**SCHOOL ACCOUNTABILITY**  
(BY POLICY)

## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	<b>6</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>21/33</b>
2014	<b>6</b>	<b>3</b>	<b>3</b>	-	<b>3</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>18/33</b>

## NOTEWORTHY IN 2015

### SCORE INCREASE: +3

**Score Change: Authorizer Sanctions (+3).** State law allows the sanction of additional authorizers if they become active. Structuring authorizer sanctions in this way is appropriate as it preserves the existing authorizer functions while ensuring that there is an accountability system in place if more than two authorizers in a given jurisdiction should ever emerge. In 2014, NACSA did not provide an Authorizer Sanctions score for “States With Few Authorizers.” As such, Hawaii’s policy was not previously scored.

In 2015, Hawaii made two changes to its charter school closure law. The first change creates an automatic closure provision for a charter school that is unable to pay its staff when payroll is due. The second change allows charter schools to give enrollment priority to students who are from a charter school facing closure.

## NACSA RECOMMENDS

- **Institute a strong renewal standard in state policy.** Empower authorizers to close schools that fail to achieve performance goals in the charter contract. Hawaii has historically struggled to enforce accountability, though new regulations and practices of the Hawaii State Public Charter School Commission should give the authorizer more tools to assess a charter school’s performance and hold charter schools accountable. The existing weak renewal statute is still in place, and NACSA is concerned it will undermine the Commission’s ability to employ these new practices and enforce accountability. NACSA encourages Hawaii to fix the underlying law.
- **Create a default closure mechanism** to make closure the expected outcome for failing charter schools.
- **Continue implementation of state policy** to continue enforcing new charter school accountability provisions.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	6/6	Independent Charter Board (Allowed but inactive: Higher Education Institution [HEI], Not-For-Profit [NFP], and Non-Educational Governmental [NEG] entity). <sup>1</sup> Hawaii is unique, having a single LEA/SEA across the state. The Hawaii State Public Charter School Commission, an Independent Charter Board, is the only active authorizer. Other eligible entities must apply to the State Board of Education (SBE) to receive authorizing authority. To date, no other entities have applied to become an authorizer.
2. Authorizer Standards	3/3	State law requires authorizers to develop and maintain authorizing standards consistent with national professional standards.
3. Authorizer Evaluations	3/3	State law does not provide for periodic review of authorizers, but the SBE can evaluate authorizers and must apply nationally recognized principles and standards when evaluating authorizer performance.
4. Authorizer Sanctions	3/3	State law allows the sanction of additional NEG or HEI authorizers if they become active. State law allows sanctions for poor portfolio performance or failure to meet standards for quality authorizing. Sanctions can include revocation of authorizing power or authority to grant new charters. Structuring authorizer sanctions in this way is appropriate as it preserves the existing authorizer functions while ensuring there is an accountability system in place if more than two authorizers in a given jurisdiction should ever emerge.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	3/3	By law, authorizers must provide an annual public report summarizing the academic performance of all schools in its portfolio as measured by state standards.
6. Performance Management & Replication	3/3	State law requires a charter contract and a performance framework. The law also allows multiple schools to operate under a single governing board.
7. Renewal Standard	0/6	State law allows “sufficient progress” to be sufficient for a charter to be renewed. The charter law and associated rules have changed to strengthen the charter renewal process and provide the authorizer with additional tools to evaluate charter school performance and enforce charter school accountability. NACSA is encouraged by these changes and hopes the Commission will be able to use these tools to enforce a strong renewal standard in practice.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 21/33, RANK 12 (TIED WITH DE)**

<sup>1</sup>In Hawaii, the NEG authorizers are county agencies or state agencies.

# IDAHO

**RANK 20, SCORE 16/33**



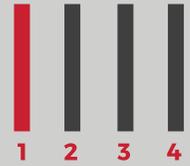
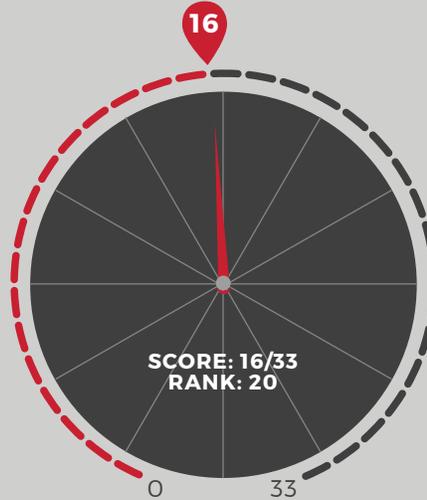
**48 CHARTER SCHOOLS**  
**20,449 CHARTER STUDENTS**  
**7% OF PUBLIC SCHOOL STUDENTS**



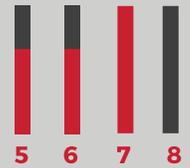
**STATE WITH MANY AUTHORIZERS**  
**14 AUTHORIZERS**  
**69% AUTHORIZED BY THE**  
**IDAHO PUBLIC CHARTER**  
**SCHOOL COMMISSION**



**YEAR LAW ESTABLISHED: 1996**



**AUTHORIZER QUALITY**  
 (BY POLICY)



**SCHOOL ACCOUNTABILITY**  
 (BY POLICY)

## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	6	0	0	0	2	2	6	0	16/33
2014	6	0	0	0	2	2	6	0	16/33

## NACSA RECOMMENDS

- **Continue implementation of strong performance management policies passed in 2013.**
- **Endorse professional standards for charter school authorizing.** In practice, the Idaho Public Charter School Commission employs many best practices in charter school authorizing. Codifying the expectation that all authorizers follow professional standards will ensure consistent high quality across the authorizing sector.
- **Institute a default closure policy** to make closure the expected outcome for failing charter schools.
- **Consider policies that encourage the replication of high-performing charter schools,** such as allowing a single charter school governing board to operate multiple charter schools.
- **Consider adopting authorizer screening, evaluation, and sanction policies if alternative authorizers become active.** State law allows Higher Education Institutions to authorize charter schools. The state would benefit from additional authorizer quality initiatives, such as authorizer applications or other screening processes, such as those adopted in Minnesota or Indiana. These initiatives are quality control measures that ensure only authorizers with a commitment to quality are allowed to authorize. These policies would prevent authorizer shopping activities from eroding charter school accountability, a problem in states with more than two non-LEA authorizers.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	6/6	LEA, Independent Charter Board (Allowed but inactive: Higher Education Institution). The Idaho Public Charter School Commission is the dominant authorizer, with 13 LEAs authorizing the remaining schools. Idaho has a large virtual charter school sector.
2. Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers. In practice, the Commission employs many best practices in charter school authorizing.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	2/3	State law requires authorizers to produce an annual public performance report on each charter school they oversee, based on the school's performance framework, but it is not a consolidated report on their portfolio. The Commission, in practice, produces an annual report on the performance of its portfolio of charter schools.
6. Performance Management & Replication	2/3	State law requires a charter contract and a performance framework. The law does not explicitly encourage or address replication of successful schools.
7. Renewal Standard	6/6	By law, renewal decisions must be grounded in the performance framework.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 16/33, RANK 20**

# ILLINOIS

**RANK 26, SCORE 14/33**



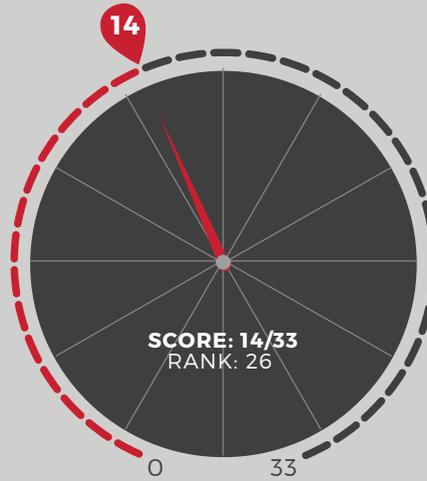
**148 CHARTER SCHOOLS**  
**62,429 CHARTER STUDENTS**  
**3% OF PUBLIC SCHOOL STUDENTS**



**DISTRICT AUTHORIZING STATE**  
**13 AUTHORIZERS**  
**97% ARE AUTHORIZED BY LEAs**



**YEAR LAW ESTABLISHED: 1996**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	4	3	0	3	3	1	0	0	14/33
2014	4	3	0	-	3	1	0	0	11/33

## NOTEWORTHY IN 2015

### SCORE INCREASE: +3

**Score Change: Authorizer Sanctions (+3).** State law allows sanctions for not adhering to high-quality authorizer practices but not for poor performance of their charter school portfolio. Sanctions can include removal of authorizing power or authority to grant new charters. In 2014, NACSA did not provide an Authorizer Sanctions score for “District Authorizing States.” As such, Illinois’ policy was not previously scored.

## NACSA RECOMMENDS

- **Preserve the Illinois State Charter School Commission.** Recent legislative efforts have attempted to dissolve the Commission. Illinois must prioritize the preservation of the Commission as a necessary appellate body. In addition, it would be ideal to allow the Commission to receive charter applications directly, rather than through appeals only.
- **Codify into law a requirement for authorizers to use performance frameworks and replication incentives,** which are already used by Chicago Public Schools.
- **Institute a strong renewal standard** that empowers authorizers to close schools that fail to achieve the performance goals in the charter contract.
- **Designate a state oversight entity to conduct authorizer evaluations, as needed.** Illinois law currently allows for authorizer sanctions, but there is no evaluative mechanism to officially gather evidence for such an action. Law should designate an entity with that responsibility and empower it to conduct authorizer evaluations, as needed. Evaluations also serve as a barometer of authorizer activities and can inform changes in practice and policy.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	4/6	LEA, Independent Charter Board (ICB) on appeal. The Illinois State Charter School Commission, an ICB, may approve schools on appeal. Charter schools are primarily located in Chicago, with Chicago Public Schools serving as authorizer of 124 schools, or 89% of all charter schools in Illinois.
2. Authorizer Standards	3/3	By law, the Illinois State Charter School Commission and all LEAs overseeing charters shall carry out all their chartering duties in a manner consistent with nationally recognized principles and standards of charter school authorizing.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	3/3	<b>New in 2015:</b> State law allows for sanctions for not adhering to high-quality authorizer practices but not for poor performance of their charter school portfolio. Sanctions can include removal of authorizing power or authority to grant new charters.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	3/3	By law, authorizers are required to report annually on the academic performance of all charter schools in their portfolio as measured by state standards.
6. Performance Management & Replication	1/3	State law requires a charter contract but not a performance framework or replication policy.
7. Renewal Standard	0/6	State law allows “reasonable progress” to be sufficient for a charter to be renewed.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 14/33, RANK 26**

# INDIANA

**RANK 1, SCORE 33/33**



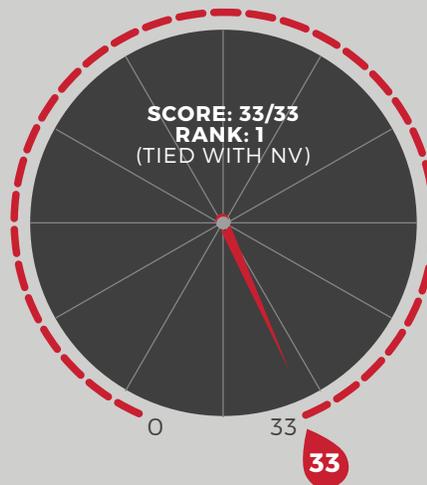
**79 CHARTER SCHOOLS**  
**37,448 CHARTER STUDENTS**  
**4% OF PUBLIC SCHOOL STUDENTS**



**STATE WITH MANY AUTHORIZERS**  
**7 AUTHORIZERS**  
**3 AUTHORIZERS** WITH 5 OR MORE SCHOOLS



**YEAR LAW ESTABLISHED: 2001**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	6	3	3	3	3	3	6	6	33/33
2014	6	3	0	3	3	2	6	6	29/33

## NOTEWORTHY IN 2015

### SCORE INCREASE: +4

**Authorizer Evaluations (+3).** New law in 2015 establishes an authorizer application process for new Higher Education Institution authorizers to be conducted by the State Board of Education. Potential new authorizers must demonstrate their commitment to quality authorizing and charter school accountability through several application requirements and assurances. The State Board may grant six-year contracts to new authorizers, with contract extensions contingent on specified performance terms.

**Performance Management and Replication (+1: Performance Frameworks).** New authorizers must use a performance framework. In addition, new and existing authorizers must make renewal decisions based on a school's performance according to the performance framework in a charter contract.

Indiana added provisions to prevent authorizer shopping, which is when charter schools change authorizers to avoid closure or scrutiny.

## NACSA RECOMMENDS

- *Indiana has all of NACSA's recommended policies in law.*

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	6/6	LEA, Higher Education Institution (HEI), Independent Charter Board (ICB), Non-Education Government entity. <sup>1</sup> In practice, there are nine active authorizers of varying sizes, with Ball State University, the Mayor of Indianapolis, and the Indiana Charter Board (an ICB) each maintaining mid-sized to large portfolios that account for most of the 75 charter schools in the state. State law allows state HEIs offering four-year undergraduate degrees and 30 different not-for-profit HEIs to become active authorizers at any time. <b>New in 2015:</b> New authorizers after 2015 must apply to the State Board of Education (SBE) for the authority to authorize charter schools. The SBE evaluates the application and can decide to grant authorizing authority for a six-year term.
2. Authorizer Standards	3/3	State law requires all authorizers to adopt standards for quality charter school authorizing.
3. Authorizer Evaluations	3/3	<b>New in 2015:</b> New authorizers must be approved through an authorizer application process conducted by the SBE. These authorizers must meet various quality assurances to continue authorizing after that initial term.
4. Authorizer Sanctions	3/3	By law, an authorizer may be sanctioned if the SBE has intervened to close or transfer 25% or more of its schools.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	3/3	State law requires authorizers to produce an annual public report that includes all testing, growth, and improvement data for each charter school.
6. Performance Management & Replication	3/3	State law requires a charter contract. Boards holding multiple charters may apply to consolidate tuition distributions within the state, mirroring an attribute of multi-campus charters. <b>New in 2015:</b> New authorizers must use a performance framework. In addition, new and existing authorizers must make renewal decisions based on a school's performance according to the performance framework in a charter contract.
7. Renewal Standard	6/6	By law, renewal requires meeting minimum academic standards. In addition, an authorizer shall make renewal decisions based upon evidence of the school's performance over the term of the charter contract.
8. Default Closure	6/6	By law, a school remaining in the lowest state group—or with a designation of School Improvement—in the third year after its initial placement in the lowest group, shall be closed.

**TOTAL POINTS: 33/33, RANK 1 (TIED WITH NV)**

<sup>1</sup>The Mayor of Indianapolis is the only Non-Education Government entity that may authorize charter schools.

# IOWA

**RANK 38, SCORE 4/33**



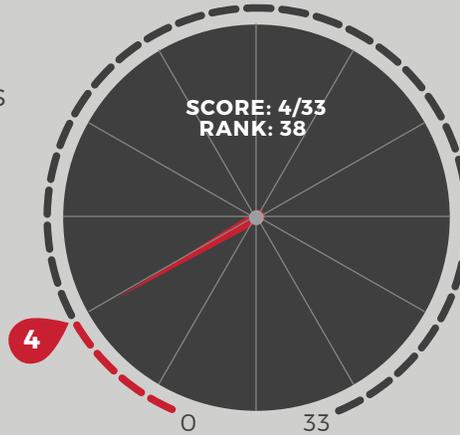
**3 CHARTER SCHOOLS**  
**322 CHARTER STUDENTS**  
**<1% OF PUBLIC SCHOOL STUDENTS**



**DISTRICT AUTHORIZING STATE**  
**3 AUTHORIZERS**  
**100% ARE AUTHORIZED BY LEAs**



**YEAR LAW ESTABLISHED: 2002**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	4	0	0	0	0	0	0	0	4/33
2014	4	0	0	0	0	0	0	0	4/33

## NACSA RECOMMENDS

- ***Iowa has a moribund charter law. Creating legally autonomous schools should be the primary policy goal for the state.*** Policy should ensure that schools have a legally autonomous governing board and autonomy in crucial areas of school operations.
- ***Eliminate the dual-approval system and empower school districts and an alternative authorizer to directly approve charter schools.*** Iowa is one of only four states with a dual-approval system, which is nearly synonymous with limited autonomy charter schools. The dual-approval system should be eliminated and school districts and a statewide alternative authorizer should be empowered to directly approve legally autonomous charter schools.
- ***Endorse professional standards for charter school authorizing.***
- ***Create a strong renewal standard*** that directly links school academic performance to renewal.
- ***Require contracts, performance frameworks, and annual performance reports for all charter schools.***

## THE SCORE<sup>1</sup>

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	4/6	LEA, SEA on appeal. Iowa allows LEA authorizers and empowers the SEA to authorize on appeal. The SEA must also approve all charter contracts issued by LEAs, a process referred to as dual approval. Although the SEA has the power to authorize on appeal, it has not yet done so.
2. Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their portfolio of schools.
6. Performance Management & Replication	0/3	State law requires no charter contract, performance framework, or replication policy.
7. Renewal Standard	0/6	State law does not specify provisions for renewing charters.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 4/33, RANK 38**

<sup>1</sup>Iowa has a moribund charter school law. Creating legally autonomous schools and a viable alternative authorizer should be the primary policy goals for the state.

# KANSAS

**RANK 43, SCORE 0/33**



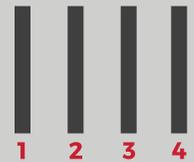
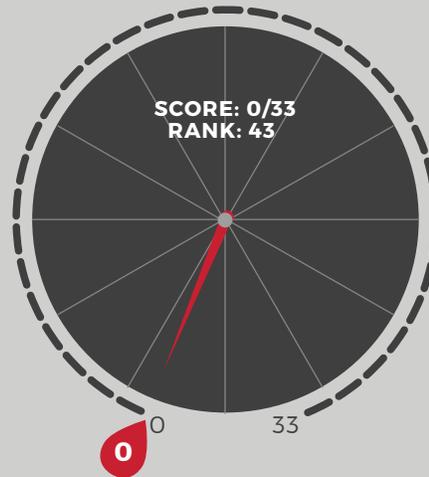
**11 CHARTER SCHOOLS**  
**2,677 CHARTER STUDENTS**  
**1% OF PUBLIC SCHOOL STUDENTS**



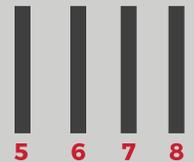
**DISTRICT AUTHORIZING STATE**  
**11 AUTHORIZERS**  
**100% ARE AUTHORIZED BY LEAs**



**YEAR LAW ESTABLISHED: 1994**



**AUTHORIZER QUALITY**  
(BY POLICY)



**SCHOOL ACCOUNTABILITY**  
(BY POLICY)

## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	0	0	0	0	0	0	0	0	<b>0/33</b>
2014	0	0	0	0	0	0	0	0	<b>0/33</b>

## NACSA RECOMMENDS

- **Kansas has a moribund charter law. Creating legally autonomous schools should be the primary policy goal for the state.** Policy should ensure that schools have a legally autonomous governing board and autonomy in crucial areas of school operations.
- **Create an alternative authorizer or, at a minimum, an appellate authorizer.** Kansas is one of only three states that allow only LEAs to authorize charter schools; in addition, Kansas has no appeals system. This severely limits charter schools.
- **Endorse professional standards for charter school authorizing.**
- **Create a strong renewal standard** that directly links school academic performance to renewal.
- **Require contracts, performance frameworks, and annual performance reports for all charter schools.**

## THE SCORE<sup>1</sup>

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	0/6	LEA only.
2. Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their portfolio of schools.
6. Performance Management & Replication	0/3	State law requires no charter contract, performance framework, or replication policy.
7. Renewal Standard	0/6	State law does not specify provisions for renewing charters.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 0/33, RANK 43**

<sup>1</sup> Kansas has a moribund charter school law. Creating legally autonomous schools and a viable alternative authorizer should be the primary policy goals for the state.

# LOUISIANA

**RANK 10, SCORE 24/33**



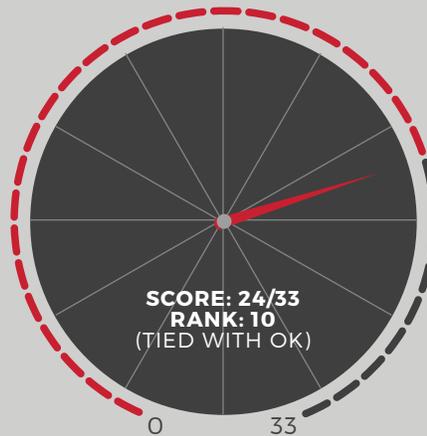
**129 CHARTER SCHOOLS**  
**69,078 CHARTER STUDENTS**  
**10% OF PUBLIC SCHOOL STUDENTS**



**STATE WITH FEW AUTHORIZERS**  
**11 AUTHORIZERS**  
**73% ARE AUTHORIZED BY THE STATE BOARD OF EDUCATION**



**YEAR LAW ESTABLISHED: 1995**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	6	3	3	3	0	3	6	0	24/33
2014	6	3	2	-	0	1	6	0	18/33

## NOTEWORTHY IN 2015

### SCORE INCREASE: +5

**Performance Management and Replication (+2: Performance Frameworks, Replication).** State rules allow high-performing charter schools to open and operate additional campuses if they meet several performance criteria. The charter contract must include the specific student standards for renewal on academic, financial, and operational grounds, akin to a performance framework. For schools authorized by the Board of Education, this is detailed in a performance framework, called a “performance compact,” that includes criteria in three categories: student performance, financial performance, and organizational performance.

**Score Change: Authorizer Sanctions (+3).** State law allows the sanction of additional “local charter school authorizers” if they become active. Structuring authorizer sanctions in this way is appropriate as it preserves the existing authorizer functions while ensuring there is an accountability system in place if more than two authorizers in a given jurisdiction should ever emerge. In 2014, NACSA did not provide an Authorizer Sanctions score for “States With Few Authorizers.” As such, Louisiana’s policy was not previously scored.

**Score Change: Authorizer Evaluations (+3).** The Louisiana statute was incorrectly scored in 2014. The State requires an authorizer evaluation for local charter authorizers

## NACSA RECOMMENDS

- **Require all authorizers to include school performance information in their annual reports.** Louisiana statute already requires all charter school authorizers to submit an annual report to the State Board on their portfolios of charter schools, but this report does not include school performance information. This report should be modified to include school performance information.
- **Extend the default closure policy used by the Louisiana Board of Elementary and Secondary Education (BESE) to all authorizers and all charter schools.** State policy currently requires the non-renewal of failing charter schools authorized by BESE, but not for charter schools under other authorizers. This policy should be extended to all authorizers.
- **Continue creating and implementing policies to address the unique challenges of New Orleans’s all-charter district.** Policies already developed for areas such as transportation, enrollment procedures, charter school restarts, and student discipline serve as important models for the rest of the country. As the proportion of charter schools increases in other locales, policymakers are increasingly turning to New Orleans for data on the effect of systemwide policy initiatives.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	6/6	LEA, SEA, limited jurisdiction Recovery School District (RSD) (Allowed but inactive: Higher Education Institution [HEI], Not-For-Profit [NFP], Non-Education Government entity [NEG]). The Louisiana Board of Elementary and Secondary Education (BESE), through the statewide RSD, oversees 73% of all charter schools in the state, while 10 school districts oversee the remaining charter schools. All public schools operating in New Orleans are charter schools. NEGs are limited to state agencies and, along with HEIs and NFPs, must apply to BESE to become an officially designated “local charter authorizer.” No NEGs, HEIs, or NFPs have applied to become charter school authorizers.
2. Authorizer Standards	3/3	State law requires authorizers to develop standards. For the review of charter applications, the standards authorizers develop and employ must comply with NACSA’s <i>Principles &amp; Standards for Quality Charter School Authorizing</i> .
3. Authorizer Evaluations	3/3	“Local charter authorizers” <sup>1</sup> are reviewed regularly, but LEAs and the SEA are not subject to evaluation.
4. Authorizer Sanctions	3/3	Applies only to “local charter authorizers.” State law allows sanctions for poor portfolio performance or failure to meet standards for quality authorizing. Sanctions can include revocation of authorizing power or authority to grant new charters. Structuring authorizer sanctions in this way is appropriate as it preserves the existing authorizer functions while ensuring there is an accountability system in place if more than two authorizers in a given jurisdiction should ever emerge.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their portfolios of charter schools.
6. Performance Management & Replication	3/3	State law requires a charter contract. Rules require a performance framework, called a “performance compact.” Rules allow high-performing charter schools to open additional campuses through a streamlined process.
7. Renewal Standard	6/6	By law, if a charter school is not achieving its stated goals, its charter shall not be extended.
8. Default Closure	0/6	State policy does not provide for default closure for failure to meet minimum academic standards for all authorizers. State policy does set a minimum academic performance threshold for charter schools authorized by BESE. Schools receiving a D or F in the year prior to renewal are not eligible for renewal unless defined exceptional circumstances apply.

**TOTAL POINTS: 24/33, RANK 10 (TIED WITH OK)**

<sup>1</sup> State law defines “local charter authorizers” as HEI, NFP, and NEG authorizers.

