

ON THE ROAD TO BETTER ACCOUNTABILITY

An Analysis of State Charter School Policies

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Executive Summary:

Moving in the right direction

Good authorizing leads to better charter schools for children. Authorizing is the work of approving and monitoring charter schools and determining which of them are performing well enough to stay open.

Every charter school has an authorizer. Yet in most states, the laws that govern charter schools and authorizers are weak or vague about school quality and accountability. Most state charter school laws need to be clearer and stronger. The National Association of Charter School Authorizers (NACSA) is dedicated to improving public education by strengthening and leveraging the work of charter school authorizers. This report describes, state by state, how laws can be improved to promote quality and accountability among charter schools across the country.*

UNEVEN STATE LAWS

The charter school idea is simple: open great new schools that serve students well and close those that persistently fail. At the most basic level, state laws determine *if* this can happen and can affect *how* this happens. Some state laws are getting this right, some are a jumble of vague policies, and some are getting it exactly backwards.

The charter school sector is a tremendous addition to public education in America, but it is not making the full contribution it could or should. Now in its third decade, with more than 6,400 charter schools,¹ 2.5 million students,² and many millions of parents already sold or wanting in, this is a sizeable and maturing movement. The charter school promise has always rested on a balance between autonomy and accountability—limited regulations, but smart ones. Nationally, we are moving in the right direction, but we're not there yet.

Charter school performance across America is uneven and so are the state laws that govern these public schools. More than 1,000 charter school authorizing agencies³ work under a wide range of laws and policies in 43 states.⁴ For every excellent charter school that is well managed and preparing children to succeed, it often seems another school is poorly managed or failing its students. For every state with clear laws about charter school performance and accountability, there are several with laws that allow failing charter schools to stay open or prevent the opening of excellent new charter schools or both.

The reasons for this are complex, since **policy** alone doesn't make great schools. It's about **people and practice**, too. People lead institutions and make hard decisions. These people and their institutions employ practices that can be good or bad. Those decisions and practices impact schools and students. Each element matters, as does the state context in which it occurs.

NACSA works to improve all three Ps: policy, people, and practice. This particular analysis, however, focuses on one of them: policy. Some states smartly use policies to strengthen accountability. It's time to take advantage of these models. The time to do that work is now, to prevent heartache and lost opportunities for students and families down the road.

EACH STATE IS UNIQUE, BUT PATTERNS EMERGE

As states have followed their own paths, approaches have evolved in how charter schools are overseen and operate—each with strengths and weaknesses. Different problems have emerged in different states, and these differences depend on state policies, who does the authorizing, their practices, and the particular schools and operators in the state.

At the same time, no state is entirely unique. Patterns emerge, offering lessons about how to pursue policy improvement in similar states. All states would benefit from some policies, such as codifying national authorizing standards. Other policies are practical only in some states. For example, some states face challenges in ensuring that strong charter applicants get a fair hearing. Other states suffer the effects of authorizers who will not deny a charter to even the weakest applicant. Improving policy in these diverse environments means recognizing and accommodating these differences.

A ROAD MAP FOR IMPROVEMENT

This national analysis is designed to help states do just that. State-by-state profiles, grouped by states with similar characteristics, provide a road map for improving state policies to address real shortcomings and safeguard what's working.

NACSA has identified eight state policies that can facilitate the development of successful charter schools and enhance accountability for schools and authorizers alike. Most of these policies would be useful in any state, but state context shapes which policies become the highest priorities. A few of these policies—such as policies to remove substandard authorizers—are not appropriate in all states.

These recommended policy provisions are based on NACSA's *Principles & Standards for Quality Charter School Authorizing*, developed a decade ago and continually refined to keep pace with developments in the field. These national professional standards promote high academic standards, protect school-level flexibility, and safeguard the interests of students and the public.

In this analysis, states receive points for each policy in their charter school law (or partial points for partial policies). These points are added to determine the score for each state charter law based on the extent to which it incorporates NACSA's eight recommended state policies. Then, based on this score, each state receives a corresponding rank within its group of states that share similar characteristics.

Within the narrative that introduces each group of states, this report outlines emerging challenges and opportunities and corresponding policy recommendations. Each state's two-page profile briefly describes the current policy reality in that state and recommends next steps to strengthen state policies.

DOING THE RIGHT THING FOR CHARTER SCHOOL ACCOUNTABILITY

States with NACSA's recommended policies have a legal framework to do the following:

- **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

While individual authorizers may be doing the right things on their own, states without these policies may be preventing good schools from opening, keeping failing schools open, and failing to protect the interests of students and the public. States with these policies in place are set up for greater accountability and greater charter school excellence.

Today, charter school accountability across the country is uneven. But going forward, it doesn't have to be: we know so much now about what works. Certain states shine brightly to illuminate the road ahead. Let's follow their lead. And let's do that in smart ways, recognizing state and local contexts. Let's acknowledge that each state can follow sound principles while enacting solutions that make sense within their state borders.

FOOTNOTES

* This analysis reflects state policies in place as of October 1, 2014.

TABLE 1.

GROUP 1: DISTRICT AUTHORIZING STATES	GROUP 2: STATES WITH MANY AUTHORIZERS	GROUP 3: STATES WITH FEW AUTHORIZERS
<ul style="list-style-type: none"> • District authorizers oversee more than 50 percent of charter schools in the state. • 17 states • 3,010 schools (47 percent of nation's charter schools) 	<ul style="list-style-type: none"> • Non-district authorizers oversee most schools in these states, and there are more than two active non-district authorizers overseeing five or more charters each. • 5 states • 959 schools (15 percent of nation's charter schools) 	<ul style="list-style-type: none"> • One or two non-district authorizers oversee most schools in these states. • 21 states • 2,471 schools (38 percent of nation's charter schools)
<p>STATES ORDERED BY RANK WITHIN GROUP (SCORE OUT OF MAXIMUM POINTS FOR GROUP) <i>Note: See Appendix B for Methodology</i></p>		
<ol style="list-style-type: none"> 1. South Carolina (25/30) 2. Tennessee (17/30) 3. Florida (16/30) 4. California (11/30) 4. Illinois (11/30) 4. Pennsylvania (11/30) 7. Oklahoma (10/30) 8. Colorado (9/30) 9. Georgia (7/30) 10. Wisconsin (6/30) 11. Oregon (5/30) 12. Iowa (4/30) 13. Alaska (3/30) 13. Wyoming (3/30) 15. Maryland (2/30) 16. Virginia (1/30) 17. Kansas (0/30) 	<ol style="list-style-type: none"> 1. Indiana (23/27) 2. Minnesota (20/27) 3. Missouri (18/27) 3. Ohio (18/27) 5. Michigan (3/27) 	<ol style="list-style-type: none"> 1. Washington (30/30) 2. Texas (27/30) 3. Mississippi (26/30) 3. Nevada (26/30) 5. District of Columbia (18/30) 5. Hawaii (18/30) 5. Louisiana (18/30) 5. Maine (18/30) 9. Idaho (16/30) 10. Delaware (15/30) 10. North Carolina (15/30) 12. New Mexico (14/30) 13. New Jersey (13/30) 14. Arkansas (12/30) 15. New Hampshire (10/30) 16. Arizona (9/30) 17. Utah (8/30) 18. New York (7/30) 19. Massachusetts (6/30) 20. Rhode Island (5/30) 21. Connecticut (4/30)

What This Analysis Is and What It Is Not

THIS ANALYSIS IS NOT ABOUT LOCAL OR INDIVIDUAL AUTHORIZERS' POLICIES.
IT IS NOT ABOUT AUTHORIZER PRACTICES.

- **This analysis IS about the state policies that set expectations and requirements of both charter school authorizers and the schools they oversee.** State-level policies can either help or hinder authorizers and their work. While many authorizers use best practices even when they are not required by state-level policies, NACSA believes that establishing certain state policies produces the best outcomes for students.

THIS ANALYSIS IS NOT ABOUT INCREASING REGULATIONS AND BUREAUCRACY.

- **The analysis IS about improving charter school outcomes for students and the public.** NACSA recommends state policies that focus on student outcomes and uphold the autonomy that is key to great charter schools. NACSA's recommendations for an annual report of school performance, for default closure, and for authorizer evaluations all focus on student outcomes.

THIS ANALYSIS IS NOT ABOUT COMPARING APPLES TO ORANGES.

- **This analysis IS about comparing states with similar characteristics.** NACSA recognizes that some states have many authorizers and thus could benefit from certain policies, while other states have only one or two authorizers and thus have different policy priorities.

THIS ANALYSIS IS NOT ABOUT CREATING A "ONE-SIZE-FITS-ALL" POLICY FOR ALL STATES.

- **This analysis IS about recognizing the different environments in each state.** NACSA's operating assumption is that policy change can support a stronger charter sector in all states, while the specific changes needed vary from state to state. No universal set of policy changes makes sense everywhere.

THIS ANALYSIS IS NOT ABOUT UTILIZING ACADEMIC, THEORETICAL CONCEPTS.

- **This analysis IS about applying practical knowledge based on experience.** This analysis is based on NACSA's research on authorizing, policy analysis, 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 running 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.

THIS ANALYSIS IS NOT ABOUT TELLING AN ENTIRE STORY WITH A TWO-PAGE STATE PROFILE.

- **This analysis IS about sharing key defining facts and noting places for improvement.** Each state profile includes a brief description of that state's unique landscape and challenges to help readers understand why a state did or did not get credit for certain policies and how these characteristics affect their policy priorities. These profiles provide a snapshot. The recommendations provide concrete action that can be taken.

NACSA AT A GLANCE

Good authorizing leads to better charter schools for children.

NACSA is dedicated to improving public education by helping the charter school movement succeed. NACSA's primary strategy is to improve the work of authorizers. NACSA addresses authorizing from many different angles, including influencing which **people** and organizations do the work of authorizing; strengthening the **practices** of authorizers; and changing the **policies** that shape their work.

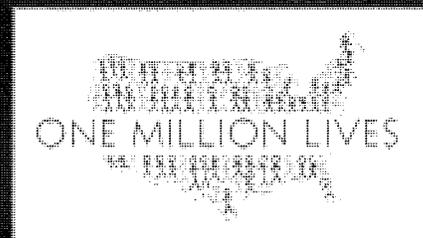
NACSA's orientation is best captured in its *One Million Lives* campaign, a five-year initiative to provide one million children with better schools by opening 2,000 new, high-performing charter schools and by closing 1,000 charter schools that persistently harm children.

Individual authorizers implementing strong practices in support of the *One Million Lives* campaign follow NACSA's *Principles & Standards for Quality Charter School Authorizing (Principles & Standards)*. These national professional standards for authorizers are dedicated to three core principles:

1. Ensuring **high standards** for schools
2. Protecting **student and public interests**
3. Protecting the **autonomy** that charter schools need to succeed

To pursue these goals for the charter school sector, NACSA promotes a set of eight state policies described in detail in this analysis. The eight policies fall into three categories:

1. Establishing **alternative authorizers**
2. Strengthening **oversight** of charter schools
3. Fostering **accountability** for all authorizers



Context:

State, Local, and National Contexts Matter

STATE CONTEXT MATTERS.

Charter school programs are a function of state law, and these programs have evolved over more than two decades. Differences in state authorizing structures and environments have produced recurring challenges. The particular policy changes that strengthen charter school oversight are affected by these differences. That's why this analysis organizes states into three distinct groups (see Appendix A for a description of the sorting process):

GROUP 1: DISTRICT AUTHORIZING STATES

GROUP 2: STATES WITH MANY AUTHORIZERS

GROUP 3: STATES WITH FEW AUTHORIZERS

While the groupings help to compare apples to apples, each state's story is more nuanced than a simple two-page profile allows. In some states, individual authorizers are employing strong practices despite weak state policies. Elsewhere, lawmakers have enacted strong policies as a response to an experience with bad authorizing. The effects of these policies can be uneven, or the policies may be fairly new or take a long time to reach fruition. Consequently, it is inappropriate to assume that because a state scores well in this analysis, its authorizing is strong across the board or that weak policies in a given state indicate that all the state's authorizers do their jobs poorly. Nevertheless, policy is a powerful tool; there are policy changes that would promote and safeguard charter quality and accountability in every state.

LOCAL CONTEXT MATTERS, TOO.

State policy can promote school quality and accountability, but does not in itself determine them. A variety of local factors also influences these outcomes. In some places, individual authorizers use strong practices despite weak state policies. But the effects of any single authorizer's practices on charter school quality depend on how many other authorizers there are in that geographic area and how the other authorizers do their work.

For example, a single authorizer can enforce accountability, but good practices can be easily undercut where there are many authorizers and no enforced authorizer standards. If even a single authorizer fails to hold schools accountable, the weakest charter applicants likely will apply to open under that authorizer. Likewise, failing schools may try to transfer to the least rigorous authorizer when they face accountability from a stronger authorizer. In such settings, low-quality authorizers undermine and neutralize any high-quality authorizer, allowing weak schools to open and failing schools to continue.

Charter school quality and accountability are also influenced by the type of authorizers, their leaders, and their practices. Previous policies, actors, and practices shape the current reality; the right mix of interventions depends on the specific problems of that place. For example, an environment with only district authorizers and no viable alternative authorizer or appeal avenue is likely to generate few charter schools, and schools with little autonomy. In these settings, a single district implementing best practices may have great results locally but little effect on charters outside that district.

NATIONAL CONTEXT MATTERS, AS WELL.

This analysis focuses on the policy issues that NACSA tracks most closely and provides information so policymakers and other stakeholders can strengthen authorizing and enhance accountability for authorizers. It is part of a larger body of work and designed as a complement to the National Alliance for Public Charter Schools's model charter school law, which is strong on authorizer quality and accountability issues and which NACSA supports. There are other reports that provide analysis of state charter laws and charter implementation.⁵ To fully understand how the charter sector is performing in any state, it is important to look at a broad range of information.

A NOTE ON METHODOLOGY

NACSA gathered state laws and rules⁶ to examine current policies and used a rubric to assess those policies against NACSA's recommended policy framework. The full methodology, including the rubric, is presented in Appendix B.

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 lessons through this work, we anticipate that the policies we track and how we evaluate them will change over time.

While NACSA acknowledges valuable feedback we received, we take full responsibility for the content of this report.

State Policies:

A Menu of Options to Strengthen Accountability

States that enact these eight policies strengthen the oversight of charter schools while promoting a robust charter sector. Most of these policies are desirable anywhere. For example, endorsing authorizer standards would help clarify expectations and strengthen practices in any setting. A few policies may not make sense in particular contexts, however. Alternative authorizers are crucial to creating a viable charter sector, but after a few are in place, it can be counterproductive to add more. Similarly, authorizer sanctions are counterproductive if charter applicants have only one authorizer to whom they can apply.

AUTHORIZER STRUCTURE

STATE POLICY CATEGORIES

Authorizer Structure Policies establish at least one high-quality authorizer—but not too many—besides the local school district in a single jurisdiction. These policies provide charter applicants and schools access to an authorizer that implements strong practices. These authorizers are called “alternatives” because they offer an option to authorization by local school districts (also referred to in this analysis as LEAs [Local Education Agencies]). Every state should have at least one authorizer in addition to the local school district.

ALTERNATIVE AUTHORIZER (POLICY #1)

WHAT

NACSA supports policy that produces an alternative authorizer—an alternative to the local school district (or LEA)—thereby providing all charter school applicants with at least two authorizer options in every jurisdiction. Each charter applicant should be able to apply either to the local district or another authorizer—ideally a statewide Independent Charter Board (ICB) established with the sole mission of chartering quality schools.

NACSA recommends that the alternative authorizer be an ICB with the authority to receive applications directly, not just on appeal from local district denials. In addition to ICBs, State Education Agencies (SEAs) and Higher Education Institutions (HEIs) are other common types of alternative authorizers. Not-for-profit (NFP) and Non-Education Government entities (NEGs) are less common types of alternative authorizers present in a handful of states. Regardless of organizational type, all authorizers should be required to implement strong practices in keeping with NACSA's *Principles & Standards*.

WHY

Alternative authorizers prevent a single hostile or reluctant authorizer from blocking good applicants or inappropriately closing schools. An alternative authorizer also gives states the ability to sanction a specific authorizer without indirectly harming future applicants or strong schools. These alternative authorizers can help establish expectations for all authorizers and provide models of strong practice that others can follow. A strong alternative authorizer may also be more effective than a state appeal process in motivating school districts to implement strong practices themselves if they want to maintain oversight of charter schools within district boundaries. This policy receives double weight in NACSA's rubric because the absence of a quality authorizer in any jurisdiction can make the rest of the policies less important.

This approach is not meant to promote a large number of authorizers operating in any single locale. In states with many authorizers, many of them will be “one-off” authorizers—overseeing only one or two schools—and thus lack the agency commitment, expertise, resources, and experience to be effective authorizers. Moreover, large numbers of authorizers can produce great variation in authorizing practices, rigor, and quality of oversight, thus enabling forum shopping by weak charter applicants that apply to the authorizer with the least-rigorous application review process, or authorizing hopping, which happens when failing schools that face closure switch to a low-quality authorizer that is willing to take over their oversight and allow them to remain open. States with multiple authorizers should incorporate complementary policies that prevent both.

SCHOOL ACCOUNTABILITY POLICIES

NACSA supports policies that explicitly give the state and its authorizers the ability to enact best practices in performance management and oversight of charter schools, as well as the expectation of doing so. These practices make performance expectations clear to schools at the outset. They also provide public transparency so that the authorizer or the state can defend closing a school that fails to meet standards or otherwise violates the public trust. Authorizers and other education leaders need to thoughtfully implement these policies to ensure they are used in the interest of fostering a high-quality charter sector that serves the needs of all students.

STATE POLICY CATEGORIES

School Accountability Policies strengthen oversight of charter schools by requiring and empowering authorizers to use tools essential to best practices. These tools include performance frameworks, performance contracts, procedures to address the replication and expansion of proven school operators, and closure protocols and guidelines. Policies should enable each authorizer to close a school if it fails to achieve the goals in its charter. State policies should establish that the worst-performing schools—those that can't reach basic levels of achievement—face closure as an expected outcome.

PERFORMANCE MANAGEMENT AND REPLICATION (POLICY #2)

WHAT

NACSA supports policy requiring every authorizer to execute a charter contract with each of its schools. The contract should be its own 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 specifically 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

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. State policies promoting quality replication encourage successful school models to flourish and serve more students while guarding against low-quality replication.

RENEWAL STANDARD (POLICY #3)

WHAT

NACSA supports policy requiring strong renewal standards that support authorizers' efforts to hold schools accountable by closing those that fail to achieve the outcomes in their charter contract. The renewal standard is the standard of school performance a school is judged by at the end of its charter term—when an authorizer must decide whether to renew the school or to close it. 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.

At renewal time, if they choose to do so, authorizers should be explicitly empowered to close a school that did not achieve the standards and expectations established in its charter contract. Some state laws prevent an authorizer from closing a school if the school can demonstrate that it has made “reasonable progress” toward those goals. Schools that do not meet the performance expectations in their charter contract should be required to prove why their authorizer should renew their charter. The authorizer may still use its discretion to renew a school that is not yet reaching all its performance expectations but is performing near expectations and showing dramatic progress.

WHY

The strong renewal standard shifts the burden of proof from the authorizer to a failing school—forcing the school to prove why it deserves to have its charter renewed for another term rather than close. 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.” This policy change would remove language from charter laws that makes it difficult to close failing schools that try to argue they made “reasonable progress” toward stated goals.

This element receives double weight in NACSA's rubric because the absence of a strong renewal standard has allowed failing charter schools to rely on courts and appeals processes to remain open, despite unacceptable performance by the school and rigorous oversight by their authorizer. Authorizers can put in place many strong performance management tools, but the test of all this work occurs when an authorizer reaches the conclusion that a school should close and then is actually able to close that school when it comes up for renewal. This seemingly minor technical issue can undermine many strong practices if left unaddressed.

DEFAULT CLOSURE (POLICY #4)

WHAT

NACSA supports policy requiring the state to establish a threshold of minimally acceptable 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. Accountability mechanisms such as these should address issues of Alternative Education Campuses (AECs)⁷ and should emphasize rigorous, meaningful measures for student academic growth and postsecondary readiness. Minimally acceptable performance thresholds should not be used to prevent authorizers from establishing higher standards for the charter schools they oversee; they simply establish a “floor” for all charter schools in the state.

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 many 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.

AUTHORIZER ACCOUNTABILITY POLICIES

NACSA supports policies that give states the ability to enact best practices in authorizing, as well as the expectation of doing so. These practices make clear at the outset the performance expectations for all authorizers in a state. They also provide public transparency so that the state can hold authorizers accountable—through closure or other actions—if they fail to perform or otherwise violate the public trust.

STATE POLICY CATEGORIES

Authorizer Accountability Policies include these provisions:

- They articulate high standards for authorizers by endorsing national professional standards for the authorizing profession.
- They promote transparency by requiring authorizers to report annually on the performance of the schools they oversee.
- They provide for evaluations of authorizers, especially those with problematic results and practices.
- Where appropriate, they allow the state to sanction failing authorizers by preventing them from granting new charters or forcing them to cease authorizer operations entirely.

AUTHORIZER STANDARDS (POLICY #5)

WHAT

NACSA supports policy requiring every state to endorse national professional standards for quality charter authorizing and requiring all authorizers to meet these standards. Ideally, these standards will be NACSA's *Principles & Standards*. 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 are helpful in promoting rigor and accountability for 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. In addition, 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.

AUTHORIZER EVALUATIONS (POLICY #6)

WHAT

NACSA supports policy requiring a qualified state entity to periodically evaluate an appropriate subset of authorizers on adherence to authorizer standards and on the performance of the charter schools they oversee. In most circumstances, the entity evaluating authorizers would be the State Education Agency (SEA). Not all authorizers would require evaluations. In most cases, evaluation would be reserved for authorizers with low-performing portfolios or allegations of hostile or egregious authorizer practices. NACSA supports policy that requires periodic or as-needed external evaluation of authorizers by appropriately qualified entities. However, in some states (such as those where the SEA is the sole authorizer), regular self-evaluation by authorizers themselves may be appropriate.

WHY

Authorizer evaluations function as the authorizer equivalent of a charter school renewal evaluation: they provide an opportunity to assess an authorizer's performance on multiple levels. 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 how their practices impact student outcomes. External evaluations also provide rigorous, unbiased evidence that can form a legitimate basis for authorizer sanctions.

REPORTS ON PERFORMANCE (POLICY #7)

WHAT

NACSA supports policy requiring every authorizer in a state to publish an annual report on the individual and overall portfolio performance of the charter schools it oversees. This report should include measures of performance as established by the state accountability system and, ideally, the school performance framework used by the authorizer and set forth in the charter contract.

WHY

Schools, policymakers, parents, and the general public should have ready access to transparent information on the academic performance of charter schools. These reports serve multiple purposes. They provide individual charter 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 them identify any patterns of school performance that may point to either deficient or exceptional authorizing practices. Transparency is necessary to help parents make informed educational choices. Annual public performance reports provide all stakeholders and the public with a clear picture of charter school performance.

AUTHORIZER SANCTIONS (POLICY #8)

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. However, authorizer sanctions may be counterproductive in states or locales where there is no 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, just like charter schools, must be closed if they persistently fail.⁸ The public entrusts authorizers with the clear 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 are multiple authorizers, policymakers have a mechanism for pushing failing authorizers out of the sector.

The ability to sanction authorizers can be key where there are multiple authorizers in a single locale. Sanctions are primarily useful when authorizers are too willing to give charters to weak applicants, when they will not close failing schools, or to protect the interests of students and taxpayers. Sanctions are also helpful when states suffer from authorizer hopping, as failing schools switch to a new authorizer when their current authorizer tries to close them for low performance. In these settings, even a single authorizer willing to help weak applicants and failing schools escape rigor and accountability can undermine strong practices by all other authorizers.

State-by-State Profiles

The following pages present summaries of each state's charter laws.⁹ The 43 states are organized into three groups based on each state's charter authorizing environment.

The narrative sections introducing each group of states include the following:

- A definition and characteristics of that group, including applicable policies
- The emerging challenges and opportunities relevant to the group
- The policy recommendations for the group

This introductory narrative discussing the group as a whole is followed by the profiles of each state in that group. Each state's two-page profile contains the following information:

- State Context: a narrative describing key aspects of the state landscape
- Policy Scores: presented in table format that provide that state's points on each applicable policy and relevant details
- Recommendations: a narrative highlighting key next steps to improve state policy
- Graphics: a gauge showing total points received, color-coded by policy, coupled with key charter school sector numbers

Of note:

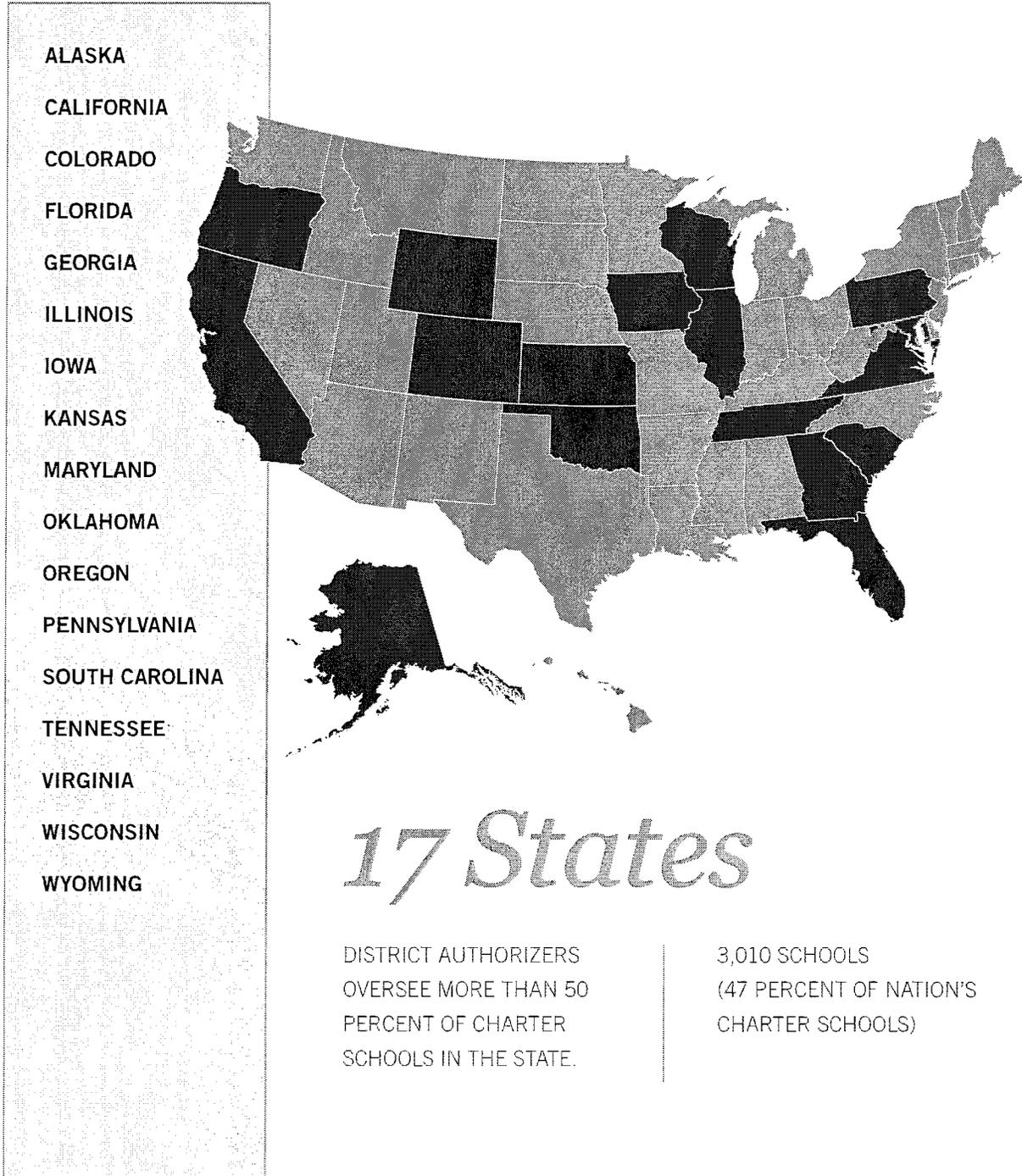
- The specific policy changes that best advance the charter sector in each state depend on state and local circumstances.
- Differences in state authorizing environments make some policies irrelevant and others more important.
- Not all states fit cleanly into these three groups, although most fit into only one group. For those states that could be placed in more than one group, the complicating factors are discussed in each state's profile. Also, newly passed laws may lead to a state changing groups in the future as emerging trends in practice affect how these definitions should be applied.

