ALAMEDA COUNTY OFFICE OF EDUCATION
CARSNet
Charter Authorizers Regional Support Network

Proposed Guidance for Effective Charter School Authorizing in California:

VALUES, PRINCIPLES AND EXPECTATIONS

A Publication of Alameda County Office of Education's Charter Authorizers Regional Support Network (CARSNet)

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PREFACE

California's Charter Schools Act of 1992 created a new sector in K-12 education – publicly funded schools, open to all students, with the option to operate independently of school districts. Under the Act, charter schools are approved and monitored by school districts, county offices of education and the State Board of Education, referred to as "charter authorizers". There are now over 1,200 charter schools in California overseen by more than 325 charter authorizers, but there has been little formal guidance for authorizers on how to do this new job well. The statute and implementing regulations are incomplete and often vague. So when the Alameda County Office of Education began its CARSNet program to support charter authorizers, it quickly became apparent that authorizers needed more specific advice on what practices would help them best meet their authorizing and oversight responsibilities. In response, CARSNet initiated a yearlong effort, in partnership with the National Association of Charter School Authorizers (NACSA) and California Charter Authorizing Profexssionals (CCAP), to develop a set of values, principles and expectations for effective charter school authorizing in California.

CARSNet began with the solid foundation provided by NACSA's Principles & Standards for Quality Charter School Authorizing, first published in 2004, then worked to adapt them to California's legal and institutional context. We solicited ideas from scores of board members and staff of authorizing agencies, as well as representatives from numerous educational organizations. Charter school leaders and charter advocacy groups were also consulted.

There was strong, early consensus supporting the values and principles developed through this process. Authorizers are clearly committed to these as foundational guidance for their work and for future policy development.

The expectations presented a different challenge, because there was already such a wide range and long history of authorizing practice. The resulting list of expectations is by no means a description of what California's authorizers are doing now, or what they could do now, given the limited resources available to support this work. It is not a standard against which any authorizer should be measured. It is a statement of what thoughtful authorizers believe they should strive toward, if they are to effectively protect the interests of students and the public. It is also very much a work-in-progress that will grow, evolve and improve as authorizers and others engage with its ideas. We encourage anyone with comments or suggestions to send them to **carsnet@acoe.org** and keep the conversation going.

VALUES

The actions and decisions of effective charter school authorizers are guided by the values of:

1. Responsibility – the duty to serve California's children and the public.
2. Integrity – adherence to moral and ethical principles in all aspects of the work.
3. Fairness – impartial and just treatment of all stakeholders.
4. Knowledge – understanding of charter school law and practice.

PRINCIPLES

In implementing the California Charter School Act of 1992, authorizers look to the following foundational principles:

1. Through charter school approval and oversight, authorizers serve the interests of students and the public.
2. Authorizers hold charter schools accountable for results in exchange for which the law grants charter schools substantial autonomy and flexibility.
3. Accountability for results includes maintaining high standards for performance in academics, operations, governance and finance.
4. Standards for performance include ensuring access and pursuing achievement for all students.

EXPECTATIONS

An effective charter authorizer meets expectations in the following areas:

1. Agency Commitment and Capacity
2. Charter Petition Process and Decision Making
3. Establishing Agreements for Accountability and Compliance
4. Ongoing Oversight and Evaluation
5. Renewal and Revocation Decision-Making

01 Agency Commitment and Capacity

- States a clear mission for effective charter authorizing that emphasizes the authorizer's role and is consistent with the intent of the law.
- Authorizer's governing board, leadership, and staff commit to building and sustaining effective authorizing.
- Adopts and follows board policies that reflect current California charter school law.
- Implements policies, processes, and practices that streamline its work but do not place unnecessary administrative burdens on charter schools.
- Engages enough knowledgeable personnel to carry out all authorizing responsibilities.
- Makes use of expertise for all areas essential to charter school oversight and accountability including: educational leadership; curriculum, instruction, and assessment; special education, English learners, and other diverse learning needs; performance-based management; law; finance; facilities; human resources; and nonprofit governance and management.
- Defines working relationships with other organizations that protect its authorizing functions from conflicts of interest and inappropriate political influence.
- Provides regular professional development for the agency's leadership and staff to achieve and maintain high standards of practice.
- Devotes sufficient financial resources to fulfill the responsibilities of effective authorizing.
- Deploys funds effectively and efficiently with the public's interests in mind, sharing resources with other authorizers as appropriate.
- Evaluates its authorizing work regularly against state and national standards and implements improvements as needed.
- Engages with other authorizers in California, through networking and events, to improve practice statewide.
- Provides information to educational leaders and elected officials about the challenges of charter authorizing.