# MAINE

**RANK 16, SCORE 19/33**



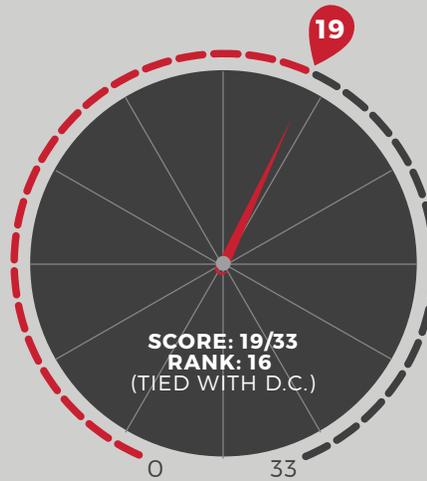
**6 CHARTER SCHOOLS**  
**857 CHARTER STUDENTS**  
**<1% OF PUBLIC SCHOOL STUDENTS**



**STATE WITH FEW AUTHORIZERS**  
**1 AUTHORIZER**  
**100% ARE AUTHORIZED BY THE MAINE CHARTER SCHOOL COMMISSION**



**YEAR LAW ESTABLISHED: 2011**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	6	3	3	1	3	3	0	0	19/33
2014	6	3	3	1	3	3	0	0	19/33

## NOTEWORTHY IN 2015

The Maine Charter School Commission is preparing for its first renewal cycles in the coming years. This includes the adoption of numerous regulations and procedures governing standards for charter school renewal and renewal processes.

## NACSA RECOMMENDS

- Continue work by the Commission to put policies and practices in place for a rigorous first renewal cycle with a strong renewal standard.** NACSA anticipates the Commission will employ state policy to enforce a strong renewal standard based on the achievement of academic goals. At this time, state policy—which encompasses statute, rules, and regulations—contains provisions that can be interpreted as a strong renewal policy (based on achieving performance goals) or a weak renewal policy (based on progress toward performance goals). This variable renewal policy environment is present in a handful of other states; in those states, the history of implementation has enabled NACSA to determine if a state has a strong or weak renewal standard. However, Maine has not yet conducted a renewal cycle and, as such, NACSA is unable to determine if the interplay of state policies empower authorizers to uphold a strong standard for renew. NACSA believes it will and, after the first renewal cycles this year and next, anticipates awarding Maine full points in this category.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	6/6	LEA, Independent Charter Board (ICB). The Maine Charter School Commission (an ICB) is limited to 10 charter schools until 2021, while LEAs may authorize an unlimited number of charter schools. To date, the Commission is the only active authorizer.
2. Authorizer Standards	3/3	State law requires the State Department of Education to establish policies and practices consistent with nationally recognized principles and professional standards for authorizers.
3. Authorizer Evaluations	3/3	State law allows the State Department of Education to investigate and evaluate authorizers' performance.
4. Authorizer Sanctions	1/3	State law allows sanctions for failure to meet standards for quality authorizing but not for poor portfolio performance. Sanctions can include revocation of authority to grant new charters or renew existing charters.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	3/3	State law requires authorizers to submit an annual report on every charter school's academic performance according to the charter's performance measures and expectations.
6. Performance Management & Replication	3/3	State law requires a charter contract and a performance framework, and allows multiple schools under one board.
7. Renewal Standard	0/6	<b>New in 2015:</b> State policies contain variable provisions governing charter school renewal that allows both "reasonable progress" to be sufficient for a charter to be renewed (a weak renewal standard) and grounds renewal decisions on the performance of the school in accordance with their performance goals (a strong renewal standard). Because Maine has not yet conducted a renewal cycle, it is unclear at this point if the policy enables the authorizer to enforce a strong renewal standard. NACSA believes the Commission will use these policies to enforce a strong renewal standard, as evidenced by regulations and processes adopted in 2014 and 2015, and anticipates awarding Maine full points after the first renewal cycle is conducted.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 19/33, RANK 16 (TIED WITH D.C.)**

# MARYLAND

**RANK 41, SCORE 2/33**



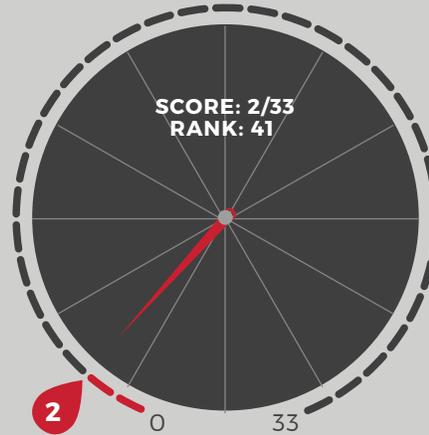
**53 CHARTER SCHOOLS**  
**20,800 CHARTER STUDENTS**  
**2% OF PUBLIC SCHOOL STUDENTS**



**DISTRICT AUTHORIZING STATE**  
**6 AUTHORIZERS**  
**100% ARE AUTHORIZED BY LEAs**



**YEAR LAW ESTABLISHED: 2003**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	2	0	0	0	0	0	0	0	2/33
2014	2	0	0	0	0	0	0	0	2/33

## NOTEWORTHY IN 2015

In 2015, Maryland passed charter school reform in key areas of school autonomy, teacher certification, funding, and student enrollment. However, these reforms did not impact charter school authorizing policy; therefore, there is no change in Maryland's score.

## NACSA RECOMMENDS

- **Creating legally autonomous schools across the state should be the primary policy goal.** Policy should ensure that all charter schools in all school districts have a legally autonomous governing board and autonomy in crucial areas of school operations.
- **Endorse professional standards for charter school authorizing.**
- **Create a strong renewal standard that directly links school academic performance to renewal.**
- **Require contracts, performance frameworks, and annual performance reports for all charter schools.**

## THE SCORE<sup>1</sup>

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	2/6	LEA, SEA considers appeals. <sup>2</sup> State law allows the State Board of Education to hear appeals, but the original LEA serves as the authorizer if its decision is reversed on appeal.
2. Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their portfolio of schools.
6. Performance Management & Replication	0/3	State law requires no charter contract, performance framework, or replication policy.
7. Renewal Standard	0/6	State law does not specify provisions for renewing charters.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

## TOTAL POINTS: 2/33, RANK 41

<sup>1</sup>Arguably, Maryland's law could be classified as a moribund law. The law does not explicitly provide any charter schools with separate, legally autonomous charter school governing boards. The law does not grant charter schools a waiver from any local or state laws or regulations. Instead, charter schools must individually apply to their LEA authorizer or the State Board of Education for any autonomies it seeks. However, individual schools may be granted autonomy and operate with the freedom usually found in states with live laws. The law requires each LEA to develop a charter school policy and, in practice, some LEAs have policies that provide additional autonomies. As a result, the governing structure of charter schools and the degree of charter school autonomy vary considerably from school to school and from district to district.

<sup>2</sup>The State Board of Education may directly authorize "restructured schools," one of the district school interventions under Maryland's No Child Left Behind Act compliance.

# MASSACHUSETTS

**RANK 21, SCORE 15/33**



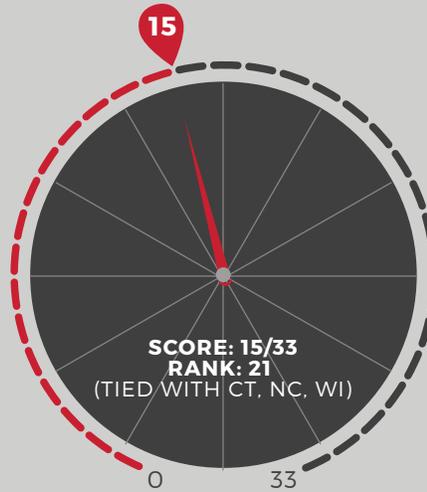
**78 CHARTER SCHOOLS**  
**37,402 CHARTER STUDENTS**  
**4% OF PUBLIC SCHOOL STUDENTS**



**STATE WITH FEW AUTHORIZERS**  
**1 AUTHORIZER**  
**100% ARE AUTHORIZED BY THE STATE BOARD OF ELEMENTARY & SECONDARY EDUCATION**



**YEAR LAW ESTABLISHED: 1993**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	4	0	0	0	2	3	6	0	15/33
2014	4	0	0	-	0	2	0	0	6/33

## NOTEWORTHY IN 2015

### SCORE INCREASE: +9

**Score Change: Renewal Standard (+6).** Massachusetts's regulations require the State Board of Elementary and Secondary Education (BESE) to base its renewal decision upon affirmative evidence of the success of the school's academic programs. Guidance from the Department of Education further links these criteria to the achievement of academic goals in the charter contract. Together, these state policies create a strong renewal standard amidst a state charter law that otherwise would enable a weaker standard for renewal. This score is a result of a re-examination of Massachusetts's full range of rules and regulations in 2015 to analyze the relationships between interconnected regulations and laws.

**Score Change: Reports on Performance (+2).** In 2015, NACSA modified the "Reports on Performance" policy rubric to reorient the score levels towards the desired outcome of this policy—an annual report on the academic performance of every charter school in each authorizer's portfolio. This desired outcome is achieved through state regulations. As such, Massachusetts receives partial points (2/3) in this category.

**Score Change: Performance Management and Replication (+1: Performance Frameworks).** State regulations require the authorizer and charter school to agree to an accountability plan with academic and operational performance goals. This is structurally the same as a performance framework.

## NACSA RECOMMENDS

- **Require all charter school annual reports to be published in one location on a consolidated website, such as the Department of Education's charter school website.** Currently these reports are available on individual school websites and also available to the public by request to the Department of Education, but they are not easily accessible in a single consolidated location. This minor change would make it easier to access performance information for every charter school and qualify for full points.
- **Codify the expectation that the authorizer follows professional standards for authorizers.** In practice, BESE uses practices consistent with much of NACSA's *Principles & Standards for Quality Charter School Authorizing*. However, nothing in state policy ensures it will continue to do so in perpetuity. This expectation should be codified.
- **Remove or significantly reform the charter school cap system.**

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	4/6	SEA. The Board of Elementary and Secondary Education (BESE) is the only authorizer. The Department of Education provides the necessary professional staff. Massachusetts classifies two different types of charter schools (Commonwealth charters and Horace Mann charters) that have different approval requirements. In addition, Massachusetts has various charter school caps relating to the total number of each type of charter school in the state, the school enrollment size, and the home district population size. There are some cap exemptions for charter schools in the lowest-performing school districts.
2. Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers. The sole authorizer voluntarily engages in many practices that are consistent with best practices in charter school authorizing.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	2/3	<b>New in 2015:</b> State law does require each charter school to submit annual reports on its performance. These reports are made available to the public on the school's individual websites and can be requested through the Department of Education, but these reports are not required to be accessible to the public in a single, consolidated location. As such it does not receive full points on NACSA's rubric.
6. Performance Management & Replication	3/3	State regulations require a charter contract. Regulations allow multiple campuses under a single charter and provide successful school operators exclusive access to specified jurisdictions. <sup>1</sup> <b>New in 2015:</b> State regulations require an accountability plan, structurally the same as a performance framework.
7. Renewal Standard	6/6	<b>New in 2015:</b> State law allows "reasonable progress" to be sufficient for a charter to be renewed. However, state regulations and Department guidance provide further renewal requirements. In order to grant renewal, BESE must find affirmative evidence of academic success, linked to a school's performance goals, to renew a charter school. By effectively using the regulatory process to, in essence, define "reasonable progress" as fulfilling charter school goals, Massachusetts is able to create a strong renewal standard.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 15/33, RANK 21 (TIED WITH CT, NC, NM, WI)**

<sup>1</sup>Those wishing to seek proven provider status submit to an application process run by the Commissioner. Approved proven providers can then submit applications to school districts performing in the lowest 10% statewide

and in which the 9% net school spending is or would be exceeded. Proven providers are the only applicants that can apply to operate charter schools in these jurisdictions.

# MICHIGAN

## RANK 34, SCORE 9/33



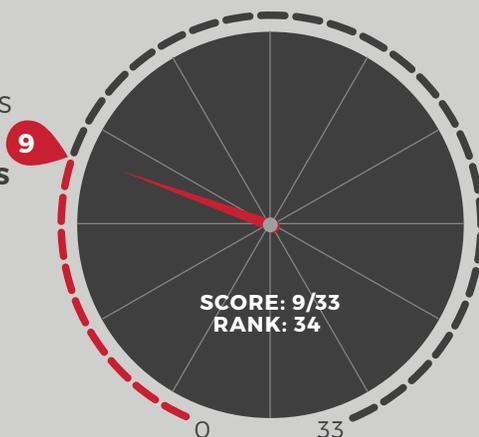
**307 CHARTER SCHOOLS**  
**138,949 CHARTER STUDENTS**  
**9% OF PUBLIC SCHOOL STUDENTS**



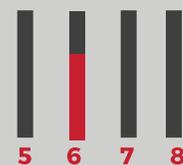
**STATE WITH MANY AUTHORIZERS**  
**40 AUTHORIZERS**  
**11 AUTHORIZERS WITH 5 OR MORE SCHOOLS**



**YEAR LAW ESTABLISHED: 1993**



**AUTHORIZER QUALITY**  
 (BY POLICY)



**SCHOOL ACCOUNTABILITY**  
 (BY POLICY)

## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	6	0	0	1	0	2	0	0	9/33
2014	6	0	0	1	0	2	0	0	9/33

## NOTEWORTHY IN 2015

In late 2014, for the first time, the State Superintendent identified authorizers “At Risk of Suspension” based on stated factors of charter school portfolio performance and an authorizer’s engagement in appropriate continuing oversight of charter schools in the areas of accountability, transparency, and fiscal governance. Lacking statute or rules, this action does not earn Michigan additional points.

The Michigan Council of Charter School Authorizers is in the process of developing an authorizer accreditation system. It is unknown at the time of publication what factors will be considered and it currently has no force of law. The Council has stated their intent to incorporate the accreditation into state policy to fulfill the functions of authorizer standards, authorizer evaluations, and authorizer sanctions while possibly requiring authorizers to use several performance management practices as well.

## NACSA RECOMMENDS

- **Endorse professional charter school authorizing standards.**
- **Require regular authorizer evaluations.** Michigan is the only state with multiple non-LEA authorizers that does not have authorizer evaluation explicitly in state policy. The efforts by the Superintendent and the Michigan Council of Charter School Authorizers are promising starts. A system of authorizer evaluation must be further developed and formally incorporated into state policy to give it the full weight of the law.
- **Strengthen authorizer sanctions.** Sanctions for underperforming authorizers should include the ability to revoke an authorizer’s authority to issue new charter contracts and oversee existing schools. These possible sanctions should apply to authorizers that fail in their duties, demonstrate poor practices or conduct, or oversee portfolios with too many persistently low-performing schools.
- **Make the default closure provision enforceable by updating the outdated statutory references.** This technical oversight should be remedied immediately.
- **Institute a strong renewal standard.**
- **Require all authorizers to use performance frameworks.** Many Michigan authorizers already use performance frameworks.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	6/6	LEA, Higher Education Institution (HEI), a statewide recovery school district with limited jurisdiction (the Education Achievement Authority [EAA]). LEA authorizers include both traditional school districts and regional bodies that can encompass multiple districts. There are 11 HEIs that authorize 82% of all charter schools in the state. Most HEI authorizers have a significant portfolio of more than 10 charter schools. The EAA is limited to certain new school and conversion efforts in specific school catchment zones where existing schools demonstrate failing performance.
2. Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing. <b>New in 2015:</b> The Michigan Council of Charter School Authorizers is developing an authorizer accreditation system. It is unknown at the time of publication what factors will be considered and it currently has no force of law. The Council has stated their intent to incorporate the accreditation into state policy.
4. Authorizer Sanctions	1/3	The State Superintendent may suspend an authorizer's ability to issue new contracts if the authorizer is not conducting appropriate oversight. <b>New in 2015:</b> In late 2014, for the first time, the Superintendent identified authorizers "At Risk of Suspension" based on stated factors of charter school portfolio performance and an authorizer's engagement in appropriate continuing oversight of charter schools in the areas of accountability, transparency, and fiscal governance. As of this publication, no statute or rules have been put in place to clearly enable this type of authorizer evaluation, establish the criteria for evaluation or sanction, or make it a regular or as-needed occurrence. Lacking statute or rules, this action does not earn Michigan additional points.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their portfolio of schools. In practice, some authorizers do produce annual reports on the performance of their portfolio of charter schools.
6. Performance Management & Replication	2/3	State law requires a charter contract but not a performance framework. The law allows multiple schools under a single charter.
7. Renewal Standard	0/6	State law allows "reasonable progress" to be sufficient for a charter to be renewed.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards. Michigan has a default closure provision in law but the state accountability structure that forms the statutory basis for the law is not currently in use. The default closure law is statutorily linked to two processes used in Michigan for compliance with the No Child Left Behind Act of 2001 and the American Recovery and Reinvestment Act of 2009: the Persistently Lowest Achieving Schools list and official federal school sanction levels. Michigan is currently under an Elementary and Secondary Education Act waiver and, as such, is not engaged in either of these specific processes as they are defined in the statute linked to the default closure law. As such, it is unenforceable in practice and does not receive any points.

**TOTAL POINTS: 9/33, RANK 34**

# MINNESOTA

**RANK 6, SCORE 26/33**



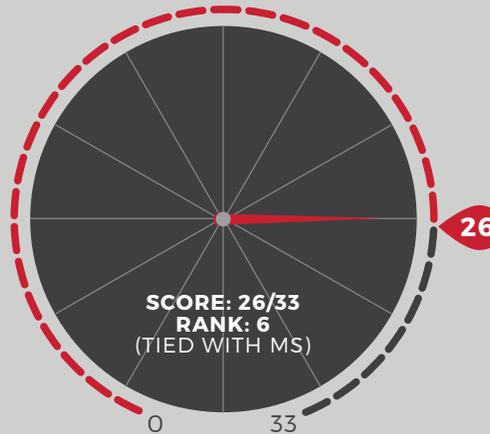
**158 CHARTER SCHOOLS**  
**45,322 CHARTER STUDENTS**  
**5% OF PUBLIC SCHOOL STUDENTS**



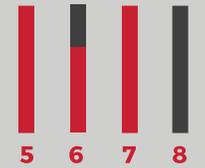
**STATE WITH MANY AUTHORIZERS**  
**23 AUTHORIZERS**  
**11 AUTHORIZERS WITH 5 OR MORE SCHOOLS**



**YEAR LAW ESTABLISHED: 1991**



**AUTHORIZER QUALITY (BY POLICY)**



**SCHOOL ACCOUNTABILITY (BY POLICY)**

## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	6	3	3	3	3	2	6	0	26/33
2014	6	3	3	3	3	2	6	0	26/33

## NACSA RECOMMENDS

- **Require all authorizers to use performance frameworks.** Many authorizers in Minnesota already use performance frameworks and regularly demonstrate their use statewide and nationally. This would ensure all authorizers in the state engage in this practice.
- **Continue developing charter school transfer provisions to prevent authorizer shopping.** These provisions prevent authorizers from inappropriately facilitating forum shopping or authorizer shopping by weak schools.
- **Establish a default closure provision that makes closure the expected outcome for failing charter schools.** The number of active authorizers in Minnesota can present challenges for school accountability, as schools have many authorizers they can transfer to in order to stay open. A default closure provision, tied to reasonable charter school transfer limitations, would help ensure charter school accountability was consistently enforced and honored by all authorizers.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	6/6	LEA, Higher Education Institution (HEI), Not-For-Profit (NFP). Non-LEA authorizers may authorize schools statewide. Legislation passed in 2009 requires all authorizers (both prospective and then-operating) to be approved by the State Department of Education and reviewed every five years. Since the law's passage, Minnesota has created and is implementing the nation's first state-led system to solicit and evaluate authorizer applications. After the first rounds of authorizer approval, the number of active authorizers fell from a high of 55 in 2009 to 26 in 2014.
2. Authorizer Standards	3/3	State law requires the Commissioner to consider standards that mirror NACSA's <i>Principles &amp; Standards for Quality Charter School Authorizing</i> when making a decision on an authorizer application.
3. Authorizer Evaluations	3/3	By law, the State Education Commissioner (through the State Department of Education) is required to review all authorizers' performance every five years. In 2015, the State Department of Education will conduct its first round of required authorizer reviews and evaluations, a first for a statewide authorizer cohort of comparable scale.
4. Authorizer Sanctions	3/3	By law, the State Board of Education has the discretion to close authorizers for failing to meet goals in their authorizing contract.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	3/3	By law, the Commissioner must establish specifications for an annual authorizer report that must include academic, operational, and financial performance of schools.
6. Performance Management & Replication	2/3	State law requires a charter contract but not a performance framework. It also permits the board of a charter school to add additional sites.
7. Renewal Standard	6/6	State law gives the authorizer discretion to close schools for failing to meeting student achievement goals.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 26/33, RANK 6 (TIED WITH MS)**

# MISSISSIPPI

**RANK 6, SCORE 26/33**



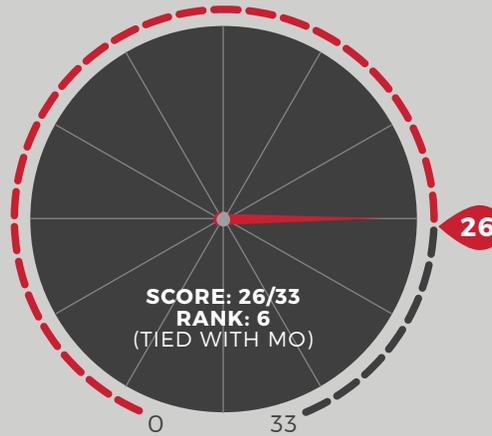
**0** CHARTER SCHOOLS  
**0** CHARTER STUDENTS  
**0%** OF PUBLIC SCHOOL STUDENTS



**STATE WITH FEW AUTHORIZERS**  
**1** AUTHORIZER  
**100%** ARE AUTHORIZED BY THE MISSISSIPPI CHARTER SCHOOL AUTHORIZER BOARD



YEAR LAW ESTABLISHED: **2010**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	4	3	1	0	3	3	6	6	26/33
2014	4	3	1	0	3	3	6	6	26/33

## NACSA RECOMMENDS

- **Continue development and implementation of strong authorizer practices** to complement the strong state policy environment.
- As Mississippi's charter sector is established and positioned to grow, NACSA encourages the state to **consider empowering the Mississippi Charter School Authorizer Board to directly authorize schools statewide** without conditions or restrictions.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	4/6	Independent Charter Board (ICB) only. The Mississippi Charter School Authorizer Board, an ICB, is the sole authorizer in the state. The ICB may directly authorize charter schools in school districts with a D or F rating on the state accountability system. The ICB may also authorize charter schools in districts with an A, B, or C rating if a majority of the local school board votes to endorse the charter application or if a local school district is the charter applicant.
2. Authorizer Standards	3/3	State law requires the ICB to develop chartering policies consistent with nationally recognized principles and standards.
3. Authorizer Evaluations	1/3	By law, the authorizer must self-report annually on their adherence to authorizer standards.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	3/3	By law, the authorizer must annually provide the Legislature with a performance report for each charter school it oversees.
6. Performance Management & Replication	3/3	State law requires a charter contract and a performance framework, and allows multiple schools under one charter.
7. Renewal Standard	6/6	By law, a renewal decision must be grounded in the school's performance in accordance with the performance framework.
8. Default Closure	6/6	By law, the authorizer may not renew a charter if the school receives an F rating on the state accountability system during the final year of the charter term.

**TOTAL POINTS: 26/33, RANK 6 (TIED WITH MN)**

# MISSOURI

**RANK 8, SCORE 25/33**



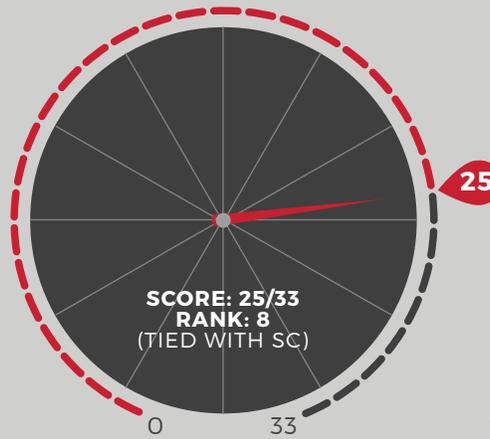
**51 CHARTER SCHOOLS**  
**19,737 CHARTER STUDENTS**  
**2% OF PUBLIC SCHOOL STUDENTS**



**STATE WITH MANY AUTHORIZERS**  
**12 AUTHORIZERS**  
**3 AUTHORIZERS WITH 5 OR MORE SCHOOLS**



**YEAR LAW ESTABLISHED: 1998**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	6	1	3	3	0	2	6	4	25/33
2014	6	1	3	3	0	1	6	4	24/33

## NOTEWORTHY IN 2015

### SCORE INCREASE: +1

**Performance Management and Replication (+1: Performance Framework).** In 2014 and 2015, the Office of Quality Schools in the Missouri Department of Education adopted several new regulations to further define quality authorizing. This includes a requirement that the authorizer submit a copy of its performance framework as part of the authorizer evaluation process.