LEGEND	
HEI	Higher Education Institution
ICB	Independent Charter Board
LEA	Local Education Agency
NEG	Non-Educational Government entity
NFP	Not-For-Profit organization
SEA	State Education Agency*

FOOTNOTES

* In the individual state tables, we use SEA to encompass the State Department of Education, the State Board of Education, and the Commissioner of Education. In the narrative, however, we distinguish between these entities.

Group 1: District Authorizing States



APPLICABLE POLICIES	NOTES
AUTHORIZER STRUCTURE	
1. Alternative Authorizer	An alternative authorizer is an essential condition for fair treatment of all applicants and schools. It can provide a model authorizer and is a prerequisite for authorizer sanctioning policies to be productive. At a minimum, states need a viable appeals process that allows a non-district entity to overturn an inappropriate denial of a charter application.
SCHOOL ACCOUNTABILITY	
2. Performance Management and Replication	State policy should require authorizers to use charter contracts and performance frameworks and facilitate quality replication of high-performing schools. NACSA encourages the state to provide additional guidance to authorizers on the content and use of these tools to facilitate successful adoption by LEA authorizers, regardless of their portfolio size. Any guidance, such as models or templates, should be adaptable to meet the individual needs of each authorizer and school.
3. Renewal Standard	All authorizers, including districts, must be explicitly empowered to close schools that do not achieve the goals set forth in their charters.
4. Default Closure	Small authorizers—a category that includes 94 percent of LEA authorizers—are less likely to close a school than larger authorizers. ¹⁰ A state policy on default closure requires all authorizers, regardless of their type or size, to close schools that fail to meet an established minimum academic performance threshold. It can give local school boards political “cover” to close failing schools in the face of political pressure to keep them open. Additionally, in states where districts have the authority to authorize schools outside their district boundaries, it can prevent authorizer hopping to avoid closure.
AUTHORIZER ACCOUNTABILITY	
5. Authorizer Standards	The number of potential authorizers in states with most schools authorized by districts (LEAs) makes this policy a high priority. It articulates high expectations for all authorizers and guides authorizers in adopting best practices and meeting national professional standards. It also protects against overregulation that can occur when an entity that has traditionally specialized in compliance and inputs, such as an LEA, has to shift to an outcome-driven authorizer mentality.
6. Authorizer Evaluations	States with district-dominated authorizing have, by definition, limited authorizing options, and these options have included many authorizers that were historically hostile to charter schools. Because of this, states need the ability to examine authorizers in more detail, when warranted, to identify and remedy inappropriate practices.
7. Reports on Performance	Transparency regarding each authorizer’s performance results is crucial to create pressure and incentives to adopt best practices and to focus on results. This is particularly important because authorizer sanctions are inappropriate in a state without viable alternative authorizers. Annual performance reports for an authorizer’s portfolio of schools create a public record that protects good schools, encourages stronger practices, and informs parent choice.
8. Authorizer Sanctions	This policy is not applicable without a viable alternative authorizer. Sanctions can be appropriately applied to underperforming or hostile district authorizers only when a viable alternative is guaranteed.

CHARACTERISTICS¹¹

In these states, school districts oversee most charter schools. Some states with district-dominated authorizing have constitutional provisions that block efforts to establish non-district authorizers. Other states have pursued district-dominated strategies as a result of early compromises in the charter school movement that sought to limit the perceived threat that an emerging charter sector posed to the traditional school systems.

While districts dominate authorizing in all these states, there is variation in their policies regarding alternative authorizers and appeals. Three of these states (Georgia, Oklahoma, and South Carolina)¹² have a viable alternative authorizer that operates throughout the state and to which charter applicants may apply directly, but most charter schools in these states are still overseen by districts. Three other states (Kansas, Virginia, and Wyoming) have no alternative authorizer or appeal avenue. These are also states with “dead” laws that require revision in many areas. The remaining 11 states in this group have either an appeals process or an alternative authorizer, but the alternative authorizer operates with limits on its geographic authority or other limits on its scope.

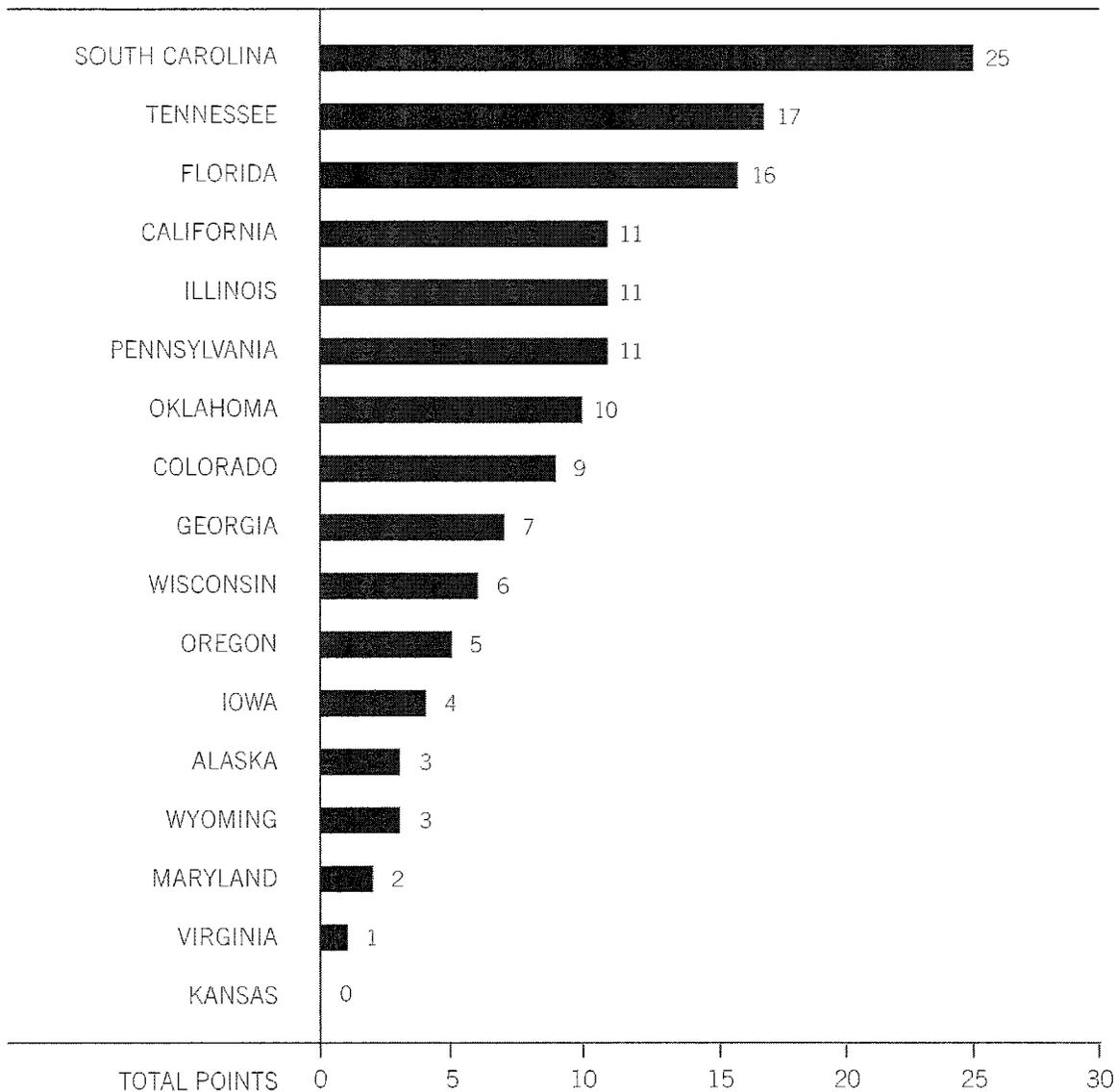
“DEAD” CHARTER SCHOOL LAWS

NACSA has identified five states¹³ (Alaska, Iowa, Kansas, Virginia, and Wyoming) as having “dead” charter school laws. These states are characterized by what they lack—state law does not definitively provide charter schools with a legally independent governing board with key legal, fiscal, and personnel autonomies. There are notable variances within this group of states in terms of autonomy and authorizing structure. Charter schools in Alaska, Iowa, Kansas, and Virginia, for example, are legally governed by the local school board and employ school-level “management committees” or “advisory groups” to make limited decisions about the charter school. In Wyoming, the authorizing school district uses its own procedures and policies to determine the autonomy that each charter school enjoys. Consequently, charter school autonomy (both legal and otherwise) can vary across the state. Three states (Kansas, Virginia, and Wyoming) lack an appeals process. The remaining two states (Alaska and Iowa) have an appeal avenue that is brand new or used infrequently. Despite these challenges, it is possible in some circumstances for some charter schools to operate and to achieve appropriate autonomy.

The size of school district authorizer portfolios varies dramatically. Of the 945 district authorizers across the nation, nearly all (94 percent) oversee fewer than 10 charter schools, and almost 90 percent of district authorizers oversee five or fewer schools. While many observers believe districts will refuse to approve all charter applicants, districts actually approve a higher percentage of charter applicants than SEA, HEL, and ICB authorizers, but a slightly smaller percentage than NFP authorizers. Whether districts implement essential authorizer practices¹⁴ tends to be related to the number of charters they oversee. Districts with more than 10 charter schools in their portfolio look more similar to non-district authorizers with large portfolios than they do to districts that oversee only one or two schools in regard to their use of essential authorizing practices.

There is a wide distribution of NACSA’s recommended policies among states dominated by district authorizing (see Figure 1). The weakest states as determined by NACSA’s rubric are those with “dead” charter laws, where the state needs many changes in policy, in addition to policies that advance accountability, if they are to develop a viable charter sector. The highest-scoring state in this group, South Carolina, benefited from an ICB that promoted strong policies to ensure its own legal authority to implement those practices. In addition to safeguarding the ICB’s authority to employ recommended practices, these policies had the added benefit of establishing a legal framework to require similar practices from district authorizers, which still dominate authorizing in the state. Other states may benefit from a similar strategy that uses a model authorizer, generally an ICB, to raise expectations for all the district authorizers in the state.

FIGURE 1.
CHARTER SCHOOL AND AUTHORIZER ACCOUNTABILITY POLICIES:
DISTRICT AUTHORIZING STATES
SCORE OUT OF 30 POSSIBLE POINTS FOR STATES IN GROUP 1



EMERGING CHALLENGES AND OPPORTUNITIES

District-dominated authorizing environments can lead to weak authorizing. Lack of commitment and lack of chartering scale can undermine the quality of district authorizers. While some of the largest and most engaged authorizers in the country are school districts, many district authorizers serve reluctantly as authorizers. Reluctant district authorizers may be hostile to charter applicants or schools, making it difficult for a charter school proposal to receive a fair, merit-based hearing. Furthermore, authorizers with few charters are unlikely to build the capacity, institutional focus, and expertise—and create the systems and procedures—required to oversee a larger portfolio of charter schools, and thus may not implement best practices.

In addition to limited scale and political reluctance, there are other barriers to quality authorizing in district-dominated authorizing environments. For district authorizers in some states, a state appeals process can create obstacles and be a disincentive to implementing strong practices. Where district leaders perceive a “politicized” appeals process—that weak charter applicants will be approved or that justified charter closure decisions will be reversed for political reasons—districts may conclude that efforts to improve their authorizing will not improve the results. Accordingly, they may be reluctant to invest the resources and energy to develop the systems and best practices necessary to defend their high-stakes decisions or, ironically, to prevail in any appeals processes that are not politicized.

On the positive side, districts also have advantages in authorizing. They can provide opportunities for charter schools to access existing or new district facilities. Districts have institutional resources, infrastructure, and human capacity that can be directed to effective authorizing. Districts can also engage in portfolio management strategies that can help student access and equity in charter schools through such procedures as a single district-wide application process, or careful design and provision of special education and other services for at-risk students. Engaged district authorizers implementing best practices also can leverage performance management tools initially developed for charter school oversight to strengthen the ways that district schools are managed and can recruit capable charter school operators to help turn around chronically under-performing schools in the district.

POLICY RECOMMENDATIONS

States with a district-dominated authorizing environment can take many steps to build quality and consistency among all authorizers. States in this group should take the following steps:

1. Establish an alternative statewide authorizer—such as an Independent Charter Board (ICB)—in all states where it is constitutionally viable. States should use an alternative authorizer rather than an appeals process to guarantee that strong charter applications will be approved and to avoid oversight by reluctant authorizers.
2. Explicitly grant authorizers the power and responsibility to use best practices in performance management, including performance contracts, performance frameworks, and tools that help them 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 successfully. The state should require all authorizers in the state (regardless of scale of authorizing) to adopt these best practices.
3. Empower authorizers to enforce a strong renewal standard, allowing authorizers to not renew a school if it fails to meet the performance standards and expectations established in the school’s charter contract.
4. Make school closure the expected consequence for persistently failing charter schools through a state-level default closure provision. This provides clear direction to guide authorizer actions and applies even if authorizers are unwilling or find it politically difficult to close the worst-performing schools.

-
5. Establish authorizer standards consistent with national professional standards.
 6. Promote transparency by requiring performance reporting by authorizers. This should include annual public reporting by authorizers on the individual and overall portfolio performance of their charter schools and on their authorizing practices, which should align with the state's authorizer standards.
 7. Evaluate whether authorizers meet authorizer standards, fulfill their public obligations, and protect school autonomy. Depending on local conditions, evaluations may be reserved for those authorizers with poorly performing schools or questionable practices.

SPECIAL CIRCUMSTANCES: STATES WITH "DEAD" LAWS (ALASKA, IOWA, KANSAS, VIRGINIA, AND WYOMING)¹⁵

Consistent school autonomy, coupled with a viable appeals process or an alternative authorizer, must be the first two priorities in all states with dead laws. Improvements in school and authorizer accountability are unlikely to matter without fundamental changes to these laws. To allow a viable charter school sector to emerge, these states should enact the following provisions:

1. Grant all charter schools autonomy over key areas of school operations
2. Establish a viable appeals process for charter approval or provide an alternative authorizer

STATE CONTEXT

Alaska has a “dead” charter law. Charter schools remain a legal part of the local school district, and state law does not explicitly provide any charter schools with separate, legally autonomous charter school governing boards.

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).

Changes made to state law in 2014 created an appeal consideration through the Commissioner of Education and the SBE. The same law also granted charter schools additional autonomy and improved access to several funding streams.

POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	2/6	LEA, SEA considers appeals. Note: Alaska has a “dead” charter school law. Creating legally autonomous schools and a viable alternative authorizer should be the primary policy goals for the state.
SCHOOL ACCOUNTABILITY		
Performance Management and 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.
Renewal Standard	0/6	State law does not specify provisions for renewing charters.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	3/30	
RANK WITHIN GROUP	13TH OF 17 STATES (tied with one other state)	

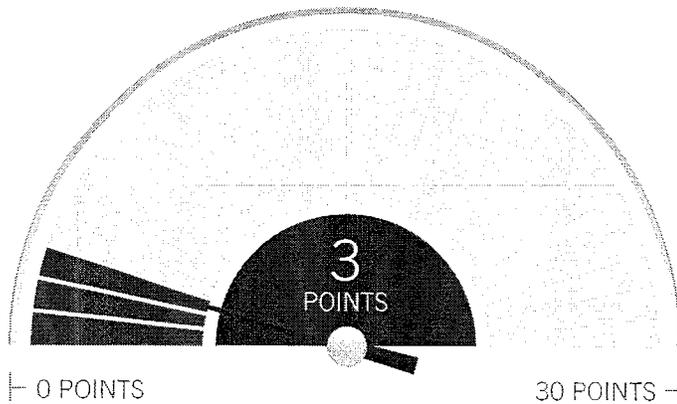
3 of 30 Points



RECOMMENDATIONS

Creating a viable alternative authorizer and charter schools with legally autonomous charter school governing boards should be the primary policy goals for the state. Policy should ensure that schools have autonomy in crucial areas of school operations.

Creating an appeals process was an important first step. However, given its multi-layered authorizer/appeal structure, this appeal avenue is unlikely to be as beneficial as a stand-alone alternative authorizer. Alaska should also institute NACSA's recommended school accountability provisions, including performance frameworks and a strong renewal standard. When these provisions are in place, Alaska should also consider authorizer accountability provisions, including authorizer standards, to ensure that the state's existing LEA authorizers and any new authorizers are appropriately overseeing charter schools in the best interests of students and the public.



LAW ENACTED IN 1995

8 AUTHORIZERS

100% OF SCHOOLS
AUTHORIZED BY LEAS

27 CHARTER SCHOOLS

6% OF PUBLIC SCHOOLS
ARE CHARTERS

6,123 CHARTER
STUDENTS

5% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

STATE CONTEXT

California has more charter schools than any other state—comprising 18 percent of the nation’s charter sector. California also has approximately one-third of all authorizers in the country, or 319 different authorizers overseeing 1,131 charter schools. Almost all schools are authorized by an LEA, though California has a two-tiered appeal structure in which applicants can also be approved by County Offices of Education or the State Board of Education.

Most of California’s authorizers oversee only a small number of schools each; 92 percent of active authorizers in the state—or approximately 290 authorizers—oversee five or fewer schools. California also has the largest LEA authorizer in the country, Los Angeles Unified School District (LAUSD). Collectively enrolling 136,952 students, charter schools authorized by LAUSD serve one out of every 20 charter school students in the nation. Because of the dominant role that local districts play in chartering, the individual practices of a single district authorizer primarily affect access and oversight only within its own jurisdiction.

California receives points for a strong renewal standard, a statewide appeals process, and a multi-campus policy that encourages replication. California does not receive points for any authorizer accountability policies or for default closure. Regarding default closure, 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. As such, NACSA does not interpret California law as making closure the default or

POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	4 / 6	LEA ¹ , SEA on appeal ²
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	1 / 3	State law does not require a charter contract or performance framework. Multiple schools may be operated under a single charter.
Renewal Standard	6 / 6	By law, a charter school may not be renewed unless the school demonstrates academic achievement on 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.
Default Closure	0 / 6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0 / 3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0 / 3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Reports on Performance	0 / 3	State law does not require authorizers to produce annual public reports on the academic performance of their portfolio of schools.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	11 / 30	
RANK WITHIN GROUP	4TH OF 17 STATES (tied with two other states)	

11 of 30 Points



STATE CONTEXT CONT'D

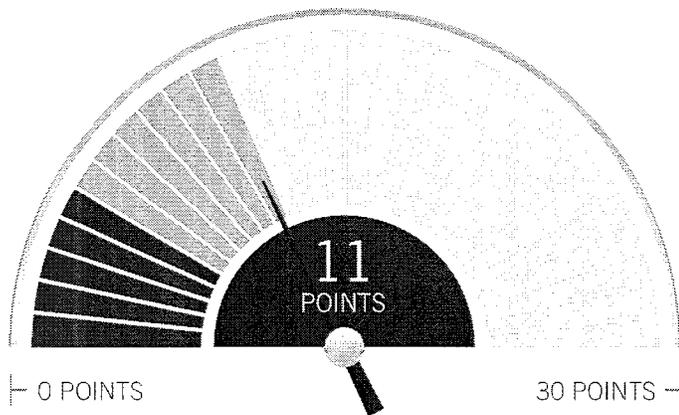
expected consequence for schools that fail to meet a minimum academic standard. Additionally, significant education reforms passed in 2013—collectively referred to here as the Local Control Funding Formula (LCFF) reforms—may impact charter school accountability policies as they are fully implemented over the next several years.

RECOMMENDATIONS

NACSA recommends that California pursue charter school and authorizer accountability policy improvements that can have immediate impact. This includes requiring all authorizers to use strong performance management tools reflecting industry standards, including performance contracts and performance frameworks. These tools can include school-directed performance goals that would complement the community-directed ethos of California's new Local Control and Accountability Plan, a component of the LCFF reforms passed in 2013. The newly established California Collaborative for Educational Excellence, along with authorizer and charter stakeholders, may be able to play a role in the dissemination and development of these tools.

California should reform its statutory provisions on renewal to create a stronger default non-renewal or closure mechanism. In addition, California law should establish a distinct renewal petition law specifying that renewal petition content should focus on the school's performance over its current charter term.

NACSA also recommends that California consider creating a statewide independent authorizer or, given the state's vast size and population, a small number of independent authorizers for specific geographic regions. These independent authorizers would not only authorize charter schools, but could assist with the development and dissemination of model practices to California's hundreds of authorizers.



LAW ENACTED IN 1992

319 AUTHORIZERS

98% OF SCHOOLS
AUTHORIZED BY LEAS

1,131 CHARTER SCHOOLS

11% OF PUBLIC SCHOOLS
ARE CHARTERS

514,172 CHARTER
STUDENTS

8% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

FOOTNOTES

- 1 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.
- 2 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. Statute allows for the SBE to authorize schools of statewide benefit, but litigation and regulatory hurdles have resulted in the SBE not authorizing under the statewide benefit mechanism for several years.

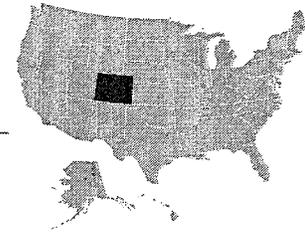
STATE CONTEXT

Colorado has 45 active LEA authorizers and the Colorado Charter School Institute (CSI), a limited jurisdiction Independent Charter Board. 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 eight districts currently determined by the State Board of Education (SBE) to demonstrate a pattern of treating charters in a hostile manner. The CSI may also serve as the authorizer if an LEA voluntarily relinquishes its chartering authority over a particular school or applicant. This structure is unique among states. The CSI oversees a portfolio that has a larger proportion of Alternative Education Campuses (AECs) and virtual schools than found among charter schools authorized by Colorado districts.

Colorado's charter school law provides for authorizer standards that reflect NACSA's standards, annual authorizer-produced reports on school performance, and a limited form of authorizer sanctions through the SBE's power to remove a district's exclusive chartering authority for cause. However, the SBE has not voted to remove the exclusive authority of a district since the CSI was created in 2005.

POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	2/6	LEA, Independent Charter Board with limited jurisdiction, SEA considers appeals ³
SCHOOL ACCOUNTABILITY		
Performance Management and 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.
Renewal Standard	0/6	State law allows "reasonable progress" to be sufficient for a charter to be renewed.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	3/3	State law required the State Board of Education (SBE) to adopt authorizer standards. The SBE's final rules reference NACSA's <i>Principles & Standards</i> .
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Reports on Performance	3/3	State law requires the ICB and LEAs to produce an annual public report on the academic performance of their portfolio of schools. State law requires all LEAs to provide an annual report to the State Department of Education, which by regulation include reporting school performance data.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	9/30	
RANK WITHIN GROUP	8TH OF 17 STATES	

9 of 30 Points



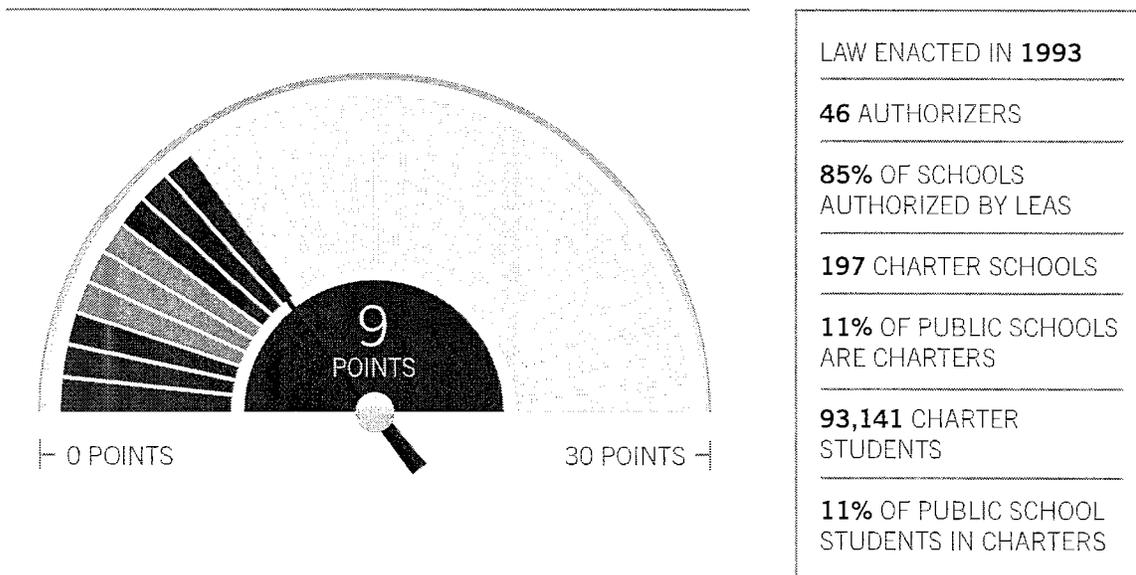
STATE CONTEXT CONT'D

Colorado's law lacks important charter school accountability provisions, such as a strong renewal standard, a requirement that all authorizers use strong performance frameworks reflecting national professional standards, and a default closure provision. In practice, the State Department of Education'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 not necessarily tied to charter oversight. That framework is based on the Denver Public Schools' own performance framework, which was developed for, and applied to, the district's charter school oversight.

Authorizer practices around the state have achieved some consistency from 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, preventing these districts from developing the institutional focus required to invest in best practices and build chartering expertise.

RECOMMENDATIONS

Colorado needs to improve its charter school accountability policies by strengthening its renewal standard, codifying the expectation that all authorizers use performance frameworks, and instituting a default closure provision. These efforts will be aided by the state's well-developed accountability system that prioritizes student growth and sets performance targets for Alternative Education Campuses. Colorado should also explore turning the CSI into a fully empowered Independent Charter Board able to authorize independently of a district's behavior or a district's decision to relinquish its chartering authority.



FOOTNOTES

³ The State Board of Education 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.

STATE CONTEXT

Florida constitutionally limits charter school authorizing mostly to its 67 school districts, although HEIs may authorize specified career technical and lab schools. Currently, 45 school districts oversee 622 charter schools. Two HEIs oversee three additional specialized charter schools. The size of some of Florida’s school districts means Florida LEAs, on average, each authorize a large number of charter schools, giving a number of LEAs the chartering scale necessary to develop specialized authorizing functions. 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.

Florida has a robust charter school accountability system in statute with required charter contracts, a default closure provision, and a strong renewal standard already in place. In 2014, the Florida Department of Education released the Florida Principles and 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, Florida receives a 0/3 in this category because these standards are advisory only—nothing in state law or rules required the development of these standards or their adoption, use, or endorsement by any authorizer.

POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	2/6	LEA, limited jurisdiction Higher Education Institution, SEA considers appeals
SCHOOL ACCOUNTABILITY		
Performance Management and 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.
Renewal Standard	6/6	By law, authorizers may decide not to renew a school for failure to meet performance goals in its charter.
Default Closure	6/6	By law, charter schools that receive an F rating two years in a row must be closed, with few exceptions.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers. ⁴
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	16/30	
RANK WITHIN GROUP	3RD OF 17 STATES	

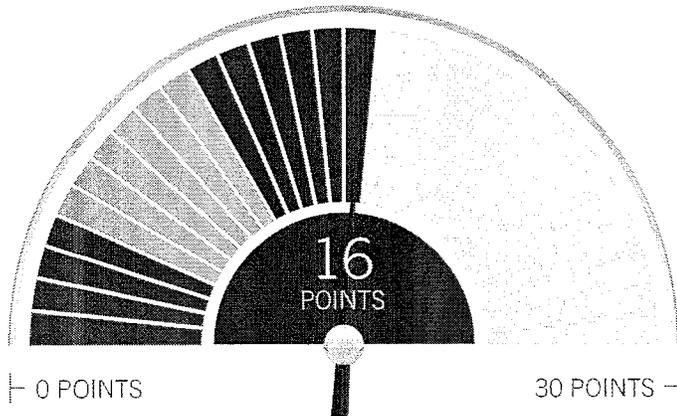
16 of 30 Points



RECOMMENDATIONS

Florida has many of NACSA's recommended charter school accountability provisions in place. NACSA encourages Florida policymakers to explore additional policies to improve front-end charter school screening and term-length oversight, as well as enhance authorizer accountability. This could include policies to require rigorous charter school approval processes, the use of strong performance frameworks with annual authorizer portfolio performance reports, and a policy promoting regular authorizer evaluations by the state to help authorizers examine and improve their practices in accordance with Florida's authorizer standards.