02 Charter Petition Process and Decision Making

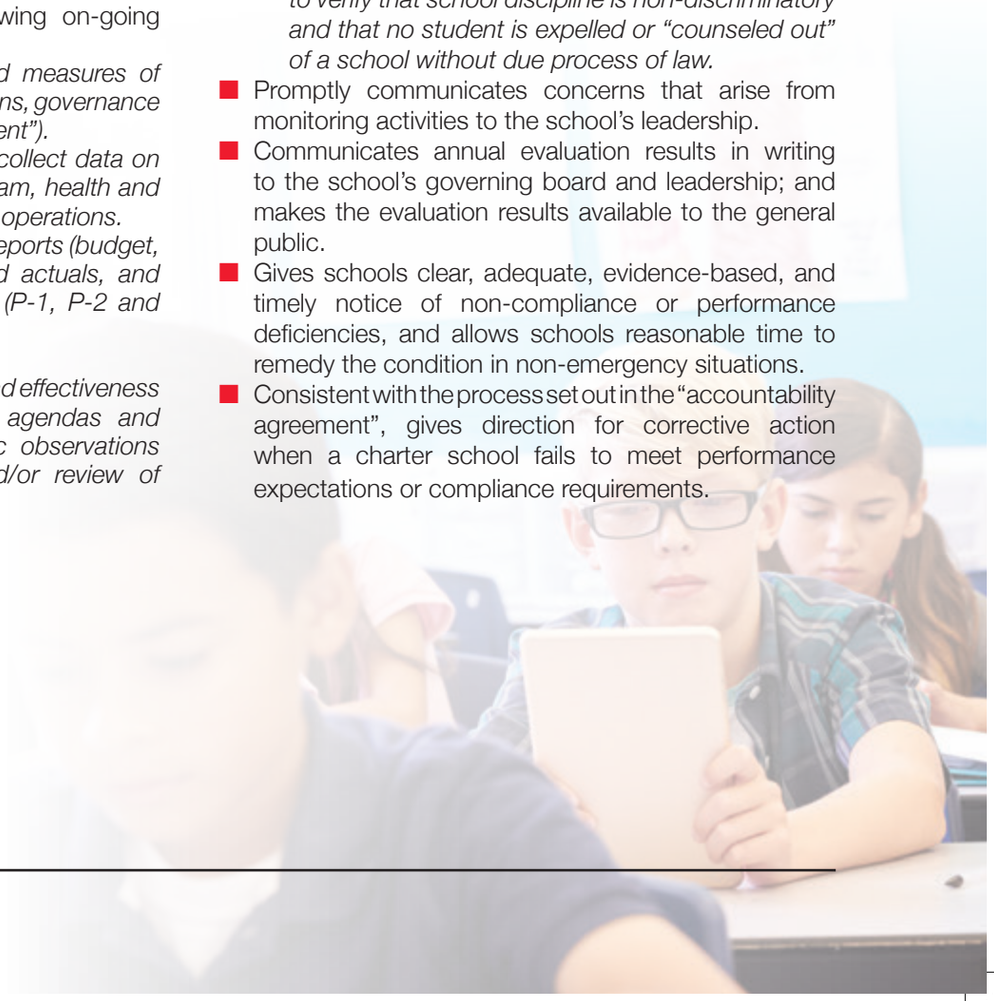
- Establishes a clear charter petition process that complies with state law and regulation, and includes timelines, procedures, approval criteria, petition content expectations, and other relevant information.
- Makes its charter petition process transparent to potential petitioners and the general public by publishing guidance on-line.
- Is open to first-time charter applicants as well as current school operators, and to diverse educational philosophies and approaches.
- Rigorously evaluates each application through review of the petition, a substantive in-person meeting ("capacity interview"), and other "due diligence" to assess the petitioners' ability.
- Employs a standard rubric or similar tool for evaluating petitions to ensure consistency in its application of the criteria for charter school denial.
- Engages a team of highly competent reviewers (internal and/or external) with relevant expertise and understanding of charter schools.
- Trains reviewers to ensure consistent evaluation standards and practices, observance of protocols, and fair treatment of applicants.
- Gives consideration in its review process to past performance indicators for petitions seeking to replicate or expand existing schools.
- Recognizes in its review process that some charter school proposals, such as alternative schools, dropout recovery programs and virtual schools, may call for non-standard measures of performance.
- Conducts public hearings and meetings on charter petitions in a fair and open manner, providing the public with information about the process and opportunities to comment.
- Consistent with state law, denies charter petitions when petitioners have failed to present a thorough, high quality plan or have demonstrated that they are unlikely to succeed in implementing that plan.
- Grants charters for an initial term of five years, unless the authorizer finds specific circumstances that justify the need for an earlier high-stakes review.