The Missouri Charter Public School Commission is now active and considering charter school applications.

## NACSA RECOMMENDS

- **Improve authorizer standards**, making the standards adopted equivalent to nationally recognized best practices in charter school authorizing.
- **Require authorizers to produce annual public reports on the academic performance of their portfolio of charter schools.** These reports should encompass each of the performance goals in the charter agreement, including performance on state assessments. This can be done through the authorizer evaluation system or through distinct state policy on authorizer responsibilities.
- **Establish a defined academic performance threshold for the existing default closure provision.** Creating a universal metric for the application of the default closure statute makes it easier for authorizers to identify and close persistently failing charter schools.
- **Revise the closure statute to ensure the charter school governing board assumes responsibility for school closure costs.**

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	6/6	LEA, limited jurisdiction Higher Education Institution (HEI), limited jurisdiction Independent Charter Board (ICB) (Allowed but inactive: SEA on appeal). LEAs may authorize within their respective jurisdictions. HEIs and the Commission may authorize schools only in jurisdictions that fail to meet specified accreditation and performance thresholds. The State Board of Education (SBE) is notified of all approved charter applications by all authorizers and, if it chooses, may intervene and invalidate any application's approval at that time. Without SBE intervention, an application is deemed approved by its authorizer. The SBE may also approve and authorize schools that have been denied by other authorizers. All but one charter school in Missouri are authorized by one of 11 active HEI authorizers, with two of those HEIs overseeing 55% of all charter schools.
2. Authorizer Standards	1/3	State law requires authorizers to develop authorizing standards in key areas. The SBE also notifies authorizers of any required or recommended best practices. The content of these standards is not fully consistent with NACSA's <i>Principles &amp; Standards for Quality Charter School Authorizing</i> and, as such, Missouri receives partial points in this category.
3. Authorizer Evaluations	3/3	By law, the SBE evaluates authorizers against national standards every three years and may evaluate an authorizer at any time for cause.
4. Authorizer Sanctions	3/3	State law includes sanctions for authorizers failing to meet standards for quality authorizing but not for poor performance of the schools they oversee.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their schools.
6. Performance Management & Replication	2/3	State law requires a charter contract. The law does not explicitly encourage or address replication of successful schools. <b>New in 2015:</b> State policy regarding authorizer evaluations requires authorizers to submit a performance framework for their charter schools.
7. Renewal Standard	6/6	By law, a charter may be revoked or put on probation if the school does not meet performance expectations stated in its charter.
8. Default Closure	4/6	State law requires default closure of schools that show clear evidence of underperformance in three of the last four years. However, the law does not define underperformance or establish a specific threshold for closure.

**TOTAL POINTS: 25/33, RANK 8 (TIED WITH SC)**

# NEVADA

## RANK 1, SCORE 33/33



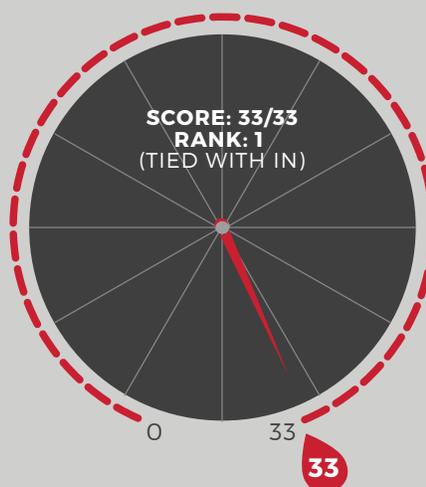
38 CHARTER SCHOOLS  
28,975 CHARTER STUDENTS  
6% OF PUBLIC SCHOOL STUDENTS



STATE WITH FEW AUTHORIZERS  
4 AUTHORIZERS  
55% ARE AUTHORIZED BY THE  
NEVADA STATE PUBLIC CHARTER  
SCHOOL AUTHORITY



YEAR LAW ESTABLISHED: 1997



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	6	3	3	3	3	3	6	6	33/33
2014	6	3	0	3	3	2	6	6	29/33

## NOTEWORTHY IN 2015

### SCORE INCREASE: +4

**Performance Management and Replication (+1: Replication).** Legislation passed in 2015 allows a not-for-profit charter management organization to directly submit applications for charter schools and, therefore, hold multiple charters.

**Score Change: Authorizer Evaluations (+3).** A state statute passed in 2013 and regulations adopted in 2014 establish an authorizer evaluation process. The Department of Education will conduct a comprehensive review of each approved charter school authorizer at least once every three years. The Department will then base recommendations for authorizer sanctions on those evaluations.

In 2015, the Legislature modified the implementation date of the default closure provision and restructured the timeline for the application of the provision. Schools can be subject to default closure if they have three years of one-star academic performance rankings in a consecutive five-year period. The statute and associated regulations also make timeline adjustments based on the current transitions in state assessments. The Nevada State Public Charter School Authority is engaged in several initiatives to assist with the assessment transition as it relates to all areas of charter school oversight and accountability, including the default closure provision.

New legislation allows authorizers to subject failing charter schools to a restructure process in lieu of closure. Restructuring includes, at a minimum, a new board of directors and the execution of a new charter contract, making it functionally equivalent to a new school. The process will be developed through regulations created by the Department of Education.

## NACSA RECOMMENDS

- *Nevada has adopted all of NACSA's recommended policies.*
- *Consider providing the Nevada State Public Charter School Authority with additional budget autonomy, especially as implementation of new policies continues.* The Authority is officially designated as a LEA in statute and, as such, has specific categorical budget constraints that are unusual for a dedicated statewide authorizer. This creates constraints that can limit the Authority's ability to staff appropriately for authorizer-specific tasks and diminish its ability to fulfill its statutory role as the propagator of model authorizing practices across the state.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	6/6	LEA, Independent Charter Board (Allowed but inactive: Higher Education Institution). The Nevada State Public Charter School Authority is the primary authorizer. A significant portion of the state's charter schools remain authorized by local school districts, making policy particularly important to ensure consistent, high-quality practices among all authorizers.
2. Authorizer Standards	3/3	State law requires authorizers to develop authorizing standards consistent with national professional standards.
3. Authorizer Evaluations	3/3	<b>New in 2015:</b> State law adopted in 2013, paired with regulations adopted in late 2014, provide for an authorizer application process and evaluations of authorizers every three years. The evaluations are to be based on the performance of charter schools in the authorizer's portfolio and nationally recognized best practices in charter school authorizing.
4. Authorizer Sanctions	3/3	State law allows sanctions for failure to meet standards for quality authorizing but not for poor portfolio performance. Sanctions can include revocation of authorizing power or authority to grant new charters.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	3/3	By law, authorizers must annually submit to the state a written report summarizing the performance of charter schools they oversee.
6. Performance Management & Replication	3/3	State law requires the use of a charter contract and a performance framework. <b>New in 2015:</b> Charter management organizations may directly submit charter school applications.
7. Renewal Standard	6/6	State law requires authorizers to use the performance framework as the basis for renewal decisions.
8. Default Closure	6/6	State law requires authorizers to revoke a charter if the charter school receives the lowest rating possible on the state accountability system for any three years in a consecutive five-year period.

**TOTAL POINTS: 33/33, RANK 1 (TIED WITH IN)**

# NEW HAMPSHIRE

**RANK 29, SCORE 12/33**



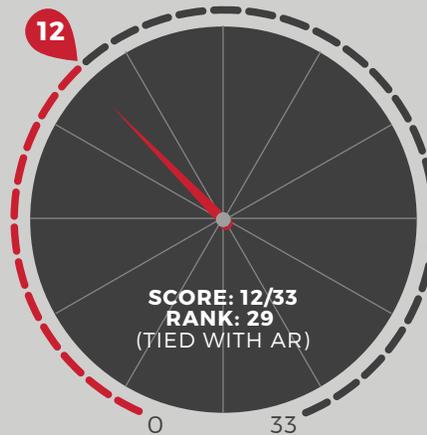
**23** CHARTER SCHOOLS  
**2,548** CHARTER STUDENTS  
**1%** OF PUBLIC SCHOOL STUDENTS



**STATE WITH FEW AUTHORIZERS**  
**2** AUTHORIZERS  
**96%** ARE AUTHORIZED BY THE STATE BOARD OF EDUCATION



YEAR LAW ESTABLISHED: **1995**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>12/33</b>
2014	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>10/33</b>

## NOTEWORTHY IN 2015

### SCORE INCREASE: +2

**Score Change: Who Authorizes (+2).** A New Hampshire statute was incorrectly scored in 2014. The State allows LEAs and at least one alternative authorizer (the State Board of Education) to authorize charter schools. As such, it should have received a score of 6 in 2014.

## NACSA RECOMMENDS

- **Endorse professional standards for charter school authorizing.**
- **Require charter contracts and performance frameworks for all charter schools and all authorizers.** New Hampshire is one of only six states that do not require a separate charter contract for all charter schools. In an unusual legal structure, charter schools authorized by LEAs are required to have charter contracts, but those authorized by the State Board of Education are not. NACSA believes this is a drafting oversight dating back to when the State Board of Education could authorize only on appeal. This oversight should be corrected immediately. Charter contracts and performance frameworks establish clear expectations for charter schools and authorizers and are an important component of charter school autonomy and accountability.
- **Require all authorizers to report annually on the academic performance of their schools.**
- **Establish authorizer evaluations** to allow the evaluation of authorizers based on the performance of their portfolio of schools and their adherence to best practices in charter school authorizing. Authorizer evaluations increase transparency in the charter sector and ensure authorizers are fulfilling their responsibilities to charter schools and the public.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	6/6	LEA, SEA. New Hampshire allows LEAs and the State Board of Education (SBE) to authorize charter schools. LEAs must vote to be an authorizer and, in doing so, must determine what percentage of their students will be allowed to enroll in charter schools. The SBE authorizes all but one of the state's 23 existing charter schools.
2. Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their portfolio of schools.
6. Performance Management & Replication	0/3	Charter schools authorized by LEAs are required to have a charter contract, but those authorized by the SBE are not. State law does not require a performance framework or a replication policy.
7. Renewal Standard	6/6	By law, a charter school must meet the academic goals in its charter by the final year of the charter term to be eligible for renewal.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 12/33, RANK 29 (TIED WITH AR)**

# NEW JERSEY

**RANK 27, SCORE 13/33**



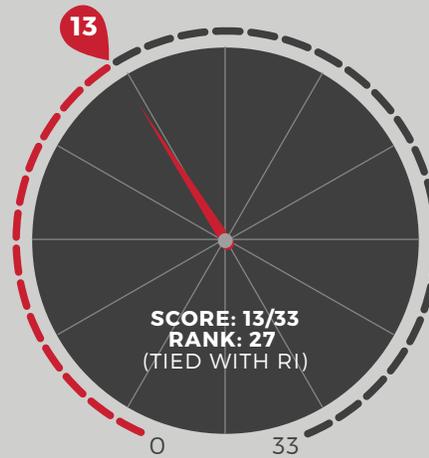
**87 CHARTER SCHOOLS**  
**37,259 CHARTER STUDENTS**  
**3% OF PUBLIC SCHOOL STUDENTS**



**STATE WITH FEW AUTHORIZERS**  
**1 AUTHORIZER**  
**100% ARE AUTHORIZED BY**  
**COMMISSIONER OF EDUCATION**



**YEAR LAW ESTABLISHED: 1995**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	4	0	0	0	0	3	6	0	13/33
2014	4	0	0	0	0	3	6	0	13/33

## NACSA RECOMMENDS

- **Codify the expectation that the authorizer follows professional standards for charter school authorizing.** The Department of Education voluntarily follows NACSA's *Principles & Standards for Quality Charter School Authorizing*. However, nothing in state policy ensures the Department will continue to do so in perpetuity. This expectation should be codified.
- **Codify the expectation that the authorizer will issue public annual reports on the academic performance of their schools.** Rules require the Department to annually review the performance of each charter school according to the performance framework. Rules also require the charter school to prepare annual reports on their academic performance. However, nothing in state policy requires either the annual review or the annual reports to be publicly released. This expectation should be codified.
- **Consider a statewide alternative authorizer**, such as an Independent Charter Board. This additional authorizer would serve as a safety net for the state's charter sector if electoral changes ever lead to significant reduction or suspension of authorizing activity or commitment by the SEA.
- **Establish authorizer evaluations** on an as-needed or self-evaluative basis. Authorizer self-evaluations require authorizers to reflect on their practices and outcomes and identify areas for improvement.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	4/6	SEA only. New Jersey allows only the State Commissioner of Education to authorize charter schools. The authorizing staff work is conducted by the New Jersey Department of Education. The level of authorizing activity in the state has historically varied significantly from one commissioner to the next.
2. Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers. In practice, the Department of Education has publicly committed to authorizing consistent with NACSA's <i>Principles &amp; Standards for Quality Charter School Authorizing</i> .
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	0/3	State law requires the authorizer to conduct an annual review of each charter school. State rules also require each charter school to submit an annual report on their academic performance according to their performance framework. However, state policy does not require this information to be made available to the general public. In practice, the Department of Education issues annual reports to its schools on their academic performance.
6. Performance Management & Replication	3/3	State law requires a charter contract and a performance framework. The law also provides for an expedited application process for charter applicants with demonstrable experience.
7. Renewal Standard	6/6	State law requires the Commissioner of Education to use the performance framework to make charter renewal decisions.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 13/33, RANK 27 (TIED WITH RI)**

# NEW MEXICO

**RANK 21, SCORE 15/33**



**97 CHARTER SCHOOLS**  
**22,715 CHARTER STUDENTS**  
**7% OF PUBLIC SCHOOL STUDENTS**



**STATE WITH FEW AUTHORIZERS**  
**19 AUTHORIZERS**  
**56% ARE AUTHORIZED BY THE PUBLIC EDUCATION COMMISSION**



**YEAR LAW ESTABLISHED: 1993**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	6	3	0	0	3	3	0	0	15/33
2014	6	3	0	0	3	2	0	0	14/33

## NOTEWORTHY IN 2015

### SCORE INCREASE: +1

**Score Change: Performance Management and Replication (+1: Replication).** A charter school may operate multiple campuses within a single school district with authorizer approval.

## NACSA RECOMMENDS

- **Institute a strong renewal standard.** Empower authorizers to close schools that fail to achieve the performance goals in their charter contract.
- **Create a default closure provision, making closure the expected outcome for failing charter schools.** Together, a strong renewal standard and a default closure mechanism should have a long-term positive impact on the quality of the state's charter school sector.
- **Establish authorizer evaluations and allow sanctions for failing authorizers.** The Public Education Commission is the state's dominant authorizer, overseeing 56% of charter schools—qualifying New Mexico as a “State With Few Authorizers.” However, the state also has a large number of active school district authorizers, many who oversee small portfolios of charter schools. This can make it difficult to (1) have consistently high-quality authorizing across the charter school sector and (2) enforce charter school accountability. Authorizer evaluations and, if necessary, authorizer sanctions can identify low-quality authorizers and impose consequences if they fail to engage in quality authorizing.
- **Assess the joint authorizing relationship between the Public Education Commission and the State Superintendent** to determine if changes in statute could clarify and differentiate their respective roles in authorizing charter schools.

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	6/6	LEA, SEA. New Mexico allows LEAs and the Public Education Commission (PEC), which is functionally similar to an Independent Charter Board, to authorize charter schools. The PEC is a quasi-independent body that officially serves in an advisory capacity to the New Mexico Secretary of Education, meaning the decisions of the PEC are subject to reversal by the Secretary of Education. At the same time, the PEC relies on staff from the State Department of Education for some functions. This arrangement creates conflict. The PEC authorizes 56% of all charter schools in the state. Nearly half of the remaining charter schools are authorized by Albuquerque School District. The rest are overseen by other LEAs with small charter school portfolios. Because a significant proportion of schools are overseen by authorizers other than the PEC, the practices of the largest authorizer are less important in New Mexico than in other states where a single authorizer oversees all charters.
2. Authorizer Standards	3/3	State law requires authorizers to develop and maintain authorizing standards consistent with national professional standards.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	3/3	By law, authorizers must annually report on school performance based on their charter performance framework.
6. Performance Management & Replication	3/3	State law requires a charter contract and a performance framework. <b>New in 2015:</b> State law allows charter schools to operate multiple campuses within a single school district.
7. Renewal Standard	0/6	By law, "substantial progress" toward academic goals may be sufficient for charter renewal.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 15/33, RANK 21 (TIED WITH CT, MA, NC, WI)**

# NEW YORK

**RANK 36, SCORE 7/33**



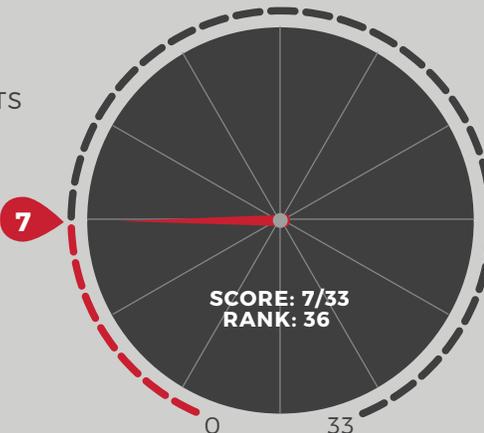
**248** CHARTER SCHOOLS  
**106,483** CHARTER STUDENTS  
**4%** OF PUBLIC SCHOOL STUDENTS



**STATE WITH FEW AUTHORIZERS**  
**4** AUTHORIZERS  
**71%** ARE AUTHORIZED BY STATE UNIVERSITY OF NEW YORK AND STATE BOARD OF EDUCATION



YEAR LAW ESTABLISHED: **1998**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	6	0	0	0	0	1	0	0	<b>7/33</b>
2014	6	0	0	0	0	1	0	0	<b>7/33</b>

## NOTEWORTHY IN 2015

The statewide cap on charter schools was restructured in such a way so that the State University of New York (SUNY) and the Board of Regents may collectively authorize an additional 130 charter schools outside of New York City and an additional 50 charter schools within New York City.

## NACSA RECOMMENDS

*Note: New York's authorizers voluntarily employ practices that largely mirror those that occur when NACSA's policy recommendations are in place. Thus, New York is an example of a state where authorizers successfully work around deficiencies in state policy and produce a charter sector with strong student outcomes.*

- **Institute a strong renewal standard in state policy.** Empower authorizers to close schools that fail to achieve the performance goals in their charter contract. The dominant authorizers have voluntarily instituted strong renewal standards for charter schools in their portfolios through stringent contractual requirements, and their portfolios show strong student outcomes. However, nothing in state policy requires authorizers to employ a strong renewal standard in perpetuity.

**Codify the expectation that the authorizer will follow professional standards for charter school authorizing.** In practice, the three dominant authorizers—SUNY, the Board of Regents, and the New York City Department of Education—use practices consistent with much of NACSA's *Principles & Standards for Quality Charter School Authorizing*. However, nothing in state policy ensures all authorizers will continue to do so in perpetuity. This expectation should be codified.

- **Codify the expectation that authorizers use performance frameworks.**
- **Codify the expectation that authorizers will issue public annual reports on the academic performance of their schools.** The two statewide authorizers currently engage in extensive voluntary performance reporting.
- **Establish a statewide incentive for the replication of high-performing charter schools.**

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	6/6	LEA, SEA, Higher Education Institution. New York allows the Board of Regents (the State Board of Education), the Board of Trustees of the State University of New York (SUNY), and LEAs to serve as charter school authorizers. <sup>1</sup> In 2010 and again in 2015, the charter cap was expanded in such a way that only the Board of Regents and SUNY may approve new-start charter schools.
2. Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers. The dominant authorizers voluntarily engage in many practices that are consistent with best practices in charter school authorizing.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer’s portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their portfolios of schools. The two statewide authorizers currently engage in extensive voluntary performance reporting.
6. Performance Management & Replication	1/3	State law requires a charter contract but not a performance framework. The law does not explicitly encourage or address replication of successful schools. The two statewide authorizers each have practices that encourage the replication of high-performing charter schools.
7. Renewal Standard	0/6	State law allows “reasonable progress” to be sufficient for a charter to be renewed. NACSA recognizes that the two statewide authorizers employ high-quality practices and oversee portfolios of charter schools with strong performance records. This includes voluntarily instituting a strong renewal standard in practice and enforcing it through strong charter contracts.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 7/33, RANK 36**

<sup>1</sup> The Board of Regents is the only entity that can legally issue a charter. It must officially issue a charter before a school approved by SUNY or a LEA may begin operating. However, if the Board of Regents does not issue a charter to a SUNY-approved school, the Board of Trustees of SUNY can reassert approval and, at that point, the Board of Regents must issue the school a charter.

# NORTH CAROLINA

**RANK 21, SCORE 15/33**



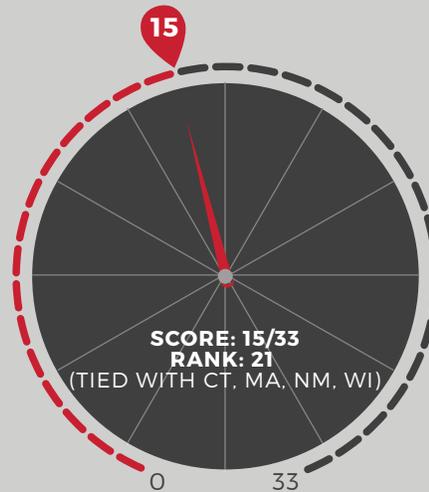
**151 CHARTER SCHOOLS**  
**70,079 CHARTER STUDENTS**  
**4% OF PUBLIC SCHOOL STUDENTS**



**STATE WITH FEW AUTHORIZERS**  
**1 AUTHORIZER**  
**100% ARE AUTHORIZED BY THE STATE BOARD OF EDUCATION**



**YEAR LAW ESTABLISHED: 1996**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	4	0	0	0	3	2	6	0	15/33
2014	4	0	0	0	3	2	6	0	15/33

## NOTEWORTHY IN 2015

**At Risk: Renewal Standard.** Legislation passed in late 2015 modifies the renewal standard in two key ways: it changed the law from “may renew if” a charter school meets certain criteria to “shall renew unless” a charter school fails to meet those criteria, and it changed one of the criteria from “in compliance with its charter” to “*substantially* in compliance with its charter.” Taken together, these changes mean an authorizer may be legally obligated to renew a charter school even if it fails to meet the performance expectations in its charter. That is a weak renewal standard. The State Board of Education (SBE) must adopt policy defining “substantially in compliance” by January 15, 2016. NACSA strongly encourages the SBE to define “substantially in compliance” as *meeting* the academic performance expectations in a charter contract. Such a policy would qualify as a strong renewal standard.

New law restructures the North Carolina Charter Schools Advisory Board and the North Carolina Office of Charter Schools. It further defines the powers and duties of the Office of Charter Schools and requires the Executive Director of that office to be appointed by the State Board of Education.

The State Board of Education has adopted several policies to increase transparency within the charter sector.

## NACSA RECOMMENDS

- **Ensure the State Board of Education adopts a strong renewal standard as it implements the new renewal statute.** The State Board of Education must adopt policy before January 15, 2016 to define what the term “substantially in compliance” means in the context of the new renewal standard. NACSA strongly encourages the State Board to define “substantially in compliance” as *meeting* the performance expectations in a charter contract. Such a policy would qualify as a strong renewal standard. North Carolina could also consider a differentiated renewal process, either in statute or through SBE policy or rules that would ease the renewal burden for demonstrably high-performing charter schools while ensuring the robust renewal standard for the charter sector as a whole.
- **Endorse professional standards for charter school authorizing.** These policies will give the authorizer clear direction that its first priority is to create and oversee a high-quality charter sector through quality growth and, when necessary, closure.
- **Codify the expectation that the authorizer will use performance frameworks.** The Department of Education does this in practice; however, nothing in state policy ensures the Department will continue to do so in perpetuity. This expectation should be codified.

- **Set a minimum universal statewide standard for charter school performance.** Current rules create standards for each individual school but do not set a universal floor for charter school performance. These rules should be modified to set a *universal* statewide minimum academic performance standard, below which schools are subject to revocation or non-renewal unless there are exceptional circumstances.
- **Establish authorizer evaluations on an as-needed or self-evaluative basis.** Authorizer self-evaluations require authorizers to reflect on their practices and outcomes and identify areas for improvement.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	4/6	SEA only. Only the State Board of Education (SBE) may authorize charter schools. Charter applications and renewal requests are first reviewed by the North Carolina Charter Schools Advisory Board, which then makes recommendations to the SBE. <b>New in 2015:</b> The SBE and the Advisory Board are both staffed by the North Carolina Office of Charter Schools, which is administratively located in the Department of Public Instruction and subject to supervision, direction, and control by the State Board of Education. The Office of Charter Schools' Executive Director is appointed by the State Board of Education.
2. Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers. In practice, the Office of Charter Schools employs practices that are largely consistent with nationally recognized best practices in authorizing.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	3/3	By law, the State Board of Education must report on the student academic progress of charter schools measured against the previous year.
6. Performance Management & Replication	2/3	State law requires a charter contract but not a performance framework. The law offers an expedited application process for replication of high-quality charter schools.
7. Renewal Standard	6/6	<b>New in 2015—At Risk:</b> By law, the authorizer shall renew a school unless it is, among other criteria, not in substantial compliance with the terms of its charter. The terms of its charter include student performance goals. The term "substantial compliance" is to be defined by SBE policy by January 16, 2016. "Substantial compliance" must be defined as, at a minimum, <i>meeting</i> the academic performance goals in the charter contract in order to continue to qualify as a strong renewal standard.
8. Default Closure	0/6	State rules require the SBE to initiate revocation of the charter of any charter school when, for two of three consecutive school years, the charter school does not meet or exceed expected growth and has a proficiency level below 60%. The definition of "expected growth" is determined for each individual school and is not universal. As such, this policy does not set a statewide universal minimum standard of performance and does not meet NACSA's definition of a default closure policy.