Finally, NACSA encourages Florida to revise its charter application appeals process to allow the appellate body to serve as the authorizer on appeal or to explore possible constitutional changes to allow a non-LEA alternative authorizer to do so. A non-LEA authorizer option would allow LEAs to choose whether to serve as the authorizer of schools approved on state appeal or to cede authorizing responsibility to the alternative authorizer, if they so desire.



LAW ENACTED IN 1996

47 AUTHORIZERS

99% OF SCHOOLS
AUTHORIZED BY LEAs

625 CHARTER SCHOOLS

16% OF PUBLIC SCHOOLS
ARE CHARTERS

229,926 CHARTER
STUDENTS

8% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

FOOTNOTES

- 4 The Florida Department of Education released the Florida Principles and Standards for Quality Charter School Authorizing in October 2014. These standards are consistent with national authorizing standards. Nothing in state law or rules required the development of these standards or requires their use by authorizers.

STATE CONTEXT⁵

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. The newness of the Commission is a major reason for the modest size of its charter school portfolio, which includes 15 schools, or 14 percent of the state's charter schools. The state has a notable population of virtual schools, with three virtual schools enrolling 25 percent of the state's charter school students.

POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	6/6	LEA, Independent Charter Board
SCHOOL ACCOUNTABILITY		
Performance Management and 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.
Renewal Standard	0/6	State law allows "reasonable progress" to be sufficient for a charter to be renewed.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	7/30	
RANK WITHIN GROUP	9TH OF 17 STATES	

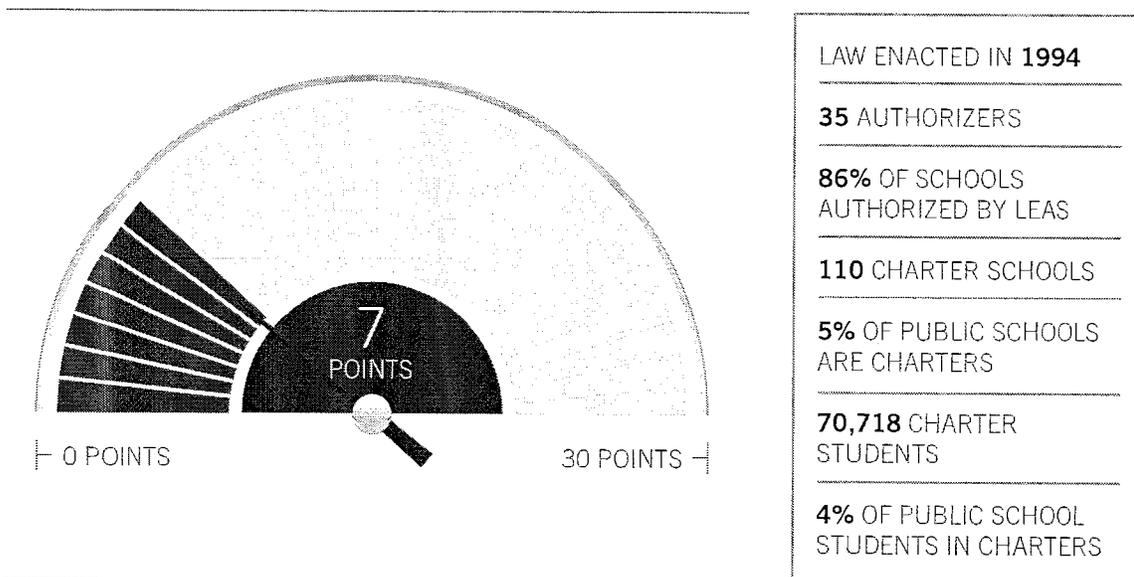
7 of 30 Points



RECOMMENDATIONS

Georgia's charter school law contains almost none of NACSA's recommended charter school and authorizer accountability provisions.

Georgia should reform its charter law to strengthen charter school accountability and require authorizers to follow best practices in charter authorizing in accordance with national professional standards. All authorizers can benefit from statutory guidance to implement strong accountability practices, and a policy requiring all authorizers to meet certain standards would position the Commission to serve as a state model for other authorizers. In addition, improving accountability on the front end by requiring all authorizers to implement a rigorous charter school approval process is equally important to ensure quality charter school growth in a state with robust annual growth of charter schools.



FOOTNOTES

⁵ Georgia undertook a regulatory process in November 2014 to address some of NACSA's policy recommendations. (This was after the analysis for this 2014 report was completed but before publication.) Those changes in Georgia will be reflected in NACSA's 2015 analysis.

STATE CONTEXT

Illinois has 11 active school district authorizers. In addition, the Illinois State Charter School Commission, an Independent Charter Board, may approve schools on appeal. Charter schools are primarily located in Chicago, with Chicago Public Schools serving as the authorizer of 124 schools, or 89 percent of all charter schools in Illinois.

Illinois is one of the few LEA-dominated states that have adopted authorizer accountability provisions. The charter law establishes authorizer standards, requires authorizers to produce annual school performance reports, and allows authorizer sanctions when necessary. In Illinois, these policies were informed by their practical use by Chicago Public Schools and work together with the presence of the Commission—as the alternative authorizer on appeal—to spur stronger practice by district authorizers. These policies and the presence of an appellate authorizer provide both guidance and motivation to encourage LEA authorizers to demonstrate their commitment to fair and equitable authorizing.

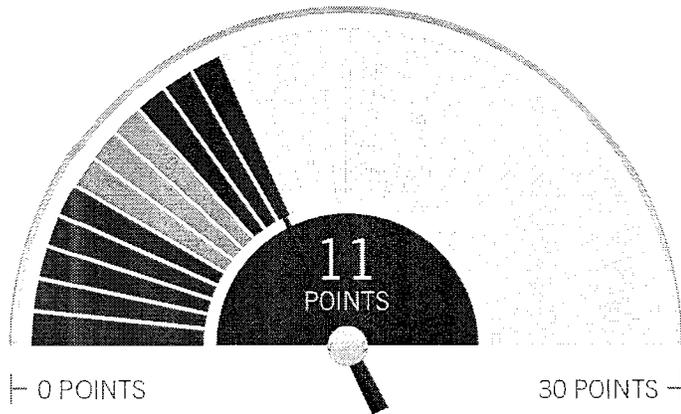
POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	4/6	LEA, Independent Charter Board on appeal
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	1/3	State law requires a charter contract but not a performance framework or replication policy.
Renewal Standard	0/6	State law allows “reasonable progress” to be sufficient for a charter to be renewed.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
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.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions unless there are additional viable authorizers. <i>Exceptional Circumstance:</i> 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.
TOTAL POINTS	11/30	
RANK WITHIN GROUP	4TH OF 17 STATES (tied with two other states)	

11 of 30 Points



RECOMMENDATIONS

Recent legislative efforts have attempted to dissolve the Commission. NACSA recommends that Illinois first 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. Once the future of the Commission is secure, Illinois should enhance charter school accountability by codifying in policy many of the model practices currently used by the stronger authorizers in the state. This includes requiring authorizers to use a performance framework, encouraging charter school replication by successful schools, and instituting a strong renewal standard. Illinois should also consider providing for a state oversight entity to conduct authorizer evaluations, as needed, which serve as a barometer of authorizer activities and can inform changes in practice and policy.



LAW ENACTED IN 1996

12 AUTHORIZERS

97% OF SCHOOLS AUTHORIZED BY LEAS

145 CHARTER SCHOOLS

3% OF PUBLIC SCHOOLS ARE CHARTERS

59,627 CHARTER STUDENTS

3% OF PUBLIC SCHOOL STUDENTS IN CHARTERS

STATE CONTEXT

Iowa has a “dead” charter law. Charter schools remain a legal part of the local school district, and state law does not explicitly provide any charter schools with separate, legally autonomous charter school governing boards. There are only three charter schools in the entire state.

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. The SEA does not currently authorize any schools on appeal.

POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	4/6	LEA, SEA on appeal. <i>Note:</i> iowa has a “dead” charter school law. Creating legally autonomous schools and a viable alternative authorizer should be the primary policy goals for the state.
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	0/3	State law requires no charter contract, performance framework, or replication policy.
Renewal Standard	0/6	State law allows “reasonable progress” to be sufficient for a charter to be renewed.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	4/30	
RANK WITHIN GROUP	12 TH OF 17 STATES	

4 of 30 Points

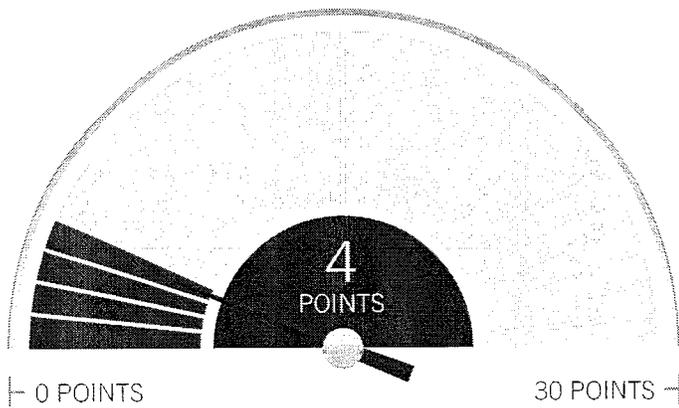


RECOMMENDATIONS

Iowa's charter law contains none of NACSA's recommended provisions for charter school or authorizer accountability.

Creating a viable alternative authorizer and charter schools with legally autonomous charter school governing boards should be the primary policy goals for the state. Policy should ensure that schools have autonomy in crucial areas of school operations.

Iowa needs to reform its charter law considerably to allow a viable charter school sector to emerge.



LAW ENACTED IN **2002**

3 AUTHORIZERS

100% OF SCHOOLS
AUTHORIZED BY LEAS

3 CHARTER SCHOOLS

0.2% OF PUBLIC
SCHOOLS ARE CHARTERS

315 CHARTER STUDENTS

0.1% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

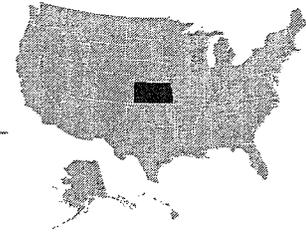
STATE CONTEXT

Kansas has a “dead” charter law. Charter schools remain a legal part of the local school district, and state law does not explicitly provide any charter schools with separate, legally autonomous charter school governing boards.

Kansas allows LEA authorizers only. There are only 11 charter schools in the entire state, including four virtual schools.

POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	0/6	LEA only. <i>Note:</i> Kansas has a “dead” charter school law. Creating legally autonomous schools and a viable alternative authorizer should be the primary policy goals for the state.
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	0/3	State law requires no charter contract, performance framework, or replication policy.
Renewal Standard	0/6	State law allows “reasonable progress” to be sufficient for a charter to be renewed.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	0/30	
RANK WITHIN GROUP	177th OF 17 STATES	

0 of 30 Points

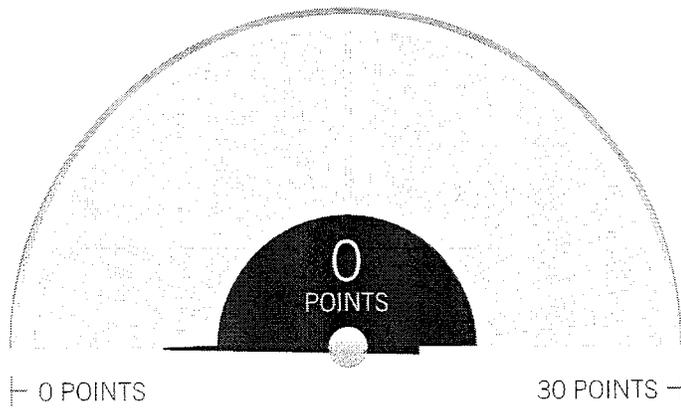


RECOMMENDATIONS

Kansas's charter law contains none of NACSA's recommended provisions for charter school or authorizer accountability.

Creating a viable alternative authorizer and charter schools with legally autonomous charter school governing boards should be the primary policy goals for the state. Policy should ensure that schools have autonomy in crucial areas of school operations.

Kansas needs to reform its charter law considerably to allow a viable charter school sector to emerge.



LAW ENACTED IN **1994**

11 AUTHORIZERS

100% OF SCHOOLS
AUTHORIZED BY LEAS

11 CHARTER SCHOOLS

1% OF PUBLIC SCHOOLS
ARE CHARTERS

2,549 CHARTER
STUDENTS

1% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

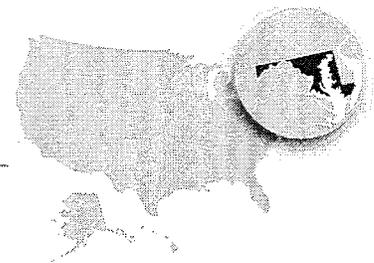
STATE CONTEXT

Maryland law contains almost none of the traditional components of a charter school 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. Arguably, Maryland's law could be classified as a "dead" law. 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 varies considerably from school to school and from district to district.

Maryland currently has seven LEA authorizers overseeing a total of 52 schools. 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. The majority of charter schools in Maryland are located in Baltimore, with Baltimore City Public Schools authorizing nearly 70 percent of the charter schools in the state.

POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	2/6	LEA, SEA considers appeals 6
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	0/3	State law requires no charter contract, performance framework, or replication policy.
Renewal Standard	0/6	State law allows "reasonable progress" to be sufficient for a charter to be renewed.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	2/30	
RANK WITHIN GROUP	15TH OF 17 STATES	

2 of 30 Points

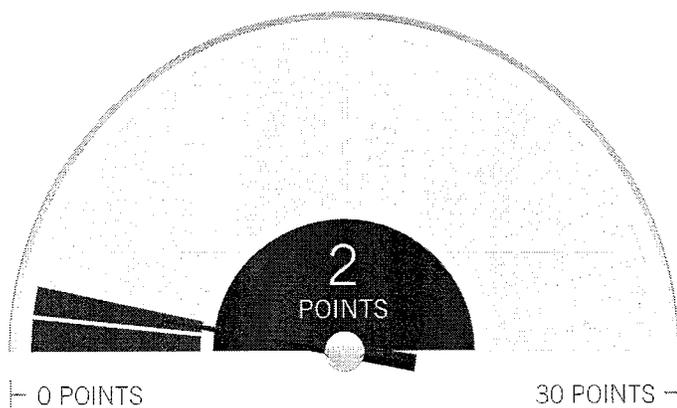


RECOMMENDATIONS

Maryland's charter law contains none of NACSA's recommended provisions for charter school or authorizer accountability.

Maryland should focus its policy goals on gaining autonomy for the charter school sector in exchange for additional accountability, both for authorizers and schools.

Creating a viable alternative authorizer and charter schools with significant de facto autonomy should be the primary policy goals for the state.



LAW ENACTED IN **2003**

7 AUTHORIZERS

100% OF SCHOOLS
AUTHORIZED BY LEAS

52 CHARTER SCHOOLS

4% OF PUBLIC SCHOOLS
ARE CHARTERS

21,397 CHARTER
STUDENTS

3% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

FOOTNOTES

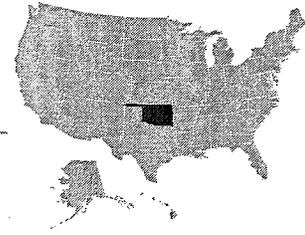
- ⁶ The State Board of Education may directly authorize "restructured schools," one of the district school interventions under Maryland's No Child Left Behind Act compliance.

STATE CONTEXT

Oklahoma allows LEA and Higher Education Institution (HEI) authorizers, but charter schools may be established only in school districts with more than 5,000 students or those with a school 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. The two virtual charter schools account for 42 percent of Oklahoma's total charter school enrollment. Despite allowing multiple alternative authorizers, the population-based restriction on school location significantly limits charter school growth in the state, and all but one brick-and-mortar charter school are in Tulsa and Oklahoma City. Oklahoma City Public Schools is the largest authorizer with more than half of all charter schools in the state.

POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	2/6	LEA, limited jurisdiction Higher Education Institution, limited jurisdiction Independent Charter Board, limited jurisdiction Non-Education Government entity
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	2/3	State law requires a charter contract and allows multiple schools under a single contract but does not require a performance framework.
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.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers. In the event that the law changes and additional authorizers become active statewide, Oklahoma may benefit from an authorizer sanction policy.
TOTAL POINTS	10/30	
RANK WITHIN GROUP	7TH OF 17 STATES	

10 of 30 Points

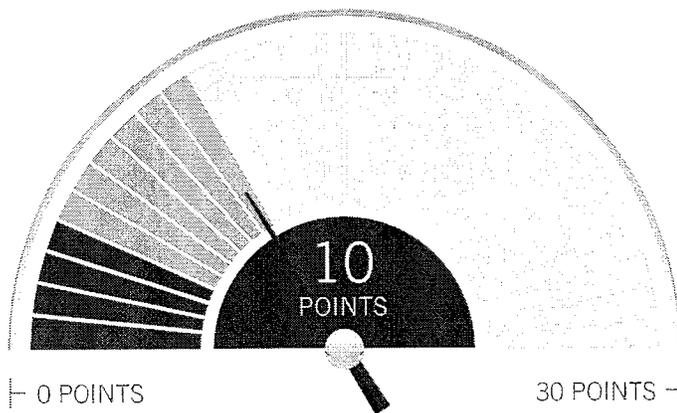


RECOMMENDATIONS

Oklahoma should establish an Independent Charter Board (ICB) with a statewide jurisdiction to open chartering in the rest of the state, with a strong emphasis on quality schools and rigorous authorizing. Given the variety of authorizers allowed by law and already operating in the state, Oklahoma should also establish authorizer standards, performance frameworks, and several provisions for authorizer accountability, including authorizer evaluations and annual public reports on school and portfolio performance.

Should the geographic jurisdiction of the state's alternative authorizers expand, Oklahoma should establish authorizer sanctions, provisions to prevent authorizer hopping, and a default closure mechanism to ensure consistent authorizing practices and authorizer accountability as the authorizing sector also expands. Without viable statewide alternative authorizers, however, authorizer sanctions are inappropriate.

A strong authorizer reporting and evaluation framework could strengthen authorizer accountability. The current policy could be improved by enhancing the annual report that is now produced by the Oklahoma Department of Education so that it would include reports on authorizer and school performance disaggregated by authorizer.



LAW ENACTED IN 1999

7 AUTHORIZERS

72% OF SCHOOLS
AUTHORIZED BY LEAS

25 CHARTER SCHOOLS

1% OF PUBLIC SCHOOLS
ARE CHARTERS

9,751 CHARTER
STUDENTS

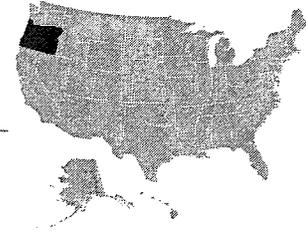
1% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

STATE CONTEXT

Oregon allows LEA authorizers and empowers the State Board of Education (SBE) or High Education Institutions (HEIs) to authorize schools on appeal following denial by an LEA. No HEIs currently authorize charter schools. Currently, 97 percent of the state’s charter schools are authorized by LEAs. The SBE authorizes the remaining three percent of schools. Oregon has a relatively large virtual school population, with 12 virtual schools enrolling 25 percent of the state’s charter school students.

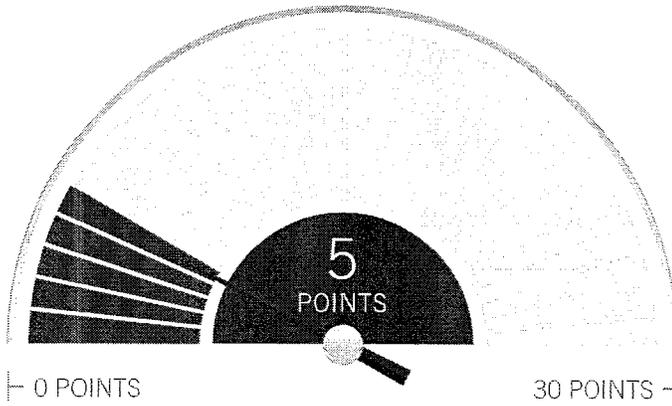
POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	4/6	LEA, SEA on appeal (allowed but inactive: Higher Education Institution on appeal)
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	1/3	State law requires a charter contract but not a performance framework. The law does not explicitly encourage or address replication of successful schools.
Renewal Standard	0/6	State law allows “reasonable progress” to be sufficient for a charter to be renewed.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	5/30	
RANK WITHIN GROUP	11TH OF 17 STATES	

5 of 30 Points



RECOMMENDATIONS

Oregon should create a viable alternative authorizer to which charter applicants can apply directly, such as an Independent Charter Board. Oregon's charter school law lacks almost all of NACSA's recommended policies and should be significantly reformed to include strong performance management and authorizing accountability provisions. The high authorizer funding enabled by the state makes authorizer transparency and accountability particularly important. Given the historically low performance of Oregon's charter school sector, the state would benefit from instituting a default closure provision that can expeditiously close the lowest-performing charter schools.



LAW ENACTED IN 1999

76 AUTHORIZERS

97% OF SCHOOLS
AUTHORIZED BY LEAS

124 CHARTER SCHOOLS

6% OF PUBLIC SCHOOLS
ARE CHARTERS

28,581 CHARTER
STUDENTS

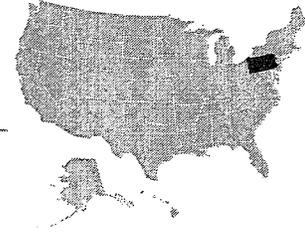
5% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

STATE CONTEXT

Pennsylvania has 48 LEA authorizers overseeing 152 charter schools. The State Department of Education oversees 14 virtual charter schools. In addition, consortia of LEAs may authorize regional charter schools that serve larger areas. Consortia currently oversee 10 charter schools. 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 Charter School Appeal 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 School Reform 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.⁷

POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	4/6	LEA, SEA on appeal, ⁸ SEA for virtual schools
SCHOOL ACCOUNTABILITY		
Performance Management and 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.
Renewal Standard	6/6	By law, authorizers have discretion to close schools for failing to meet student performance standards.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	11/30	
RANK WITHIN GROUP	4TH OF 17 STATES (tied with two other states)	

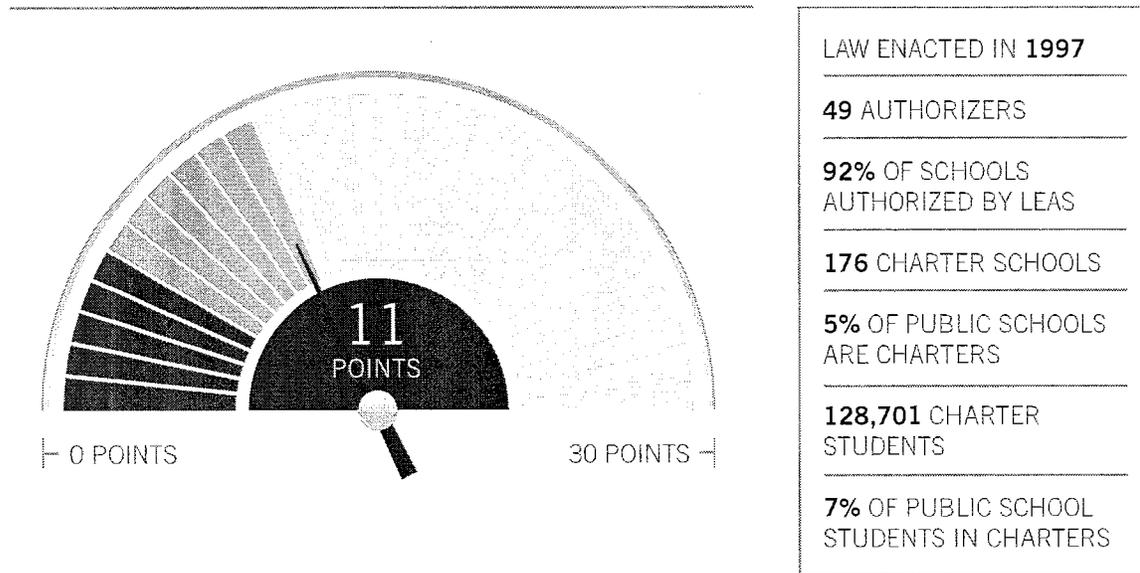
11 of 30 Points



RECOMMENDATIONS

Pennsylvania's charter school law lacks authorizer standards and other authorizer accountability provisions recommended by NACSA. In addition, the state's charter law has not been significantly revised since 1997. It lacks provisions for both strong charter school accountability and an alternative authorizer.

Pennsylvania should establish a high-quality statewide alternative authorizer, a default closure provision, and policy requiring authorizers to use strong performance management tools reflecting professional standards, authorizer standards, and essential authorizer accountability. In addition, these strong accountability requirements must apply to all authorizers, including Philadelphia under the School Reform Commission, as well as both brick-and-mortar schools and virtual schools.



FOOTNOTES

- Recent developments may have ended the School Reform Commission's (SRC) discretion to limit charter growth by refusing to accept charter applications. It is too early to determine the amount of discretion the SRC will maintain.
- 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.

STATE CONTEXT

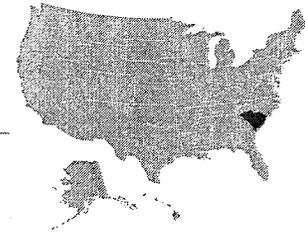
South Carolina’s authorizing sector is in transition, with currently 59 percent of schools authorized by LEAs and 41 percent of charter schools authorized by the South Carolina Public Charter School District (SCPCSD), the state’s Independent Charter Board created in 2007. NACSA anticipates that the SCPCSD will eventually authorize a majority of the state’s charter schools. South Carolina’s charter law also allows Higher Education Institutions (HEIs) to authorize charter schools but, as of the start of the 2013-14 school year, none did so. The SCPCSD is the only authorizer of statewide full-time virtual schools—currently six schools that enroll 40 percent of charter school students in the state.

In 2014, South Carolina passed charter school accountability legislation that adopted authorizer standards, established a strong renewal standard, instituted a default closure provision, and clarified the charter school approval and appeals process.

These new accountability provisions in law make South Carolina the highest-ranked state in this group.

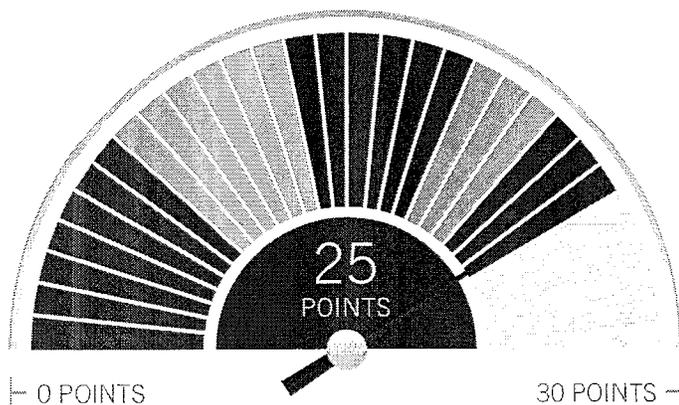
POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	6/6	LEA, Independent Charter Board (allowed but inactive: Higher Education Institution)
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	1/3	State law requires a charter contract but not a performance framework. The law does not explicitly encourage or address replication of successful schools.
Renewal Standard	6/6	By law, charter schools must not be renewed if they fail to meet academic performance standards.
Default Closure	6/6	State law requires default closure for charter schools that are in the state’s lowest performance level for three years.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	3/3	State law requires the adoption of professional standards.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers. In the event that additional authorizers become active, as allowed by state law, South Carolina may benefit from an authorizer sanction policy.
TOTAL POINTS	25/30	
RANK WITHIN GROUP	1ST OF 17 STATES	

25 of 30 Points



RECOMMENDATIONS

South Carolina should focus immediately on implementing these new charter school and authorizer accountability policies. Quality implementation will have significant positive impact on authorizing and on the charter school sector. The state should also clarify the expectation and authority of all authorizers to use performance frameworks. As the SCPCSD continues to grow and HEI authorizers become active, South Carolina should consider adopting authorizer accountability provisions to ensure consistent high-quality authorizing practices by all authorizers. This could ultimately include empowering a state oversight entity with the authority to evaluate or sanction authorizers, especially local school districts and any HEI authorizers that may eventually begin operations, if these authorizers fail to uphold high standards for themselves and the schools they oversee.