03 Establishing Agreements for Accountability and Compliance

- Ensures that the authorizer and the charter school governing board share a clear understanding of the measures and targets for student and school outcomes (academic, operational, governance and financial) that will form the evidence base for ongoing evaluation and renewal.
- Makes sure that the agreed accountability measures, and processes for monitoring them, are clearly documented in writing, through the language of the approved charter petition and any combination of supplemental language or contract/s (such as a Memorandum of Understanding) necessary for clarity and completeness. This documentation and its content are referred to in these expectations as the "accountability agreement".
- With respect to student outcomes, the "accountability agreement" includes the measures and targets identified in the approved charter petition, and others required by the statewide accountability system or by charter renewal standards in law. These may include 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.
- With respect to operations, governance and finance, the "accountability agreement" includes measures and targets addressing legal compliance, governance transparency, and generally recognized financial metrics.
- Adapts the "accountability agreement" to work with unique features of the charter school, including its status as a "dependent" or non-autonomous charter school of the authorizing agency or as part of a charter network.
- Establishes processes for reporting, oversight, and monitoring, including:
  - *Schedule and process for submitting reports, documents and certifications required for effective oversight, including all reports mandated by charter law.*
  - *Description of triggers and process for follow-up actions by the authorizer in the event that the school fails to make meaningful progress toward agreed targets.*
  - *Identification of charter school reports and documents required to be made available to the public (on website or otherwise).*
  - *Reasonable pre-opening requirements or conditions for new schools to ensure that they meet all health, safety, and other legal requirements.*
  - *Expectations for notifying the authorizer of changes in the material terms of the academic program, leadership, governance, facilities, enrollment and other aspects of school operation.*
- Includes language to clearly describe the legal rights and responsibilities of the authorizer and the charter school, including:
  - *Legal status of the charter school operator and relationship to the authorizing agency.*
  - *Assurances of charter school compliance with applicable state and federal law, including non-discrimination in admissions and program.*
  - *Provisions governing liability and insurance coverage.*
  - *Confirmation of charter school's commitment to adhere to state open meeting, public records and conflict of interest laws.*
  - *Statement of the inspection rights of the authorizer.*
  - *Confirmation of the school's responsibility to address complaints, with clarification of circumstances under which the authorizer may become involved, and the nature of such involvement.*
  - *Procedures for resolution of disputes between the charter school and the authorizer.*
  - *Additional legal provisions for any school that contracts with an external (third-party) provider for education design and operation or management, ensuring rigorous, independent contract oversight and providing for authorizer review as a condition of charter approval.*
- Defines or references the authorizer's processes for modification, renewal or closure of the charter, including:
  - *Definitions, standards and process for authorizer approval of material changes to the plans reflected in the charter petition, consistent with charter law.*
  - *Explanation of process and standards for charter renewal, including any school performance information to be provided with the charter renewal petition.*
  - *Definitions, standards, and process for revocation of the charter, consistent with charter law.*
  - *Responsibilities of the school and the authorizer in the event of school closure.*
- Clarifies the status of the charter school for purposes of special education, consistent with state and federal law, and provides means to ensure that the rights of all students with disabilities are protected.
- Documents the terms of the charter school's use of authorizing agency facilities in a binding agreement, including facilities use granted under the terms of Education Code §47614 ("Proposition 39").
- Documents any agreement for the provision of services to the charter school by the authorizing agency, through a process that avoids conflicts of interest and assures fair compensation for services rendered.