**TOTAL POINTS: 15/33, RANK 21 (TIED WITH CT, MA, NM, WI)**

# OHIO

**RANK 3, SCORE 32/33**



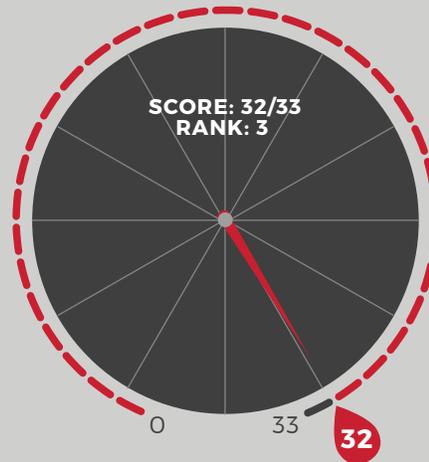
**384** CHARTER SCHOOLS  
**123,844** CHARTER STUDENTS  
**7%** OF PUBLIC SCHOOL STUDENTS



**STATE WITH MANY AUTHORIZERS**  
**69** AUTHORIZERS  
**14** AUTHORIZERS WITH 5 OR MORE SCHOOLS



YEAR LAW ESTABLISHED: **1997**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	6	3	3	3	3	2	6	6	32/33
2014	6	3	3	3	2	1	0	6	24/33

## NOTEWORTHY IN 2015

### SCORE INCREASE: +8

**Reports on Performance (+1).** State policy on authorizer evaluations requires the production of an annual consolidated report on the performance of schools in each authorizer's portfolio, including information on the academic and fiscal performance.

**Performance Management and Replication (+1: Performance Framework).** New state law requires that all charter contracts include performance standards, including the basis for annual monitoring of the academic, fiscal, and operational performance of the charter school. This is equivalent to a performance framework.

**Renewal Standard (+6).** Ohio's charter school law allows authorizers to non-renew or terminate a charter contract if a school fails to meet the student performance requirements in the charter contract.

## NACSA RECOMMENDS

- **Use the passage of HB 2 (2015) to appropriately adjust and proceed with the implementation of authorizer quality and charter school accountability provisions.** Ohio has nearly all of NACSA's recommended policies in place but has struggled to translate these policies into changes on the ground. NACSA believes this is partially a result of an excess of authorizers, a long implementation timeline, and, in some cases, inconsistent state law with since-discovered loopholes. HB 2 is an important step to remedy these challenges. It must now be backed up with aggressive implementation if the sector is to produce high-quality schools.
- **Continue with implementation of authorizer evaluation and authorizer sanction systems.** Ohio conducted its first round of annual authorizer evaluations and released preliminary ratings in 2015. The ratings were ultimately withdrawn pending appropriate questions about methodology from the State Board of Education. NACSA encourages Ohio to fix the methodological problems, preserve the many other strong aspects of the evaluation process, and push ahead with a quality authorizer evaluation.
- **Through practice, ensure authorizers are using the strong renewal standard afforded to them by law.** Ohio law contains multiple provisions concerning renewal: some that constitute a strong renewal standard, some that constitute a weak renewal standard. HB 2 contained provisions to reinforce the intent that authorizers will use a strong renewal standard. NACSA encourages the State to use guidance, the authorizer evaluation process, or other means to ensure that a strong renewal standard is indeed being used.
- **Prevent closed charter schools from opening under new authorizers.** New legislation passed in 2014 and HB 2, passed in fall 2015, should significantly address this problem. NACSA encourages the State and all authorizers to implement it with fidelity.

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	6/6	LEA, SEA, Higher Education Institution (HEI), Not-For-Profit (NFP). LEA authorizers include both traditional school districts and regional bodies that can encompass multiple districts. There are 60 LEA authorizers overseeing charter schools across the state, but most LEA authorizers have small portfolios. NFP, HEI, and SEA authorizers maintain larger portfolios on average and oversee more than 50% of schools. New-start charter schools in Ohio may be located only in state-designated “challenged” school districts. Ohio statute includes an authorizer application, evaluation, and sanction process. Ohio grandfathered in some existing authorizers, exempting them from the authorizer application process. Starting in 2015, all authorizers are subject to yearly evaluations, which include a rating process developed by the State, and potential sanctions.
2. Authorizer Standards	3/3	State law requires the adoption of NACSA standards.
3. Authorizer Evaluations	3/3	By law, the State Board of Education may evaluate authorizers on the academic performance of their portfolios and their adherence to quality practices.
4. Authorizer Sanctions	3/3	State law establishes authorizer sanctions for failing to comply with any charter school contract or for failing to comply with the State Department of Education’s rules for authorizing. The rules pertain to standards for quality authorizing but not directly to the performance of the authorizer’s portfolio of charter schools.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	3/3	<b>New in 2015:</b> State policy on authorizer evaluations requires the production of an annual consolidated report on the performance of schools in each authorizer’s portfolio, including information on the academic and fiscal performance.
6. Performance Management & Replication	2/3	State law requires a charter contract. The law does not explicitly encourage or address replication of successful schools. <b>New in 2015:</b> State law requires charter contracts to include performance standards that relate to the academic, fiscal, and operational performance of the charter school. This is equivalent to a performance framework.
7. Renewal Standard	6/6	<b>New in 2015:</b> State law allows authorizers to non-renew or terminate a charter contract if the school fails to meet the student performance requirements stated in the charter contract. State law also allows “reasonable progress” to be sufficient for a charter to be renewed. HB 2 contained several provisions that reinforce the intent of the Legislature that authorizers will enforce a strong renewal standard that is based on achieving student performance expectations. NACSA encourages the State to ensure authorizers are upholding the strong renewal standard specified in law.
8. Default Closure	6/6	State law requires default closure of schools declared to be in academic crisis, with differing standards for different grade configurations. The implementation of the default closure provision has faced challenges when closed schools have successfully engaged in authorizer shopping to remain open. Provisions in HB 2 are designed to prevent that behavior.

**TOTAL POINTS: 32/33, RANK 3**

# OKLAHOMA

**RANK 10, SCORE 24/33**



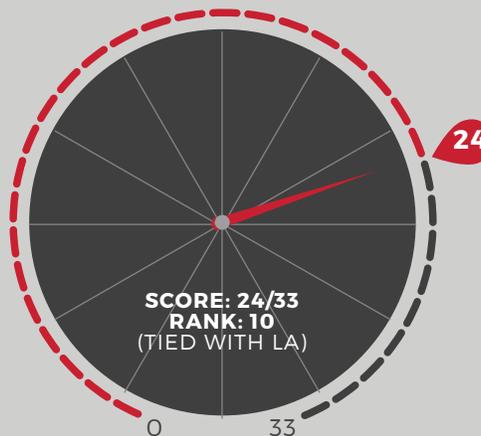
**27 CHARTER SCHOOLS**  
**16,585 CHARTER STUDENTS**  
**2% OF PUBLIC SCHOOL STUDENTS**



**DISTRICT AUTHORIZING STATE**  
**7 AUTHORIZERS**  
**63% ARE AUTHORIZED BY LEAs**



**YEAR LAW ESTABLISHED: 1999**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	4	1	0	2	2	3	6	6	24/33
2014	2	0	0	0	0	2	6	0	10/33

## NOTEWORTHY IN 2015

Oklahoma passed significant legislation in 2015 that included nearly all of NACSA's recommended policies.

### SCORE INCREASE: +14

**Who Authorizers (+2).** State law now allows charter schools across the state. LEAs can authorize schools statewide and the State Board of Education (SBE) can authorize schools on appeal.

**Authorizer Standards (+1).** State law requires authorizers to develop and maintain authorizing standards consistent with those established by the Office of Educational Quality and Accountability. NACSA anticipates that the standards, once adopted, will be consistent with national professional standards. At that point, Oklahoma will earn full points for this category.

**Authorizer Sanctions (+2).** By law, an authorizer may be sanctioned if the SBE has intervened to close or transfer 25% or more of its schools. Sanctions are limited to suspending an authorizer's ability to sponsor new schools.

**Score Change: Reports on Performance (+2).** In 2015, NACSA modified the "Reports on Performance" policy rubric to re-orient the score levels towards the desired outcome—an annual report on the academic performance of every charter school in each authorizer's portfolio. This desired outcome is achieved through state law. As such, Oklahoma receives partial points (2/3) in this category. In 2015, language was added to the law that requires authorizers to conduct annual performance reviews of all charter schools in their portfolios. It was then unclear if that will result in an annual public report by each authorizer on the academic performance of its portfolio. If that should happen, Oklahoma will earn full credit in this category.

**Performance Management and Replication (+1: Performance Frameworks).** State law requires a performance framework.

**Default Closure (+6).** An authorizer must non-renew a school in the bottom 5% of all public schools or appear before a state board to justify its decision to renew the school.

## NACSA RECOMMENDS

- **Ensure the authorizer standards established by the Office of Educational Quality and Accountability are consistent with national professional standards of quality authorizing.** NACSA anticipates this will occur. That will earn Oklahoma full points for this category.
- **Ensure the annual performance review conducted by authorizers is made public and includes information on the academic performance of each school.** NACSA anticipates this will occur. That will earn Oklahoma full points for this category.
- **Empower a state entity to conduct authorizer evaluations, as needed.**

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	4/6	LEA, SEA on appeal, limited jurisdiction Higher Education Institution (HEI), limited jurisdiction Independent Charter Board, limited jurisdiction Non-Education Government entity. HEIs may authorize only in school districts with more than 5,000 students or those with schools on the state's school improvement list. Federally recognized Indian tribes may authorize charter schools within specifically designated boundaries. In addition, the newly established Virtual Charter School Board may authorize statewide, full-time virtual charter schools. <b>New in 2015:</b> LEAs can authorize charter schools statewide. The State Board of Education can authorize on appeal.
2. Authorizer Standards	1/3	<b>New in 2015:</b> State law requires authorizers to develop and maintain authorizing standards consistent with those established by the Office of Educational Quality and Accountability (OEQA). The OEQA had not yet established standards the time of publication; it is expected these standards will meet or exceed NACSA's <i>Principles &amp; Standards for Quality Charter School Authorizing</i> . When that happens, Oklahoma will receive full points in this category.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	2/3	<b>New in 2015:</b> By law, an authorizer may be sanctioned if the State Board of Education (SBE) has intervened to close or transfer 25% or more of its schools. Sanctions are limited to suspending an authorizer's ability to sponsor new schools.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	2/3	State law requires each charter school to annually file a report with the OEQA that includes a report on the academic performance of the school. The SBE must then use this information to issue an annual report on the status of charter schools in the state. This subsequent report includes the academic performance of every charter school and the identity of the authorizer. <b>New in 2015:</b> Authorizers are now required to conduct annual performance reviews of all charter schools in their portfolios. When this language was added, it was unclear if that will result in an annual public report by each authorizer on the academic performance of its portfolio of charter schools. If that should happen, Oklahoma will earn full credit in this category.
6. Performance Management & Replication	3/3	State law requires a charter contract and allows multiple schools under a single contract. <b>New in 2015:</b> State law requires a performance framework.
7. Renewal Standard	6/6	By law, authorizers may decide not to renew a school for failing to complete the obligations of the charter contract or the provisions required of all charter schools under the state's law. This includes meeting academic performance expectations.
8. Default Closure	6/6	<b>New in 2015:</b> An authorizer must non-renew a school in the bottom 5% of all public schools or appear before a state board to justify its decision to renew the school.

**TOTAL POINTS: 24/33, RANK 10 (TIED WITH LA)**

# OREGON

## RANK 37, SCORE 5/33



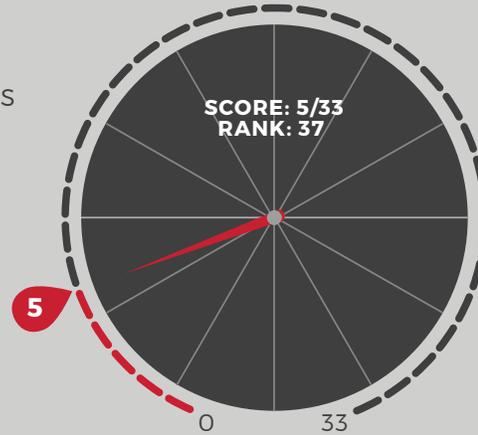
**125 CHARTER SCHOOLS**  
**29,791 CHARTER STUDENTS**  
**5% OF PUBLIC SCHOOL STUDENTS**



**DISTRICT AUTHORIZING STATE**  
**76 AUTHORIZERS**  
**97% ARE AUTHORIZED BY LEAs**



**YEAR LAW ESTABLISHED: 1999**



### YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	4	0	0	0	0	1	0	0	5/33
2014	4	0	0	0	0	1	0	0	5/33

### NACSA RECOMMENDS

- **Endorse professional standards for charter school authorizing.** Oregon authorizers can receive the highest authorizer fee in the country. This can create mixed incentives for authorizers. Authorizer standards prioritize quality authorizing as the most important goal and ensure fair, transparent, and equitable actions by authorizers.
- **Require authorizers to report annually on the performance of their schools and use performance frameworks.**
- **Institute a strong renewal standard.** Empower authorizers to close schools that fail to achieve the performance goals set out in their charter contract.
- **Create a default closure provision, making closure the expected outcome for failing charter schools.** This is particularly important given Oregon’s historically low-performing charter sector.
- **Create a viable alternative authorizer, such as an Independent Charter Board.**

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	4/6	LEA, SEA on appeal (Allowed but inactive: Higher Education Institution on appeal).
2. Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their portfolio of schools.
6. Performance Management & Replication	1/3	State law requires the use of a charter contract but not a performance framework. The law does not explicitly encourage or address replication of successful schools.
7. Renewal Standard	0/6	State law allows "reasonable progress" to be sufficient for a charter to be renewed.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 5/33, RANK 37**

# PENNSYLVANIA

**RANK 31, SCORE 11/33**



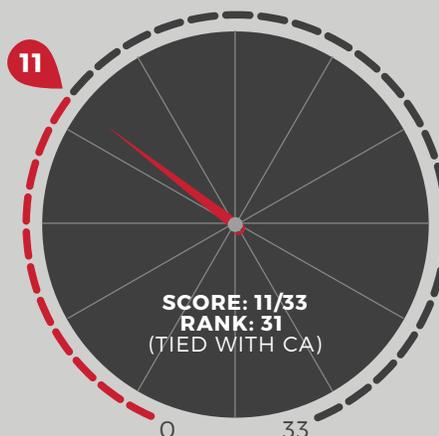
**176 CHARTER SCHOOLS**  
**132,531 CHARTER STUDENTS**  
**7% OF PUBLIC SCHOOL STUDENTS**



**DISTRICT AUTHORIZING STATE**  
**64 AUTHORIZERS**  
**92% ARE AUTHORIZED BY LEAs**



**YEAR LAW ESTABLISHED: 1997**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	4	0	0	0	0	1	6	0	11/33
2014	4	0	0	0	0	1	6	0	11/33

## NOTEWORTHY IN 2015

In April, the Legislative Budget and Finance Committee released a comprehensive report on “The Feasibility of Alternative Methods for Authorizing Charter Schools in Pennsylvania.” The report recommended several of NACSA’s authorizer quality and school accountability policies, including an Independent Charter Board, authorizer standards, contracts, performance frameworks, annual reports on school performance, and, when needed, authorizer evaluations and sanctions.

## NACSA RECOMMENDS

- **Endorse professional standards for charter school authorizing.** Professional standards bring consistency and transparency to authorizing practices and ensure that strong practices continue irrespective of the political environment. This is especially important given the variability of practices among authorizers throughout the state and over the history of the charter sector.
- **Require all authorizers to use performance frameworks and publish annual reports on the academic performance of their charter schools.** This parallels some of the initiatives being undertaken by the largest authorizer and makes sure all authorizers engage in similar performance management practices. It is also embodied in current legislative proposals for a charter school “performance matrix” and related annual report.
- **Create a default closure mechanism where closure is the expected outcome for failing charter schools.** This policy must apply to both brick-and-mortar and virtual schools.
- **Create mechanisms for the oversight of all authorizers and, if necessary, intervention.**
- **Create a statewide alternative authorizer, such as an Independent Charter Board or an Achievement School District.**
- **Ensure state policy provides authorizers with meaningful access to necessary charter school data in a timely fashion.** Pennsylvania authorizers report some difficulty accessing basic charter school enrollment and performance data that are necessary to perform adequate charter school oversight. NACSA encourages the state to work with authorizers and charter schools to examine state policy to identify and address any challenges.

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
	4/6	LEA, SEA on appeal, <sup>1</sup> SEA for virtual schools only. The State Department of Education oversees 14 virtual charter schools. In addition, consortia of LEAs may authorize regional charter schools that serve larger areas. The Charter School Appeal Board, an independent appointed board, presides over appeals statewide and may overturn or uphold LEA authorizing decisions. Schools approved by the Board are then authorized by the original LEA authorizer or, if the original authorizer refuses, by the SEA. The majority of Pennsylvania’s charter schools are located in Philadelphia and authorized by the Philadelphia School District, which in turn is governed by the School Reform Commission. The Commission has the authority to exempt the Philadelphia School District from some state statutes and has historically imposed additional restrictions on chartering through that exemption process.
	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer’s portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their portfolio of schools.
	1/3	State law requires a charter contract but not a performance framework. The law does not explicitly encourage or address replication of successful schools.
	6/6	By law, authorizers have discretion to close schools for failing to meet student performance standards.
	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 11/33, RANK 31 (TIED WITH CA)**

<sup>1</sup>The Charter School Appeal Board (CAB) presides over both brick-and-mortar and virtual school appeals. Schools approved by the CAB are then authorized by the LEA or the SEA.

# RHODE ISLAND

**RANK 27, SCORE 13/33**



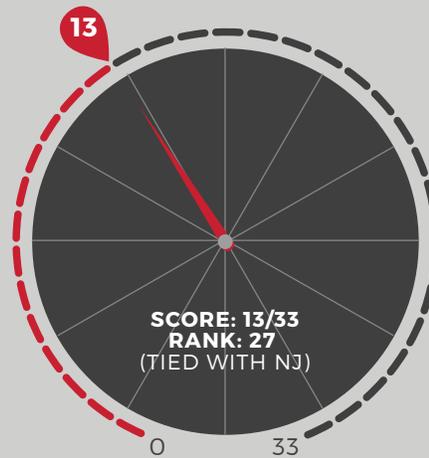
**21** CHARTER SCHOOLS  
**6,433** CHARTER STUDENTS  
**5%** OF PUBLIC SCHOOL STUDENTS



**STATE WITH FEW AUTHORIZERS**  
**1** AUTHORIZER  
**100%** ARE AUTHORIZED BY  
STATE BOARD OF EDUCATION



YEAR LAW ESTABLISHED: **1995**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	4	0	0	0	2	1	6	0	<b>13/33</b>
2014	4	0	0	0	0	1	0	0	<b>5/33</b>

## NOTEWORTHY IN 2015

### SCORE INCREASE: +8

**Score Change: Reports on Performance (+2).** In 2015, NACSA modified the “Reports on Performance” policy rubric to reorient the score levels toward the desired outcome of this policy—an annual report on the academic performance of every charter school in each authorizer’s portfolio. This desired outcome is achieved through state rules that require schools to submit annual reports on their progress meeting their performance goals. As such, Rhode Island receives partial points (2/3) in this category. Rhode Island would receive full credit if the reports were generated by the authorizer itself or otherwise verified prior to publication.

**Score Change: Renewal Standard (+6).** Rhode Island was incorrectly scored in 2014. State rules require the State Board of Education (SBE) to base its renewal decision on affirmative evidence of the success of the school’s academic program as defined by the academic goals in the charter. This qualifies as a strong renewal standard.

## NACSA RECOMMENDS

- **Codify the expectation that the authorizer follows professional standards for charter school authorizing.** In practice, the Rhode Island Department of Education, which staffs the SBE, uses practices consistent with much of NACSA’s *Principles & Standards for Quality Charter School Authorizing*. However, nothing in state policy ensures the authorizer will continue to do so in perpetuity. Codifying this standard will help protect quality authorizing activity should the political environment change.
- **Codify the expectation that authorizers use performance frameworks.**
- **Establish a statewide incentive for the replication of high-performing charter schools.**

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	4/6	SEA only. Rhode Island allows only the State Board of Education (SBE) to authorize charter schools. Charter schools must first be approved by the LEA or the State Commissioner of Elementary and Secondary Education before being authorized. The Rhode Island Department of Education staffs the Commissioner and the State Board of Education on authorizing matters. State law also requires that all charter school applicants partner with an existing in-state not-for-profit during the charter school application process. The charter school is then required to form a separate not-for-profit to serve as the governing board of the school. State law classifies three types of charter schools—district charter schools, independent charter schools, and mayoral academies—with varying levels of autonomy.
2. Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers. In practice, the Rhode Island Department of Education employs many practices consistent with NACSA's <i>Principles &amp; Standards for Quality Charter School Authorizing</i> .
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	2/3	<b>New in 2015:</b> State rules require charter schools to annually report on their progress in meeting the academic and organizational performance goals identified in their charters.
6. Performance Management & Replication	1/3	State law requires a charter contract but not a performance framework. The law does not explicitly encourage or address replication of successful schools. In practice, the Department of Education requires charter schools to use a performance framework.
7. Renewal Standard	6/6	<b>New in 2015:</b> State rules require the State Board of Education to base its renewal decision on affirmative evidence of the success of the school's academic program as defined by the academic goals in the charter.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 13/33, RANK 27 (TIED WITH NJ)**

# SOUTH CAROLINA

**RANK 8, SCORE 25/33**



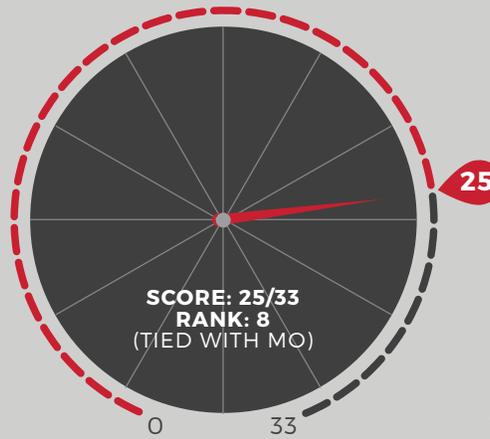
**66 CHARTER SCHOOLS**  
**27,191 CHARTER STUDENTS**  
**4% OF PUBLIC SCHOOL STUDENTS**



**DISTRICT AUTHORIZING STATE**  
**18 AUTHORIZERS**  
**54% ARE AUTHORIZED BY LEAs**



**YEAR LAW ESTABLISHED: 1996**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	6	3	0	0	3	1	6	6	25/33
2014	6	3	0	0	3	1	6	6	25/33

## NACSA RECOMMENDS

- **Require all authorizers to use performance frameworks.**
- **Empower a state entity to conduct authorizer evaluations, as needed.** As the South Carolina Public Charter School District has grown, the disparities in practices among authorizers have become more apparent. An evaluation would allow the State to identify authorizers in need of improvement based on their practices or the performance of their portfolios of charter schools.
- **Consider adopting authorizer screening and sanction policies if alternative authorizers continue to expand.** The activation of South Carolina State University as an authorizer, the first Higher Education Institution in the state to do so, has proven that additional alternative authorizers may indeed become a part of the charter school landscape. As such, the state will benefit from additional authorizer quality initiatives, such as authorizer applications or other screening processes, such as those adopted in Minnesota or Indiana. These initiatives are quality control measures that ensure only authorizers with a commitment to quality are allowed to authorize. These policies would prevent authorizer shopping activities from eroding charter school accountability, a problem in states with more than two non-LEA authorizers.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	6/6	LEA, Independent Charter Board, Higher Education Institution. South Carolina's authorizing sector is in transition, with currently 59% of schools authorized by LEAs and 41% of charter schools authorized by the South Carolina Public Charter School District (SCPCSD), the state's Independent Charter Board created in 2007. NACSA anticipates that the SCPCSD will eventually authorize a majority of the state's charter schools. The SCPCSD is the only authorizer of statewide full-time virtual schools <b>New in 2015:</b> South Carolina State University is active and is accepting charter school applications.
2. Authorizer Standards	3/3	State law requires the adoption of professional standards.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	3/3	By law, authorizers must annually compile all school reports on performance and submit them to the State Department of Education.
6. Performance Management & Replication	1/3	State law requires a charter contract but not a performance framework. The law does not explicitly encourage or address replication of successful schools.
7. Renewal Standard	6/6	By law, charter schools must not be renewed if they fail to meet academic performance standards.
8. Default Closure	6/6	State law requires default closure for charter schools that are in the state's lowest performance level for three consecutive years.