LAW ENACTED IN 1996

17 AUTHORIZERS

59% OF SCHOOLS
AUTHORIZED BY LEAS

59 CHARTER SCHOOLS

5% OF PUBLIC SCHOOLS
ARE CHARTERS

23,302 CHARTER
STUDENTS

3% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

STATE CONTEXT

Tennessee allows school districts and the Achievement School District (ASD), a statewide recovery school district, to authorize charter schools. The ASD is limited to certain new school and conversion efforts in specific school catchment zones where existing schools demonstrate failing performance. The State Board of Education (SBE) may hear appeals. Beginning in 2014, the SBE may directly authorize charter schools on appeal from school districts with one or more schools ranked in the bottom five percent 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. While charter schools are now allowed across the state, they are largely concentrated in the Memphis and Nashville urban areas because of original constraints in the state's charter law that limited charter schools to high-need areas.

In 2014, Tennessee made significant reforms to its charter school accountability law by instituting a default closure provision, strengthening the state's renewal standard, and adopting authorizer standards.

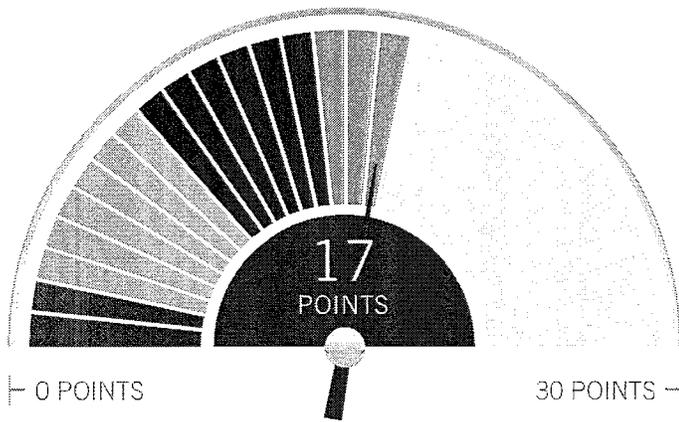
POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	2/6	LEA, SEA on appeal with limited jurisdiction, and an authorizer that acts as an Independent Charter Board—a statewide recovery school district with limited jurisdiction
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	0/3	State law requires no charter contract, performance framework, or replication policy.
Renewal Standard	6/6	State law calls for the nonrenewal of “priority schools” (the state's lowest-performing schools), and renewal decisions must be based on a charter school's annual progress report.
Default Closure	6/6	State law calls for the default closure of priority schools.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	3/3	State law requires the use of authorizer standards by the State Board of Education and recommends their use by all authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	17/30	
RANK WITHIN GROUP	2ND OF 17 STATES	

17 of 30 Points



RECOMMENDATIONS

NACSA recommends that policymakers continue their efforts and codify additional charter school and authorizer accountability policies and practices into law. This should include requiring authorizers to use a distinct charter contract, use performance frameworks, and produce annual public reports on the performance of all charter schools in their portfolio. NACSA also recommends that policymakers expand the authorizing jurisdiction of the SBE to provide all charter school applicants the right to an enforceable appeal, regardless of their location. Tennessee would also benefit from a consistent, transparent funding system for authorizing activities, as state law does not provide a percentage-based authorizing funding structure (common in most states).



LAW ENACTED IN **2002**

4 AUTHORIZERS

87% OF SCHOOLS
AUTHORIZED BY LEAS

71 CHARTER SCHOOLS

4% OF PUBLIC SCHOOLS
ARE CHARTERS

12,148 CHARTER
STUDENTS

1% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

STATE CONTEXT

Virginia has a “dead” charter law. Charter schools remain a legal part of the local school district and state law does not explicitly provide any charter schools with separate, legally autonomous charter school governing boards.

Virginia allows LEA authorizers only and there are six charter schools in the entire state.

POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	0/6	LEA only. <i>Note:</i> Virginia has a “dead” charter school law. Creating legally autonomous schools and a viable alternative authorizer should be the primary policy goals for the state.
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	1/3	State law requires the use of a charter contract but not a performance framework or replication policy.
Renewal Standard	0/6	State law allows “reasonable progress” to be sufficient for a charter to be renewed.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	1/30	
RANK WITHIN GROUP	16TH OF 17 STATES	

1 of 30 Points

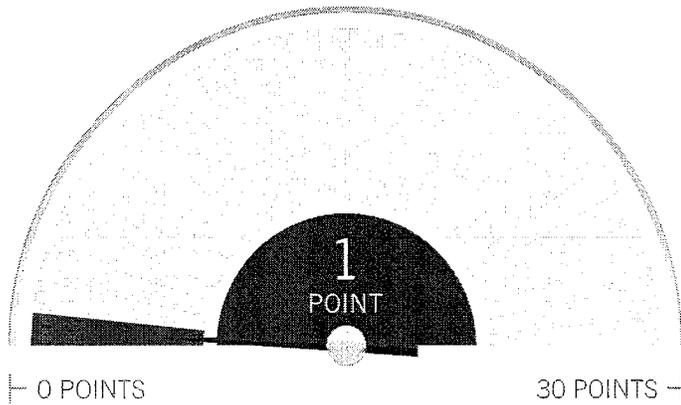


RECOMMENDATIONS

Virginia's charter law contains none of NACSA's recommended provisions for charter school or authorizer accountability.

Creating a viable alternative authorizer and charter schools with legally autonomous charter school governing boards should be the primary policy goals for the state. Policy should ensure that schools have autonomy in crucial areas of school operations.

Virginia needs to reform its charter law considerably to allow a viable charter school sector to emerge.



LAW ENACTED IN **1998**

4 AUTHORIZERS

100% OF SCHOOLS
AUTHORIZED BY LEAS

6 CHARTER SCHOOLS

0.3% OF PUBLIC
SCHOOLS ARE CHARTERS

2,161 CHARTER
STUDENTS

0.2% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

STATE CONTEXT

Wisconsin allows LEA authorizers across the state. The City of Milwaukee may serve as an authorizer for schools in its jurisdiction. The state also designates three Higher Education Institution (HEI) authorizers that may authorize in Milwaukee and surrounding counties, as well as in the Racine School District. Wisconsin’s charter school law distinguishes three types of brick-and-mortar charter schools based on their type of authorizer and degree of autonomy.⁹ While LEAs authorize a vast majority of Wisconsin’s charter schools, schools authorized by LEAs generally lack significant autonomy.¹⁰ Schools authorized by the City of Milwaukee and HEIs have higher autonomy more consistent with the autonomy expected in the charter school sector.

POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	2/6	LEA, limited jurisdiction Non-Educational Government entity, ¹¹ limited jurisdiction Higher Education Institution
SCHOOL ACCOUNTABILITY		
Performance Management and 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.
Renewal Standard	0/6	State law allows “reasonable progress” to be sufficient for a charter to be renewed.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	3/3	State law requires authorizers to consider the <i>Principles & Standards</i> established by NACSA.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers. In the event that the law changes and additional authorizers become active statewide, Wisconsin may benefit from an authorizer sanction policy.
TOTAL POINTS	6/30	
RANK WITHIN GROUP	10TH OF 17 STATES	

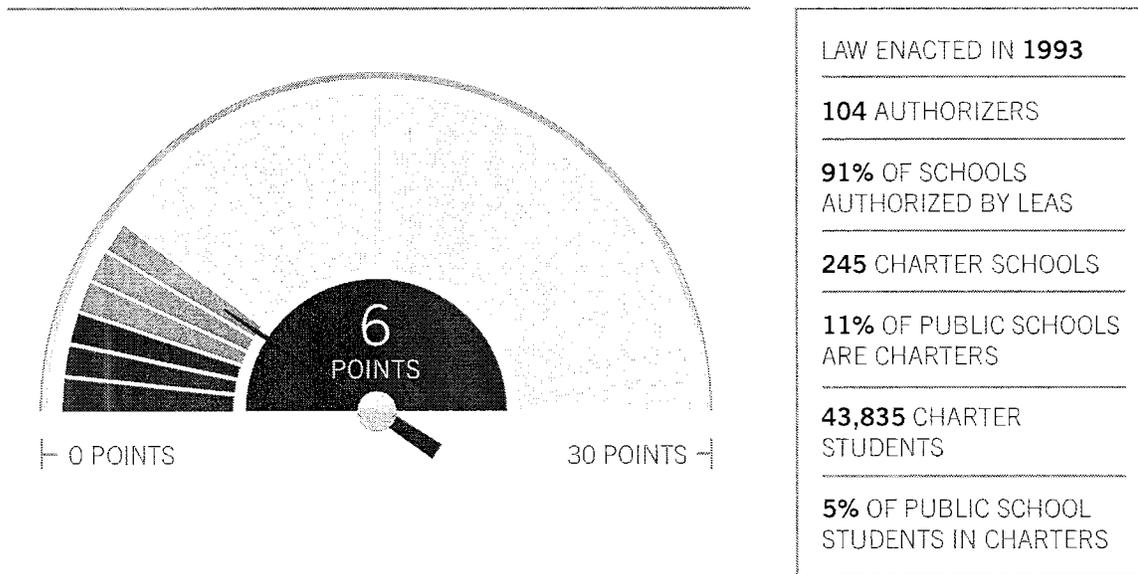
6 of 30 Points



RECOMMENDATIONS

Wisconsin needs to expand the reach of its alternative authorizers to allow the authorization of autonomous charter schools across the entire state. State law should ensure that all authorizers use strong performance management tools reflecting professional standards, enforce strong charter school accountability, and ensure that the authorizers themselves are accountable through state evaluations as needed and annual public reports on school performance.

If Wisconsin's law eventually allows more than two non-district authorizers—and their autonomous classification of charter schools—to expand statewide, the state should also include provisions to hold authorizers accountable (including sanctions) to ensure authorizing quality as the sector expands. Additionally, Wisconsin should consider changing the legal status of its LEA-authorized charter schools to some status other than “charter schools” to more accurately reflect their relationships to their local school district and their relative lack of autonomy.



FOOTNOTES

- ⁹ “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.
- ¹⁰ Most of the district-authorized schools are instrumentality charter schools and lack most traditional charter school autonomies.
- ¹¹ The City of Milwaukee is the only Non-Educational Government entity (NEG) allowed.

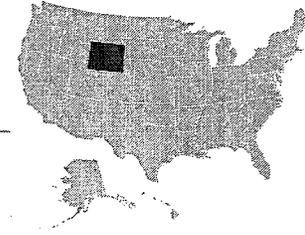
STATE CONTEXT

Wyoming has a “dead” charter law. State law does not explicitly provide any charter schools with separate, legally autonomous charter school governing boards.

Wyoming allows LEA authorizers only and there are four charter schools in the entire state.

POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	0/6	LEA only. <i>Note:</i> Wyoming has a “dead” charter school law. Creating legally autonomous schools ¹² and a viable alternative authorizer should be the primary policy goals for the state.
SCHOOL ACCOUNTABILITY		
Performance Management and 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.
Renewal Standard	0/6	State law allows “reasonable progress” to be sufficient for a charter to be renewed.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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 their portfolio. ¹³
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	3/30	
RANK WITHIN GROUP	13TH OF 17 STATES (tied with one other state)	

3 of 30 Points

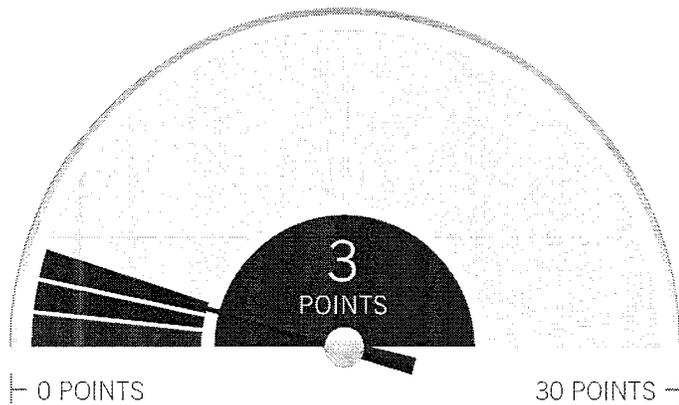


RECOMMENDATIONS

Wyoming's charter law contains almost none of NACSA's recommended provisions for charter school or authorizer accountability.

Creating a viable alternative authorizer and charter schools with legally autonomous charter school governing boards should be the primary policy goals for the state. Policy should ensure that schools have autonomy in crucial areas of school operations.

Wyoming needs to reform its charter law considerably to allow a viable charter school sector to emerge.



LAW ENACTED IN 1995

2 AUTHORIZERS

100% OF SCHOOLS AUTHORIZED BY LEAS

4 CHARTER SCHOOLS

1% OF PUBLIC SCHOOLS ARE CHARTERS

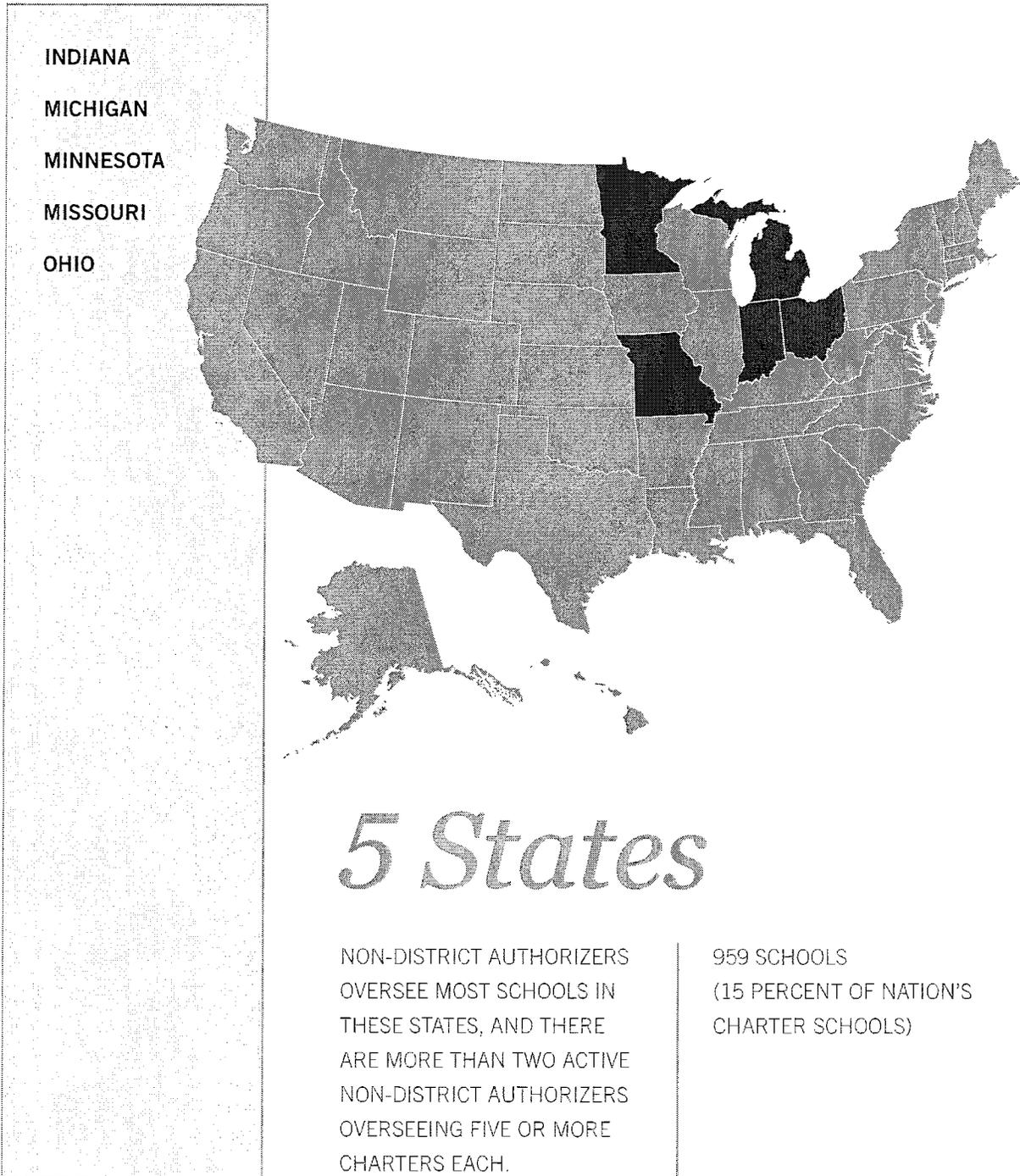
463 CHARTER STUDENTS

1% OF PUBLIC SCHOOL STUDENTS IN CHARTERS

FOOTNOTES

- 12 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 nonprofit governing board but do not specify that the school must have one.
- 13 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 their schools collectively.

Group 2: States with Many Authorizers



APPLICABLE POLICIES	NOTES
AUTHORIZER STRUCTURE	
1. Alternative Authorizer	Not applicable/universally enacted in group
SCHOOL ACCOUNTABILITY	
2. Performance Management and Replication	The use of contracts and performance frameworks helps to establish and clarify performance expectations for schools at the outset and to establish consistency among authorizer practices in environments with numerous authorizers. It provides the public and authorizers with common tools they can use to compare charter schools, which is especially important if the state has many different authorizers. Performance frameworks prevent authorizer hopping and forum shopping by providing all authorizers and the public with a body of performance data they can examine before accepting a school transfer or allowing an existing operator to open a new school.
3. Renewal Standard	All authorizers must be explicitly empowered to close schools that do not achieve the goals set forth in their charters. A multi-authorizer environment should also have policies to prevent authorizer hopping by those schools that are closed through this strong renewal standard.
4. Default Closure	These states have a more urgent need for a default closure policy to address the risk of authorizers with low standards. Authorizer hopping must be explicitly prevented, especially for schools closed through default closure.
AUTHORIZER ACCOUNTABILITY	
5. Authorizer Standards	This policy is important to establish consistent quality practices for all current and prospective authorizers.
6. Authorizer Evaluations	This policy should include a) evaluating prospective new authorizers for organizational capacity, competence, and commitment and b) periodically evaluating current authorizers for performance.
7. Reports on Performance	Public reporting and transparency on school performance provide important information to the public; inhibit authorizer hopping by schools facing closure; can facilitate peer accountability and improvement efforts among authorizers; reinforce high standards through professional peer pressure; and provide evidence needed to impose authorizer sanctions where warranted.
8. Authorizer Sanctions	For states with multiple non-district authorizers, this policy addresses the risk that authorizers with weak practices, low standards, or willingness to enable authorizer hopping create for the entire charter sector.

CHARACTERISTICS

This group comprises five states that allow multiple non-district authorizing options and where three or more authorizers oversee charter portfolios of at least five schools each. In the five states with multiple non-district (non-LEA) authorizers, the authorizers can be different types of entities, including Independent Charter Boards (ICBs), Higher Education Institutions (HEIs), and State Education Agencies (SEAs), as well as school districts and intermediate school district units. These states have suffered from an overabundance of authorizers.

Additional states might join this group in later years. This group does not include states that *allow* many potential authorizers, but do not yet have more than two non-district authorizers. It also does not include states that have several extremely small non-district authorizers. For example, some states, such as Hawaii, have just one dominant authorizer to date, although their law allows many others to come forward. Other states outside this group allow universities to authorize a single lab school. Some states could join this group in the future if existing authorizers create larger portfolios or if new non-district authorizers begin to operate in states where they are allowed but are not currently operational.

EMERGING CHALLENGES AND OPPORTUNITIES

The quality of authorizing within these states varies. Some authorizers implement strong practices while other authorizers in the same state behave inappropriately. Each individual state's charter climate and culture have influenced how many and which types of authorizers have emerged.

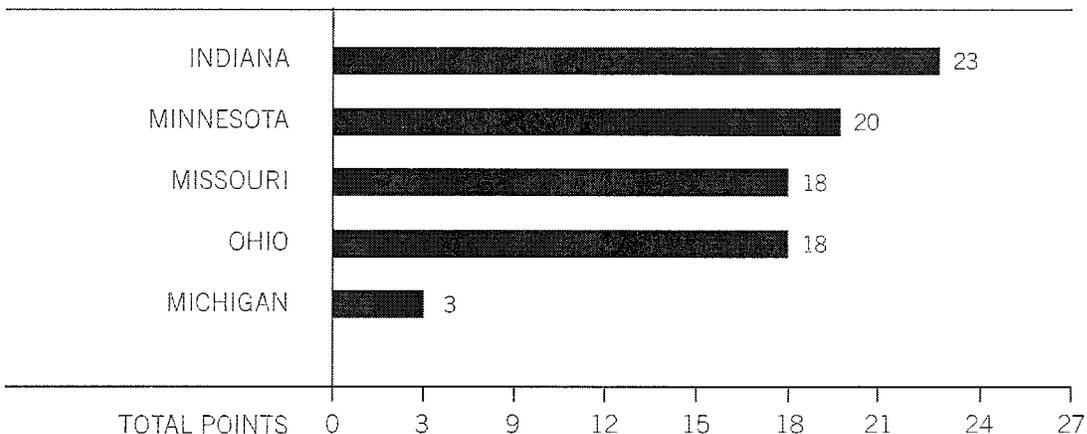
Some of these states, such as Minnesota and Ohio, have or originally had scores of authorizers. The performance and behavior of schools and their operators in these states have caused considerable frustration among policymakers and other stakeholders. Observers, including the media, have grown alarmed at low standards for schools; problematic issues in governance, finance, and operations; and inconsistency in accountability in general. As a result, some of the states in this group have adopted many of the policies recommended by NACSA (see Figure 2).

FIGURE 2.

AUTHORIZER AND SCHOOL ACCOUNTABILITY POLICIES:

STATES WITH MANY AUTHORIZERS

SCORE OUT OF 27 POSSIBLE POINTS FOR STATES IN GROUP 2



Despite the presence of recommended policies, progress on the ground is uneven (though evident) in these states. Further, the timelines for the impact of some policies may be long. For example, Minnesota's state evaluations of authorizers involve a preliminary stage, followed by a five-year period of implementation prior to the first high-stakes evaluation by the state. While the enactment of authorizer accountability policies in 2009 persuaded many authorizers in Minnesota to exit the field immediately, the efforts of remaining authorizers to improve and the state's authorizer evaluation initiative overall may take five to seven years to implement and play out.

Likewise, efforts to hold schools accountable have sometimes been circumvented. For example, schools slated for closure in Ohio under its default closure law have closed but then tried to reopen under different authorizers, with varying degrees of success. These developments have led to multiple policy iterations, as policymakers have tried to strengthen policies. These policies are important and worthwhile but do not necessarily produce immediate improvements. They require patience, as ongoing policy development and implementation challenges may lead to long timelines before results occur.

POLICY RECOMMENDATIONS

The need for authorizer accountability is paramount in states with multiple non-district authorizers. By definition, these states already have alternative authorizers, and policies to add more authorizers are not recommended. Policies must instead promote consistent quality practices among multiple authorizers and may ultimately reduce the number of active authorizers in the state. States in this group should take the following steps:

1. Establish authorizer standards consistent with national professional standards.
2. Promote transparency by requiring regular performance reporting by authorizers. This should include annual public reporting by authorizers on individual and overall portfolio performance of their charter schools and on their authorizing practices, which should align with the state's authorizer standards.
3. Provide for some form of authorizer evaluation. Ideally, this will include third-party evaluations at a regular interval, but the authorizing environment may instead be best served by evaluating a subset of authorizers that are identified as problematic in quality, performance, or practice. Where this is the case, state policy should grant a qualified oversight entity the right to evaluate authorizers as needed.
4. Allow the state to sanction authorizers that fail to meet quality authorizing standards or those that maintain a portfolio of failing charter schools. Sanctions may include, but are not limited to, closing an authorizer.
5. Explicitly grant authorizers the power and responsibility to use best practices in performance management, including performance contracts, performance frameworks, and tools that help them evaluate prospective school replicators rigorously (and differently from initial charter applicants) based on their performance records, growth planning, and demonstrated capacity to replicate high-performing schools successfully.
6. Empower authorizers to enforce a strong renewal standard, allowing authorizers to decide not to renew a school if it fails to meet the performance standards and expectations established in the school's charter contract.
7. Make school closure the expected consequence for persistently failing charter schools through a state-level default closure provision. This provides clear direction to guide authorizer actions and applies even if authorizers are unwilling or find it politically difficult to close the worst-performing schools.
8. Establish a system to discourage forum shopping and authorizer hopping.
9. Explore a front-end authorizer application process to screen new authorizers before they begin operating, or potentially rescreen existing authorizers by a certain date, to ensure they all have the commitment and capacity to be quality authorizers.

STATE CONTEXT

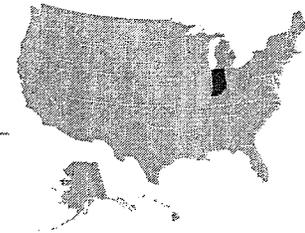
Indiana allows Higher Education Institutions (HEIs), LEAs, the Indiana Charter Board, and the Mayor of Indianapolis to serve as authorizers. In practice, there are nine active authorizers of varying sizes, with Ball State University, the Mayor of Indianapolis, and the Indiana Charter Board each maintaining mid-sized to large portfolios that account for most of the 75 charter schools in the state. State law, however, allows state HEIs offering four-year undergraduate degrees and 30 different nonprofit HEIs to become active authorizers at any time. Recently, two HEI authorizers approved charter schools that other authorizers had slated for closure.

In 2013, the state, motivated by instances of charter schools hopping to new authorizers to avoid closure, enacted significant authorizer accountability reforms and strengthened its default closure law.

With these new state laws, Indiana claims the top spot for strong authorizing laws within this group of states.

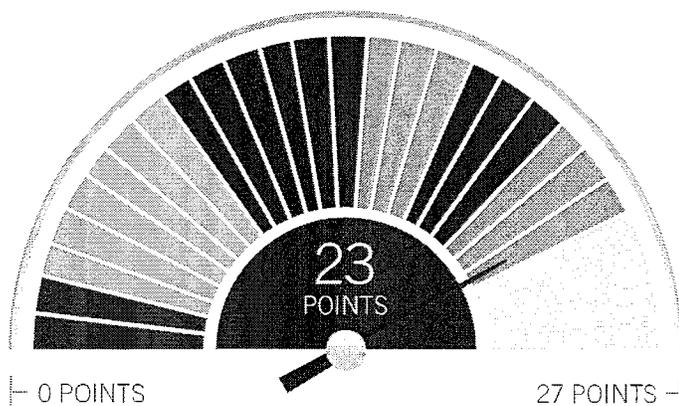
POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	N/A	LEA, Higher Education Institution, Independent Charter Board, Non-Education Government entity ¹
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	2/3	State law requires a charter contract but not a performance framework. Boards holding multiple charters may apply to consolidate tuition distributions within the state, mirroring an attribute of multi-campus charters.
Renewal Standard	6/6	By law, renewal requires meeting minimum academic standards.
Default Closure	6/6	By law, a school remaining in the lowest state group or designation of school improvement in the third year after its initial placement in the lowest group shall be closed.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	3/3	State law requires all authorizers to adopt standards for quality charter school authorizing.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	3/3	By law, an authorizer may be sanctioned if the State Board of Education has intervened to close or transfer 25% or more of its schools.
TOTAL POINTS	23/27	
RANK WITHIN GROUP	1ST OF 5 STATES	

23 of 27 Points



RECOMMENDATIONS

Indiana should prioritize implementation of its new authorizer accountability provisions to ensure that these mechanisms prevent authorizer hopping by charter schools. NACSA also encourages Indiana to institute an authorizer evaluation system that can transparently identify areas of concern in portfolio performance and authorizer practice. In addition, Indiana authorizers should continue their strong efforts to promote best practices among all active authorizers in the state to foster a successful, accountable charter school sector.



LAW ENACTED IN **2001**

9 AUTHORIZERS

3 AUTHORIZERS WITH
5 OR MORE SCHOOLS

75 CHARTER SCHOOLS

4% OF PUBLIC SCHOOLS
ARE CHARTERS

35,552 CHARTER
STUDENTS

3% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

FOOTNOTES

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

STATE CONTEXT

Michigan allows LEAs, Higher Education Institutions (HEIs), and the Education Achievement Authority (EAA), a statewide recovery school district, to serve as authorizers. The EAA is limited to certain new school and conversion efforts in specific school catchment zones where existing schools demonstrate failing performance. Eleven HEIs authorize 82 percent of all charter schools in the state, overseeing portfolios that currently range from one to 64 schools. Most HEI authorizers have a significant portfolio of more than 10 charter schools. In Michigan, LEA authorizers include both traditional school districts and regional bodies that can encompass multiple districts.

Michigan is notable within this group of states in that it lacks nearly all of NACSA’s recommended charter school and authorizer accountability policy provisions that other multi-authorizer states have adopted. Michigan does receive partial points for its state policy on authorizer sanctions, as the Superintendent of Public Instruction may suspend an authorizer’s ability to issue new contracts if the authorizer is not conducting appropriate oversight. However, until recently, the Superintendent had not tried to exercise this ability to sanction authorizers, so the state currently lacks clear procedures and rules for implementing this policy. Michigan does not receive points for default closure, because the state accountability structure that forms the statutory basis for the state’s default closure provision is not currently in use.²

In practice, authorizer quality around the state has been mixed. Despite the lack of accountability provisions in law, some authorizers do follow best practices in charter school accountability that meet many of NACSA’s criteria.

POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	N/A	LEA, Higher Education Institution, a statewide recovery school district with limited jurisdiction
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	2/3	State law requires a charter contract but not a performance framework. The law allows multiple schools under a single charter.
Renewal Standard	0/6	State law allows “reasonable progress” to be sufficient for a charter to be renewed.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	1/3	State law allows a sanction for failing in authorizing duties but not for poor portfolio performance. This does not affect the schools that were chartered prior to the sanction.
TOTAL POINTS	3/27	
RANK WITHIN GROUP	5TH OF 5 STATES	

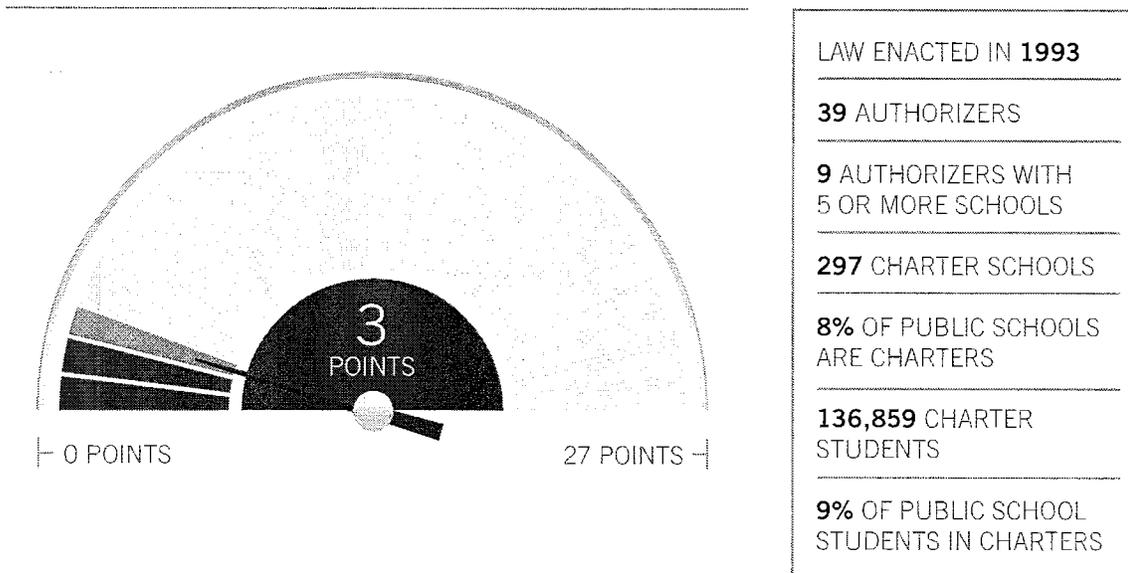
3 of 27 Points



RECOMMENDATIONS

Michigan should reform its charter school law to include strong charter school and authorizer accountability provisions. This includes using the existing statutory authority of the Superintendent of Public Instruction and creating new provisions for authorizer standards, authorizer reporting on school performance, authorizer evaluations, and stronger sanctions for underperforming authorizers. A stronger set of sanctions for underperforming authorizers should include the ability to revoke an authorizer's authority to issue new charter contracts and oversee existing charter schools. These possible sanctions should apply to authorizers that fail in their duties, demonstrate poor practices or conduct (by failing to meet state-established authorizer standards), or oversee portfolios that contain too many persistently poor-performing charter schools.

Michigan should require all authorizers to use strong performance management tools reflecting professional standards, including performance frameworks. In addition, the state should revise its default closure provision to make it enforceable in practice and institute a strong renewal standard. The state should also develop policy to address the risk of forum shopping currently created by the large number of authorizers operating in the state.



FOOTNOTES

² Michigan's 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 ESEA waiver and, as such, is not engaged in either of these specific processes as they are defined in the statute that the default closure law links to. As such, the current default closure provision is unenforceable in practice.

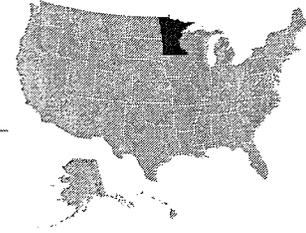
STATE CONTEXT

Minnesota allows LEAs, Not-For-Profits (NFPs), and Higher Education Institutions (HEIs) to authorize charter schools. 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. After the first rounds of authorizer approval, the number of active authorizers fell from a high of 55 in 2009 to 26 in 2014. The 13 NFP authorizers currently operating in Minnesota oversee 76 percent of the state's charter schools. Eight HEIs oversee 17 percent, and seven LEAs oversee seven percent of the state's charters.

The 2009 legislation significantly reformed Minnesota's authorizing sector and established many of the authorizer accountability provisions recommended by NACSA. Since the law's passage, Minnesota has created and is implementing the nation's first state-led system to solicit and evaluate authorizer applications. 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.

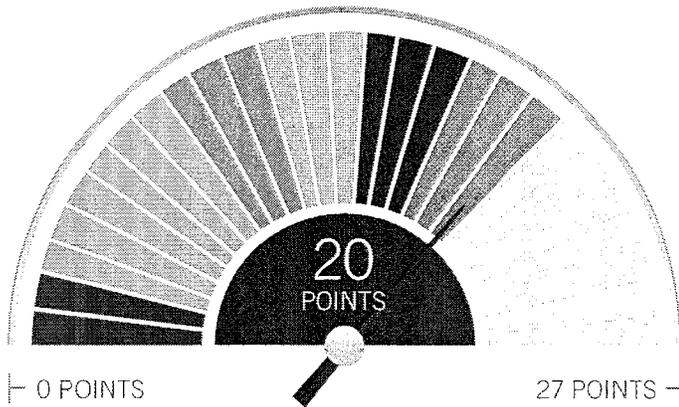
POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	N/A	LEA, Higher Education Institution, Not-For-Profit
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	2/3	State law requires a charter contract but not a performance framework. It also permits the board of a charter school to add additional sites.
Renewal Standard	6/6	State law gives the authorizer discretion to close schools for failing to meeting student achievement goals.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	3/3	State law requires the Commissioner to consider standards that mirror NACSA's <i>Principles & Standards</i> when making a decision on an authorizer application.
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.
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.
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.
TOTAL POINTS	20/27	
RANK WITHIN GROUP	2ND OF 5 STATES	

20 of 27 Points



RECOMMENDATIONS

Minnesota should continue to focus on implementing and executing a strong authorizer review and evaluation process in 2015 and beyond. The number of active authorizers in Minnesota presents challenges for school accountability, as charter applicants and schools can engage in either forum shopping to be approved or authorizer hopping to avoid closure. Minnesota should explore requiring performance frameworks and establishing a state policy on default closure to ensure that closure is the expected outcome for persistently failing schools. In addition, Minnesota will have appropriate instances of acceptable schools seeking new authorizers as the number of authorizers decreases. Nevertheless, the state should strengthen its charter school transfer provisions to prevent authorizers from inappropriately facilitating forum shopping or authorizer hopping by weak schools.



LAW ENACTED IN 1991

26 AUTHORIZERS

9 AUTHORIZERS WITH
5 OR MORE SCHOOLS

149 CHARTER SCHOOLS

7% OF PUBLIC SCHOOLS
ARE CHARTERS

42,345 CHARTER
STUDENTS

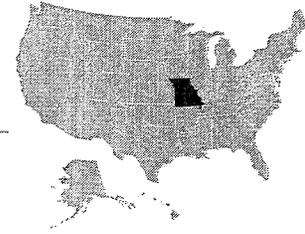
5% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

STATE CONTEXT

Missouri allows LEAs, Higher Education Institutions (HEIs), and the Missouri Charter Public School Commission (a currently inactive Independent Charter Board) to serve as authorizers. 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 percent of all charter schools. The Commission is not yet active, but the governor recently began work to appoint members to the Commission two years after it was established in law.

POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	N/A	LEA, limited jurisdiction Higher Education Institution (Allowed but inactive: SEA on appeal, limited jurisdiction Independent Charter Board)
SCHOOL ACCOUNTABILITY		
Performance Management and 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.
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.
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.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	1/3	State law requires authorizers to develop authorizing standards in key areas. However, the law does not require these standards to be consistent with national professional standards. The State Board of Education (SBE) additionally notifies authorizers of any required or recommended best practices.
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.
Reports on Performance	0/3	State law does not require authorizers to produce an annual public report on the academic performance of their schools.
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.
TOTAL POINTS	18/27	
RANK WITHIN GROUP	3RD OF 5 STATES (tied with one other state)	

18 of 27 Points



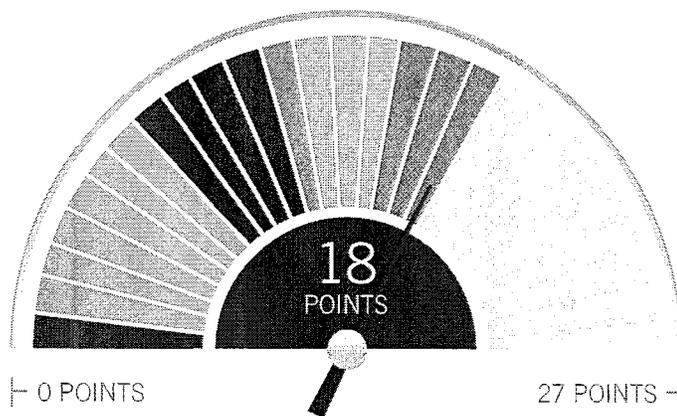
STATE CONTEXT CONT'D

Missouri policy includes several of NACSA's recommended provisions on charter school and authorizer accountability, some of which have been partially adopted. The law requires authorizers to adopt standards but does not specify that they be consistent with national best practices, resulting in partial credit on NACSA's policy framework. State law requires authorizers to revoke the charters of schools that have a history of underperformance but does not define underperformance and allows the authorizer to determine this definition, resulting in another partial score on NACSA's framework. In addition, Missouri requires authorizer evaluations (both regular evaluations of all authorizers and other evaluations as needed) and in practice, has a history of evaluating authorizers and imposing sanctions. These vague or incomplete policies could lead to inconsistency in authorizer practices in the future.

RECOMMENDATIONS

Missouri should clarify and strengthen its accountability policies that are vague or incomplete, such as those pertaining to authorizer standards and default closure, to provide clearer guidance for stronger school and authorizer accountability. Missouri should revise its closure statute to ensure the appropriate entity assumes responsibility for school closure costs. In addition, Missouri should ensure that its authorizer accountability policies require clear, annual public reporting on school performance to link authorizer practices with school outcomes.

Missouri must also finally activate the Missouri Charter Public School Commission to serve as a high-quality, mission-driven authorizer that can promote and disseminate best practices in charter school authorizing across the state. The first round of appointments to the Commission was made in September 2014, and NACSA encourages the state to continue building that independent authorizing body with a strong focus on quality practices.



LAW ENACTED IN **1998**

12 AUTHORIZERS

3 AUTHORIZERS WITH
5 OR MORE SCHOOLS

38 CHARTER SCHOOLS

2% OF PUBLIC SCHOOLS
ARE CHARTERS

19,439 CHARTER
STUDENTS

2% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

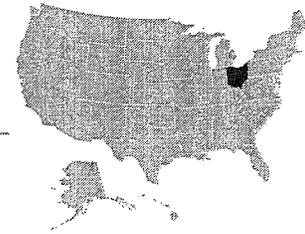
STATE CONTEXT

Ohio allows LEAs, Higher Education Institutions (HEIs), Not-For-Profits (NFPs), and the SEA to serve as authorizers. Sixty LEA authorizers oversee charter schools across the state, but most LEA authorizers have small portfolios. Collectively, these districts currently oversee 179 charter schools, while the remaining 10 NFP, HEI, and SEA authorizers maintain larger portfolios on average and oversee the remaining 221 schools. In Ohio, LEA authorizers include both traditional school districts and regional bodies that can encompass multiple districts. New-start charter schools in Ohio may only be located in state-designated “challenged” school districts.

Ohio’s charter sector as a whole has a documented history of poor performance. In response, the legislature has passed significant reforms over the last 10 years to increase charter school accountability and institute authorizer accountability. These reforms include a default closure provision and several authorizer oversight and accountability provisions, including annual authorizer evaluations and ratings by the state. The law requiring annual authorizer evaluations takes effect in January 2015 and thus far has only been piloted.

POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	N/A	LEA, SEA, Higher Education Institution, Not-For-Profit
SCHOOL ACCOUNTABILITY		
Performance Management and 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.
Renewal Standard	0/6	State law allows “reasonable progress” to be sufficient for a charter to be renewed.
Default Closure	6/6	State law requires default closure of schools declared to be in academic crisis, with differing standards for different grade configurations.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	3/3	State law requires the adoption of NACSA standards.
Authorizer Evaluations	3/3	By law, the State Board of Education may evaluate authorizers on the academic performance of their portfolio and their adherence to quality practices.
Reports on Performance	2/3	State law requires authorizers to report annually to the state on the academic and fiscal performance of their charter school portfolios, but does not specify the measure of academic performance.
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.
TOTAL POINTS	12/27	
RANK WITHIN GROUP	3RD OF 5 STATES (tied with one other state)	

18 of 27 Points

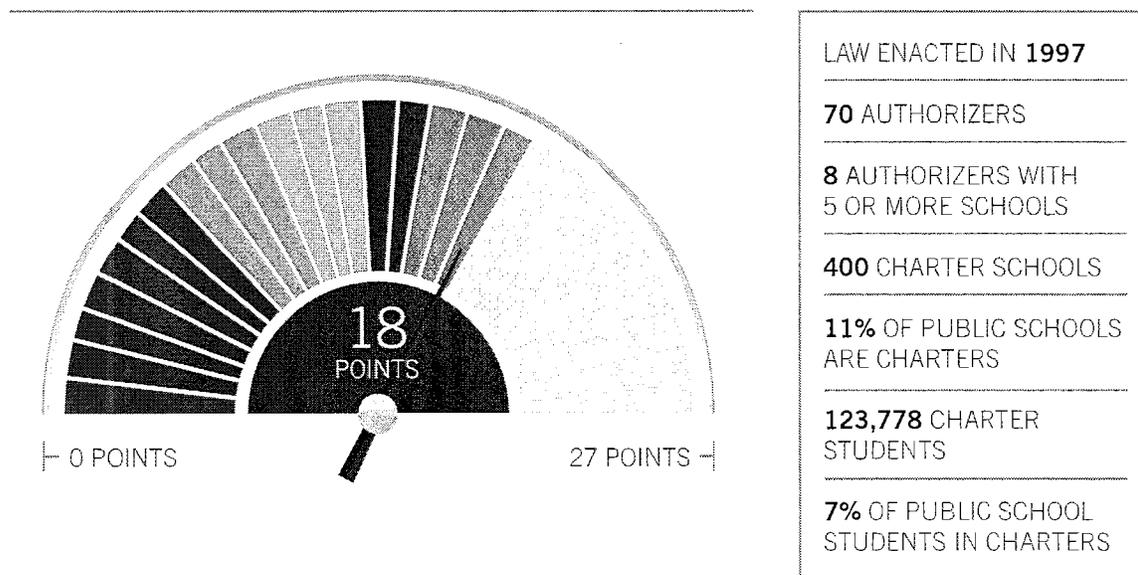


STATE CONTEXT CONT'D

Implementation of Ohio's school and authorizer accountability reforms so far has been challenging. The implementation of the state's default closure policy was undermined by low-quality authorizers, as many schools closed through that statute immediately reorganized and attempted to remain in operation under different authorizers. Moreover, unlike Minnesota, Ohio grandfathered in some existing authorizers, exempting them from the authorizer application process. This meant Ohio sacrificed the immediate quality control mechanism that an authorizer application process could have provided (as demonstrated by Minnesota, which has required all authorizers old and new, without exception, to apply for approval). Instead of holding authorizers accountable on the front end by requiring them to apply for approval, Ohio has focused on authorizer accountability on the back end via authorizer evaluations and sanctions. Ohio's accountability policies require a long implementation timeline, which is only beginning to affect the state's authorizers. Over time, this approach could prove effective.

RECOMMENDATIONS

Ohio should continue to aggressively implement its authorizer and charter school accountability policies. This may require additional policy modifications to enforce the spirit of the law. Ohio should strengthen its renewal standard to explicitly empower and direct authorizers to not renew schools that fail to meet their performance goals. In addition, Ohio should explore ways to dramatically decrease the number of authorizers operating in any one jurisdiction, as forum shopping continues to be a challenge and undermines the state's reforms.



Group 3: States with Few Authorizers



APPLICABLE POLICIES	NOTES
AUTHORIZER STRUCTURE	
1. Alternative Authorizer	Depending on current implementation patterns, the urgency to add additional authorizers is reduced as long as all applicants have access to a committed, high-quality authorizer. In some states, an additional authorizer would advance and safeguard strong authorizing.
SCHOOL ACCOUNTABILITY	
2. Performance Management and Replication	Policy in this area may be less important if all current authorizers establish these mechanisms in procedure, because all schools would be subject to these practices regardless of policy. Codifying expectations and authority in policy can safeguard these practices against later turnover in authorizer leadership or if schools challenge the legal authority of authorizers to use good practices.
3. Renewal Standard	If state law provides authorizers with flexibility, this policy may be less important if current authorizers establish these mechanisms in procedure. Codifying expectations and authority in policy can safeguard these practices against later turnover in authorizer leadership. A codified renewal standard also helps prevent often lengthy and costly judicial or administrative appeals that disproportionately consume limited staff resources in often-understaffed offices.
4. Default Closure	Default closure can help large authorizers manage a greater number of closures by easing resources dedicated to closing the worst-performing schools and requiring fewer resources to be consumed by litigation concerning the worst schools.
AUTHORIZER ACCOUNTABILITY	
5. Authorizer Standards	The practices as implemented by the dominant authorizer may be well-aligned with authorizer standards independent of state policy. Where they are not, codifying standards will establish clear expectations. Where practices are already strong, authorizer standards can protect against changes in authorizer leadership that might abandon or weaken strong authorizer practices.
6. Authorizer Evaluations	State context will determine whether an authorizer evaluation is appropriate. Many authorizers are SEAs themselves. If additional authorizers are going to enter the sector, they should be evaluated prior to beginning operations. Self-evaluations and public reporting may be appropriate strategies in many cases.
7. Reports on Performance	This practice can be implemented by willing authorizers independent of state policy. Where there is not strong public performance reporting and transparency, state policy can strengthen transparency.
8. Authorizer Sanctions	Sanctions are inappropriate where there are only one or two authorizers. If the state context allows for potential new authorizers, however, the future entry of new authorizers should be subject to evaluation, approval, and potential sanctions.

CHARACTERISTICS

These states have one or two non-district authorizers that oversee most schools. In six states (Arizona, Hawaii, Idaho, Louisiana, Nevada, and Utah), the law allows for multiple non-district authorizers, but only one or two non-district authorizers have emerged. The other 15 states allow only one or two non-district authorizers by law. In some of these states (Delaware, Idaho, Louisiana, Maine, Mississippi, Nevada, New Hampshire, New Mexico, Texas, Utah, and Washington), districts also have the authority to authorize schools. In practice, most schools are authorized by the non-district authorizers rather than the local school districts.

These states might allow only one authorizer in the state, such as a SEA or an ICB. Alternatively, as in New York, one or two non-district authorizers have emerged to become the dominant authorizer, and the districts have either not responded to the authorizing opportunity or have had their authority changed over time.

EMERGING CHALLENGES AND OPPORTUNITIES

In contrast to the other two groups of states, states with just one or two dominant authorizers find that the practices of the dominant authorizers can be just as important or more important than the state's policies to the quality of the state's charter sector. This cuts both ways, as—without policy guidance—individual authorizer practices can either help or hurt the sector. Strong policies can set expectations for strong practices and explicitly give authorizers the authority and tools to do their job well. In addition, strong authorizer policies are important to institutionalize high standards and strong practices, preventing strong authorizers from reverting to weaker practices when there is leadership turnover and new leaders lack a commitment to strong authorizing practices. State policy can also protect the use of best practices when weak applicants and failing schools face high-stakes decisions.

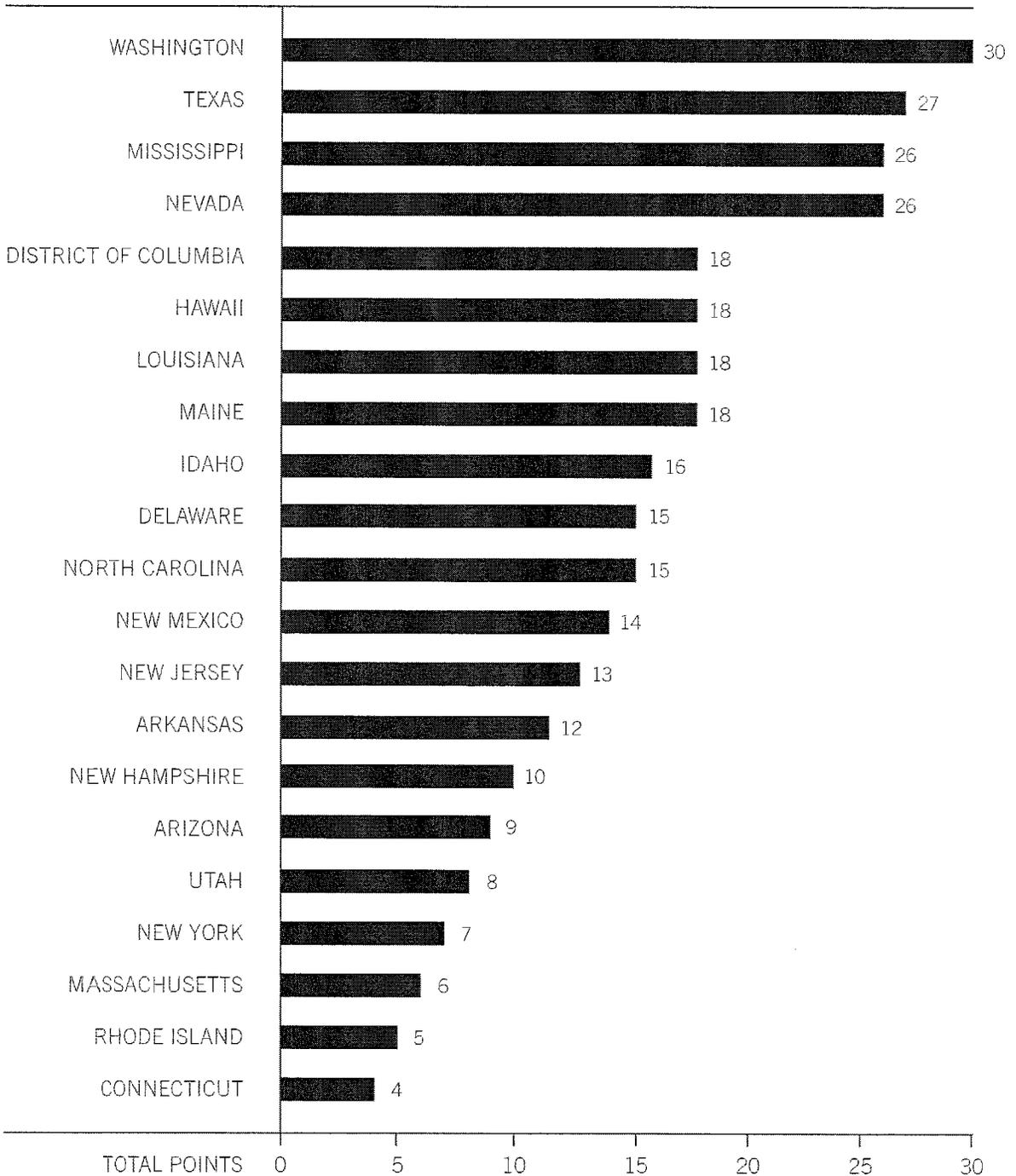
All states in this group use at least some of NACSA's recommended policies (see Figure 3). States with new charter laws or major rewrites of earlier laws tend to score higher than those that have not revisited their entire charter law recently. New laws in two states (Mississippi and Washington) tend to incorporate currently recognized best practices. Some states in this group have benefited from strong authorizers overseeing portfolios with strong outcomes, which decreased urgency for policy change. Meanwhile, some recent major law revisions in two states (Nevada and Texas) were driven, at least in part, by frustration with weak outcomes and problematic behavior by charters.

FIGURE 3.

AUTHORIZER AND SCHOOL ACCOUNTABILITY POLICIES:

STATES WITH FEW AUTHORIZERS

SCORE OUT OF 30 POSSIBLE POINTS FOR STATES IN GROUP 3



Some of these dominant authorizers work at very large scale. Historically, some of the most prominent statewide authorizers have granted hundreds of charters and approached chartering with an attitude of “letting a thousand flowers bloom.” In Arizona and Texas, for example, a single authorizer in each state oversees more than 500 schools. In recent years, both of these authorizers have made strong advances through adjustments in policy and practice that led to greater accountability. In addition, both authorizers have taken steps to build capacity to compensate for their extremely small ratio of staff to the number of schools they oversee. Arizona’s state authorizer contracts for a range of services, while the Texas Education Agency’s authorizer office leverages staff in other parts of the state agency. Whether these strategies provide these large authorizers the human capital they require deserves ongoing study.

Several state-level authorizers have engaged in strong practices and developed procedures based on authorizer standards. Charter advocates in these states are anxious that turnover in leadership could lead to a move away from strong authorizing. Charter opponents would presumably also be nervous if new leadership reduced rigor. For both sides, it would be wise to codify high expectations for authorizer practice based on NACSA’s *Principles & Standards*.

POLICY RECOMMENDATIONS

States with only one or two dominant non-district authorizers should consider policies that set high expectations for authorizers if current practices are weak. When current practices of authorizers are strong, policy can provide support for practices and safeguard against future changes in leadership that could eventually reduce authorizer quality. States in this group should take the following steps:

1. Establish authorizer standards consistent with national professional standards.
2. Promote transparency by requiring regular and public performance reporting by authorizers. This should include annual public reporting by authorizers on the individual and overall portfolio performance of their charter schools and on their authorizing practices, which should align with the state’s authorizer standards.
3. Grant authorizers the power and responsibility to use best practices in performance management, including performance contracts, performance frameworks, and tools that help them evaluate prospective school replicators rigorously (and differently from initial charter applicants) based on their performance records, growth planning, and demonstrated capacity to replicate high-performing schools successfully.
4. Empower authorizers to enforce a strong renewal standard, allowing authorizers to decide not to renew a school if it fails to meet the performance standards and expectations established in the school’s charter contract.
5. Make school closure the expected consequence for persistently failing charter schools through a state-established default closure provision. This provides clear direction to guide authorizer actions and applies even if authorizers are unwilling or find it politically difficult to close the worst-performing schools.

SPECIAL CIRCUMSTANCES: STATES THAT ALLOW THE ACTIVATION OF ADDITIONAL AUTHORIZERS

A few states with only one or two active non-district authorizers have laws that allow for the potential addition of many more non-district authorizers (Arizona, Hawaii, Idaho, Louisiana, Nevada, South Carolina,* Utah). These states face particular challenges in authorizer accountability. As long as these states have only one or two authorizers, sanctions are likely to be counterproductive. But these states should establish a system to evaluate the commitment, competence, and capacities of potential new authorizers. In addition, if these states eventually have multiple authorizers, they will likely benefit from policies that support authorizer evaluations and authorizer sanctions, as well as restrictions on potential authorizer hopping by failing schools.

FOOTNOTES

- * South Carolina is currently in Group 1: District Authorizing States. However, if current growth patterns continue, we anticipate it will move to Group 3: States with Few Authorizers (Non-District) in the next two years.

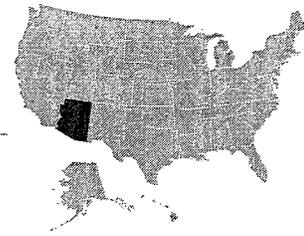
STATE CONTEXT

Arizona allows the Arizona State Board for Charter Schools (ASBCS), the State Board of Education, LEAs, and Higher Education Institutions (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. ASBCS is by far the state’s dominant authorizer and oversees 520 charter schools, representing 86 percent of the state’s charter schools.