04 Ongoing Oversight and Evaluation

- Implements a comprehensive and transparent process for performance accountability and compliance monitoring, that is consistent with the "accountability agreement" and builds a record of information for use in making renewal, intervention, and revocation decisions.
- Communicates with schools regularly about gathering and reporting school performance and compliance data.
- Collects information from the school in a manner that minimizes unnecessary administrative burdens, but is sufficiently detailed and timely to meet the authorizer's needs.
- Provides clear technical guidance to schools to ensure timely reporting, including authorizer-specific formats for submissions when requested.
- Gives schools timely notice of non-compliance, complaints or performance deficiencies through communication with both school leaders and governing boards.
- Acknowledges the charter school governing board's authority over its operations and educational program, consistent with its charter, by acting within the parameters of the "accountability agreement".
- Evaluates each charter school annually. The evaluation combines information from the following on-going monitoring activities of the authorizer:
  - *Reviews submitted data on agreed measures of performance for academics, operations, governance and finance ("accountability agreement").*
  - *Visits each school to observe and collect data on implementation of the school program, health and safety, and other aspects of school operations.*
  - *Reviews required periodic financial reports (budget, 1st interim, 2nd interim, unaudited actuals, and annual audit) and enrollment data (P-1, P-2 and P-Annual).*
  - *Reviews teacher credentials.*
  - *Monitors governance compliance and effectiveness through review of representative agendas and minutes and, as needed, periodic observations of governing board meetings and/or review of recordings.*
  - *Reviews recruitment, application and enrollment documents, and relevant data, to check that schools admit students through a random public lottery process and create no barriers based on special education status, disability, or parental involvement.*
  - *Reviews school policies, records and data to confirm that access and services are provided to students with disabilities as required by applicable federal and state law. Also consults with the school's SELPA, for those that are LEAs, or with the district's special education leadership, for charters that are "schools of the district", regarding the school's special education compliance and performance.*
  - *Reviews policies and relevant student data to determine if schools provide access to and appropriately serve other special populations of students, including students with disabilities (504), English learners, homeless students, foster children, and gifted students, as required by federal and state law.*
  - *Reviews school student discipline policies and data to verify that school discipline is non-discriminatory and that no student is expelled or "counseled out" of a school without due process of law.*
- Promptly communicates concerns that arise from monitoring activities to the school's leadership.
- Communicates annual evaluation results in writing to the school's governing board and leadership; and makes the evaluation results available to the general public.
- Gives schools clear, adequate, evidence-based, and timely notice of non-compliance or performance deficiencies, and allows schools reasonable time to remedy the condition in non-emergency situations.
- Consistent with the process set out in the "accountability agreement", gives direction for corrective action when a charter school fails to meet performance expectations or compliance requirements.



05 Renewal and Revocation Decision-Making

- Establishes a clear charter renewal process that complies with state law and regulation, and includes timelines, procedures, approval criteria, and other relevant information.
- Makes its charter renewal process transparent to all charter schools and to the general public by publishing guidance on-line.
- Provides to each school, in advance of the renewal decision, a cumulative report that summarizes the annual evaluations and includes summative findings with respect to the measures in the "accountability agreement".
- Bases renewal decisions on thorough analyses of a comprehensive body of objective evidence.
- Consistent with state law, denies charter renewal when petitioners have failed to present a thorough, high quality plan, or have demonstrated that they are unlikely to succeed because the record shows they have substantially failed to implement the major features of the program or achieve the levels of performance set out in the "accountability agreement". The record addresses measures of legal compliance, organizational and fiscal viability, and academic performance across all student groups.
- Authorizing agency's board does not make renewal decisions solely on the basis of political or community pressure or promises of future improvement.
- Revokes a charter during the charter term if there is clear evidence of a material violation of important conditions, standards, or procedures in the charter and/or "accountability agreement"; a clear and significant failure to meet or pursue key pupil outcomes identified in the charter; a material violation of GAAP and significant fiscal mismanagement; or violation of any provision of law that constitutes a major threat to the rights and interests of students and the public.
- Complies with state law and regulations in conducting any revocation proceeding.
- 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.
- In the event of school closure, oversees the charter school governing board and leadership in carrying out the approved closure plan, allowing for timely notification to families, orderly transition of students and records to new schools, satisfaction of outstanding debts, and disposition of school assets.

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With thanks to our partners:

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