**TOTAL POINTS: 25/33, RANK 8 (TIED WITH MO)**

# TENNESSEE

**RANK 14, SCORE 20/33**



**80 CHARTER SCHOOLS**  
**12,148 CHARTER STUDENTS**  
**1% OF PUBLIC SCHOOL STUDENTS**



**DISTRICT AUTHORIZING STATE**  
**4 AUTHORIZERS**  
**79% ARE AUTHORIZED BY LEAs**



**YEAR LAW ESTABLISHED: 1994**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	2	3	0	0	3	0	6	6	20/33
2014	2	3	0	0	0	0	6	6	17/33

## NOTEWORTHY IN 2015

### SCORE INCREASE: +3

**Reports on Performance (+3).** State statute requires each charter school to report its progress towards achieving the goals in its charter. The statute also requires the Commissioner of Education to prepare and submit an annual report on charter schools to the Joint Committee on Education Oversight based on the school performance information collected. In 2015, the Department of Education issued new guidance on this requirement by (1) providing a sample annual report template and (2) reiterating an authorizer's discretion to specify attributes of the form and the content of the report. The result is state policy that produces an annual consolidated report on the performance of schools in each authorizer's portfolio.

In 2015, the Legislature modified the implementation date of the default closure provision. Charter schools on the priority school list (the bottom 5% of schools) in 2017 or later will be subject to closure.

## NACSA RECOMMENDS

- **Require all authorizers to use nationally recognized professional standards for charter school authorizing.** Tennessee law requires the State Board of Education to follow nationally recognized best practices in charter school authorizing and recommends that other authorizers in the state do so as well. Metro Nashville Public Schools moved this year to adopt a set of authorizing policies that are contrary to nationally recognized best practices. Given this, NACSA recommends that Tennessee law be further strengthened to require all authorizers to follow nationally recognized best practices in charter school authorizing as promulgated by the Board.
- **Extend State Board of Education appellate authorizing jurisdiction to the entire state.** Provide all charter school applicants with the right to an enforceable appeal, regardless of their jurisdiction.
- **Require all authorizers to use performance contracts, performance frameworks, and policies that encourage the replication of high-quality charter schools.** These practices are currently being used by several authorizers in the state and should be codified as a requirement for all authorizers. Tennessee is one of only six states that do not require a charter contract that is distinct from the charter application.
- **Create mechanisms for the oversight of authorizers, including authorizer evaluations.** Historically, the quality of authorizers has been mixed. In the last two years, several initiatives have been passed to improve the quality of authorizers and enhance charter school accountability, but concerns about inconsistent authorizer quality remain. Basic authorizer transparency

- mechanisms, such as disclosure of various charter school oversight expenses and allowing for as-needed evaluations of authorizers, would encourage quality authorizing and help foster public trust of the authorizing community. This would also help needed campaigns for authorizer operational funding, which the state currently lacks.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	2/6	LEA, SEA on appeal with limited jurisdiction, and an Achievement School District (ASD), a statewide recovery school district with limited jurisdiction that acts like an Independent Charter Board. The State Board of Education (SBE) may directly authorize charter schools on appeal from school districts with one or more schools ranked in the bottom 5% of all schools in the state. Charter schools from other districts may still appeal to the SBE; if the SBE overturns the LEA's decision, the charter school is returned to the LEA for authorization. The ASD is limited to certain new school and conversion efforts in specific school catchment zones where existing schools demonstrate failing performance.
2. Authorizer Standards	3/3	State law requires the use of nationally recognized authorizer standards by the SBE and recommends their use by all authorizers.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	3/3	<b>New in 2015:</b> State statute requires each charter school to report its progress towards achieving the goals in its charter. The statute also requires the Commissioner of Education to prepare and submit an annual report on charter schools to the Joint Oversight Committee on Education based on the school performance information collected. In 2015, the Department of Education issued new guidance on this requirement by (1) providing a sample annual report template and (2) reiterating an authorizer's discretion to specify attributes of the form and content of the report. The result is state policy that produces an annual consolidated report on the performance of schools in each authorizer's portfolio.
6. Performance Management & Replication	0/3	State law requires no charter contract, performance framework, or replication policy. In practice, several of the authorizers in the state use performance frameworks and have policies to encourage the replication of high-performing charter schools.
7. Renewal Standard	6/6	State law calls for the non-renewal of "priority schools" (the state's lowest-performing schools), and renewal decisions must be based on a charter school's annual progress report.
8. Default Closure	6/6	State law calls for the default closure of priority schools. <b>New in 2015:</b> Charter schools on the priority list beginning in 2017 will be subject to default closure.

**TOTAL POINTS: 20/33, RANK 14 (TIED WITH GA)**

# TEXAS

**RANK 5, SCORE 27/33**



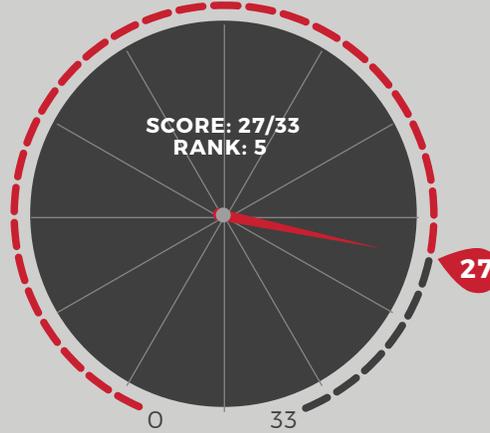
**721** CHARTER SCHOOLS  
**264,606** CHARTER STUDENTS  
**5%** OF PUBLIC SCHOOL STUDENTS



**STATE WITH FEW AUTHORIZERS**  
**17** AUTHORIZERS  
**89%** ARE AUTHORIZED BY THE COMMISSIONER OF EDUCATION



YEAR LAW ESTABLISHED: **1995**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	6	3	0	0	3	3	6	6	<b>27/33</b>
2014	6	3	0	0	3	3	6	6	<b>27/33</b>

## NACSA RECOMMENDS

- **Continue with the implementation of authorizer quality and charter school accountability provisions.** As Texas continues with the implementation of significant reforms passed in 2013, the state may benefit from clarifying practices concerning renewal and closure proceedings and asset distribution and dissolution. NACSA also encourages the State to extend many of these policies to more broadly encompass LEA authorizers and their practices as reform continues.
- **Establish authorizer evaluations on an as-needed or self-evaluative basis.** Authorizer self-evaluations require an authorizer to reflect on their practices and outcomes and identify areas for improvement. This would identify any LEA authorizers that may be in need of improvement and provide a mechanism for the Commissioner of Education or the State Board of Education to proactively recommend the improvement of internal practices.
- **Consider authorizer sanctions if additional school districts choose to authorize large portfolios of charter schools.** This will create a mechanism to impose consequences, if necessary, if authorizers are not engaged in high-quality authorizing activity.

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	6/6	LEA, SEA. Texas allows the Commissioner of Education and LEAs to authorize charter schools. The State Board of Education is able to review charter school approvals. While most charter schools are authorized by the Commissioner, 16 LEAs also authorize charter schools. Some LEAs, such as Houston Independent School District, oversee large portfolios of charter school campuses.
2. Authorizer Standards	3/3	State law requires authorizers to adopt practices based on national quality standards for authorizers.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	3/3	State law requires all authorizers to release an annual report for the schools they oversee comparing charter to district school performance.
6. Performance Management & Replication	3/3	State law requires a charter contract and a performance framework. The law also allows multiple schools to be operated under one charter and eases replication for high-performing schools. Texas law creates a first-in-the-nation statutorily differentiated renewal structure for SEA-authorized schools.
7. Renewal Standard	6/6	By law, low-performing charter schools may not be renewed. Authorizers may non-renew charter schools that fail to meet their academic performance goals.
8. Default Closure	6/6	State law requires default closure for charter schools assigned the lowest performance rating on the state accountability system for three consecutive years.

**TOTAL POINTS: 27/33, RANK 5**

# UTAH

**RANK 35, SCORE 8/33**



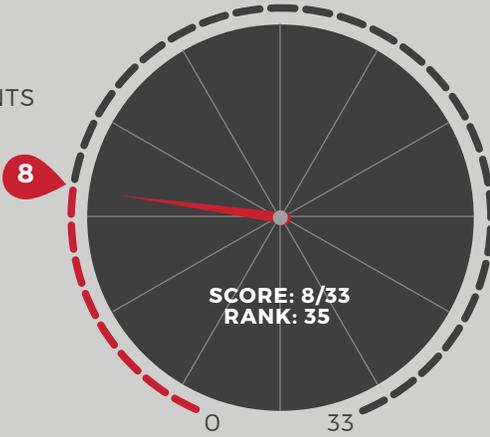
**110 CHARTER SCHOOLS**  
**61,435 CHARTER STUDENTS**  
**10% OF PUBLIC SCHOOL STUDENTS**



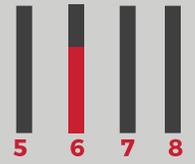
**STATE WITH FEW AUTHORIZERS** **8**  
**8 AUTHORIZERS**  
**89% ARE AUTHORIZED BY THE STATE BOARD OF EDUCATION**



**YEAR LAW ESTABLISHED: 1998**



**AUTHORIZER QUALITY (BY POLICY)**



**SCHOOL ACCOUNTABILITY (BY POLICY)**

## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	6	0	0	0	0	2	0	0	8/33
2014	6	0	0	0	0	2	0	0	8/33

## NOTEWORTHY IN 2015

Utah law now establishes a mechanism for the voluntary surrender of a charter. This is the only provision currently in law for the closure of a charter school outside of revocation.

## NACSA RECOMMENDS

- **Establish a renewal statute with a strong renewal standard.** Utah is the only state in the country that still has “evergreen” charter contracts that do not expire unless they are revoked. This makes it very difficult to enforce accountability and close a charter school under almost any circumstances. A renewal statute with a strong renewal standard will give the State Charter School Board, and all other authorizers, the statutory authority it needs to conduct regular high-stakes reviews and enforce charter school accountability. This is especially important given Utah’s history of low-performing charter schools.
- **Institute a default closure mechanism** to make closure the expected outcome for failing charter schools.
- **Endorse professional standards for charter school authorizing.** Authorizer standards provide clear guidance and support for current authorizers to implement strong practices, while encouraging consistent quality in the authorizing sector if more Higher Education Institutions or LEA authorizers become active.
- **Establish authorizer evaluations** based on the performance of their portfolios of schools and their adherence to best practices in charter school authorizing. This is especially important given the large number of potential authorizers allowed by Utah statute. It will ensure consistent, high-quality authorizing if additional authorizers become active.
- **Codify the expectation that all authorizers will report annually on the academic performance of their schools.**

## THE SCORE

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	6/6	LEA, Independent Charter Board, Higher Education Institution (HEI). Utah allows LEAs, the State Charter School Board (an Independent Charter Board), and HEIs to authorize charter schools. The State Board of Education (SBE) must also approve all schools authorized by HEIs (dual approval).
2. Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their portfolio of schools. In practice, the State Charter School Board issues annual reports on the performance of its portfolio of charter schools.
6. Performance Management & Replication	2/3	State law requires the use of a charter contract but not a performance framework. The law requires the SBE to make rules to establish procedures for charter school expansion.
7. Renewal Standard	0/6	State law does not provide a clear standard for charter renewal.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 8/33, RANK 35**

# VIRGINIA

## RANK 42, SCORE 1/33



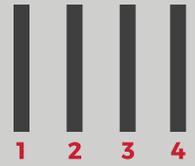
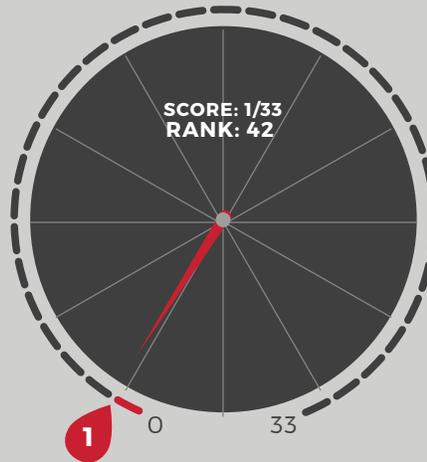
7 CHARTER SCHOOLS  
2,263 CHARTER STUDENTS  
<1% OF PUBLIC SCHOOL STUDENTS



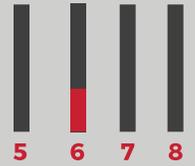
DISTRICT AUTHORIZING STATE  
5 AUTHORIZERS  
100% ARE AUTHORIZED BY LEAs



YEAR LAW ESTABLISHED: 1998



AUTHORIZER QUALITY  
(BY POLICY)



SCHOOL ACCOUNTABILITY  
(BY POLICY)

## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	0	0	0	0	0	1	0	0	1/33
2014	0	0	0	0	0	1	0	0	1/33

## NOTEWORTHY IN 2015

In 2015, the Legislature passed Senate Joint Resolution 256, which is the first step toward placing a constitutional amendment on the November 2016 general election ballot to empower the State Board of Education to establish charter schools. The resolution will need to pass the Legislature again with a majority vote in the 2016 session in order to be placed before voters on the November 2016 ballot.

## NACSA RECOMMENDS

- **Virginia has a moribund charter law. Creating legally autonomous schools should be the primary policy goal for the state.** Policy should ensure that schools have a legally autonomous governing board and autonomy in crucial areas of school operations.
- **Create an alternative authorizer, such as the State Board of Education.** Virginia is one of only three states that allow only LEAs to authorize charter schools and has no appeals system. This severely limits charter schools.
- **Endorse professional standards for charter school authorizing.**
- **Create a strong renewal standard** that directly links school academic performance to renewal.
- **Require contracts, performance frameworks, and annual performance reports for all charter schools.**

## THE SCORE<sup>1</sup>

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	0/6	LEA only. <b>New in 2015:</b> In 2015, the Legislature passed Senate Joint Resolution 256, which is the first step toward placing a constitutional amendment on the November 2016 general election ballot to empower the State Board of Education to establish charter schools. The resolution will need to pass the Legislature again with a majority vote in the 2016 session in order to be placed before voters on the November 2016 ballot.
2. Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their portfolio of schools.
6. Performance Management & Replication	1/3	State law requires the use of a charter contract but not a performance framework or replication policy.
7. Renewal Standard	0/6	State law does not specify provisions for renewing charters.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 1/33, RANK 42**

<sup>1</sup> Virginia has a moribund charter school law. Creating legally autonomous schools and a viable alternative authorizer should be the primary policy goals for the state.

# WASHINGTON



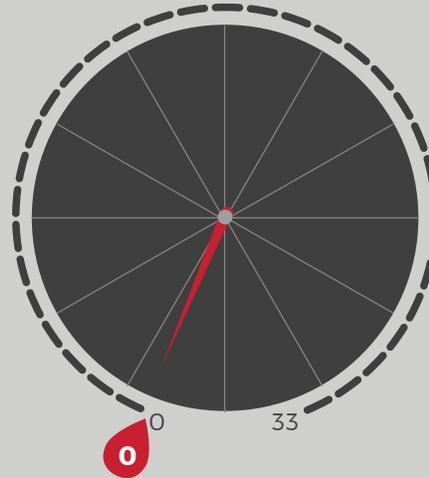
0 CHARTER SCHOOLS  
0 CHARTER STUDENTS  
0% OF PUBLIC SCHOOL STUDENTS



N/A



YEAR LAW ESTABLISHED: **2012**  
LAW INVALIDATED BY COURT  
RULING IN **2015**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	-	-	-	-	-	-	-	-	-
2014	6	3	3	3	3	3	6	6	33/33

## NOTEWORTHY IN 2015

On September 4, 2015, the Washington Supreme Court held Washington State’s charter school statute unconstitutional under “common school” and other provisions of the state constitution, based primarily on how those provisions relate to public school funding and governance. On November 19, 2015, the Washington Supreme Court ruled it will not reconsider its earlier decision; therefore, the state’s charter school law remains invalidated.

## NACSA RECOMMENDS

- *Washington had all of NACSA’s recommended policies in law before the law was ruled unconstitutional. The ruling was not a comment on NACSA’s eight recommended policies. To learn more about how the state’s law scored before it was struck down, see our [2014 analysis](#).*
- *Washington should find a way to reestablish a charter school law, to both respect the will of Washington voters and offer families quality public school options.*

# WISCONSIN

**RANK 21, SCORE 15/33**



**245 CHARTER SCHOOLS**  
**42,704 CHARTER STUDENTS**  
**5% OF PUBLIC SCHOOL STUDENTS**



**DISTRICT AUTHORIZING STATE**  
**102 AUTHORIZERS**  
**91% ARE AUTHORIZED BY LEAs**



**YEAR LAW ESTABLISHED: 1993**



## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	6	3	0	0	3	3	0	0	15/33
2014	2	3	0	0	0	1	0	0	6/33

## NOTEWORTHY IN 2015

### SCORE INCREASE: +9

**Who Authorizes (+4).** The geographic restrictions on authorizing activity by the City of Milwaukee, Milwaukee Area Technical College, University of Wisconsin-Milwaukee, and University of Wisconsin-Parkside were removed; now these entities may authorize statewide. In addition, new limited-jurisdiction authorizers were added. The University of Wisconsin System Board of Regents may authorize charter schools in the Madison and Milwaukee school districts, with authorizing conducted by the newly established Office of Educational Opportunity, the Director of which will be appointed by the President of the University of Wisconsin. The College of Menominee Nation and Lac Courte Oreilles Ojibwa Community College, both tribal colleges, may authorize a total of six charter schools between them; Gateway Technical College (a Higher Education Institution) may authorize in the Gateway Technical College District only; the County Executive of Waukesha County may authorize in Waukesha County only.

**Reports on Performance (+3).** State law passed in 2015 requires authorizers to produce an annual public report on the academic and financial performance of their portfolio of schools.

**Performance Management and Replication (+2: Performance Frameworks and Replication).** State law passed in 2015 requires authorizers to use a performance framework. In addition, charter contracts must now include a provision that allows the governing boards of top-rated charter schools to open additional campuses, thereby encouraging replication of high-quality charter schools.

## NACSA RECOMMENDS

- Institute a strong renewal standard.** Empower authorizers to close schools that fail to achieve the performance goals in their charter contract.
- Require regular authorizer evaluations.** Requiring authorizers to adhere to NACSA's *Principles & Standards for Quality Charter School Authorizing*, as state law does, is an important step to help ensure authorizing quality. These standards should be reinforced through authorizer evaluations and authorizer sanctions. This is important in a state like Wisconsin, which has so far created a patchwork system of authorizers, each with their own variable jurisdiction. Regular evaluations can identify any deficiencies before they create problems.
- Ensure that new charter school governing board autonomies, particularly for instrumentality schools, are implemented to maximize charter school flexibility.** If these are not implemented as such, the State should revisit the status of these schools and explore changing them to some status other than "charter schools." This would more accurately reflect their relationships to their local school district and their relative lack of autonomy.

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	6/6	LEA, Non-Educational Government (NEG) entities, statewide and limited jurisdiction Higher Education Institutions (HEI). Wisconsin’s charter school law distinguishes three types of brick-and-mortar charter schools based on their type of authorizer and degree of autonomy. <sup>1</sup> While LEAs authorize a vast majority of Wisconsin’s charter schools, schools authorized by LEAs generally lack significant autonomy. <sup>2</sup> Schools authorized by non-LEAs have higher autonomy more consistent with the autonomy expected in the charter school sector. Wisconsin allows LEA authorizers across the state. New in 2015: Six entities may authorize statewide: The City of Milwaukee, Milwaukee Area Technical College, University of Wisconsin-Milwaukee, University of Wisconsin-Parkside, and the College of Menominee Nation and Lac Courte Oreilles Ojibwa Community College (which may authorize up to six charter schools between them). Three entities may authorize in limited jurisdictions: the University of Wisconsin System Board of Regents may authorize charter schools in Madison and Milwaukee school districts; Gateway Technical College (an HEI) may authorize in the Gateway Technical College District; and the County Executive of Waukesha County may authorize in Waukesha County only.
2. Authorizer Standards	3/3	State law requires authorizers to adhere to the <i>Principles &amp; Standards of Quality Charter School Authorizing</i> established by NACSA.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer’s portfolio; or remove authorizing authority.

<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	3/3	<b>New in 2015:</b> State law requires authorizers to produce an annual public report on the academic and financial performance of their portfolio of schools.
6. Performance Management & Replication	3/3	State law requires a charter contract. <b>New in 2015:</b> Authorizers must use a performance framework. Charter contracts must include a provision that allows the governing boards of top-rated charter schools to open additional campuses, thereby encouraging replication of high-quality charter schools.
7. Renewal Standard	0/6	State law allows “reasonable progress” to be sufficient for a charter to be renewed.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 15/33, RANK 21 (TIED WITH CT, NC, NM, WI)**

<sup>1</sup> “2r” charter schools are authorized by NEGs or HEIs and do have significant autonomy. Non-instrumentality charter schools are authorized by school districts and may have significant autonomy. Instrumentality charter schools are authorized by school districts and lack most traditional charter school autonomies.

<sup>2</sup> Most of the district-authorized schools are instrumentality charter schools and lack most traditional charter school autonomies.

# WYOMING

**RANK 39, SCORE 3/33**



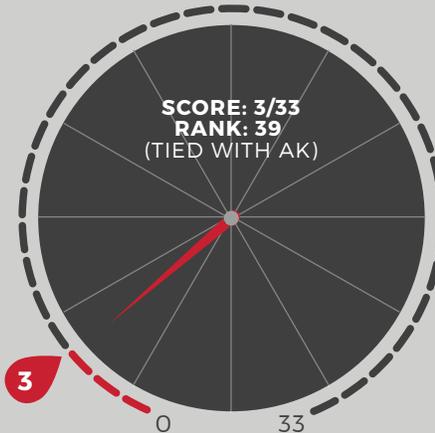
**4 CHARTER SCHOOLS**  
**459 CHARTER STUDENTS**  
**<1% OF PUBLIC SCHOOL STUDENTS**



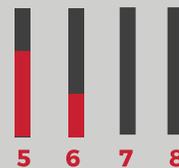
**DISTRICT AUTHORIZING STATE**  
**2 AUTHORIZERS**  
**100% ARE AUTHORIZED BY LEAs**



**YEAR LAW ESTABLISHED: 1995**



**1 2 3 4**  
**AUTHORIZER QUALITY**  
**(BY POLICY)**



**5 6 7 8**  
**SCHOOL ACCOUNTABILITY**  
**(BY POLICY)**

## YEARLY COMPARISON

	1. Who Authorizes (6 points)	2. Standards (3 points)	3. Evaluations (3 points)	4. Sanctions (3 points)	5. Reports (3 points)	6. PMR (3 points)	7. Renewals (6 points)	8. Default Closure (6 points)	Total (33 points)
2015	0	0	0	0	2	1	0	0	<b>3/33</b>
2014	0	0	0	0	2	1	0	0	<b>3/33</b>

## NACSA RECOMMENDS

- **Wyoming has a moribund charter law. Creating legally autonomous schools should be the primary policy goal for the state.** Policy should ensure that schools have a legally autonomous governing board and autonomy in crucial areas of school operations.
- **Create an alternative authorizer or, at a minimum, an appellate authorizer.** Wyoming is one of only three states that allow only LEAs to authorize charter schools and has no appeals system. This severely limits charter schools.
- **Endorse professional standards for charter school authorizing.**
- **Create a strong renewal standard that directly links school academic performance to renewal.**
- **Require contracts and performance frameworks.**

## THE SCORE<sup>1</sup>

POLICY	POINTS	DETAILS & CONTEXT
<b>AUTHORIZER QUALITY</b>		
1. Who Authorizes	0/6	LEA only.
2. Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
3. Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
4. Authorizer Sanctions	0/3	State law does not allow for authorizer sanctions that: restrict the granting of new charters by the authorizer; remove schools from the authorizer's portfolio; or remove authorizing authority.
<b>SCHOOL ACCOUNTABILITY</b>		
5. Reports on Performance	2/3	By law, each school district must report annually to the state board on its charter school's program and performance but not provide a comprehensive report on its portfolio. <sup>2</sup>
6. Performance Management & Replication	1/3	State law requires a charter contract but not a performance framework. The law does not explicitly encourage or address replication of successful schools.
7. Renewal Standard	0/6	State law allows "reasonable progress" to be sufficient for a charter to be renewed.
8. Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.

**TOTAL POINTS: 3/33, RANK 39 (TIED WITH AK)**

<sup>1</sup>Wyoming law is silent on the legal autonomy of charter school governing boards. State rules operate under the assumption that charter schools have a separate not-for-profit governing board but do not specify that the school must have one. As such, NACSA classifies Wyoming as having a moribund charter school law. Creating legally autonomous schools and a viable alternative authorizer should be the primary policy goals for the state.

<sup>2</sup>In practice, because portfolios are so small, a report on a single school can effectively constitute a report on the authorizer's portfolio. However, there is nothing in statute that would require the authorizer to report on its schools collectively.