While Arizona has few of NACSA’s recommended policies in statute, ASBCS employs many of them in practice. ASBCS enforces a strong renewal standard despite the law’s weakness, annually provides robust reports on school performance, and has adopted policies that have an effect similar to default closure. Because the ASBCS oversees the vast majority of the state’s charter schools, the use of these practices—despite the absence of supporting policies—are more important than they would be in states with more authorizers. These factors should be considered in reviewing Arizona’s performance under NACSA’s criteria.

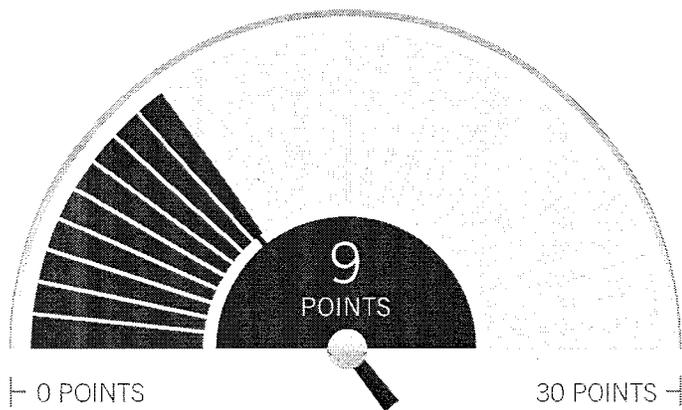
POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	6/6	LEA, Independent Charter Board, SEA, Higher Education Institution
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	3/3	State law requires a charter contract and a performance framework and allows multi-site charter schools.
Renewal Standard	0/6	State law allows “reasonable progress” to be sufficient for a charter to be renewed. ²
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards. ³
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers. In the event that additional authorizers become active, as allowed by state law, Arizona may benefit from an authorizer sanction policy.
TOTAL POINTS	9/30	
RANK WITHIN GROUP	16TH OF 21 STATES	

9 of 30 Points



RECOMMENDATIONS

NACSA recommends codifying many of ASBCS's practices into state policy. This will ensure that ASBCS's strong practices will survive any potential changes in leadership and will also be adopted by all current and future authorizers in the state. This recommendation includes codifying in statute quality authorizer standards, a strong renewal standard, a requirement for annual public reporting on school performance, and a default closure policy. NACSA also encourages the legislature to reduce initial charter terms from 15 years to five years, which is NACSA's recommended practice, as it ensures authorizers and schools engage in a high-stakes renewal process earlier in a charter's life cycle.⁴



LAW ENACTED IN 1994

27 AUTHORIZERS

86% OF SCHOOLS AUTHORIZED BY STATE BOARD FOR CHARTER SCHOOLS

605 CHARTER SCHOOLS

30% OF PUBLIC SCHOOLS ARE CHARTERS

190,672 CHARTER STUDENTS

17% OF PUBLIC SCHOOL STUDENTS IN CHARTERS

FOOTNOTES

- 1 Arizona can conceivably be classified in multiple groups. The Independent Charter Board (ICB) oversees the vast majority of charter schools, and the SEA and Arizona State University (an HEI) each oversee five schools, thus qualifying Arizona for Group 2: States with Many Authorizers. However, the SEA has a self-imposed moratorium on approving new charter schools. This fact, combined with the overwhelming market share of the ICB, leads NACSA to group Arizona with Group 3: States with Few Authorizers.
- 2 In practice, the state's dominant authorizer sets a strong renewal standard through their adopted performance framework system.
- 3 In practice, the state's dominant authorizer has adopted practices that should lead to closure of failing schools.
- 4 Arizona law requires a 15-year charter term for new and renewing schools. Within the 15-year term, authorizers are required to review a charter school's performance every five years using the performance framework, at which times authorizers may revoke a charter under certain academic or operational conditions. This approach to a 15-year renewal term reflects best practices in authorizing, as it preserves a regular high-stakes review for existing charter schools. However, NACSA recommends five-year initial charter terms as an essential practice of quality charter school authorizing, as it provides a renewal review relatively early in the lifecycle of a new charter school. A renewal review asks proactively if a school should continue operating, while the mid-term review in Arizona instead asks if a school meets a threshold that may warrant revocation. The threshold of quality that warrants revocation tends to be lower than the quality standard applied during a charter renewal decision. These are different questions that both have a place within the lifecycle of a charter school.

STATE CONTEXT

Arkansas allows only the State Board of Education to authorize new-start charter schools. In 2013, state law established the Charter Authorizing Panel, an internal body established to review charter school applications and renewal requests. Members of the Charter Authorizing Panel are appointed by the commissioner of education and must be employees of the Department of Education. Additionally, 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).

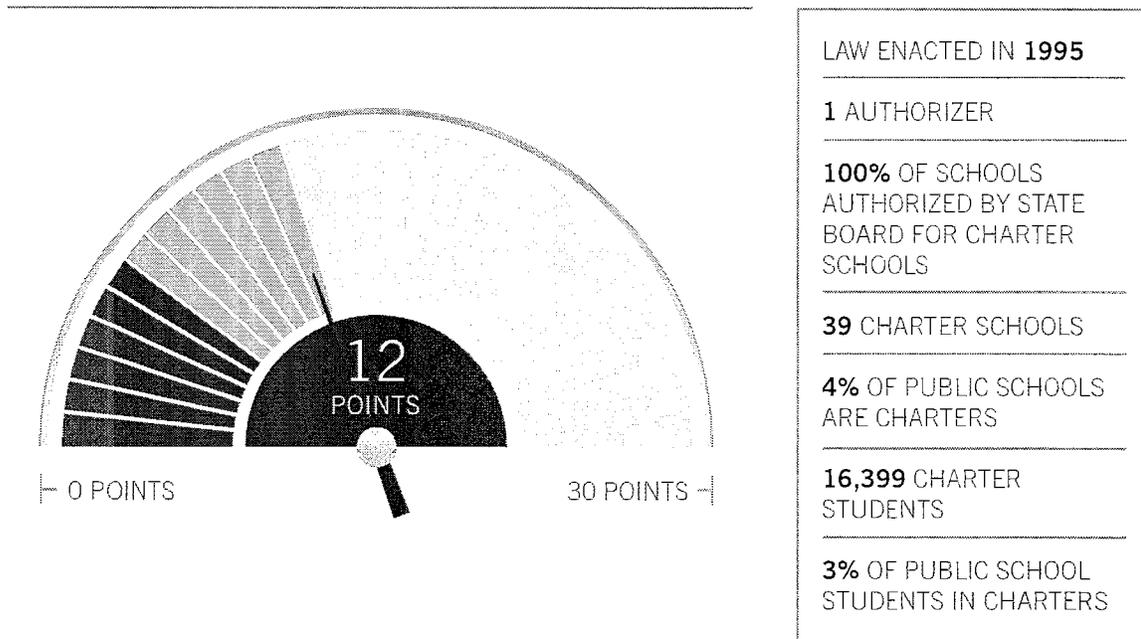
POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	4/6	SEA only
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	2/3	State law requires a charter contract but not a performance framework. The law requires a differentiated process for replicating proven successful schools.
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.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	12/30	
RANK WITHIN GROUP	14TH OF 21 STATES	

12 of 30 Points



RECOMMENDATIONS

Arkansas has a small charter sector that is beginning to grow more quickly, demonstrated by its 25 percent growth rate in 2013-14. As the sector continues to expand, state law should prioritize quality growth through strong policy and strong practices, including adopting quality authorizer standards, requiring authorizers to use a performance framework, and requiring authorizers to produce annual public reports on school performance. The state would also benefit from creating an autonomous Independent Charter Board that includes members outside of the Department of Education. The performance of Arkansas's charter sector to date has been mixed and, especially as growth continues, NACSA recommends that Arkansas implement stronger charter application review protocols in statute and in practice. In addition, while the SEA has a record of closing some schools, the state may also benefit from a default closure provision that facilitates the expeditious closure of persistently low-performing charter schools.



Connecticut

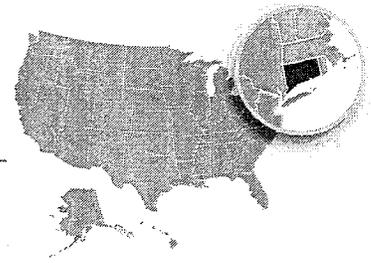
GROUP 3: STATES WITH FEW AUTHORIZERS

STATE CONTEXT

Connecticut allows only the State Board of Education (SBE) to authorize new-start charter schools. Conversion schools must be authorized by both the local or regional board of education and by the SBE. State law includes caps on the number of charter schools and student enrollment, geographic restrictions, and requires a proportion of new schools to serve specified missions.

POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	4/6	SEA only
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	0/3	State law requires no charter contract, performance framework, or replication policy.
Renewal Standard	0/6	State law allows “reasonable progress” to be sufficient for a charter to be renewed.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	4/30	
RANK WITHIN GROUP	21ST OF 21 STATES	

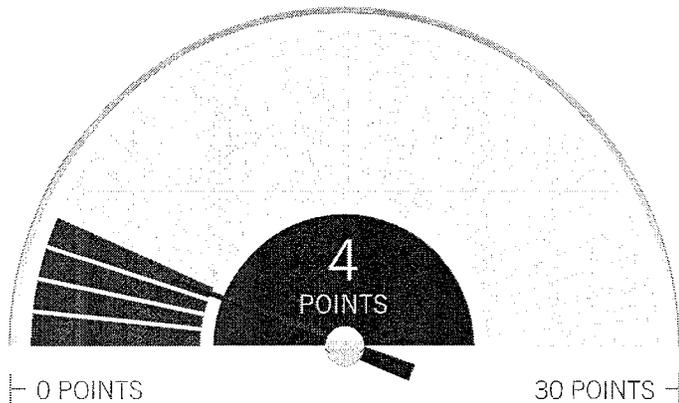
4 of 30 Points



RECOMMENDATIONS

Connecticut lacks all of NACSA's recommended policy provisions for charter school and authorizer accountability.

Connecticut needs to significantly improve its charter law to include charter school accountability policies and institute authorizer accountability. Policy should advance a full set of performance management policies that address all aspects of charter programs, including academic, financial, and organizational performance goals. Connecticut should also examine its current law regarding charter school board governance and financial and organizational transparency to ensure that it provides an authorizer the information needed to enforce charter contracts in a timely manner.



LAW ENACTED IN 1996

1 AUTHORIZER

100% OF SCHOOLS
AUTHORIZED BY STATE
BOARD FOR CHARTER
SCHOOLS

18 CHARTER SCHOOLS

1% OF PUBLIC SCHOOLS
ARE CHARTERS

6,981 CHARTER
STUDENTS

1% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

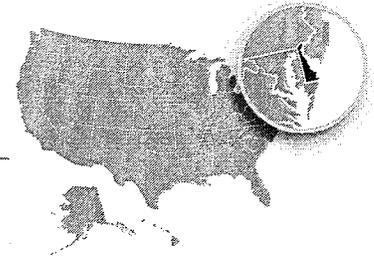
STATE CONTEXT

Delaware allows LEAs and the State Board of Education (SBE) to serve as authorizers. In practice, the SBE is the dominant authorizer, with only one LEA currently authorizing charter schools in the state. The SBE is staffed by the State Department of Education.

In 2013, Delaware significantly reformed its charter school law to include performance management provisions for the SBE, including the use of performance contracts, performance frameworks, and various term lengths and monetary incentives for the replication of high-performing charter schools. State Department of Education rules create a strong renewal standard by making renewal contingent on performance according to the school's performance framework. The SBE also provides annual reports to the charter schools it oversees on their performance as a matter of practice, though this action is not required by statute.

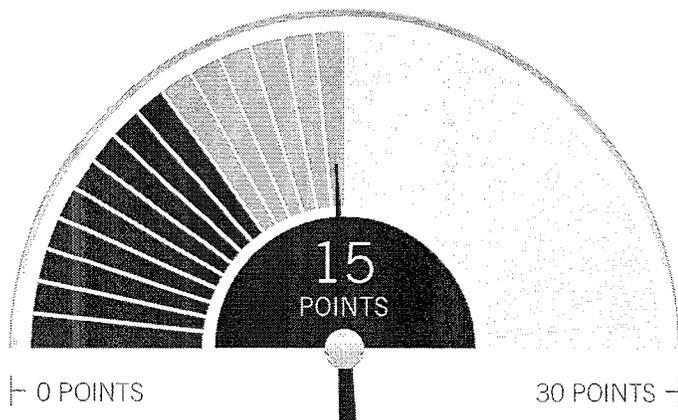
POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	6/6	LEA, SEA
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	3/3	State law requires a charter contract and performance framework. A Charter School Performance Fund is available for high-quality schools seeking to expand.
Renewal Standard	6/6	State law requires renewal decisions to be grounded in the performance framework.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	15/30	
RANK WITHIN GROUP	10TH OF 21 STATES (tied with one other state)	

15 of 30 Points



RECOMMENDATIONS

Delaware should continue its current practices and codify them in policy. This includes adopting policies on quality authorizer standards and requiring authorizers by law to produce an annual public report on the performance of their portfolio of charter schools. A default closure policy could also buttress charter school accountability if the SBE encounters any roadblocks as it institutes its strong renewal standards. NACSA also encourages Delaware to regularly revisit and reassess new state policies that govern the collection and consideration of community input as the SBE moves forward with implementation, as additional changes to rules or law may be beneficial as authorizers implement this new set of policies. In addition, Delaware may benefit from a review of charter school enrollment policies to ensure that state law prevents charter schools from establishing undue barriers to enrollment applications.



LAW ENACTED IN **1995**

2 AUTHORIZERS

86% OF SCHOOLS AUTHORIZED BY STATE BOARD FOR CHARTER SCHOOLS

21 CHARTER SCHOOLS

9% OF PUBLIC SCHOOLS ARE CHARTERS

11,078 CHARTER STUDENTS

8% OF PUBLIC SCHOOL STUDENTS IN CHARTERS

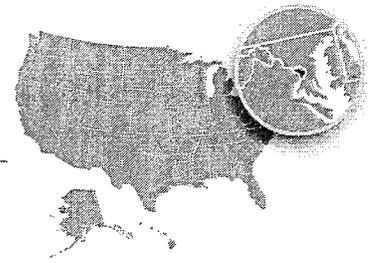
STATE CONTEXT

The District of Columbia Public Charter School Board (DCPCSB) is the sole authorizer in D.C. and one of the nation's first Independent Charter Boards. In addition, the D.C. City Council may designate an additional authorizer but has not chosen to do so.

The DCPCSB is regarded as one of the premier authorizers in the country. DCPCSB uses strong performance frameworks and institutes a rigorous mid-term review process that identifies failing schools for probation or closure. Because it is the sole authorizer in the district, the DCPCSB's practices are in many ways as important as the controlling policies. DCPCSB's portfolio includes 49 percent of all public schools in the district, giving its practices and underlying policies further import, because this authorizer oversees nearly half of all public schools in the district.

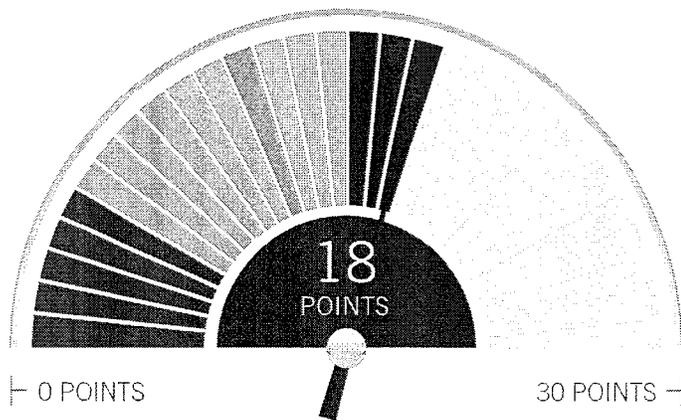
POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	4/6	Independent Charter Board only
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	1/3	State law does not require a charter contract or a performance framework. ⁵ The law allows a charter school to add an additional campus under an existing charter.
Renewal Standard	6/6	By law, an authorizer may close a charter school for failure to meet student achievement goals in its charter.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards. ⁶
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	1/3	State law identifies establishing authorizer standards as evaluation criteria but does not provide guidance on the content of the standards.
Authorizer Evaluations	3/3	By law, the comptroller general reviews the authorizer every two years.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	18/30	
RANK WITHIN GROUP	5TH OF 21 STATES (tied with three other states)	

18 of 30 Points



RECOMMENDATIONS

NACSA encourages D.C. to codify DCPCSB's current practices into law. This includes its use of performance contracts, performance frameworks, and the practices surrounding its formal five-year review. Codifying current practices would be an effective tool to safeguard their use in the long term. This also provides consistency of practices should an additional authorizer ever be created.



LAW ENACTED IN 1996

1 AUTHORIZER

100% OF SCHOOLS AUTHORIZED BY PUBLIC CHARTER SCHOOL BOARD

107 CHARTER SCHOOLS

49% OF PUBLIC SCHOOLS ARE CHARTERS

36,565 CHARTER STUDENTS

44% OF PUBLIC SCHOOL STUDENTS IN CHARTERS

FOOTNOTES

⁵ In practice, the sole authorizer uses a performance contract and performance framework.

⁶ In law, the sole authorizer is required to review a charter school at least once every five years to determine if its charter should be revoked. The practices adopted by the sole authorizer for this review should lead to the closure of failing schools.

STATE CONTEXT

Hawaii allows the Independent Charter Board, Not-For-Profits, Higher Education Institutions, and county and state governmental agencies to authorize charter schools. Hawaii is unique in 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 to receive authorizing authority. To date, no other entities have applied to become an authorizer.

As the Commission is currently the only authorizer in the state, its practices affect the entire charter school sector and can offset weaknesses in the charter school statute's accountability provisions. The law requires authorizers to use performance-based charter contracts and performance frameworks to provide an enforceable foundation for accountability, but it does not include strong renewal standards. Hawaii's charter school law relies

POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	6/6	Independent Charter Board (Allowed but inactive: Higher Education Institution [HEI], Not-For-Profit [NFP], and Non-Educational Governmental [NEG] entity) ⁷
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	3/3	State law requires a charter contract and a performance framework. The law also allows multiple schools to operate under a single charter.
Renewal Standard	0/6	State law allows "reasonable progress" to be sufficient for a charter to be renewed.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	3/3	State law requires authorizers to develop and maintain authorizing standards consistent with national professional standards.
Authorizer Evaluations	3/3	State law does not provide for periodic review of authorizers, but the State Board of Education can evaluate authorizers and must apply nationally recognized principles and standards when evaluating authorizer performance.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions unless there are additional viable authorizers. <i>Exceptional Circumstance:</i> Applies only to NFP 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.
TOTAL POINTS	18/30	
RANK WITHIN GROUP	5TH OF 21 STATES (tied with three other states)	

18 of 30 Points

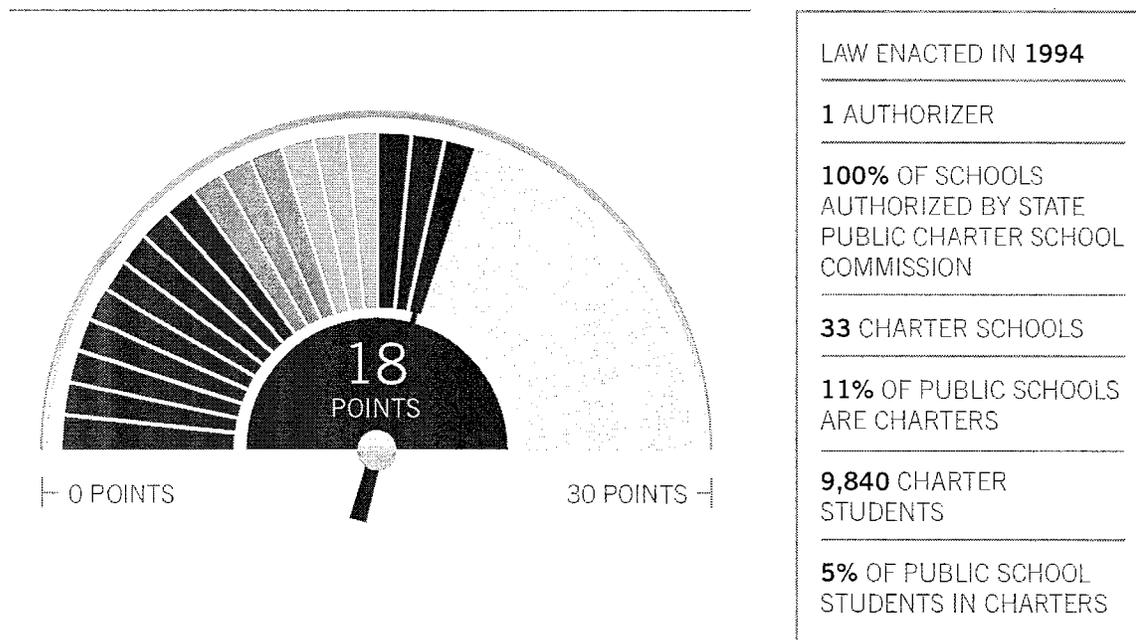


STATE CONTEXT CONT'D

on strong authorizer accountability structures—such as authorizer standards, as-needed authorizer evaluations, performance reports, and sanctions—to encourage the necessary authorizer practices. 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.

RECOMMENDATIONS

NACSA encourages Hawaii to codify additional charter school and authorizer accountability provisions in law to strengthen the state’s charter sector and institutionalize quality authorizing practices for Hawaii’s authorizers, present and future. A strong renewal standard in particular will provide the Commission and any future authorizers a strong foundation for non-renewal decisions. In addition, Hawaii should consider adopting a default closure provision to make closure the expected outcome for persistently failing schools.



FOOTNOTES

⁷ In Hawaii, the NEG authorizers are county agencies or state agencies.

STATE CONTEXT

Idaho allows LEAs, Higher Education Institutions (HEIs), and the Idaho Public Charter School Commission (an Independent Charter Board) to authorize charter schools. Currently, the Commission authorizes 68 percent of Idaho’s charter schools, and the remaining schools are authorized by 13 different LEAs. Seven of the state’s 47 charter schools are virtual schools, which enroll 27 percent of the state’s charter school students. No HEIs oversee charter schools at this time.

Idaho reformed its charter school law in 2013 to require authorizers to use and implement several recommended performance management tools, including charter contracts, performance frameworks, school-level performance reports, and a strong renewal standard. The introduction of charter contracts is especially noteworthy because prior to this reform, charters in Idaho operated on a de facto “evergreen” basis with automatic annual renewal (they were not subject to renewal decisions, though a charter could be revoked).

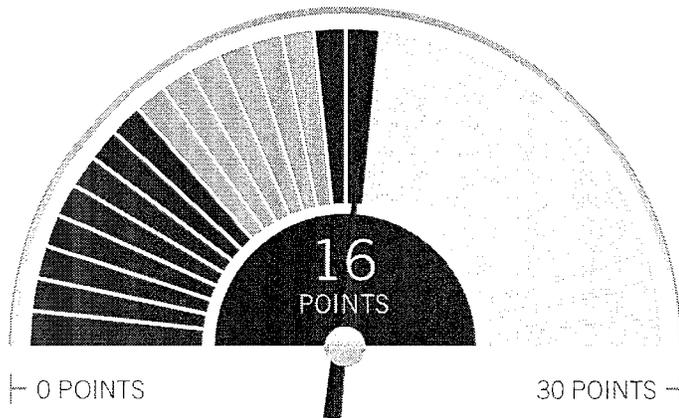
POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	6/6	LEA, independent Charter Board (Allowed but inactive: Higher Education Institution)
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	2/3	State law requires a charter contract and a performance framework. The law does not explicitly encourage or address replication of successful schools.
Renewal Standard	6/6	By law, renewal decisions must be grounded in the performance framework.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers. In the event that additional authorizers become active, as allowed by state law, Idaho may benefit from an authorizer sanction policy.
TOTAL POINTS	16/30	
RANK WITHIN GROUP	9TH OF 21 STATES	

16 of 30 Points



RECOMMENDATIONS

Idaho should continue with statewide implementation of strong performance management tools reflecting national professional standards and provide sufficient support for authorizers to develop and implement these essential systems. In addition, NACSA encourages Idaho to proactively develop policies to promote authorizer accountability, including authorizer standards, authorizer evaluations, and aggregated reports on charter school portfolio performance by authorizer. These policies will support continued development of the Commission and LEAs into high-quality authorizers and ensure that provisions to advance authorizer quality and accountability are firmly in place should HEI authorizers become active.



LAW ENACTED IN 1998

14 AUTHORIZERS

68% OF SCHOOLS
AUTHORIZED BY STATE
PUBLIC CHARTER SCHOOL
COMMISSION

47 CHARTER SCHOOLS

6% OF PUBLIC SCHOOLS
ARE CHARTERS

20,380 CHARTER
STUDENTS

7% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

STATE CONTEXT

Louisiana allows LEAs, the State Board of Education (SBE), Higher Education Institutions (HEIs), Not-For-Profits (NFPs) and Non-Education Government entities (NEGs) to authorize charter schools. NEGs are limited to state agencies and, along with HEIs and NFPs, must apply to the SBE to become an officially designated “local charter authorizer.” Currently, the State Board of Education, through the statewide Recovery School District, oversees 70 percent of all charter schools in the state, while 10 school districts oversee the remaining charter schools. No NEGs, HEIs, or NFPs have applied to become charter school authorizers.

Currently, all public schools operating in New Orleans are charter schools. As such, the practices of the two authorizers active in the city—Orleans Parish School Board and the SBE—have major impact on school reform in New Orleans. The SBE has in practice enforced a rigorous renewal standard that functions similarly to a default closure mechanism within New Orleans, whereby persistently failing charter schools are expected to close.

POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	6/6	LEA, SEA, limited jurisdiction Recovery School District (Allowed but inactive: Higher Education Institution, Not-For-Profit, Non-Education Government entity)
SCHOOL ACCOUNTABILITY		
Performance Management and 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.
Renewal Standard	6/6	By law, if a charter school is not achieving its stated goals, its charter shall not be extended.
Default Closure	0/6	The law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
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 & Standards</i> .
Authorizer Evaluations	2/3	“Local charter authorizers (see definition)” ⁸ are reviewed regularly, but LEAs and the SEA are not subject to evaluation.
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 charter schools.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions unless there are additional viable authorizers. <i>Exceptional Circumstance:</i> 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.
TOTAL POINTS	18/30	
RANK WITHIN GROUP	5TH OF 21 STATES (tied with three other states)	

18 of 30 Points



RECOMMENDATIONS

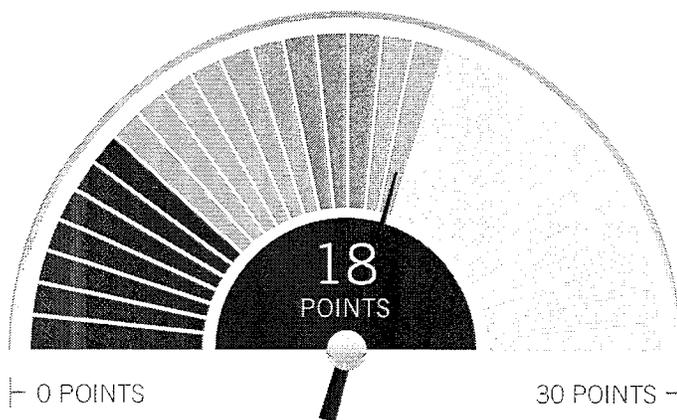
In addition, both authorizers use a performance framework tied to a charter contract and encourage quality replication by school operators with a successful performance track record.

Louisiana's authorizer accountability system—including state approval of new NEG, HEI, and NFP authorizers; authorizer evaluations; and authorizer sanctions—applies only to designated “local charter authorizers.” This includes potential new NEG, HEI, and NFP authorizers. This is an appropriate system, as it preserves existing authorizing functions in the state while ensuring that there is an accountability system in place if more than two authorizers in a given jurisdiction should ever emerge.

RECOMMENDATIONS

Louisiana should codify the current use of strong performance management tools meeting national professional standards, such as performance frameworks, and policies that encourage thoughtful replication of high-quality schools. The state should also institute a default closure provision (codifying for all authorizers a rigorous renewal standard such as the SBE's).

Louisiana may also benefit from requiring all authorizers to produce an annual public report on the individual and overall portfolio performance of the charter schools they oversee. This policy would be particularly useful in light of increased authorizing by a variety of LEAs (who may not have the practice in place) as the Recovery School District evolves and potentially transfers charter schools to LEA authorizers. In addition, state and local policy should continue to focus on addressing the unique policy and practice challenges that accompany New Orleans's full charter district, such as enrollment procedures, transportation and food service considerations, and discipline and special population concerns.