# APPENDIX A: METHODOLOGY

NACSA examined state laws and rules<sup>7</sup> for current charter school state policies in place as of October 1, 2015 (with the exception of Washington State, since updated due to exigent circumstances), then used a rubric to assess those policies against NACSA's recommended policy framework.

We shared the initial scoring and narrative with stakeholders, state by state, who helped NACSA correct inaccuracies, pointed out policies we may have missed or misinterpreted, or offered observations on the context of their state that are important to consider when evaluating their state's environment. This report includes notes on the state-specific contexts that reflect these conversations.

As NACSA learns through this work, the policies we track and how we evaluate them may change over time. While NACSA acknowledges valuable feedback we received, we take full responsibility for the content of this report.

Scoring on the rubric is calculated as follows:

- **A state with no relevant policy receives 0 on that measure.**
- **Partial policies receive 1 or 2 points, depending on their quality.**
- **Policies that mirror NACSA's recommendations receive 3 points.**
- **Three of the eight policies are higher priorities and receive double "weighting."**
- **Five policies can produce 3 points each, and the three higher priority policies are worth 6 points each.**
- **The resulting rubric provides a total of 33 points.**

All authorizer accountability policies—authorizer standards, authorizer evaluations, reports on performance, and authorizer sanctions—have a maximum of 3 points each. Performance management and replication also has a maximum of 3 points. States can receive 0, 1, 2, or 3 points for each of these policies, with the exception of authorizer standards and authorizer evaluations, which are worth 0, 1, or 3 points. Alternative statewide authorizer, default closure, and renewal standard each have a maximum point total of 6. States can receive 0 or 6 points for renewal standard and 0, 2, 4, or 6 points for default closure and alternative authorizer.

## Policy 1: Who Authorizes

RUBRIC	SCORE
State law permits more than one authorizer that a school can directly apply to without appeals or other limitations across the state, such as an ICB, SEA, HEI, or NFP, and there is more than one authorizing option in the state.	6/6
State law permits an alternative authorizer only upon appeal, or there is only a single statewide authorizer.	4/6
State law permits an alternative authorizer with limited jurisdiction, or a LEA decision can be appealed, but the LEA remains the authorizer upon approval.	2/6
State law allows only LEA authorizing.	0/6

## Policy 2: Authorizer Standards

RUBRIC	SCORE
State law incorporates national professional standards of quality authorizing or provides state standards that meet or exceed NACSA's <i>Principles &amp; Standards for Quality Charter School Authorizing</i> .	3/3
State law requires standards but does not provide any content, or the content is not consistent with NACSA's <i>Principles &amp; Standards</i> or are not high quality.	1/3
State law omits authorizer standards.	0/3

## Policy 3: Authorizer Evaluations

RUBRIC	SCORE
State law requires or allows a state entity to assess authorizers' compliance with applicable standards and/or portfolio performance.	3/3
State law requires authorizers to self-report on their compliance with state-mandated standards.	1/3
State law provides no evaluation for authorizers.	0/3

## Policy 4: Authorizer Sanctions

RUBRIC	SCORE
Sanctions can be applied to authorizers for failure to meet standards of quality authorizing or for school performance. Sanctions explicitly include removing authorizing authority.	3/3
Sanctions can be applied to authorizers for failure to meet standards of quality authorizing or for school performance. Sanctions include removing schools from an authorizer's portfolio.	2/3
Sanctions can be applied to authorizers for failure to meet standards of quality authorizing or for school performance. Sanctions restrict the granting of new charters by the authorizer but may allow authorizers to remain open and continue overseeing existing schools.	1/3
State law does not allow for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.	0/3

## Policy 5: Reports on Performance

RUBRIC	SCORE
State law requires authorizers to issue an annual consolidated report on the performance of schools in their portfolio.	3/3
State law requires some but not all authorizers to issue an annual consolidated report on the performance of schools in their portfolio, or state law requires performance reports on each individual school but not a consolidated report of the whole authorizer portfolio.	2/3
State law requires an annual report including information on school performance but requires something less than a comprehensive report on all schools in the portfolio.	1/3
State law does not require reports on school performance.	0/3

## Policy 6: Performance Management and Replication

RUBRIC	SCORE
State law requires all authorizers to use three essential tools for all charter schools: two performance management tools (a charter contract—separate and distinct from the charter application, and a performance framework), and a policy that encourages and promotes thoughtful replication of high-quality schools. For example, replication policies may include requiring a differentiated (and rigorous) application process specifically designed for high-performing schools seeking to replicate, or allowing successful charter operators to run multiple campuses under one charter.	3/3
State law requires the use of two of three tools.	2/3
State law requires the use of one of three tools.	1/3
State law does not require the use of any of these tools.	0/3

## Policy 7: Renewal Standard

### RUBRIC

### SCORE

State law allows authorizers the option to refuse to renew low-performing schools based solely on past academic performance and does not require “reasonable progress” to be sufficient for renewal.

6/6

State law requires “reasonable progress” to be sufficient for charter renewal.

0/6

## Policy 8: Default Closure

### RUBRIC

### SCORE

The default consequence under state law provides that charter schools that fail to meet statutorily specified and enforceable performance standards for a defined period, or at the time of renewal, will lose their charter unless there are extenuating circumstances.

6/6

The default consequence under state law provides that charter schools that fail to meet unspecified standards for a defined period, or at the time of renewal, will lose their charter unless there are extenuating circumstances.

4/6

Charter schools with a renewal term of 10 or more years and that fail to meet performance standards will be closed at the time of renewal.

2/6

The default consequence under state law provides that schools will retain their charters despite failing to meet minimum academic standards.

0/6

# APPENDIX B: WHICH POLICIES, WHICH STATES?

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## POLICY 1: WHO AUTHORIZES

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### **What:**

NACSA supports policy that produces at least two high-quality authorizers in every jurisdiction. At least one of these authorizers should be an alternative to the local school district (LEA)—ideally a statewide independent charter board (ICB) established with the sole mission of chartering quality schools. Each charter applicant should be able to apply directly to either authorizer. If only one authorizer is present, such as a local school district, there should at a minimum be an authorizer that can consider and authorize on appeal.

### **Why:**

Having more than one authorizer provides a fail-safe for high-quality charter schools—it prevents a single reluctant, ambivalent, or hostile authorizer from blocking good charter school applicants or inappropriately closing schools. These alternative authorizers can also help establish expectations for all authorizers and provide models of strong practice that others can follow. Additionally, the presence of a second authorizer gives states the ability to sanction a specific authorizer without indirectly harming future applicants or strong schools.

This policy receives double weight in NACSA's rubric because the absence of a quality authorizer in any jurisdiction can make it difficult to establish quality charter schools, diminishing the impact of the rest of the policies.

This approach is not meant to promote a large number of authorizers operating in any single locale.

### **Rubric:**

**6/6:** State law permits more than one authorizer that a school can directly apply to without appeals or other limitations across the state, such as an ICB, SEA, HEI, or NFP, and there is more than one authorizing option in the state.

**4/6:** State law permits an alternative authorizer only upon appeal, or there is only a single statewide authorizer.

**2/6:** State law permits an alternative authorizer with limited jurisdiction, or a LEA decision can be appealed, but the LEA remains the authorizer upon approval.

**0/6:** State law allows only LEA authorizing.

## POLICY 1: WHO AUTHORIZES

State	Who Authorizes Score	State	Who Authorizes Score	State	Who Authorizes Score
Arizona	6	Alabama*	4	Alaska	2
Delaware	6	Arkansas	4	Colorado	2
Georgia	6	California*	4	Florida	2
Hawaii	6	Connecticut	4	Maryland	2
Idaho	6	District of Columbia	4	Tennessee	2
Indiana	6	Illinois*	4	<b>LIMITED JURISDICTION ALTERNATIVE AUTHORIZER OR APPEAL HEARING ONLY</b>	<b>5 STATES</b>
Louisiana	6	Iowa*	4		
Maine	6	Massachusetts	4		
Michigan	6	Mississippi	4		
Minnesota	6	New Jersey	4		
Missouri	6	North Carolina	4	<b>State</b>	<b>Who Authorizes Score</b>
Nevada	6	Oklahoma*	4	Kansas	0
New Hampshire	6	Oregon*	4	Virginia	0
New Mexico	6	Pennsylvania*	4	Wyoming	0
New York	6	Rhode Island	4	<b>DISTRICT ONLY, NO APPEAL</b>	<b>3 STATES</b>
Ohio	6	<b>SINGLE STATEWIDE AUTHORIZER OR APPEAL*</b>	<b>15 STATES</b>		
South Carolina	6				
Texas	6				
Utah	6				
Wisconsin	6				
<b>2 OR MORE AUTHORIZERS</b>	<b>20 STATES</b>				

## POLICY 2: AUTHORIZER STANDARDS

State	Authorizer Standards Score
Alabama	3
Colorado	3
Delaware	3
District of Columbia	1
Hawaii	3
Illinois	3
Indiana	3
Louisiana	3
Maine	3
Minnesota	3
Mississippi	3
Missouri	1
Nevada	3
New Mexico	3
Ohio	3
Oklahoma	1
South Carolina	3
Tennessee	3
Texas	3
Wisconsin	3
<b>FULL CREDIT:</b>	<b>17 STATES</b>
<b>PARTIAL CREDIT:</b>	<b>3 STATES</b>
<b>TOTAL:</b>	<b>20 STATES</b>

### What:

NACSA supports policy requiring every state to endorse national professional standards for quality charter school authorizing and requiring all authorizers to meet these standards. Ideally, these standards will be NACSA's *Principles & Standards*. They were created by independent experts and represent more than 15 years of continuous development in the changing charter school landscape. These standards ensure authorizers engage in a full range of oversight activities, including (1) holding schools accountable for their performance goals, (2) protecting public dollars, and (3) looking out for the needs of special populations and the larger community. Importantly, these standards also uphold the charter school model by striking the appropriate balance between autonomy and oversight overreach. Alternatively, a state should develop or endorse standards that are well aligned with NACSA's, requiring and providing guidance on strong authorizer practices and addressing all major stages and responsibilities of charter school authorizing and oversight.

### Why:

Professional standards for authorizing promote rigor in charter school oversight and accountability for charter school performance. Authorizing is both a major public stewardship role and a complex profession requiring particular capacities and commitment. It should be treated as such—with standards-based barriers to entry and ongoing evaluation to maintain the right to authorize. NACSA's *Principles & Standards* guide authorizers through all key stages of charter oversight and include standards designed to protect student and public interests and to safeguard charter school autonomy.

### Rubric:

**3/3:** State law incorporates national professional standards of quality authorizing or provides state standards that meet or exceed NACSA's *Principles & Standards for Quality Charter School Authorizing*.

**1/3:** State law requires standards but does not provide any content, or the content is not consistent with NACSA's *Principles & Standards* or are not high quality.

**0/3:** State law omits authorizer standards.

## POLICY 3: AUTHORIZER EVALUATIONS

State	Authorizer Evaluations Score
Alabama	3
Arizona	3
District of Columbia	3
Georgia	3
Hawaii	3
Indiana	3
Louisiana	3
Maine	3
Minnesota	3
Mississippi	1
Missouri	3
Nevada	3
Ohio	3
<b>FULL CREDIT:</b>	<b>12 STATES</b>
<b>PARTIAL CREDIT:</b>	<b>1 STATES</b>
<b>TOTAL:</b>	<b>13 STATES</b>

### What:

NACSA supports policy requiring a qualified state entity to regularly evaluate authorizers on adherence to authorizer standards and on the performance of the charter schools they oversee. In some states, such as those that have only one authorizer, regular self-evaluation by authorizers themselves may be appropriate.

### Why:

NACSA supports policy requiring a qualified state entity to regularly evaluate authorizers on adherence to authorizer standards and on the performance of the charter schools they oversee. In some states, such as those that have only one authorizer, regular self-evaluation by authorizers themselves may be appropriate.

### Rubric:

**3/3:** State law requires or allows a state entity to assess authorizers' compliance with applicable standards and/or portfolio performance.

**1/3:** State law requires authorizers to self-report on their compliance with state-mandated standards.

**0/3:** State law provides no evaluation for authorizers.

## POLICY 4: AUTHORIZER SANCTIONS

State	Authorizer Sanctions Score
Alabama	3
Arizona	3
Hawaii	3
Illinois	3
Indiana	3
Louisiana	3
Maine	1
Michigan	1
Minnesota	3
Missouri	3
Nevada	3
Ohio	3
Oklahoma	2
<b>FULL CREDIT:</b>	<b>10 STATES</b>
<b>PARTIAL CREDIT:</b>	<b>3 STATES</b>
<b>TOTAL:</b>	<b>13 STATES</b>

### What:

NACSA supports policy that sanctions authorizers if they do not meet professional standards or if the schools they oversee persistently fail to meet performance standards. Sanctions may include revoking the authorizer's authority to oversee schools, revoking the authorizer's authority to authorize new schools, and transferring schools to other authorizers. Some forms of authorizer sanctions may be counterproductive until a state has a viable alternative authorizer. Where this is the case, authorizer standards and evaluations should be used to inform and improve the authorizer's practices rather than to apply sanctions that would eliminate the only available authorizer.

### Why:

Authorizers, like charter schools, must be closed if they persistently fail.<sup>8</sup> The public entrusts authorizers with the expectation that they will maintain portfolios of schools that serve the public good. This includes fostering strong student outcomes; maintaining the public trust through transparent, ethical actions; and adhering to professional standards in practices. An authorizer that violates this trust is no longer serving the public good and, as a result, should no longer have the right to authorize charter schools. Authorizer sanctions are not meant to eliminate the only available authorizer in any state or locale. This would contradict the purpose of charter school authorizing. Rather, authorizer sanctions ensure that, where there is an alternative authorizer, policymakers have a mechanism for pushing failing authorizers out of the sector.

Even a single authorizer willing to help weak applicants and failing schools escape rigor and accountability can undermine strong practices by all other authorizers.

### Rubric:

**3/3:** Sanctions can be applied to authorizers for failure to meet standards of quality authorizing or for school performance. Sanctions explicitly include removing authorizing authority.

**2/3:** Sanctions can be applied to authorizers for failure to meet standards of quality authorizing or for school performance. Sanctions include removing schools from an authorizer's portfolio.

**1/3:** Sanctions can be applied to authorizers for failure to meet standards of quality authorizing or for school performance. Sanctions restrict the granting of new charters by the authorizer but may allow authorizers to remain open and continue overseeing existing schools.

**0/3:** State law does not allow for authorizer sanctions that restrict the granting of new charters by the authorizer, remove schools from the authorizer's portfolio, or remove authorizing authority.

## POLICY 5: REPORTS ON PERFORMANCE

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### **What:**

NACSA supports policy requiring a public report on the academic performance of each charter school in an authorizer's portfolio. This report should include measures of performance as established by the state accountability system and, ideally, the measures from the school performance framework used by the authorizer and set forth in the charter contract.

### **Why:**

Policymakers, schools, parents, and the general public should have access to transparent information on the academic performance of charter schools. These reports serve multiple purposes. They provide individual schools with an annual check-in against the performance goals in their charter agreement. They provide policymakers, authorizers, and other stakeholders with a consolidated look at the portfolio of schools each authorizer oversees, helping identify any patterns of school performance that may point to either deficient or exceptional authorizing practices. But most importantly, these reports ensure transparency. Transparency is necessary to help parents make informed educational choices. Annual public performance reports provide all stakeholders with a clear picture of charter school performance.

### **Rubric:**

**3/3:** State law requires authorizers to issue an annual consolidated report on the performance of schools in their portfolio.

**2/3:** State law requires some but not all authorizers to issue an annual consolidated report on the performance of schools in their portfolio, or state law requires performance reports on each individual school but not a consolidated report of the whole authorizer portfolio.

**1/3:** State law requires an annual report including information on school performance but requires something less than a comprehensive report on all schools in the portfolio.

**0/3:** State law does not require reports on school performance.

## POLICY 5: REPORTS ON PERFORMANCE

State	Reports on Performance Score	State	Reports on Performance Score
Alabama	3	New Mexico	3
Arizona	3	North Carolina	3
Colorado	3	Ohio	3
Connecticut	2	Oklahoma	2
Delaware	3	Rhode Island	2
District of Columbia	3	South Carolina	3
Florida	2	Tennessee	3
Georgia	3	Texas	3
Hawaii	3	Wisconsin	3
Idaho	2	Wyoming	2
Illinois	3	<b>FULL CREDIT: 20 STATES</b>	
Indiana	3	<b>PARTIAL CREDIT: 7 STATES</b>	
Maine	3	<b>TOTAL: 27 STATES</b>	
Massachusetts	2		
Minnesota	3		
Mississippi	3		
Nevada	3		

## POLICY 6: PERFORMANCE MANAGEMENT AND REPLICATION

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### **What:**

NACSA supports policy requiring every authorizer to execute a charter contract with each of its schools. The contract should be a distinct document—separate from the charter petition or application—articulating the rights and responsibilities of the school and authorizer and setting forth the performance standards and expectations the school must meet to earn renewal. Each authorizer should be required to use a performance framework for all its schools. These frameworks should reflect the academic, financial, and organizational performance expectations outlined in the charter contract and provide the basis for authorizers' renewal decisions.

States should also adopt policies that promote the thoughtful replication of high-quality schools. Policies that encourage replication include using a differentiated application process designed for high-performing schools seeking to replicate, and allowing successful charter operators to run multiple campuses under one charter. NACSA particularly recommends state policies that (a) explicitly encourage quality replication of successful schools and (b) require authorizers to evaluate prospective school replicators rigorously (and differently from initial charter applicants) based on their performance records, growth planning, and demonstrated capacity to replicate high-quality schools.

### **Why:**

Performance management policies are the foundation on which charter school accountability is built. These practices promote academic rigor and accountability for performance. Charter contracts and performance frameworks establish school performance expectations at the outset. They also provide the transparency and predictability that allow authorizers to fulfill their public obligations while focusing on results instead of compliance-based oversight that can erode charter school autonomy. With these tools in place to establish and enforce high expectations, it then becomes possible to identify the charter schools that are ripe for replication. State policies promoting quality replication make this possible by encouraging successful school models to flourish and serve more students while guarding against low-quality replication.

### **Rubric:**

**1:** State law requires the use of that tool.

**0:** State law does not require the use of that tool.

## POLICY 6: PERFORMANCE MANAGEMENT AND REPLICATION

State	Contracts Score	Performance Frameworks Score	Replication Score
Alabama*	1	1	1
Alaska	1	0	0
Arizona*	1	1	1
Arkansas	1	0	1
California	0	0	1
Colorado	1	0	1
Connecticut*	1	1	1
Delaware*	1	1	1
District of Columbia	1	0	1
Florida	1	0	1
Georgia	1	0	1
Hawaii*	1	1	1
Idaho	1	1	0
Illinois	1	0	0
Indiana*	1	1	1
Iowa	0	0	0
Kansas	0	0	0
Louisiana*	1	1	1
Maine*	1	1	1
Maryland	0	0	0
Massachusetts	1	1	1

## POLICY 6: PERFORMANCE MANAGEMENT AND REPLICATION

State	Contracts Score	Performance Frameworks Score	Replication Score
Michigan	1	0	1
Minnesota	1	0	1
Mississippi*	1	1	1
Missouri	1	1	0
Nevada*	1	1	0
New Hampshire	0	0	0
New Jersey*	1	1	1
New Mexico*	1	1	1
New York	1	0	0
North Carolina	1	0	1
Ohio	1	1	0
Oklahoma*	1	1	1
Oregon	1	0	0
Pennsylvania	1	0	0
Rhode Island	1	0	0
South Carolina	1	0	0
Tennessee	0	0	0
Texas*	1	1	1
Utah	1	0	1
Virginia	1	0	0
Wisconsin*	1	1	1
Wyoming	1	0	0
<b>TOTALS:</b>	<b>37 STATES</b>	<b>19 STATES</b>	<b>26 STATES</b>
		<b>STATES WITH ALL PMR*</b>	<b>20 STATES</b>

## POLICY 7: RENEWAL STANDARD

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### **What:**

NACSA supports policy requiring strong renewal standards. A strong renewal standard allows authorizers to hold schools accountable if they fail to achieve the outcomes in their charter contract at the end of their charter term. It is distinct from a standard applied for charter revocation (closing a school during its charter term). Revoking a charter before the end of its term typically requires clear evidence of extreme underperformance or violation of law or the public trust that imperils students or public funds. A renewal standard should be set much higher.

### **Why:**

The strong renewal standard allows authorizers to enforce accountability and close failing charter schools when necessary. It shifts the burden of proof from the authorizer to a failing school—making renewal something that is earned by schools when they demonstrate success. In practice, statutory language around “reasonable progress” has led some courts and appellate bodies to keep demonstrably failing schools open because the school argued that state law required the authorizer to keep them open if they could provide any evidence of “progress.” Success should be defined by the achievement of a goal, not merely the opposite of failure. This policy change would remove language from charter laws that makes it difficult to close failing schools.

This element receives double weight in NACSA’s rubric. Authorizers can put in place many strong performance management tools, but the test of this work occurs when an authorizer decides to close a failing school at renewal and that school is then actually closed.

### **Rubric:**

**6/6:** State law allows authorizers the option to refuse to renew low-performing schools based solely on past academic performance and does not require “reasonable progress” to be sufficient for renewal.

**0/6:** State law requires “reasonable progress” to be sufficient for charter renewal.

## POLICY 7: RENEWAL STANDARD

State	Renewal Standard Score	State	Renewal Standard Score
Alabama	6	New Jersey	6
Arkansas	6	North Carolina	6
California	6	Ohio	6
Connecticut	6	Oklahoma	6
Delaware	6	Pennsylvania	6
District of Columbia	6	Rhode Island	6
Florida	6	South Carolina	6
Georgia	6	Tennessee	6
Idaho	6	Texas	6
Indiana	6	<b>FULL CREDIT: 26 STATES</b>	
Louisiana	6	<b>PARTIAL CREDIT: 0 STATES</b>	
Massachusetts	6	<b>TOTAL: 26 STATES</b>	
Minnesota	6		
Mississippi	6		
Missouri	6		
Nevada	6		
New Hampshire	6		

## POLICY 8: DEFAULT CLOSURE

State	Default Closure Score
Alabama	6
Florida	6
Indiana	6
Mississippi	6
Missouri	4
Nevada	6
Ohio	6
Oklahoma	6
South Carolina	6
Tennessee	6
Texas	6
<b>FULL CREDIT:</b>	<b>10 STATES</b>
<b>PARTIAL CREDIT:</b>	<b>1 STATES</b>
<b>TOTAL:</b>	<b>11 STATES</b>

### What:

NACSA supports policy requiring the state to establish a threshold of minimally acceptable academic performance for charter schools. Schools performing below this threshold at the time of renewal, or that remain below this level for a certain period of time, face closure as the default—or expected—consequence. In some situations, the authorizer or state may decide to keep a school open based on special circumstances, such as an alternative school serving a specific high-risk population, known as alternative education campuses (AECs).<sup>9</sup> A default closure mechanism should allow these exceptions. If a school falls below the minimally acceptable performance threshold, the expectation is that the school will be closed, but performance above that “floor” does not guarantee a right to stay open. A default closure policy should not be used to prevent authorizers from establishing and enforcing higher academic performance standards for the schools they oversee.

### Why:

Default closure provisions address the “worst-of-the-worst” schools. Barring special circumstances, it should be accepted and expected that charter schools that fail to meet a minimal threshold of performance will be closed. Schools can still be subject to closure for failure to meet any higher expectations established by authorizers and agreed to in their charter contracts, but at a minimum, closure is expected when schools fall below a state’s default closure threshold.

This policy receives double weight in NACSA’s rubric because it can safeguard other elements of authorizer practice. In essence, there can be no ultimate charter school accountability if state law allows the worst-of-the-worst schools to continue operating.

### Rubric:

**6/6:** The default consequence under state law provides that charter schools that fail to meet statutorily specified and enforceable performance standards for a defined period, or at the time of renewal, will lose their charter unless there are extenuating circumstances.

**4/6:** The default consequence under state law provides that charter schools that fail to meet unspecified standards for a defined period, or at the time of renewal, will lose their charter unless there are extenuating circumstances.

**2/6:** Charter schools with a renewal term of 10 or more years and that fail to meet performance standards will be closed at the time of renewal.

**0/3:** The default consequence under state law provides that schools will retain their charters despite failing to meet minimum academic standards.