LAW ENACTED IN 1995

11 AUTHORIZERS

70% OF SCHOOLS
AUTHORIZED BY STATE
BOARD OF EDUCATION

117 CHARTER SCHOOLS

8% OF PUBLIC SCHOOLS
ARE CHARTERS

59,059 CHARTER
STUDENTS

8% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

FOOTNOTES

⁸ State law defines “local charter authorizers” as Higher Education Institutions, Not-For-Profits, and Non-Education Government entity authorizers.

STATE CONTEXT

Maine allows LEAs and the Maine Charter School Commission, an Independent Charter Board, to authorize charter schools. The Commission 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, with a portfolio of five schools.

Maine's charter school law was passed in 2011. While the state's law is strong on the National Alliance for Public Charter School's general rating of charter school laws, its provisions on charter school renewal are relatively weak, scoring zero on NACSA's policy framework for its lack of a strong renewal standard and default closure provision.

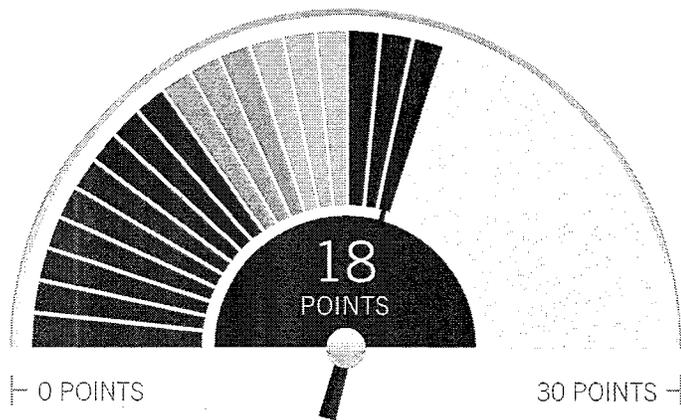
POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	6/6	LEA, Independent Charter Board
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	3/3	State law requires a charter contract and a performance framework, and allows multiple schools under one board.
Renewal Standard	0/6	State law allows "reasonable progress" to be sufficient for a charter to be renewed.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
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.
Authorizer Evaluations	3/3	State law allows the State Department of Education to investigate and evaluate authorizers' performance.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions unless there are additional viable authorizers. <i>Exceptional Circumstance:</i> 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.
TOTAL POINTS	18/30	
RANK WITHIN GROUP	5TH OF 21 STATES (tied with three other states)	

18 of 30 Points



RECOMMENDATIONS

While Maine will focus on establishing a new charter sector in the short term, NACSA encourages the state to establish strong authorizer practices for its first round of renewals in the next several years. In addition, Maine should strengthen the renewal policies in statute to give the Commission the explicit authority not to renew schools that fail to achieve their performance goals. These practices and policies should establish and enforce a high performance standard for renewal, as only a high-quality charter sector will build support for raising the cap on charter school growth.



LAW ENACTED IN 2011

1 AUTHORIZER

100% OF SCHOOLS
AUTHORIZED BY STATE
CHARTER SCHOOL
COMMISSION

5 CHARTER SCHOOLS

1% OF PUBLIC SCHOOLS
ARE CHARTERS

383 CHARTER STUDENTS

<1% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

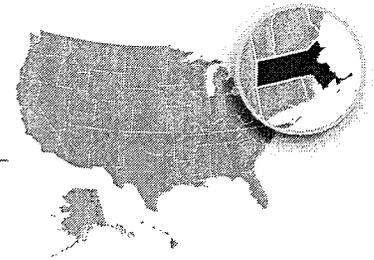
STATE CONTEXT

Massachusetts allows only the State Board of Education (SBE) to authorize charter schools. 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.

In practice, Massachusetts’s authorizer is strongly focused on academic rigor and equity of access in its charter schools, despite the lack of explicit laws promoting charter school and authorizer accountability. While Massachusetts’s charter school law lacks most of NACSA’s recommended policies—thus reducing the state’s score according to this rubric—NACSA recognizes that Massachusetts’s charter schools have a generally laudable performance record and that the authorizer voluntarily employs many of NACSA’s recommended practices, including many of the recommended performance management tools such as performance frameworks. These factors provide important context for Massachusetts’s rating on NACSA’s policy framework.

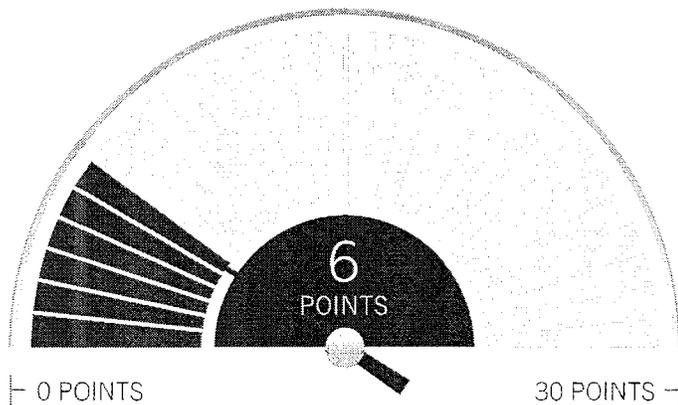
POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	4/6	SEA only
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	2/3	State law requires a charter contract but not a performance framework. The law provides successful school operators exclusive access to specified jurisdictions. ⁹
Renewal Standard	0/6	State law allows “reasonable progress” to be sufficient for a charter to be renewed. ¹⁰
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Reports on Performance	0/3	State law does not require the authorizer to produce an annual public report on the academic performance of its portfolio of schools.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	6/30	
RANK WITHIN GROUP	19TH OF 21 STATES	

6 of 30 Points



RECOMMENDATIONS

NACSA recommends that Massachusetts codify authorizer standards and the SBE's strong practices into law to ensure that quality performance management systems and strong renewal standards continue to characterize the state's authorizing regardless of potential changes in leadership or personnel. NACSA also recommends that Massachusetts establish basic authorizer accountability policies, such as self-evaluation of authorizer practice, to bring additional transparency to the state's authorizing practices. In addition, Massachusetts's charter school sector would also benefit from removing or significantly reforming the state's intricate cap system.



LAW ENACTED IN **1993**

1 AUTHORIZER

100% OF SCHOOLS
AUTHORIZED BY STATE
BOARD OF EDUCATION

81 CHARTER SCHOOLS

4% OF PUBLIC SCHOOLS
ARE CHARTERS

33,214 CHARTER
STUDENTS

3% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

FOOTNOTES

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

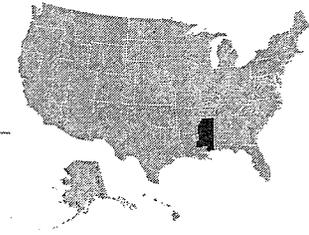
¹⁰ In practice, the state's only authorizer sets a strong renewal standard through their adopted performance framework system.

STATE CONTEXT

Mississippi significantly reformed its charter school law in 2013 to establish the Mississippi Charter School Authorizer Board, an Independent Charter Board (ICB) and the sole authorizer in the state. Prior to 2013, LEAs were the only authorizers and, between 2010 and 2013, no charter schools were authorized. 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.

POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	4/6	Independent Charter Board only
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	3/3	State law requires a charter contract and a performance framework, and allows multiple schools under one charter.
Renewal Standard	6/6	By law, a renewal decision must be grounded in the school's performance in accordance with the performance framework.
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.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	3/3	State law requires the Independent Charter Board to develop chartering policies consistent with nationally recognized principles and standards.
Authorizer Evaluations	1/3	By law, the authorizer must self-report annually on their adherence to authorizer standards.
Reports on Performance	3/3	By law, the authorizer must annually provide the legislature with a performance report for each charter school it oversees.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	26/30	
RANK WITHIN GROUP	3RD OF 21 STATES (tied with one other state)	

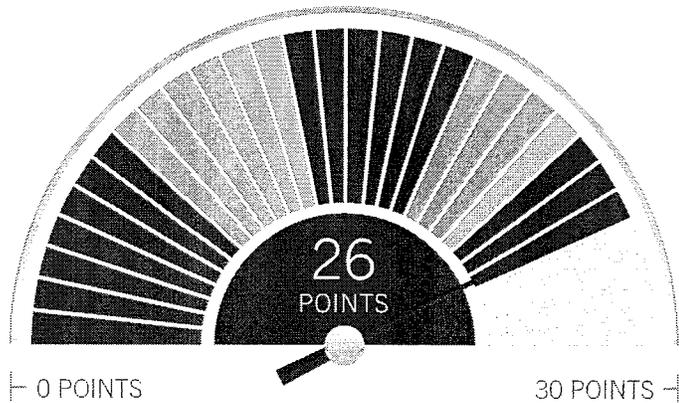
26 of 30 Points



RECOMMENDATIONS

Mississippi's charter school law includes almost all of NACSA's recommended policies promoting charter school and authorizer accountability.

As Mississippi's charter sector is established and positioned to grow, NACSA encourages the state to empower the ICB to directly authorize schools statewide without conditions or restrictions.



LAW ENACTED IN **2010**

1 AUTHORIZER

100% OF SCHOOLS
WILL BE AUTHORIZED BY
STATE CHARTER SCHOOL
AUTHORIZER BOARD

0 CHARTER SCHOOLS

0% OF PUBLIC SCHOOLS
ARE CHARTERS

0 CHARTER STUDENTS

0% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

STATE CONTEXT

Nevada allows the Nevada Charter School Commission (an Independent Charter Board), LEAs, and Higher Education Institutions (HEIs) to serve as authorizers. The Nevada Charter School Commission authorizes 53 percent of the state's charter schools, with the remaining schools authorized by three local school districts. While state law allows HEIs to oversee charters, to date no HEIs have chosen to serve as authorizers.

In 2013, Nevada passed significant accountability provisions in law to remedy a pattern of weak authorizing and weak charter schools. While the Commission had begun to implement strong practices, state law was perceived as an obstacle to implementing a full set of accountability provisions. This comprehensive reform bill established authorizing standards, mandates the use of performance contracts and performance frameworks, enables authorizer sanctions, requires annual reports on school performance, strengthens the new school approval and renewal standards, and instituted a default closure provision for the lowest-performing schools. Nevada's new charter law thus contains most of NACSA's recommended policies for charter school and authorizer accountability.

POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	6/6	LEA, Independent Charter Board (Allowed but inactive: Higher Education Institution)
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	2/3	State law requires the use of a charter contract and a performance framework. The law does not explicitly encourage or address replication of successful schools.
Renewal Standard	6/6	State law requires authorizers to use the performance framework as the basis for renewal decisions.
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 three consecutive years.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	3/3	State law requires authorizers to develop authorizing standards consistent with national professional standards.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions unless there are additional viable authorizers. <i>Exceptional Circumstance:</i> 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.
TOTAL POINTS	26/30	
RANK WITHIN GROUP	3RD OF 21 STATES (tied with one other state)	

26 of 30 Points

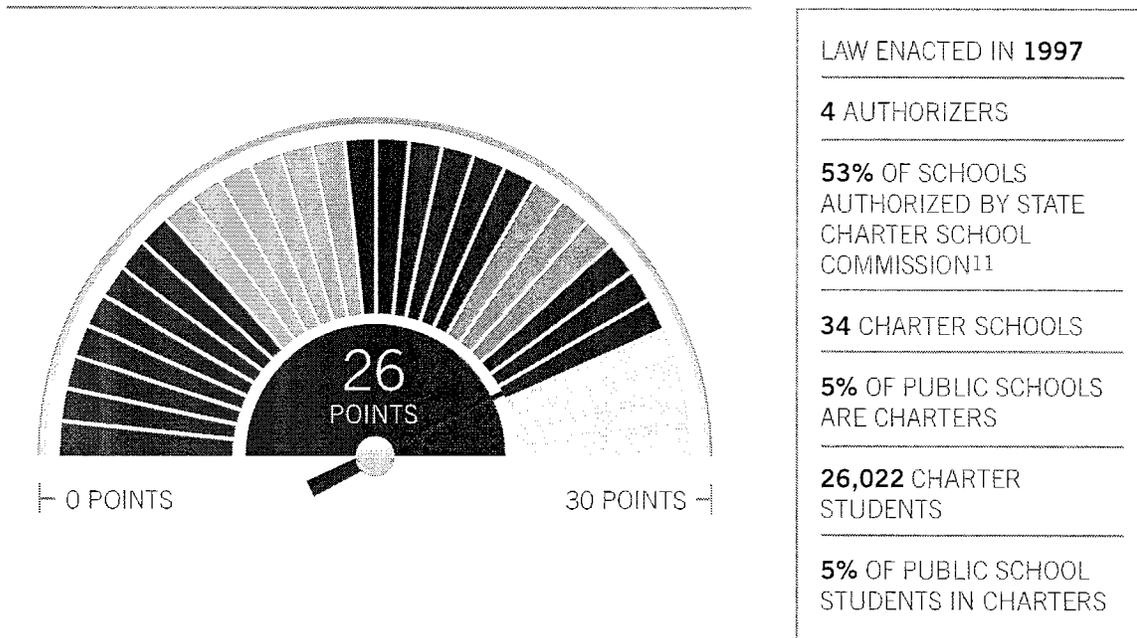


RECOMMENDATIONS

In addition, the Commission is continuing to develop and implement policies to institutionalize best practices based on the new law. Because a significant portion of the state's charter schools are overseen by school districts, policy is more important in Nevada than in other states in this group where a single authorizer's practices are guaranteed to affect all charter schools.

RECOMMENDATIONS

With most of NACSA's recommended policy provisions in place, Nevada policy turns to implementation in the next several years. The default closure provision in particular was designed with a long implementation timeframe to ensure fair application in a state with an evolving state accountability system. Policymakers may wish to check on the implementation and impact of these important new policies in the next several years. Additionally, Nevada should consider adding a policy on authorizer evaluations to ensure authorizers are following the letter and spirit of these new charter school and authorizer accountability laws.



FOOTNOTES

¹¹ If districts approve more schools than the Nevada Charter School Commission, the state could transition to the group of states with district-dominant authorizing. This possible transition suggests that state policy could be more important in Nevada than in other states in Group 3, where an individual authorizer's practice can be more important than policy.

New Hampshire

GROUP 3: STATES WITH FEW AUTHORIZERS

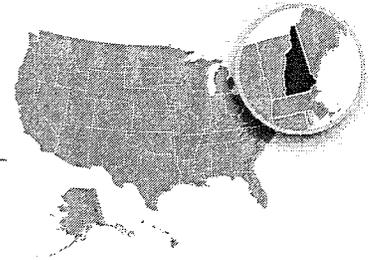
STATE CONTEXT

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 19 existing charter schools.

New Hampshire's charter school law contains a strong renewal standard but lacks any of NACSA's other recommended authorizer accountability or performance management policies.

POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	4/6	LEA, SEA
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	0/3	State law requires no charter contract, performance framework, or replication policy.
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.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	10/30	
RANK WITHIN GROUP	15 TH OF 21 STATES	

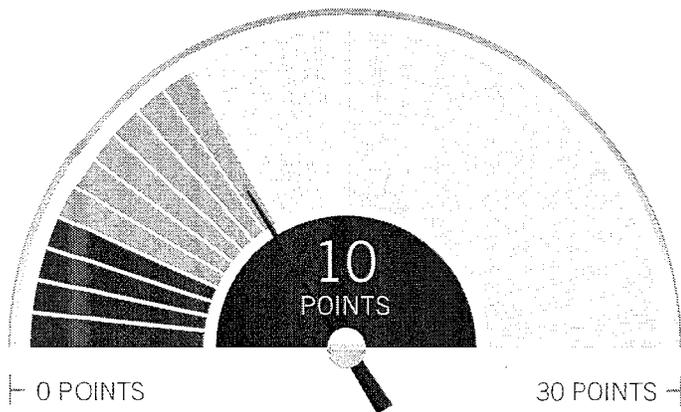
10 of 30 Points



RECOMMENDATIONS

New Hampshire needs to significantly reform its charter law to allow a strong charter school sector to grow.

New Hampshire should reform its charter school law to codify authorizer standards, reports on school performance by authorizers, and strong performance management tools reflecting national professional standards. This will insulate core authorizing functions from changes in leadership or personnel and ensure best practices are consistently used by both the SBE and any district authorizers that may choose to authorize charter schools in the future. Additionally, New Hampshire should consider basic authorizer accountability provisions—such as authorizer evaluations—to ensure authorizer practices continue when personnel or leadership changes occur.



LAW ENACTED IN 1995

2 AUTHORIZERS

95% OF SCHOOLS
AUTHORIZED BY STATE
BOARD OF EDUCATION

19 CHARTER SCHOOLS

4% OF PUBLIC SCHOOLS
ARE CHARTERS

2,096 CHARTER
STUDENTS

1% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

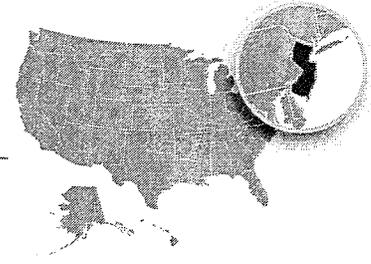
STATE CONTEXT

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.

In recent years, the New Jersey Department of Education has significantly improved its authorizing practices, incorporating many of NACSA's recommended policies into Department rules and practices. This includes requiring the use of performance frameworks that inform a strong renewal standard and a differentiated application process for charter school operators with demonstrable experience. In practice, the Department also issues annual reports to its schools on their performance.

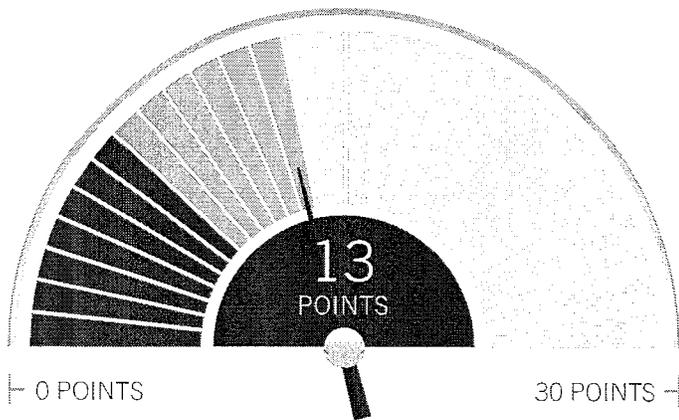
POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	4/6	SEA only
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	3/3	State law requires a charter contract and a performance framework. The law also provides for an expedited application process for charter applicants with demonstrable experience.
Renewal Standard	6/6	State law requires the commissioner of education to use the performance framework to make charter renewal decisions.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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. ¹²
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	13/30	
RANK WITHIN GROUP	13th OF 21 STATES	

13 of 30 Points



RECOMMENDATIONS

While these practices are laudable, the history of electorate-driven change within the commissioner's office speaks to the need to incorporate these practices and policies into state law. There is little in law to ensure these practices will endure when leadership changes. New Jersey should incorporate into law authorizer standards and a requirement for annual authorizer-produced school performance reports. In addition, given the variable history of the State Department of Education, New Jersey should consider establishing a second authorizer for the state, 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. Codifying quality practices into statute will also ensure that any future new authorizers will conduct authorizing practices as strong as those currently employed by the commissioner.



LAW ENACTED IN 1995

1 AUTHORIZER

100% OF SCHOOLS AUTHORIZED BY STATE COMMISSIONER OF EDUCATION

87 CHARTER SCHOOLS

3% OF PUBLIC SCHOOLS ARE CHARTERS

32,260 CHARTER STUDENTS

2% OF PUBLIC SCHOOL STUDENTS IN CHARTERS

FOOTNOTES

¹² In practice, the New Jersey Department of Education issues annual reports to its schools on their academic performance.

New Mexico

GROUP 3: STATES WITH FEW AUTHORIZERS

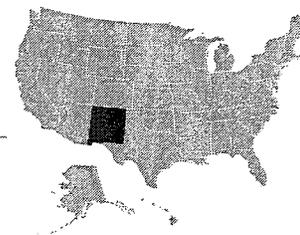
STATE CONTEXT

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 percent 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.

In response to historically low performance of charter schools in New Mexico, in 2011 the state passed into law several new policy provisions to improve charter school and authorizer accountability. This included requiring the use of performance contracts and performance frameworks, developing and maintaining authorizer standards, and requiring authorizer annual reports on school performance. While the 2011 legislation also strengthened the state's charter school renewal standard, it did not go far enough to qualify for points on NACSA's rubric.

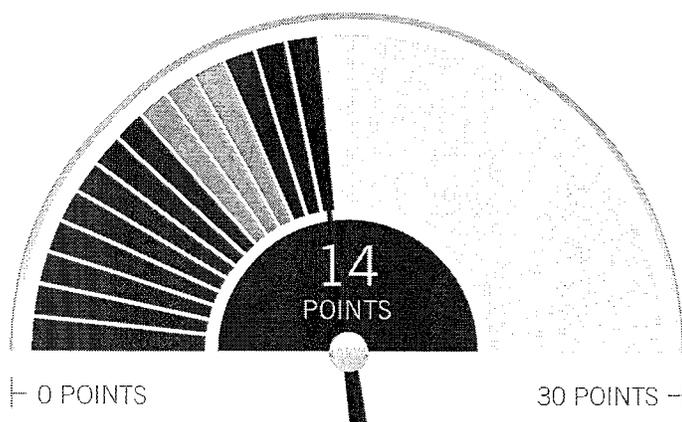
POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	6/6	LEA, SEA
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	2/3	State law requires a charter contract and a performance framework. The law does not explicitly encourage or address replication of successful schools.
Renewal Standard	0/6	By law, "substantial progress" toward academic goals may be sufficient for charter renewal.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	3/3	State law requires authorizers to develop and maintain authorizing standards consistent with national professional standards.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
Reports on Performance	3/3	By law, authorizers must annually report on school performance based on their charter performance framework.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	14/30	
RANK WITHIN GROUP	12TH OF 21 STATES	

14 of 30 Points



RECOMMENDATIONS

NACSA encourages New Mexico to strengthen its charter school accountability statutes by (a) instituting a renewal standard that gives authorizers explicit authority to close schools that do not achieve their performance goals and (b) establishing a default closure provision in law. Both of these policies should have long-term positive impact on the quality of the state's charter school sector. NACSA also encourages the PEC and the state secretary of education to assess their joint authorizing relationship to determine if changes in statute could clarify and differentiate their respective roles in authorizing charter schools. In addition, the state should continue implementing its current charter school and authorizer accountability provisions to strengthen the quality of schools opened.



LAW ENACTED IN 1993

19 AUTHORIZERS

56% OF SCHOOLS
AUTHORIZED BY
EDUCATION COMMISSION

95 CHARTER SCHOOLS

11% OF PUBLIC SCHOOLS
ARE CHARTERS

21,376 CHARTER
STUDENTS

6% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

STATE CONTEXT

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.¹³ In practice, 46 percent of charter schools in the state are overseen by SUNY, 23 percent by the Board of Regents, and 30 percent by the New York City Department of Education. Beginning in 2010, the charter cap was expanded in such a way that only the Board of Regents and SUNY may approve new-start charter schools. As such, the LEA charter school portfolios are almost exclusively older schools or conversions.

While New York’s charter school law lacks most of NACSA’s recommended policy provisions—thus reducing the state’s score according to this rubric—NACSA recognizes that the two statewide authorizers employ high-quality practices and oversee portfolios of charter schools with strong performance records. The works of these authorizers include strong performance management and replication practices, as well as extensive voluntary performance reporting that, in practice, meet many of NACSA’s criteria. As these two authorizers will oversee all new charter schools, their practices are more important than similar practices in states where potential new authorizers could become active. These factors provide important context for reviewing New York’s rating within NACSA’s policy framework.

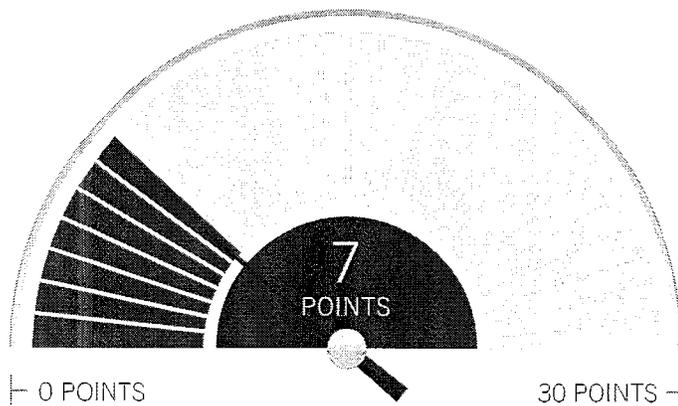
POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	6/6	LEA, SEA, Higher Education Institution
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	1/3	State law requires a charter contract but not a performance framework. The law does not explicitly encourage or address replication of successful schools.
Renewal Standard	0/6	State law allows “reasonable progress” to be sufficient for a charter to be renewed.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	7/30	
RANK WITHIN GROUP	18TH OF 21 STATES	

7 of 30 Points



RECOMMENDATIONS

NACSA recommends codifying many of the practices of New York's active authorizers into state policy. Codifying these strong practices would help ensure that they will be used by all current and future authorizers in the state and will continue regardless of any potential changes in authorizer leadership. This includes establishing in statute strong renewal standards and a requirement for annual authorizer public reporting on school performance. The legislature may also consider adopting nationally recognized authorizer standards to require universal adoption of these best practices. Authorizer sanctions are inappropriate in a state with as few authorizers as New York.



LAW ENACTED IN 1998

4 AUTHORIZERS

69% OF SCHOOLS AUTHORIZED BY STATE UNIVERSITY OF NEW YORK AND STATE BOARD OF EDUCATION

233 CHARTER SCHOOLS

5% OF PUBLIC SCHOOLS ARE CHARTERS

92,043 CHARTER STUDENTS

3% OF PUBLIC SCHOOL STUDENTS IN CHARTERS

FOOTNOTES

¹³ 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.

STATE CONTEXT

In North Carolina, 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. The SBE and the Advisory Board are both staffed by the North Carolina Department of Public Instruction's Office of Charter Schools. Until 2013, the University of North Carolina and LEAs were allowed to authorize charter schools but never chose to do so. In 2013, the law removed their authorizing powers. In addition, North Carolina's charter sector previously was limited by a cap of 100 schools, which blocked growth. The cap was lifted in 2011.

Since the cap was lifted, the charter sector has experienced significant growth, with 22 new schools opening in 2013-14 alone—a nearly 20 percent growth rate. To foster quality growth, the SBE is implementing many best practices in charter school authorizing, including a robust application process, performance framework system, and reviews of charter performance at the five-year midpoint of the school's 10-year charters. While these practices are promising, additional state policies are important to help ensure that as North Carolina's charter sector continues to grow, only high-quality schools are approved and allowed to continue serving students.

POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	4/6	SEA only
SCHOOL ACCOUNTABILITY		
Performance Management and 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.
Renewal Standard	6/6	By law, authorizers may decide not to renew a school for failure to meet student performance goals.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards. ¹⁴
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	15/30	
RANK WITHIN GROUP	10TH OF 21 STATES (tied with one other state)	

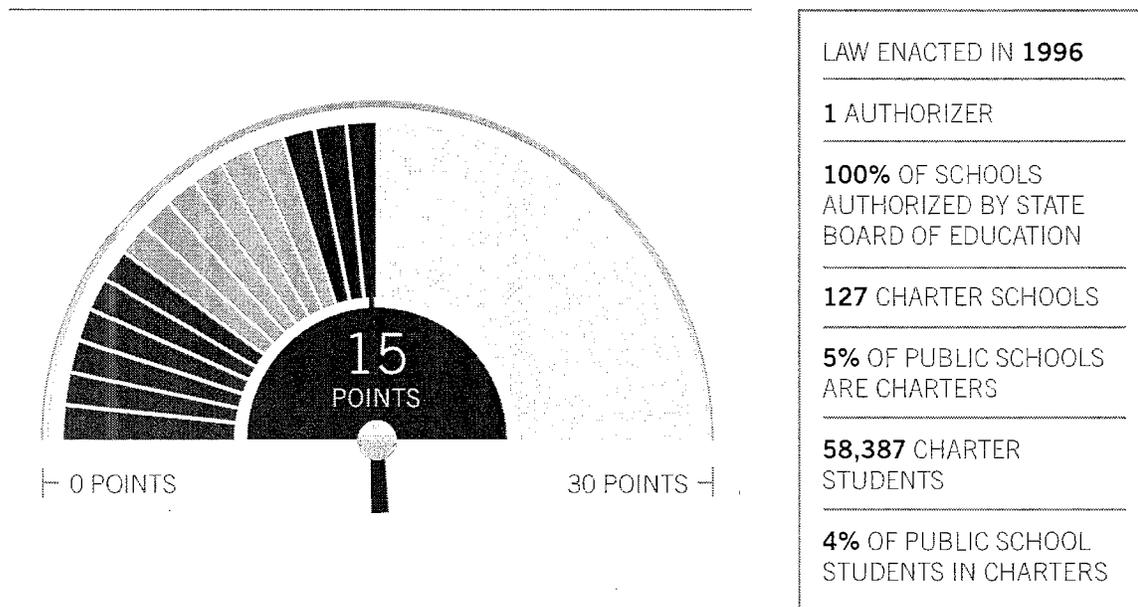
15 of 30 Points



RECOMMENDATIONS

With expected continued growth of North Carolina's charter sector, NACSA encourages the state to establish additional important charter school and authorizer accountability policies, including requiring authorizer standards, performance frameworks, robust application review, transparent oversight, and a default closure provision. 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. North Carolina should also explore changes in policy to promote transparency and governance that is free of conflicts of interest. During the state's rapid growth, questions have arisen regarding charter school governance and operations. Authorizers in every state are responsible for ensuring that public charter schools fulfill their obligations to the taxpayers by serving all students and engaging in transparent practices.