# APPENDIX C:

## 2014 TO 2015 POLICY CHANGES

STATE	2014 SCORE/RANK	2015 SCORE/RANK	CATEGORIES CHANGED
Indiana	29/2	33/1	Authorizer evaluations, performance frameworks
Nevada	29/2	33/1	Authorizer evaluations, replication
Ohio	23/9	32/3	Reports on school performance, renewal standard, performance frameworks
Alabama	n/a	31/4	all
Texas	27/4	27/5	n/a
Minnesota	26/5	26/6	n/a
Mississippi	26/5	26/6	n/a
Missouri	24/8	25/8	Performance frameworks
South Carolina	25/7	25/8	n/a
Louisiana	21/10	24/10	Replication, performance frameworks, authorizer evaluations
Oklahoma	10/37	24/10	Authorizer standards, reports on school performance, authorizer sanctions, default closure, who authorizes, performance frameworks
Delaware	15/16	21/12	Authorizer standards, reports on school performance
Hawaii	21/10	21/12	n/a
Georgia	7/31	20/14	Renewal standard, reports on school performance, authorizer evaluations, replication
Tennessee	17/14	20/14	Reports on school performance
District of Columbia	18/13	19/16	Contracts
Maine	19/12	19/16	n/a
Arizona	9/27	18/18	Reports on school performance, authorizer evaluations, authorizer sanctions
Florida	16/16	18/18	Reports on school performance
Idaho	16/16	16/20	n/a
Connecticut	4/37	15/21	Renewal standard, contracts, replication, performance framework, reports on school performance
Massachusetts	6/33	15/21	Renewal standard, reports on school performance, performance framework

# APPENDIX C:

## 2014 TO 2015 POLICY CHANGES

STATE	2014 SCORE/RANK	2015 SCORE/RANK	CATEGORIES CHANGED
New Mexico	14/19	15/21	n/a
North Carolina	15/18	15/21	n/a
Wisconsin	6/33	15/21	Who authorizes, replication, performance frameworks, reports on school performance
Illinois	13/20	14/26	Authorizer sanctions
New Jersey	13/20	13/27	n/a
Rhode Island	5/35	13/27	Renewal standard, reports on school performance
Arkansas	12/22	12/29	n/a
New Hampshire	10/25	12/29	Who authorizes
California	11/23	11/31	n/a
Pennsylvania	11/23	11/31	n/a
Colorado	9/27	10/33	Replication
Michigan	9/29	9/34	n/a
Utah	8/29	8/35	n/a
New York	7/31	7/36	n/a
Oregon	5/35	5/37	n/a
Iowa	4/37	4/38	n/a
Alaska	3/39	3/39	n/a
Wyoming	3/39	3/39	n/a
Maryland	2/41	2/41	n/a
Virginia	1/42	1/42	n/a
Kansas	0/43	0/43	n/a
Washington	33	0	

# ENDNOTES

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<sup>1</sup> Nationally, 42 states plus the District of Columbia have state charter school laws. For ease of communication, this report will refer to all 43 jurisdictions as states.

<sup>2</sup> This analysis was designed as a complement to the National Alliance for Public Charter Schools' model charter school law, which is strong on authorizer quality and accountability issues and supported by NACSA. NACSA conducts the largest annual survey of authorizers nationwide and uses the survey data to provide an annual update on [The State of Charter Authorizing](#). We also track a key set of [Essential Practices](#) for quality charter authorizing, and we report publicly on the degree to which authorizers around the country implement these essential practices and carry out authorizing in alignment with professional standards. There are other reports that provide analyses of state charter laws, charter implementation, and charter academic performance. To fully understand how the charter sector is performing in any state, it is important to look at a broad range of information.

<sup>3</sup> Many authorizers operate to provide functions in addition to authorizing. When an entity that existed prior to serving as an authorizer has its authority to serve as an authorizer terminated, the entity itself is not going to close. Instead, the authorizing office within that entity will cease to operate.

<sup>4</sup> For more information on policies that encourage the replication of high-performing charter schools, please see [Replicating Quality](#), a joint report by NACSA and the Charter School Growth Fund.

<sup>5</sup> An alternative education campus (AEC) is a school specifically designed and created to serve a population at risk of failing in traditional public schools or a population of students that has particular needs that require extensive supports. AECs include schools for over-aged and under-credited youth who are extremely unlikely to graduate or schools for students who have already dropped out of school, as well as schools for pregnant and parenting teens. In some states, what it takes for a school to be treated as an AEC is defined in state law. In too many cases, the definition and treatment of AECs is not clearly articulated. In these states, many schools that serve low-income children claim they are an AEC and deserve to be released from accountability expectations for student performance. NACSA's recommendations regarding the specialized treatment of AECs is reserved for schools that are defined in state law or otherwise designed from the beginning as alternative settings for particular groups of students. The flexibility afforded to AECs should not be built into charter oversight and accountability systems for any school serving low-income children.

<sup>6</sup> Data in the state profiles comes from NACSA's currently unpublished [State of Charter Authorizing 2015](#), the National Alliance for Public Charter Schools' Data Dashboard, state laws, and at times, regulations in each of the 43 states. Data on the number of students, authorizers, and charter schools reflects the 2014-2015 academic year.

<sup>7</sup> In some cases, authorizer regulations are also relevant, particularly when a single statewide authorizer oversees most of a state's charter schools.

<sup>8</sup> Many authorizers operate to provide functions in addition to authorizing. When an entity that existed prior to serving as an authorizer has its authority to serve as an authorizer terminated, the entity itself is not going to close. Instead, the authorizing office within that entity will cease to operate.

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**2015 EDITION**

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**PRINCIPLES & STANDARDS  
FOR QUALITY CHARTER SCHOOL AUTHORIZING**

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## ABOUT NACSA

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The National Association of Charter School Authorizers (NACSA) is an independent voice for effective charter school policy and thoughtful charter authorizing practices that lead to more great public schools. Our research, policy, and consultation work advances excellence and accountability in the charter school sector. With authorizers and other partners, we have built the gold standard for charter school authorizing. Through smart charter school growth, these authorizers will give hundreds of thousands of children a better chance each year.

NACSA first ratified *Principles & Standards for Quality Charter School Authorizing* on May 14, 2004.  
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## LETTER FROM THE PRESIDENT & CEO

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Dear Colleagues,

It has been nearly 25 years since the first charter school opened its doors. Today, more than two and a half million children depend on more than 6,440 charters to provide them with excellent educational opportunities. Many of these schools are innovative and outstanding, offering children a great and often significantly better alternative to the traditional district schools available to them. Yet too many charters do not provide the education promised—failing children, communities, and the public trust.

It is the responsibility of more than 1,000 charter school authorizers across the country to help ensure that charter schools fully deliver on the charter promise. To get there, we can and must demand more of ourselves. Good authorizing means approving only those schools with the best likelihood of succeeding and providing a sound education for children, closing bad schools, and strengthening the performance and accountability of all charter schools.

Authorizing has evolved over the course of these 25 years, led in part by the National Association of Charter School Authorizers' *Principles & Standards for Quality Charter*

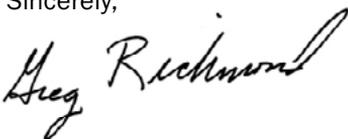
**“WE CAN & MUST  
DEMAND MORE  
OF OURSELVES.”**

*School Authorizing*. This resource serves as a guide for authorizers in making the critical decisions necessary to ensure that every charter school is a great school. NACSA's *Principles & Standards* reflects best practices developed through years of experience working with entities of all types who are engaged in the daily work of charter school authorizing.

These guidelines have been written into numerous state laws, have informed federal legislation, and have served as the basis for the evaluation of authorizer practices. When embraced by authorizers and policymakers, they help to create an environment in which authorizers can better do their jobs to foster, and grow great charter schools.

A host of factors impact the quality of authorizing. NACSA's *Principles & Standards* is not the only tool in the toolbox or the only factor relevant to good authorizing, but it provides a solid foundation of best practices to guide authorizers in the critical and often complex job of improving educational options for children through charter schools. Every child deserves a great education; if we get authorizing right, we can go a long way toward making that goal a reality.

Sincerely,



Greg Richmond  
President & CEO

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# INTRODUCTION

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Charter school authorizing is a powerful strategy for making excellent public schools and educational opportunities available to all students. Done well, charter authorizing increases student achievement by expanding the supply of quality public schools to satisfy unmet needs—particularly by providing life-changing opportunities for students ill-served by the existing school system.

Charter authorizing is complex work, requiring constant balancing of diverse and often competing interests. It is a public responsibility for authorizing institutions, as well as a highly developed profession for the individuals charged with this stewardship role. Quality authorizing requires specialized knowledge, skills, commitment, and adherence to essential professional standards in order to serve students and the public well, and achieve the purposes of state charter laws. Since 2004, the National Association

of Charter School Authorizers (NACSA) has established and widely promoted such standards—the first *Principles & Standards for Quality Charter School Authorizing* and subsequent editions—to provide essential guidance to charter authorizing organizations and their leaders, as well as to policymakers who seek to support quality authorizing.

**“CHARTER AUTHORIZING IS COMPLEX WORK, REQUIRING CONSTANT BALANCING OF DIVERSE AND OFTEN COMPETING INTERESTS.”**

Because charter authorizing is a continually developing profession, these professional standards must likewise continually evolve in conjunction with the growth and complexity of the ever-growing charter school sector. *Principles & Standards for Quality Charter School Authorizing* derives from NACSA’s vast experience, research, and lessons learned from working with authorizers across the nation.<sup>1</sup> Accordingly, NACSA revisits and updates these Principles and Standards regularly to ensure that they address current authorizing challenges and reflect the latest lessons drawn from practice, research, and analysis.

## WHO SHOULD USE THIS RESOURCE

These *Principles & Standards* are designed primarily for authorizing institutions, and as such, they provide practical guidance to help authorizer staff and authorizer board members carry out their work as a standards-based profession rather than simply a list of tasks. For policymakers, this publication should highlight the complexity and challenges of quality authorizing—and the need for state policy to contemplate and invest adequately in authorizing to achieve a quality charter school sector.

## PURPOSES OF THESE PRINCIPLES AND STANDARDS

*Principles & Standards for Quality Charter School Authorizing* is intended to serve, above all, as a guide to formative development for charter authorizers at all stages and levels of experience. For new or less-experienced authorizers, these Principles and Standards offer an essential road map to guide planning and organizational development of strong practices, including the identification of areas where deeper guidance or additional assistance is needed. For experienced authorizers, this

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publication is a resource for identifying areas for improvement or refinement to achieve ever-stronger outcomes, as demonstrated by the quality of the schools they oversee.

**“THESE GOALS INCLUDE SAFE-GUARDING THE RIGHTS OF ALL STUDENTS TO ENJOY EQUAL ACCESS TO THE SCHOOLS OF THEIR CHOICE, TO RECEIVE APPROPRIATE SERVICES, AND TO BE TREATED FAIRLY.”**

(NACSA has a wide range of practical resources that offer more guidance and support in fulfilling these Principles and Standards. Most of these resources are available at [www.qualitycharters.org](http://www.qualitycharters.org). In addition, NACSA stands ready to provide further assistance to authorizers upon request.)

NACSA uses these Principles and Standards to guide its professional development of authorizers, authorizer evaluations, and research and policy agendas. NACSA recommends that these professional standards anchor state policies concerning charter authorizing, including adequate investment in authorizing as well as evaluations of authorizer quality. To that end, NACSA recommends that states endorse and apply professional standards for charter authorizing that meet or exceed these Principles and Standards. In recent years, a rapidly growing number of states have done exactly this, and NACSA advocates the adoption of similar policies in all charter school states. We hope NACSA’s *Principles & Standards for Quality Charter School Authorizing* will continue to advance and elevate the profession, giving authorizers clear guidance to develop, strengthen, and refine their practices in pursuit of educational excellence for all students.

In addition to promoting academic success, these Principles and Standards are designed to promote additional goals that are also the responsibility of authorizers. These goals include safeguarding:

1. The rights of all students to enjoy equal access to the schools of their choice, to receive appropriate services, and to be treated fairly;
2. The public interest in ensuring that publicly funded programs are accountable, transparent, well governed, efficient, and effectively administered; and
3. The autonomy of charter school operators, giving them the freedom to control core functions, which lies at the heart of the charter school concept.

The pursuit of these multiple, sometimes-competing goals will often require an authorizer’s professional judgment and thoughtful balancing.



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## HOW THESE PRINCIPLES AND STANDARDS WERE DEVELOPED

NACSA's *Principles & Standards for Quality Charter School Authorizing* is based on an enormous body of work, research, and input over many years from authorizers and other experts in this unique field. In addition to NACSA's own considerable board, staff, and organizational experience in authorizing, these Principles and Standards are grounded in broad and deep experience collected over the years through:

- Multiple national advisory panels and focus groups bringing together experienced authorizers of all types, researchers, and other experts and leaders in the charter movement;
- Broad input from NACSA members and other education leaders; and
- NACSA's research practice, including in-depth authorizer evaluations, extensive interviews, document and policy analysis, and examination of reported practices and outcomes.

These inclusive processes have produced a rich base of knowledge built on deep experience, study, deliberation, and refinement that reflects collective insights on best practices among authorizers of all types and portfolio sizes across the country.

## THE STRUCTURE AND CONTENT OF THIS PUBLICATION

These Principles and Standards begin with three clearly stated Core Principles, followed by more detailed Standards and accompanying practical guidance that authorizers often seek. Readers should note:

- The Core Principles are broad, bedrock values that authorizers should uphold consistently throughout their pursuit and implementation of the Standards.
- The Standards are presented in five sections, each of which is introduced by a brief statement that summarizes the scope of the Standards that follow.
- Most of the Standards are “essential standards,” meaning that authorizers at every stage of development should place priority on following them. In addition, a small number of “advanced standards” are also fully recommended for all authorizers; but given the need to prioritize, these may be more practical for authorizers who are already implementing the essential standards.

Additional resources are available on NACSA's website: [www.qualitycharters.org](http://www.qualitycharters.org).

# PRINCIPLES FOR QUALITY CHA

A quality authorizer engages in responsible oversight of charter schools by ensuring that schools have both the autonomy to which they are entitled and the public accountability for which they are responsible. The following three responsibilities lie at the heart of the authorizing endeavor, and authorizers should be guided by and fulfill these Core Principles in all aspects of their work:

## THREE CORE PRINCIPLES OF CHARTER AUTHORIZING:

### 1. MAINTAIN HIGH STANDARDS FOR SCHOOLS

### 2. UPHOLD SCHOOL AUTONOMY

### 3. PROTECT STUDENT AND PUBLIC INTERESTS

In short, authorizers should ensure quality oversight that maintains high educational and operational standards, preserves school-level autonomy, and safeguards student and public interests.

### 1. MAINTAIN HIGH STANDARDS

A Quality Authorizer...

Sets high standards for approving charter applicants.

Maintains high standards for the schools it oversees.

Effectively cultivates quality charter schools that meet identified educational needs.

Oversees charter schools that, over time, meet the performance standards and targets on a range of measures and metrics set forth in their charter contracts. (See Box 4)

Closes schools that fail to meet standards and targets set forth in law and by contract.

### 2. UPHOLD SCHOOL AUTONOMY

A Quality Authorizer...

Honors and preserves core autonomies crucial to school success including:

- Governing board independence from the authorizer;
- Personnel;
- School vision and culture;
- Instructional programming, design, and use of time; and
- Budgeting.

Assumes responsibility not for the success or failure of individual schools, but for holding schools accountable for their performance.

Minimizes administrative and compliance burdens on schools.

# CHARTER SCHOOL AUTHORIZING

Focuses on holding schools accountable for outcomes rather than processes.

## 3. PROTECT STUDENT & PUBLIC INTERESTS

A Quality Authorizer...

Makes the well-being and interests of students the fundamental value informing all the authorizer's actions and decisions.

Holds schools accountable for fulfilling fundamental public-education obligations to all students, which includes providing:

- Nonselective, nondiscriminatory access to all eligible students;
- Fair treatment in admissions and disciplinary actions for all students; and
- Appropriate services for all students, including those with disabilities and English learners, in accordance with applicable law.

Holds schools accountable for fulfilling fundamental obligations to the public, which includes providing:

- Sound governance, management, and stewardship of public funds; and
- Public information and operational transparency in accordance with law.

Ensures in its own work:

- Ethical conduct;
- Focus on the mission of chartering high-quality schools;
- Clarity, consistency, and public transparency in authorizing policies, practices, and decisions;
- Effective and efficient public stewardship; and
- Compliance with applicable laws and regulations

Supports parents and students in being well-informed about the quality of education provided by charter schools.

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These Principles for Quality Charter School Authorizing constitute the foundation for the following Standards for Quality Charter School Authorizing that guide authorizers' practices day to day, from establishing a chartering office through all major stages of chartering responsibility. NACSA's Principles & Standards for Quality Charter School Authorizing provide essential guidance for the unique professional practice of authorizers and their daily balancing act of honoring the autonomy of charter schools while holding them accountable for high achievement, effective management, and serving all students well.

# STANDARDS FOR QUALITY CHA

## 1. AGENCY COMMITMENT & CAPACITY

A quality authorizer engages in chartering as a means to foster excellent schools that meet identified needs, clearly prioritizes a commitment to excellence in education and in authorizing practices, and creates organizational structures and commits human and financial resources necessary to conduct its authorizing duties effectively and efficiently.

### PLANNING AND COMMITMENT TO EXCELLENCE

A Quality Authorizer...

Supports and advances the purposes of charter school law.

Ensures that the authorizer's governing board, leadership, and staff understand and are committed to the three Core Principles of authorizing.

Defines external relationships and lines of authority to protect its authorizing functions from conflicts of interest and political influence.

Implements policies, processes, and practices that streamline and systematize its work toward stated goals, and executes its duties efficiently while minimizing administrative burdens on schools.

Evaluates its work regularly against national standards for quality authorizing and recognized effective practices, and develops and implements timely plans for improvement when it falls short.

States a clear mission for quality authorizing.

### ADVANCED STANDARDS

*Articulates and implements an intentional strategic vision and plan for chartering, including clear priorities, goals, and time frames for achievement.*

*Evaluates its work regularly against its chartering mission and strategic plan goals, and implements plans for improvement when falling short of its mission and strategic plan.*

*Provides an annual public report on the authorizer's progress and performance in meeting its strategic plan goals.*



# ARTER SCHOOL AUTHORIZING

## **HUMAN RESOURCES**

A Quality Authorizer...

Enlists expertise and competent leadership for all areas essential to charter school oversight—including, but not limited to, education leadership; curriculum, instruction, and assessment; special education, English learners, and other diverse learning needs; performance management and accountability; law; finance; facilities; and nonprofit governance and management—through staff, contractual relationships, and/or intra- or inter-agency collaborations.

Employs competent personnel at a staffing level appropriate and sufficient to carry out all authorizing responsibilities in accordance with national standards, and commensurate with the scale of the charter school portfolio.

Provides for regular professional development for the agency’s leadership and staff to achieve and maintain high standards of professional authorizing practice and to enable continual agency improvement.

## **FINANCIAL RESOURCES**

A Quality Authorizer...

Determines the financial needs of the authorizing office and devotes sufficient financial resources to fulfill its authorizing responsibilities in accordance with national standards and commensurate with the scale of the charter school portfolio.

Structures its funding in a manner that avoids conflicts of interest, inducements, incentives, or disincentives that might compromise its judgment in charter approval and accountability decision making.<sup>2</sup>

Deploys funds effectively and efficiently with the public’s interests in mind.

**“A QUALITY AUTHORIZER ENGAGES IN CHARTERING AS A MEANS TO FOSTER EXCELLENT SCHOOLS THAT MEET IDENTIFIED NEEDS...”**

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## 2. APPLICATION PROCESS & DECISION MAKING

A quality authorizer implements a comprehensive application process that includes clear application questions and guidance; follows fair, transparent procedures and rigorous criteria; and grants charters only to applicants who demonstrate strong capacity to establish and operate a quality charter school.<sup>3</sup>

### PROPOSAL INFORMATION, QUESTIONS, AND GUIDANCE

A Quality Authorizer...

Issues a charter application information packet or request for proposals (RFP) that:

- States any chartering priorities the authorizer may have established;
- Articulates comprehensive application questions to elicit the information needed for rigorous evaluation of applicants' plans and capacities; and
- Provides clear guidance and requirements regarding application content and format, while explaining evaluation criteria.

Welcomes proposals from first-time charter applicants as well as existing school operators/replicators, while appropriately distinguishing between the two kinds of developers in proposal requirements and evaluation criteria.

Encourages expansion and replication of charter schools that demonstrate success and capacity for growth.

Is open to considering diverse educational philosophies and approaches, and expresses a commitment to serve students with diverse needs.

### ADVANCED STANDARDS

*Broadly invites and solicits charter applications while publicizing the authorizer's strategic vision and chartering priorities, without restricting or refusing to review applications that propose to fulfill other goals.*

### FAIR, TRANSPARENT, QUALITY-FOCUSED PROCEDURES

A Quality Authorizer...

Implements a charter application process that is open, well publicized, and transparent, and is organized around clear, realistic timelines.

Allows sufficient time for each stage of the application and school pre-opening process to be carried out with quality and integrity.<sup>4</sup>

Explains how each stage of the application process is conducted and evaluated.

Communicates chartering opportunities, processes, approval criteria, and decisions clearly to the public.

Informs applicants of their rights and responsibilities and promptly notifies applicants of approval or denial, while explaining the factors that determined the decision.

## **RIGOROUS APPROVAL CRITERIA**

A Quality Authorizer...

Requires all applicants to present a clear and compelling mission, a quality educational program, a solid business plan, effective governance and management structures and systems, founding team members demonstrating diverse and necessary capabilities, and clear evidence of the applicant's capacity to execute its plan successfully.

Establishes distinct requirements and criteria for applicants who are existing school operators or replicators. (See Box 1)

Establishes distinct requirements and criteria for applicants proposing to contract with education service or management providers. (See Box 2)

Establishes distinct requirements and criteria for applicants that propose to operate virtual or online charter schools.

## **RIGOROUS DECISION MAKING**

A Quality Authorizer...

Grants charters only to applicants that have demonstrated competence and capacity to succeed in all aspects of the school, consistent with the stated approval criteria.

Rigorously evaluates each application through thorough review of the written proposal, a substantive in-person interview with each qualified applicant, and other due diligence to examine the applicant's experience and capacity, conducted by knowledgeable and competent evaluators.

Engages, for both written application reviews and applicant interviews, highly competent teams of internal and external evaluators with relevant educational, organizational (governance and management), financial, and legal expertise, as well as thorough understanding of the essential principles of charter school autonomy and accountability.

Provides orientation or training to application evaluators (including interviewers) to ensure consistent evaluation standards and practices, observance of essential protocols, and fair treatment of applicants.

Ensures that the application-review process and decision making are free of conflicts of interest, and requires full disclosure of any potential or perceived conflicts of interest between reviewers or decision makers and applicants.

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### 3. PERFORMANCE CONTRACTING

A quality authorizer executes contracts with charter schools that articulate the rights and responsibilities of each party regarding school autonomy, funding, administration and oversight, outcomes, measures for evaluating success or failure, performance consequences, and other material terms. The contract is an essential document, separate from the charter application, that establishes the legally binding agreement and terms under which the school will operate and be held accountable.

#### **CONTRACT TERM, NEGOTIATION, AND EXECUTION**

A Quality Authorizer...

Executes a contract with a legally incorporated governing board independent of the authorizer.

Grants charter contracts for an initial term of five operating years or longer only with periodic high-stakes reviews every five years.<sup>5</sup>

Defines material terms of the contract.

Ensures mutual understanding and acceptance of the terms of the contract by the school's governing board prior to authorization or charter granting by the authorizing board.

Allows—and requires contract amendments for—occasional material changes to a school's plans, but does not require amending the contract for non-material modifications.

#### **RIGHTS AND RESPONSIBILITIES**

A Quality Authorizer...

Executes charter contracts that clearly:

- State the rights and responsibilities of the school and the authorizer;
- State and respect the autonomies to which schools are entitled—based on statute, waiver, or authorizer policy—including those relating to the school's authority over educational programming, staffing, budgeting, and scheduling;
- Define performance standards, criteria, and conditions for renewal, intervention, revocation, and non-renewal, while establishing the consequences for meeting or not meeting standards or conditions;
- State the statutory, regulatory, and procedural terms and conditions for the school's operation;
- State reasonable pre-opening requirements or conditions for new schools to ensure that they meet all health, safety, and other legal requirements prior to opening and are prepared to open smoothly;



- State the responsibility and commitment of the school to adhere to essential public-education obligations, including admitting and serving all eligible students so long as space is available, and not expelling or counseling out students except pursuant to a legal discipline policy approved by the authorizer; and
- State the responsibilities of the school and the authorizer in the event of school closures.

Ensures that any fee-based services that the authorizer provides are set forth in a services agreement that respects charter school autonomy and treats the charter school equitably compared to district schools, if applicable; and ensures that purchasing such services is explicitly not a condition of charter approval, continuation, or renewal.

## PERFORMANCE STANDARDS

A Quality Authorizer...

Executes charter contracts that plainly:

- Establish the performance standards under which schools will be evaluated, using objective and verifiable measures of student achievement as the primary measure of school quality;
- Define clear, measurable, and attainable academic, financial, and organizational performance standards and targets that the school must meet as a condition of renewal, including but not limited to state and federal measures; (See Box 3)
- Include expectations for appropriate access, education, support services, and outcomes for students with disabilities;
- Define the sources of academic data that will form the evidence base for ongoing and renewal evaluation, including state-mandated and other standardized assessments, student academic growth measures, internal assessments, qualitative reviews, and performance comparisons with other public schools in the district and state;<sup>6</sup>
- Define the sources of financial data that will form the evidence base for ongoing and renewal evaluation, grounded in professional standards for sound financial operations and sustainability;
- Define the sources of organizational data that will form the evidence base for ongoing and renewal evaluation, focusing on fulfillment of legal obligations, fiduciary duties, and sound public stewardship; and
- Include clear, measurable performance standards to judge the effectiveness of alternative schools, if applicable—requiring and appropriately weighting rigorous mission-specific performance measures and metrics that credibly demonstrate each school’s success in fulfilling its mission and serving its special population.<sup>7</sup>

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## PROVISIONS FOR EDUCATION SERVICE OR MANAGEMENT CONTRACT (IF APPLICABLE)

A Quality Authorizer...