NACSA also encourages North Carolina to revisit and possibly remove a new policy—passed in 2014—that enables operators to bid on existing charter school contracts in certain situations, as students and families are usually better served by the orderly closure of a failing school and opening a high-quality new-start charter school in its place than by efforts to turn around a failed charter school.



FOOTNOTES

¹⁴ By law, the authorizer may consider closing schools that have operated for more than five years and are deemed inadequate by the authorizer. In practice, the sole authorizer conducts a five-year review and has adopted practices that should lead to probation or closure of failing schools. New law passed in 2014 additionally requires the authorizer to establish a process whereby an operator may propose to take over a school deemed inadequate by the authorizer. This process and its rules and requirements are still under development.

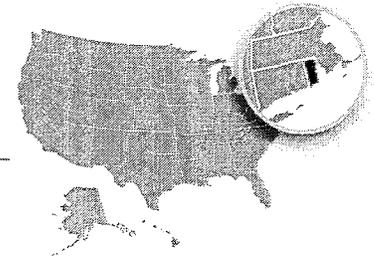
STATE CONTEXT

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. State law additionally 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.

In practice the SBE follows several of NACSA’s recommended practices, including using a performance framework, producing annual school performance reports, and setting a strong renewal standard for its charter schools.

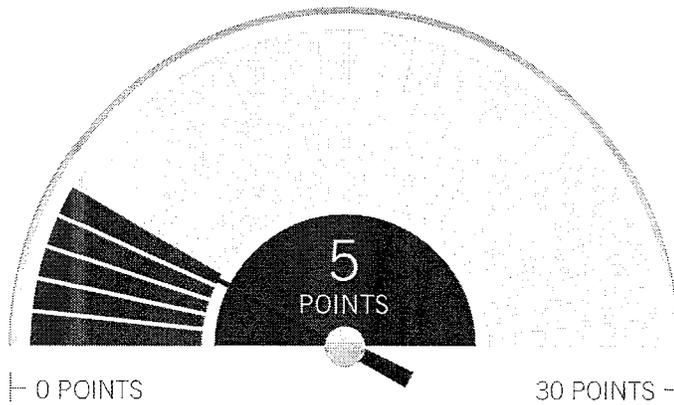
POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	4/6	SEA only
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	1/3	State law requires a charter contract but not a performance framework. The law does not explicitly encourage or address replication of successful schools.
Renewal Standard	0/6	State law allows “reasonable progress” to be sufficient for a charter to be renewed.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	5/30	
RANK WITHIN GROUP	20TH OF 21 STATES	

5 of 30 Points



RECOMMENDATIONS

Although the SBE voluntarily follows several of NACSA's practices, Rhode Island's charter school policy lacks nearly all of NACSA's recommended charter school and authorizer accountability policies. Rhode Island should reform its charter school law or regulations to codify new and existing practices, including authorizer standards, strong renewal standards, annual authorizer reports on school performance, and requiring the authorizer to use strong performance management tools reflecting national professional standards. Such policies will insulate core authorizing functions from changes in leadership or personnel and support the growth of a stronger, more accountable charter school sector.



LAW ENACTED IN 1995

1 AUTHORIZER

100% OF SCHOOLS
AUTHORIZED BY STATE
BOARD OF EDUCATION

19 CHARTER SCHOOLS

6% OF PUBLIC SCHOOLS
ARE CHARTERS

5,950 CHARTER
STUDENTS

4% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

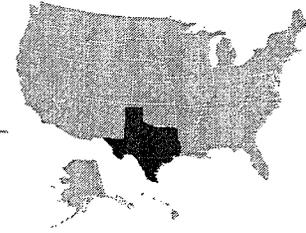
STATE CONTEXT

Texas allows the commissioner of education and LEAs to authorize charter schools. Currently, the commissioner of education authorizes 89 percent of charter schools, or 613 charter school campuses in the state. Until 2013, the State Board of Education (SBE) was the statewide authorizer, and though authorizing authority has been transferred to the commissioner, the SBE still plays an official role in charter school approvals. In Texas, 16 LEAs exercise their authority to authorize charter schools. Some LEAs, such as Houston Independent School District, oversee large portfolios of charter school campuses.

In 2013, Texas made significant reforms to its charter school law, making it the second-highest-ranked state in this group. The reforms included almost all of NACSA's recommended charter school and authorizer accountability policies, including a default closure provision and the adoption of authorizer standards and annual reports on school performance. In addition, the new Texas law creates a first-in-the-nation statutorily differentiated renewal structure for SEA authorized schools. The law requires the State Department of Education to create and use three different charter renewal processes and sort schools into each process based on their academic and financial performance ratings. The charter sector will be watching implementation keenly.

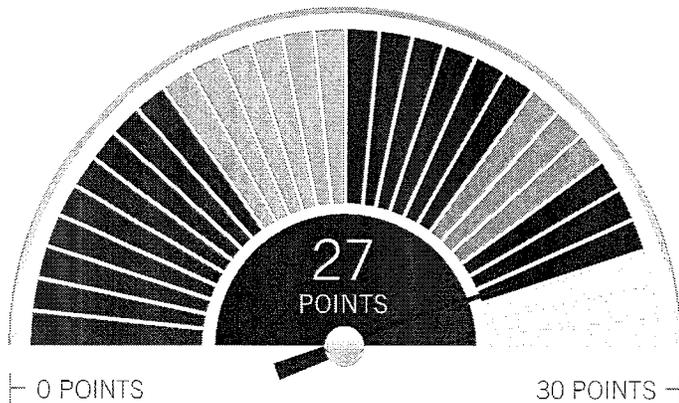
POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	6/6	LEA, SEA
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	3/3	State law requires a charter contract and a performance framework. The law also allows multiple schools to be operated under one charter and eases replication for high-performing schools.
Renewal Standard	6/6	By law, low-performing charter schools may not be renewed.
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.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	3/3	State law requires authorizers to adopt practices based on national quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers.
TOTAL POINTS	27/30	
RANK WITHIN GROUP	2ND OF 21 STATES	

27 of 30 Points



RECOMMENDATIONS

Texas should continue to focus on implementing its new charter school accountability provisions to close the state's lowest-performing charter schools. NACSA encourages the state to extend many of these policies to more broadly encompass LEA authorizers and their practices as reform continues. If additional districts choose to authorize larger portfolios, the state should consider instituting additional authorizer accountability policy provisions, including possible prohibitions on failing schools attempting to transfer to different authorizers.



LAW ENACTED IN 1995

17 AUTHORIZERS

89% OF SCHOOLS
AUTHORIZED BY STATE
COMMISSIONER OF
EDUCATION

689 CHARTER SCHOOLS

8% OF PUBLIC SCHOOLS
ARE CHARTERS

238,093 CHARTER
STUDENTS

5% OF PUBLIC SCHOOL
STUDENTS IN CHARTERS

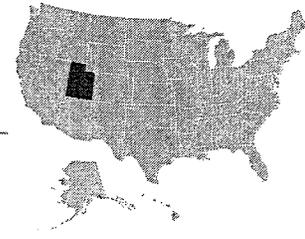
STATE CONTEXT

Utah allows LEAs, the State Charter School Board (an Independent Charter Board), and Higher Education Institutions (HEIs) to authorize charter schools. The State Board of Education (SBE) must also approve all schools authorized by HEIs (dual approval). The State Charter School Board currently authorizes 89 percent of charter schools, with five LEAs and two HEIs authorizing the remaining 11 charter schools in the state.

Utah lacks nearly all of NACSA's recommended charter school and authorizer accountability policies. The State Charter School Board employs some of NACSA's recommended practices in its bylaws and in its practices, including issuing annual reports on school performance.

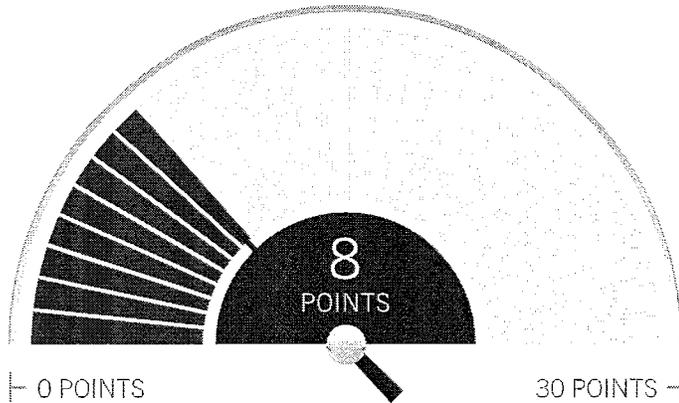
POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	6/6	LEA, Independent Charter Board, Higher Education Institution
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	2/3	State law requires the use of a charter contract but not a performance framework. The law requires the State Board of Education to make rules to establish procedures for charter school expansion.
Renewal Standard	0/6	State law does not provide a clear standard for charter renewal.
Default Closure	0/6	State law does not provide for default closure for failure to meet minimum academic standards.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	0/3	State law does not adopt, provide, or endorse quality standards for authorizers.
Authorizer Evaluations	0/3	State law does not require or provide for the evaluation of authorizers based on standards for quality authorizing.
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 charter schools.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions in states without additional viable authorizers. In the event that additional authorizers become active, as allowed by state law, Utah may benefit from an authorizer sanction policy.
TOTAL POINTS	8/30	
RANK WITHIN GROUP	17TH OF 21 STATES	

8 of 30 Points



RECOMMENDATIONS

Utah should strengthen charter school accountability by requiring the use of performance frameworks, codifying a strong renewal standard, and instituting a default closure policy to make closure the expected outcome for persistently failing schools. These policy improvements will give the State Charter School Board the statutory authority it needs to strengthen accountability for the state's charter sector and ensure the same for all authorizers in Utah. In addition, Utah should establish basic authorizer accountability policies that include adopting nationally recognized authorizer standards, requiring authorizers to produce annual public reports on school performance, and providing for authorizer evaluations. These steps will provide clear guidance and support for current authorizers to implement strong practices, while encouraging consistent quality in the authorizing sector if more HEI or LEA authorizers become active.



LAW ENACTED IN 1998

8 AUTHORIZERS

89% OF SCHOOLS AUTHORIZED BY STATE CHARTER SCHOOL BOARD

95 CHARTER SCHOOLS

10% OF PUBLIC SCHOOLS ARE CHARTERS

54,900 CHARTER STUDENTS

9% OF PUBLIC SCHOOL STUDENTS IN CHARTERS

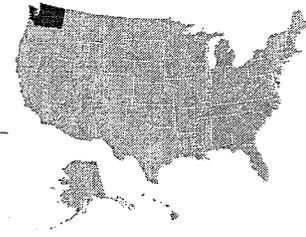
STATE CONTEXT

Washington established charter schools through a voter initiative in 2013 and is the newest charter state in the nation. The primary authorizer is the statewide Washington State Charter School Commission. The Commission is the only statewide authorizer. School districts may apply to the State Board of Education for the authority to authorize charter schools. Authorizing authority is contingent upon an approved application and must be renewed every six years. To date, only Spokane Public Schools has applied to become an authorizer (and has been approved).

Washington's charter school law includes all of NACSA's recommended policies to promote charter school and authorizer accountability. It is the top-ranked state in this group.

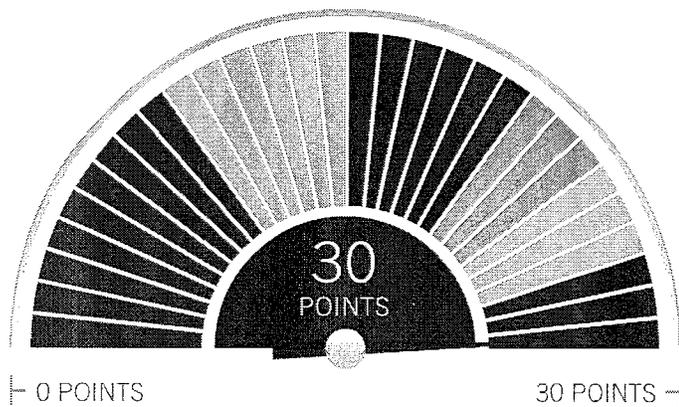
POLICY	SCORE	DETAILS
AUTHORIZER STRUCTURE		
Alternative Authorizer	6/6	LEA, Independent Charter Board
SCHOOL ACCOUNTABILITY		
Performance Management and Replication	3/3	State law requires the use of a charter contract and a performance framework. Multiple schools may be governed under one charter.
Renewal Standard	6/6	State law establishes a standard for renewal that a charter school must meet in the absence of extenuating circumstances.
Default Closure	6/6	By law, a charter contract may not be renewed if at the time of renewal the charter school's performance is in the bottom quartile on the state accountability index. The authorizer may justify keeping the school open under exceptional circumstances.
AUTHORIZER ACCOUNTABILITY		
Authorizer Standards	3/3	State law requires all authorizers to develop and follow chartering policies consistent with NACSA's <i>Principles & Standards</i> in at least organizational capacity and infrastructure, soliciting and evaluating charter applications, performance contracting, ongoing charter school oversight and evaluation, and charter renewal decision making.
Authorizer Evaluations	3/3	By law, the State Board of Education oversees and evaluates authorizers, and must approve all district authorizers before they begin operating.
Reports on Performance	3/3	By law, all authorizers must submit to the state an annual report on the performance of their charter school portfolio.
Authorizer Sanctions	N/A	N/A. NACSA does not endorse the use of authorizer sanctions unless there are additional viable authorizers. Exceptional Circumstance: State law allows sanctions for failure to meet standards for quality authorizing. Sanctions can include revocation of authorizing power or authority to grant new charters.
TOTAL POINTS	30/30	
RANK WITHIN GROUP	1ST OF 21 STATES	

30 of 30 Points



RECOMMENDATIONS

Washington should continue to focus on strong implementation to develop a high-quality charter school sector. The state may also benefit from examining both the other aspects of its charter law to promote greater charter school autonomy and the Commission's control over its resources.



LAW ENACTED IN **2012**

2 AUTHORIZERS

0% OF SCHOOLS AUTHORIZED BY STATE COMMISSION¹⁵

0 CHARTER SCHOOLS (AS OF 2013-2014 SCHOOL YEAR)

0% OF PUBLIC SCHOOLS ARE CHARTERS

0 CHARTER STUDENTS

0% OF PUBLIC SCHOOL STUDENTS IN CHARTERS

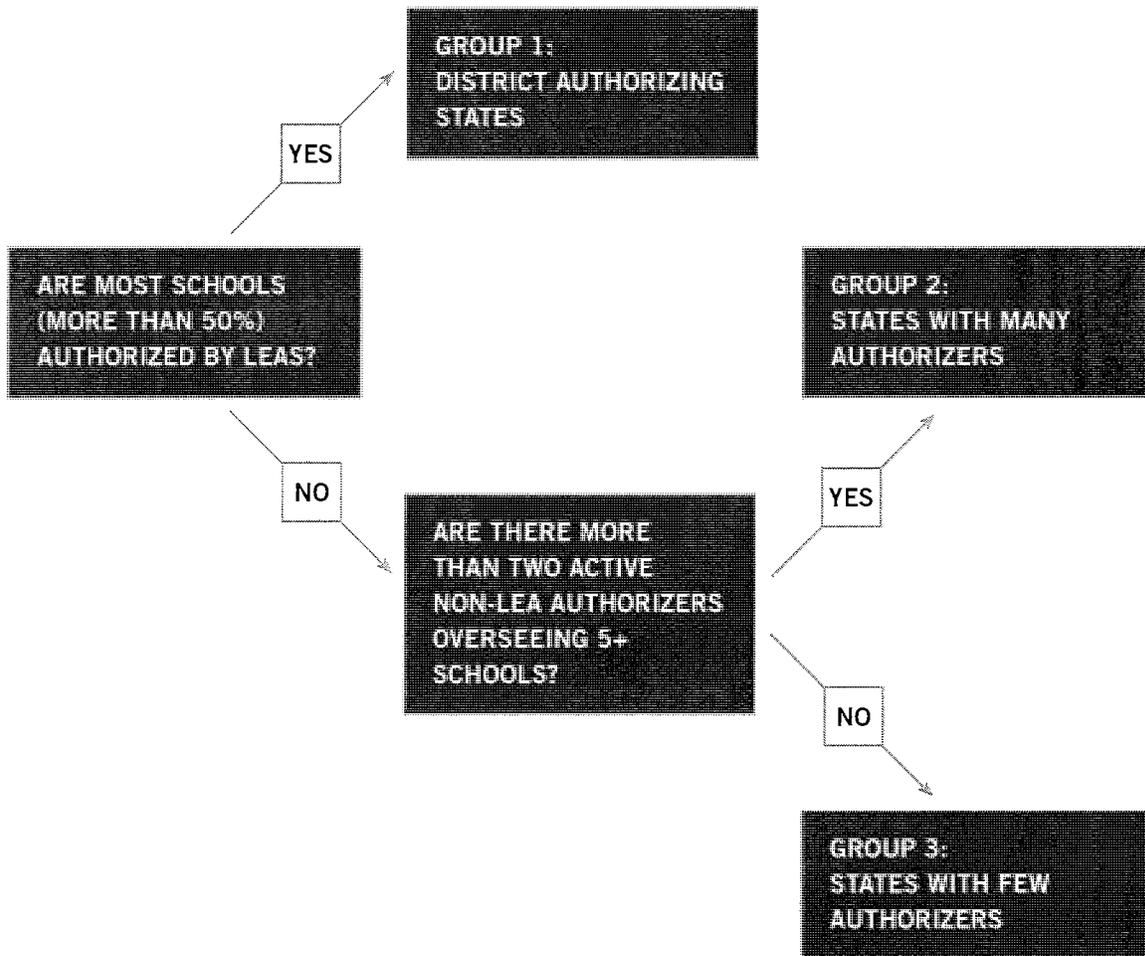
FOOTNOTES

¹⁵ NACSA anticipates that the majority of schools will be authorized by the Washington State Charter Board Commission. As of spring 2014, the Commission and LEAs have each authorized four charter schools.

Appendices

Appendix A: Sorting Procedure

FIGURE 4.
DECISION PROCESS FOR GROUPING STATE CHARTER SCHOOL LAWS
BY AUTHORIZER STRUCTURE



There are individual states where the application of this typology is complicated. Some states technically have multiple non-district authorizers, but they each oversee only one school. Our typology defines an “active authorizer” as an authorizer overseeing five or more schools.

Definitions are shared in the state-specific pages of this report, which note these subjective distinctions where necessary.

Appendix B: Methodology

NACSA gathered state laws and rules to examine current policies and used a rubric to assess those policies against NACSA's recommended policy framework.

Scoring on the rubric:

- 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.

Some policies are not applicable in every group, depending on the state's charter authorizing structure, and the rubric is adjusted accordingly by exempting policies as needed for each group of states. For example, a policy providing for authorizer sanctions is, in general, constructive only in states with many different authorizers or at least one high-quality alternative authorizer. In states that have many authorizers, an alternative authorizer is not needed. This leads to a maximum of 30 possible points in Groups 1 and 3, and 27 points in Group 2.

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, which is 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.

RUBRIC

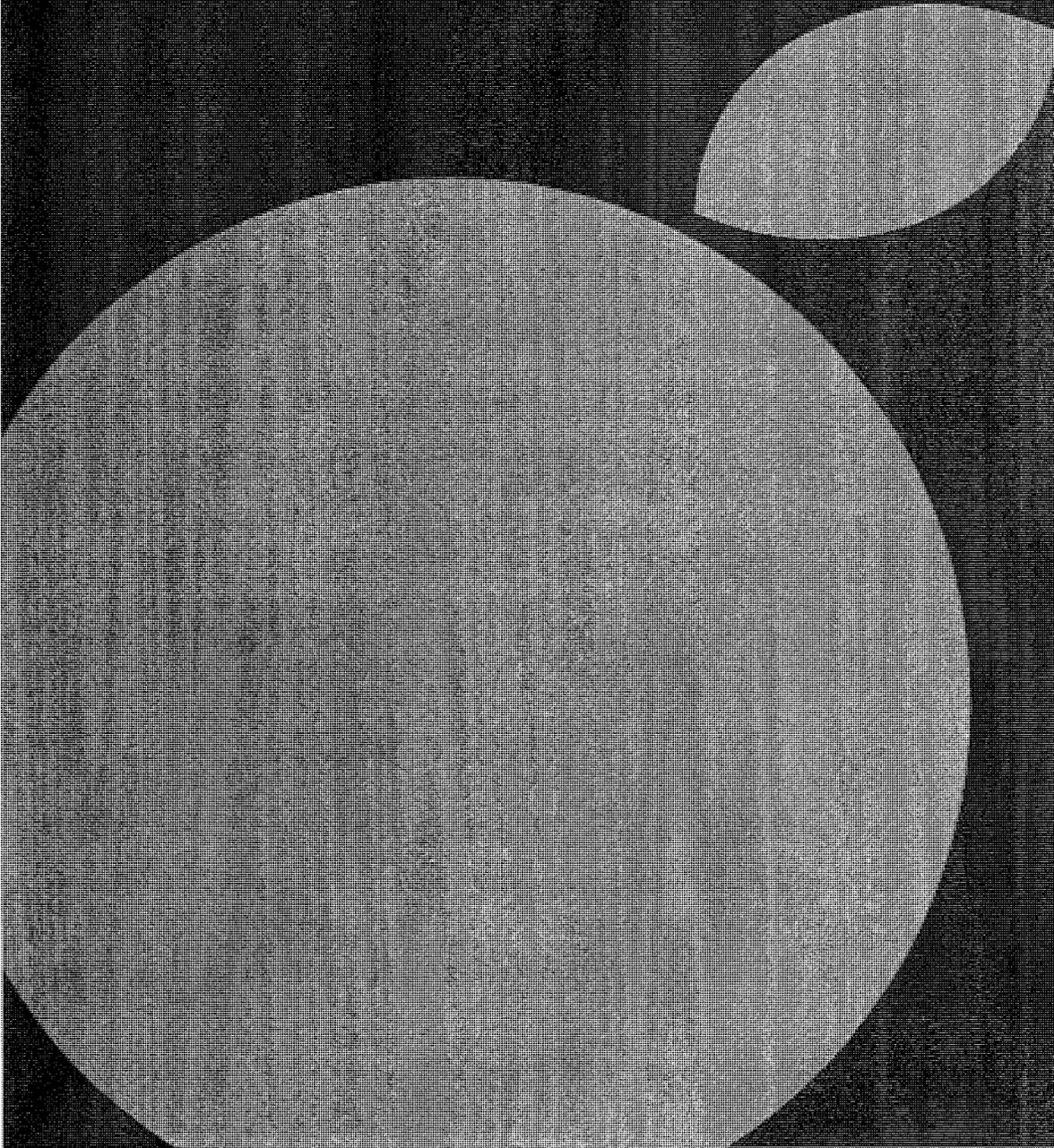
ALTERNATIVE AUTHORIZER		MAXIMUM SCORE 6/6
State law permits more than one authorizer that a school can directly apply to without appeals or other limitations across the state, such as an ICB, SEA, HEI, or NFP, <i>and</i> there is more than one authorizing option in the state.		6/6
State law permits an alternative authorizer only upon appeal, <i>or</i> there is only a single statewide authorizer.		4/6
State law permits an alternative authorizer with limited jurisdiction, <i>or</i> a LEA decision can be appealed, but the LEA remains the authorizer upon approval.		2/6
State law allows only LEA authorizing.		0/6
PERFORMANCE MANAGEMENT AND REPLICATION		MAXIMUM SCORE 3/3
State law requires all authorizers to use two essential performance management tools for all charter schools: 1) a charter contract (separate and distinct from the charter application) and 2) a performance framework. State law also includes 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
RENEWAL STANDARD		MAXIMUM SCORE 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.		6/6
State law allows "reasonable progress" to be sufficient for charter renewal.		0/6
DEFAULT CLOSURE		MAXIMUM SCORE 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.		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

AUTHORIZER STANDARDS	MAXIMUM SCORE 3/3
State law incorporates national professional standards of quality authorizing or provides state standards that meet or exceed NACSA's <i>Principles & 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 & Standards</i> or are not high quality.	1/3
State law omits authorizer standards.	0/3
AUTHORIZER EVALUATIONS	MAXIMUM SCORE 3/3
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
REPORTS ON PERFORMANCE	MAXIMUM SCORE 3/3
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, <i>or</i> state law requires authorizers to prepare 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
AUTHORIZER SANCTIONS	MAXIMUM SCORE 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.	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 provides no authorizer sanctions.	0/3

Endnotes

- 1 The estimated number of charter schools nationwide in 2013-2014 is 6,440, based on the National Alliance for Public Charter Schools (NAPCS) Data Dashboard.
- 2 The estimated number of charter school students nationwide in 2013-2014 is 2,569,029, based on the NAPCS Data Dashboard.
- 3 There are 1,045 charter school authorizing agencies nationwide, based on the National Association of Charter School Authorizers (NACSA)'s [*The State of Charter School Authorizing 2013*](#).
- 4 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.
- 5 This analysis is intended to complement this growing body of research. For example, NAPCS presents a comprehensive model charter school law and annual data on the degree to which state policies align with it. Many reports have added to the basic information on the development and progress of the charter school sector. In October 2014, NAPCS released a study of the health of the charter school sector. NACSA conducts the largest annual survey of authorizers nationwide and uses the survey data to provide an annual update on [*The State of Charter School 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. When all these analyses are examined collectively, one can better understand all the challenges and opportunities in the charter school sector.
- 6 In some cases, authorizer regulations are also relevant, particularly when a single statewide authorizer oversees most of a state's charter schools.
- 7 An AEC (Alternative Education Campus) 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.
- 8 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.
- 9 Data in these sections came from NACSA's [*The State of Charter School Authorizing 2013*](#); the NAPCS Data Dashboard; NAPCS's Health of the Sector Report 2014; state laws and at times regulations in each of the 43 states. Data on the number of authorizers and charter schools reflects the 2013-2014 academic year.
- 10 NACSA, [*The State of Charter School Authorizing 2013*](#).
- 11 Authorizer data is gathered using NACSA's annual survey of authorizers nationwide and released in [*The State of Charter School Authorizing 2013*](#).
- 12 Oklahoma's brick-and-mortar charter sector is legally constrained to a defined limited jurisdiction. The alternative authorizers can operate only *within* that jurisdiction. While this is not technically statewide, it does reflect the full geographic range within which brick-and-mortar charter schools can operate.
- 13 Maryland can arguably be included as a "dead" law state. The state's statute does not guarantee autonomy for charter schools or relieve schools from important requirements. In practice, individual schools or operators in Maryland can negotiate terms of charter agreements that provide significant autonomy required for charter school status. Given the scale of the Maryland charter movement, and the potential for operators to negotiate autonomy, Maryland is not treated as a "dead" law state in this analysis. Nevertheless, Maryland would benefit from all policy changes recommended for other "dead" law states.
- 14 This refers to NACSA's [*Index of Essential Practices*](#), which details 12 practices, derived from NACSA's [*Principles & Standards for Quality Charter School Authorizing*](#), which are critical to fulfilling the responsibilities of an authorizer. The index report provides data on individual authorizer practices self-reported in responses to NACSA's annual survey of authorizers.
- 15 These recommendations also apply to Maryland.

The National Association of Charter School Authorizers (NACSA) is a 501(c)(3) not-for-profit membership organization dedicated to the establishment and operation of quality charter schools through responsible oversight in the public interest. Visit NACSA's website to learn more about high-quality charter school authorizing: www.qualitycharters.org





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