For any school that contracts with an external (third-party) provider for education design and operation or management, includes additional contractual provisions that ensure rigorous, independent contract oversight by the charter governing board and the school's financial independence from the external provider.

(See Box 4)

Reviews the proposed third-party contract as a condition of charter approval to ensure that it is consistent with applicable law, authorizer policy, and the public interest.

**“A QUALITY AUTHORIZER DEFINES AND COMMUNICATES TO SCHOOLS THE PROCESS, METHODS, AND TIMING OF GATHERING AND REPORTING SCHOOL PERFORMANCE AND COMPLIANCE DATA.”**



## 4. ONGOING OVERSIGHT AND EVALUATION

A quality authorizer conducts contract oversight that competently evaluates performance and monitors compliance; ensures schools' legally entitled autonomy; protects student rights; informs intervention, revocation, and renewal decisions; and provides annual public reports on school performance.

### PERFORMANCE EVALUATION AND COMPLIANCE MONITORING

A Quality Authorizer...

Implements a comprehensive performance accountability and compliance monitoring system that is defined by the charter contract and provides the information necessary to make rigorous and standards-based renewal, revocation, and intervention decisions.

Defines and communicates to schools the process, methods, and timing of gathering and reporting school performance and compliance data.

Implements an accountability system that effectively streamlines federal, state, and local performance expectations and compliance requirements while protecting schools' legally entitled autonomy and minimizing schools' administrative and reporting burdens.

Provides clear technical guidance to schools as needed to ensure timely compliance with applicable rules and regulations.

Visits each school as appropriate and necessary for collecting data that cannot be obtained otherwise and in accordance with the contract, while ensuring that the frequency, purposes, and methods of such visits respect school autonomy and avoid operational interference.

Evaluates each school annually on its performance and progress toward meeting the standards and targets stated in the charter contract, including essential compliance requirements, and clearly communicates evaluation results to the school's governing board and leadership.

Requires and reviews annual financial audits of schools, conducted by a qualified independent auditor.

Communicates regularly with schools as needed, including both the school leaders and governing boards, and provides timely notice of contract violations or performance deficiencies.

Provides an annual written report to each school, summarizing its performance and compliance to date and identifying areas of strength and areas needing improvement.

Articulates and enforces stated consequences for failing to meet performance expectations or compliance requirements.

## RESPECTING SCHOOL AUTONOMY

A Quality Authorizer...

Respects the school's authority over its day-to-day operations.

Collects information from the school in a manner that minimizes administrative burdens on the school, while ensuring that performance and compliance information is collected with sufficient detail and timeliness to protect student and public interests.

Periodically reviews compliance requirements and evaluates the potential to increase school autonomy based on flexibility in the law, streamlining requirements, demonstrated school performance, or other considerations.

Refrains from directing or participating in educational decisions or choices that are appropriately within a school's purview under the charter law or contract.

## PROTECTING STUDENT RIGHTS

A Quality Authorizer...

Ensures that schools admit students through a random selection process that is open to all students, is publicly verifiable, and does not establish undue barriers to application (such as mandatory information meetings, mandated volunteer service, or parent contracts) that exclude students based on socioeconomic, family, or language background, prior academic performance, special education status, or parental involvement.

Ensures that schools provide access and services to students with disabilities as required by applicable federal and state law, including compliance with student individualized education programs and Section 504 plans, facilities access, and educational opportunities.

Ensures clarity in the roles and responsibilities of all parties involved in serving students with disabilities.<sup>8</sup>

Ensures that schools provide access to and appropriately serve other special populations of students, including English learners, homeless students, and gifted students, as required by federal and state law.

Ensures that schools' student discipline policies and actions are legal and fair, and that no student is expelled or counseled out of a school outside of that process.



**INTERVENTION**

A Quality Authorizer...

Establishes and makes known to schools at the outset an intervention policy that states the general conditions that may trigger intervention and the types of actions and consequences that may ensue.

Gives schools clear, adequate, evidence-based, and timely notice of contract violations or performance deficiencies.

Allows schools reasonable time and opportunity for remediation in non-emergency situations.

Where intervention is needed, engages in intervention strategies that clearly preserve school autonomy and responsibility (identifying what the school must remedy without prescribing solutions).

**PUBLIC REPORTING**

A Quality Authorizer...

Produces an annual public report that provides clear, accurate performance data for the charter schools it oversees, reporting on individual school and overall portfolio performance according to the framework set forth in the charter contract.

**“A QUALITY AUTHORIZER REFRAINS FROM DIRECTING OR PARTICIPATING IN EDUCATIONAL DECISIONS OR CHOICES THAT ARE... WITHIN A SCHOOL’S PURVIEW...”**

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## 5. REVOCATION AND RENEWAL DECISION MAKING

A quality authorizer designs and implements a transparent and rigorous process that uses comprehensive academic, financial, and operational performance data to make merit-based renewal decisions, and revokes charters when necessary to protect student and public interests.<sup>9</sup>

### REVOCATION

A Quality Authorizer...

Revokes a charter during the charter term if there is clear evidence of extreme underperformance or violation of law or the public trust that imperils students or public funds.

### RENEWAL DECISIONS BASED ON MERIT AND INCLUSIVE EVIDENCE

A Quality Authorizer...

Bases the renewal process and renewal decisions on thorough analyses of a comprehensive body of objective evidence defined by the performance framework in the charter contract.

Grants renewal only to schools that have achieved the standards and targets stated in the charter contract, are organizationally and fiscally viable, and have been faithful to the terms of the contract and applicable law.

Does not make renewal decisions, including granting probationary or short-term renewals, on the basis of political or community pressure or solely on promises of future improvement.

**“A QUALITY AUTHORIZER DOES  
NOT MAKE RENEWAL DECISIONS...  
ON THE BASIS OF POLITICAL  
OR COMMUNITY PRESSURE OR  
SOLELY ON PROMISES OF  
FUTURE IMPROVEMENT.”**



## CUMULATIVE REPORT AND RENEWAL APPLICATION

A Quality Authorizer...

Provides to each school, in advance of the renewal decision, a cumulative performance report that:

- Summarizes the school's performance record over the charter term; and
- States the authorizer's summative findings concerning the school's performance and its prospects for renewal.

Requires any school seeking renewal to apply for it through a renewal application, which provides the school a meaningful opportunity and reasonable time to respond to the cumulative report; to correct the record, if needed; and to present additional evidence regarding its performance.

## FAIR, TRANSPARENT PROCESS

A Quality Authorizer...

Clearly communicates to schools the criteria for charter revocation, renewal, and non-renewal decisions that are consistent with the charter contract.

Promptly notifies each school of its renewal (or, if applicable, revocation) decision, including written explanation of the reasons for the decision.

Promptly communicates renewal or revocation decisions to the school community and public within a time frame that allows parents and students to exercise choices for the coming school year.

Explains in writing any available rights of legal or administrative appeal through which a school may challenge the authorizer's decision.

Regularly updates and publishes the process for renewal decision making, including guidance regarding required content and format for renewal applications.

## CLOSURE

A Quality Authorizer...

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

# KEY ELEMENTS FOR SPECIAL TOPICS

## BOX 1

### ELEMENTS FOR EXISTING SCHOOL OPERATORS OR REPLICATORS

Applicants who are existing school operators or replicators should be required to:

- Provide clear evidence of their capacity to operate new schools successfully while maintaining quality in existing schools;<sup>10</sup>
- Document their educational, organizational, and financial performance records based on all existing schools;
- Explain any never-opened, terminated, or non-renewed schools (including terminated or non-renewed third-party contracts to operate schools);
- Present their growth plan, business plan, and most recent financial audits; and
- Meet high standards of academic, organizational, and financial success to earn approval for replication.

## BOX 2

### ELEMENTS FOR APPLICANTS PROPOSING TO CONTRACT WITH EDUCATION SERVICE OR MANAGEMENT PROVIDERS

Applicants proposing to contract for education services or management should be required to provide:

- Evidence of the service provider's educational and management success;
- A draft (or existing) service/management contract that sets forth proposed key terms, including roles and responsibilities of the school governing board, the school staff, and the service provider; the services and resources to be provided; performance-evaluation measures and mechanisms; detailed explanation of compensation to be paid to the provider; financial controls and oversight; investment disclosure; methods of contract oversight and enforcement; and conditions for contract renewal and termination; and
- Disclosure and explanation of any existing or potential conflicts of interest between the school governing board and proposed service provider or any affiliated business entities.



## PERFORMANCE STANDARDS

Performance standards enable schools and authorizers to know the outcomes for which authorizers will hold schools accountable. They are the basis for school evaluation and should be incorporated in the charter contract, commonly as an attachment. Academic, financial, and organizational performance standards should include clearly defined and measurable indicators, measures, metrics, and targets that:

### *Academic Performance*

- Set expectations for student academic achievement status or proficiency, including comparative proficiency;
- Set expectations for student academic growth, including adequacy of growth toward state standards;
- Incorporate state and federal accountability systems, including state grading and/or rating systems;
- Set expectations for postsecondary readiness, including graduation rates (for high schools); and
- Provide schools an option to incorporate mission-specific performance measures for which the school has presented valid, reliable, and rigorous means of assessment approved by the authorizer.<sup>11</sup>

### *Financial Performance*

- Enable the authorizer to monitor and evaluate the school's financial stability and viability based on short-term performance, and
- Enable the authorizer to monitor and evaluate the school's long-term financial sustainability.

### *Organizational Performance*

- Define the essential elements of the educational program for which the authorizer will hold the school accountable;
- Define financial management and oversight standards based on generally accepted accounting principles;
- Hold school governing boards accountable for meeting statutory and board-established operating and reporting requirements;<sup>12</sup>
- Ensure school compliance with student and employee rights and obligations; and
- Establish expectations related to the school environment, including health and safety, transportation, facilities, and appropriate handling of records.

## EDUCATION SERVICE OR MANAGEMENT CONTRACTS

Charter contracts for schools that are contracting with external (third-party) providers for comprehensive services or management should include additional provisions that:

- Clearly establish the primacy of the charter contract over the third-party contract;
- Clearly identify the school governing board as the party ultimately responsible for the success or failure of the school, and clearly define the external provider as a vendor of services;
- Prohibit the third party from selecting, approving, employing, compensating, or serving as school governing board members;
- Require the school governing board to directly select, retain, and compensate the school attorney, accountant, and audit firm;
- Provide for payments from the authorizer to the school to be made to an account controlled by the school governing board, not the third party;
- Require all instructional materials, furnishings, and equipment purchased or developed with public funds to be the property of the school, not the third party;
- Condition charter approval on authorizer review and approval of the third-party contract; and

Require the third-party contract to articulate:

- The roles and responsibilities of the school governing board and the service provider, including all services to be provided under the contract;
- The performance measures, consequences, and mechanisms by which the school governing board will hold the provider accountable for performance, aligned with the performance measures in the charter contract;
- All compensation to be paid to the provider, including all fees, bonuses, and what such compensation includes or requires;
- Terms of any facility agreement that may be part of the relationship;
- Financial reporting requirements and provisions for the school governing board's financial oversight;
- All other financial terms of the contract, including disclosure and documentation of all loans or investments by the provider to the school, and provision for the disposition of assets in accordance with law;
- Assurances that the school governing board, at all times, maintains independent fiduciary oversight and authority over the school budget and ultimate responsibility for the school's performance;
- Provisions for contract termination without "poison pill" penalties; and
- Respective responsibilities of the governing board and service provider in the event of school closure.



**“PERFORMANCE STANDARDS  
ENABLE SCHOOLS AND  
AUTHORIZERS TO KNOW  
THE OUTCOMES FOR WHICH  
AUTHORIZERS WILL HOLD  
SCHOOLS ACCOUNTABLE.”**

## END NOTES

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- 1 The term “authorizers,” as used in this publication, may refer to authorizing institutions as well as the individuals who carry out the work.
- 2 For example, an authorizing agency that also has non-charter school responsibilities should structure its authorizing-related funding to avoid conflicts or competition with its non-charter school programs and services. Likewise, authorizers that receive funding from school fees should implement protections to ensure that the potential for revenue gain or loss from each school does not influence charter approval, renewal, or revocation decisions. An authorizer’s use of oversight fees should be restricted to fulfillment of its authorizing responsibility so that the authorizing function is revenue neutral.
- 3 Some states refer to the charter application as the charter “petition” or “proposal.”
- 4 Some authorizers allow charter applications to be submitted any time on a rolling basis. NACSA recommends establishing fixed, published application periods and deadlines to enable the authorizer to proactively plan and conduct a high-quality review process—integrated into the authorizer’s annual work calendar—rather than simply react to applications whenever they might arrive. A well-planned process might include minimum timeframes such as: 1) three months from release of the RFP/application packet to the application deadline; 2) three months for evaluation of the applications; and 3) nine months, but preferably 12–18 months, from approval to school opening.
- 5 Although some state laws allow or require shorter charter terms—or do not establish a term at all—NACSA recommends five operating years per charter term. Such a term allows a school to develop beyond the startup phase and to produce a sufficient performance record and body of data needed for sound high-stakes decision making.
- 6 See [www.qualitycharters.org](http://www.qualitycharters.org) for recommendations on selecting comparison schools.
- 7 Alternative schools subject to different performance standards should be formally designated by the state for serving a primarily special-needs, non-traditional, or highly at-risk population. Mission-specific measures for alternative schools may include, for example, measures for student academic growth or postsecondary readiness, and should be grounded in objective, valid, reliable assessments.



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- 8 Many authorizers, particularly those that are state education agencies or local education agencies for special education purposes, have responsibilities of their own regarding the identification, admissions, and placement of students with disabilities who enroll in charter schools, as well as with the delivery of services, transfer of records, and oversight of special-education programs in the schools they oversee. These agencies retain such responsibilities with charter schools they oversee, though the mechanisms, procedures, and roles and responsibilities may shift as a result of the relationship between a charter school and its authorizer.
  - 9 Revocation, as distinguished from non-renewal, may occur at any time during the charter term when there is clear evidence of extreme violations or failings that warrant termination of the charter to protect student and public interests. Non-renewal is an authorizer's decision not to renew a charter at the end of its term.
  - 10 For more detailed guidance on evaluating existing school operators or replicators, see NACSA resources at [www.qualitycharters.org](http://www.qualitycharters.org).
  - 11 NACSA recommends that all authorizers include rigorous assessment of student academic growth in their performance standards for charter schools. Authorizers should be aware that there are a variety of types of growth measures and methodologies, some of which may be used or required by particular states. A majority of states have either adopted or are in the process of adopting student academic growth targets as part of their assessment system. To understand individual student progress in states that do not provide growth analysis, charter authorizers can obtain and analyze state assessment data themselves, or require charter schools to administer national assessments that readily provide student growth data and analysis. To select and implement assessment systems that will produce quality student growth data, it is important for authorizers (and schools) to have a basic understanding of common methods of growth analysis and their respective advantages, limitations, and appropriate (or inappropriate) uses. For a concise, practical guide to growth measures and methodologies, see NACSA Issue Brief No. 19, "An Authorizer's Guide to the Use of Student Growth Data," at [www.qualitycharters.org](http://www.qualitycharters.org).
  - 12 Examples of statutory requirements include compliance with open-meeting and public records laws. Examples of board-established requirements include duly adopted bylaws and policies.



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ALL CHILDREN DESERVE A QUALITY EDUCATION.

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NACSA is an independent voice for effective charter school policy and thoughtful charter authorizing practices that lead to more great public schools.

Visit NACSA's website for additional resources developed to aid authorizers in the implementation of quality practices in charter school authorizing.

[www.qualitycharters.org](http://www.qualitycharters.org)

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## **NACSA Attachment**

Excerpt from January 15, 2016 New Mexico Public Education Commission Meeting  
Transcript

Vote to Invite NACSA to Conduct an Authorizer Evaluation

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BEFORE THE PUBLIC EDUCATION COMMISSION  
STATE OF NEW MEXICO

TRANSCRIPT OF PROCEEDINGS  
PUBLIC HEARING  
January 15, 2016  
9:00 a.m.  
Indian Pueblo Cultural Center  
2401 12th Street, Northwest  
Albuquerque, New Mexico

REPORTED BY: Cynthia C. Chapman, RMR-CRR, NM CCR #219  
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A P P E A R A N C E S

COMMISSIONERS:

MS. CAROLYN SHEARMAN, Chair  
MR. VINCE BERGMAN, Vice Chair  
MR. GILBERT PERALTA, Secretary (Telephonically)  
MS. KARYL ANN ARMBRUSTER, Member  
MR. JEFF CARR, Member  
MS. ELEANOR CHAVEZ, Member  
MR. JAMES CONYERS, Member  
MS. PATRICIA GIPSON, Member  
MS. MILLE POGNA, Member  
MS. CARMIE TOULOUSE, Member

STAFF:

MS. KATIE POULOS, Director, Charter School Division  
MS. ANNJENNETTE TORRES, PED Legislative Liaison  
MS. SUSANNE ROUBIDOUX, Assistant Attorney General  
Counsel to the PEC

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1                   Katie?

2                   MS. POULOS: Madam Chair, Commissioners,  
3 CSD just wanted to raise two items for the  
4 Commission today. One is the NACSA evaluation that  
5 we've been talking about for some time. The  
6 organization has offered to do that evaluation of  
7 the authorizing practices. And the Executive  
8 Committee, I believe -- or it may have been the  
9 whole Commission -- asked me to work with them to  
10 schedule that.

11                   I'm bringing forth a couple of days for  
12 the Commission to consider -- or, actually, I'll say  
13 months, because it would be scheduled around the  
14 Commission meeting during the months that the  
15 Commission chose.

16                   And the NACSA organization has indicated  
17 that March or April would be a good time to do that  
18 for them. And so I'm bringing that to the  
19 Commission for guidance on which month would be  
20 preferable.

21                   THE CHAIR: Katie, could you remind us of  
22 the -- of the amount of time that this Commission  
23 would be devoting to it that you and your staff  
24 would be needing to put into this evaluation?

25                   MS. POULOS: So the process of the

1 evaluation first starts with a document review.  
2 Most of those documents are already available to the  
3 organization on -- on CSD's or the Commission's  
4 website; so they would do that review.

5 If there are any other documents that they  
6 needed to look at, they would ask for the support of  
7 the CSD to provide those documents. And those would  
8 be files, information that we have in hard copy, or  
9 even electronic copy, in our files.

10 Then the next piece would be that they  
11 would come and, again, organize it around the date  
12 of a Commission meeting, so that they could come and  
13 observe the Commission in practice.

14 Then they would ask during that time for  
15 the opportunity -- I think they generally schedule  
16 about an hour and a half to sit down with  
17 Commissioners, maybe, in a couple of different  
18 groups. And so it would be, for each Commissioner,  
19 about an hour and a half of interview time.

20 And then they would also ask for some time  
21 to interview my staff in CSD to understand the work  
22 that they do.

23 THE CHAIR: Okay. Thank you. Any other  
24 questions?

25 Commissioner Bergman?

1                   COMMISSIONER BERGMAN: Madam Chair, I  
2 would note, historically speaking, for those that  
3 weren't around then, NACSA actually came and did one  
4 of these evaluations in 2010, when we were still in  
5 the early stages of putting everything in place.  
6 And this was -- New Mexico was one of the first  
7 states that they did these evaluations at.

8                   And I would add to what Katie said. They  
9 also -- we also had a work session. When they had  
10 completed all their work and had formulated their  
11 report, they actually -- the CEO and a couple of  
12 others actually came back, and we had a full-day  
13 work session with them and went over that report  
14 page by page, just as we do with everything, line by  
15 line.

16                   And they explained what they felt like we  
17 needed to do to improve our authorizing practices.  
18 And now, they're -- this would be a follow-up.

19                   And when I was in Denver in October, the  
20 CEO noted, in his remarks, that they had done  
21 approximately 40 of these now; so there are still a  
22 lot of organizations that have not had the  
23 opportunity to have this evaluation. And they do  
24 want to come back and -- and they normally charge  
25 for it; but they're going to do it for free for us.

1           So I certainly recommend it. And I would  
2 actually note, she has suggested March or April.  
3 We're going to -- at some point here, we're going to  
4 discuss contracts, the new negotiation cycle again.  
5 The suggested dates right now have a couple of  
6 different periods in March. I wanted you to be  
7 aware of that. It may be better to do a NACSA thing  
8 in April.

9           But I leave that to the rest of the  
10 Commission. I just wanted to throw that in.

11           Thank you, Madam Chair.

12           THE CHAIR: Thank you for that  
13 information.

14           Other comments? Questions?

15           I think the first thing that we're being  
16 asked is do we want to do this? Once we commit to  
17 the evaluation, then we need to look at -- at  
18 possible dates.

19           So I would first ask the Commission -- I  
20 agree with Commissioner Bergman. It was a valuable  
21 opportunity. The interaction with the people from  
22 NACSA was valuable. We did get a good -- good  
23 amount of feedback from them and thought it was  
24 worthwhile.

25           So I would certainly like to see us do

1 this evaluation; but it's up to the Commission, as a  
2 whole, whether or not we take advantage of this  
3 opportunity.

4 Commissioner Carr?

5 COMMISSIONER CARR: I -- I agree. Last  
6 time it was very -- it was very helpful. And I'm  
7 sure it would be helpful to do it again. I -- I --  
8 but I just -- you know, I just kind of question how  
9 helpful. And I -- and I know it's not costing us  
10 anything; but we're also very busy.

11 And at this point in our experience and  
12 what we've done, we could probably teach them a few  
13 things, which is what I told them the last time they  
14 had a convention.

15 And, you know, I -- so I have mixed  
16 feelings. If you guys want to do it, I'm fine,  
17 whatever the Commission wants to do. But, you know,  
18 I'm not that excited about it.

19 THE CHAIR: Thank you, Commissioner.

20 Anyone else?

21 Commissioner Gipson?

22 COMMISSIONER GIPSON: I think, as we're  
23 wading through new -- fixing and reevaluating  
24 policies and procedures that we're doing, I think it  
25 might be beneficial to have the organization come in

1 and give us a good handle on what we're doing, what  
2 we've done. And I think, especially for me, it  
3 would be beneficial.

4 THE CHAIR: Thank you.

5 Anyone else? I'm not hearing any other  
6 comments. I think at this point, we're ready for a  
7 motion to either proceed with the evaluation or to  
8 not.

9 Do we have a motion, please?

10 COMMISSIONER GIPSON: Sure.

11 THE CHAIR: Commissioner Gipson?

12 COMMISSIONER GIPSON: Madam Chair, I make  
13 a motion that the Public Education Commission move  
14 forward with the NACSA review.

15 THE CHAIR: Thank you very much. Do we  
16 have a second?

17 COMMISSIONER ARMBRUSTER: Second.

18 THE CHAIR: Commissioner Armbruster  
19 seconds.

20 Any further discussion?

21 (The Chair consults with counsel.)

22 THE CHAIR: Okay. I think we can try a  
23 voice vote on this matter.

24 The motion is to approve the Public  
25 Education Commission participating in the NACSA

1 evaluation.

2 All those in favor, please say "Aye."

3 (Commissioners so indicate.)

4 THE CHAIR: Any opposed, please say "No."

5 (No response.)

6 THE CHAIR: The motion passes unanimously.

7 Now, let's look at dates. March or April?

8 Does the Commission have a preference?

9 Commissioner?

10 COMMISSIONER GIPSON: I guess, in light of  
11 what Commissioner Bergman said, April -- seems like  
12 it would be more feasible to look at the April date,  
13 if we are going to be in negotiations for  
14 performance frameworks in March.

15 THE CHAIR: Would you like to put that in  
16 the form of a motion?

17 COMMISSIONER GIPSON: Sure.

18 Madam Chair, I make a motion that the  
19 Public Education Commission move forward with the  
20 NACSA evaluation proposed for the month of April.

21 THE CHAIR: Thank you very much. Do we  
22 have a second?

23 COMMISSIONER CHAVEZ: Second.

24 THE CHAIR: Commissioner Chavez? The  
25 motion is to participate in the evaluation in the

1                   BEFORE THE PUBLIC EDUCATION COMMISSION  
2                   STATE OF NEW MEXICO  
3  
4

5                   REPORTER'S CERTIFICATE

6           I, Cynthia C. Chapman, RMR, CCR #219, Certified  
7 Court Reporter in the State of New Mexico, do hereby  
8 certify that the foregoing pages constitute a true  
9 transcript of proceedings had before the said NEW  
10 MEXICO PUBLIC EDUCATION COMMISSION, held in the State  
11 of New Mexico, County of Bernalillo, in the matter  
12 therein stated.

13           In testimony whereof, I have hereunto set my  
14 hand on January 26, 2016.  
15  
16

17 

18 Cynthia C. Chapman, RMR-CRR, NM CCR #219  
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