

Committee Meeting

of

JOINT COMMITTEE ON THE PUBLIC SCHOOLS

SCHOOL CHOICE SUBCOMMITTEE

"Information on the role, requirements, and parameters of charter school authorizers"

LOCATION: Committee Room 4
State House Annex
Trenton, New Jersey

DATE: September 28, 2010
10:00 a.m.

MEMBERS OF SUBCOMMITTEE PRESENT:

Assemblywoman Mila M. Jasey, Chair
Assemblyman David W. Wolfe, Vice Chair
Senator Ronald L. Rice
Assemblywoman Joan M. Voss



ALSO PRESENT:

Melanie M. Schulz
Executive Director

Sharon M. Benesta
Chief of Staff

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ASSEMBLYWOMAN MILA M. JASEY (Chair): Good morning.

If everyone could come and take their seats, we'd like to get started.

I apologize for the physical distance between you and me -- and us, but this was the best room that we could get to serve our purposes in terms of the break-out sessions this afternoon.

So we're trying to figure out where a couple of our members are. They will be streaming in. But in the interest of getting started and having enough time for each of our distinguished presenters to present, I think we should get started.

If I could call Doug Thaman up to the near table.

Alex Medler, do you want to come up now with Doug?
(affirmative response)

And Jonas Chartock.

Thank you.

And before I start, I'd like to give Senator Rice a moment to welcome you. And as the other members come in, we'll stop and let them welcome you also.

Senator Rice.

SENATOR RICE: Thank you very much, Madam Chairwoman.

I just want to say welcome to the State House. I am the Co-Chair of the Joint Committee on the Public Schools. And for those who may not know it, several years ago when I was chairing -- working with Assemblyman Wolfe -- we set up subcommittees to deal with categories of

the Joint Committee, which is established statutorily, that came about through some of the Abbott discussions and parity.

And so as a result of that, we've been a lot more effective, I believe, in having issues and concerns, and even new policies and directions addressed through committees of this type -- the subcommittees. And for those who may be interested, next week -- I think October 5 -- we'll be holding a Committee meeting of the whole Joint Committee as it relates to local control of school districts by the State.

So let me commend Assemblywoman Jasey for her work since she's been in the Legislature, throughout the state. I call the Assemblywoman; and the Co-Chair of the Joint Committee, Joan Voss -- these are my *roll partners*. We go up and down the state. That's all we do. We go and visit. We like traveling, we like seeing, we like learning, and we like knowing what's happening, particularly with the young people within their academic system.

So once again, on behalf of the Joint Committee -- as Co-Chair -- thank you very much for taking the time to be here at the call of the Subcommittee Chair.

And I'm glad to see the Co-Chair of the Joint Committee has just arrived as well.

Joan.

ASSEMBLYWOMAN JASEY: Thank you, Senator Rice.

Assemblywoman Voss.

ASSEMBLYWOMAN VOSS: I'm huffing and puffing because I'm late. I'm sorry.

This Committee has many things that we're very interested in. I want to commend Assemblywoman Jasey for all that she's done in terms of some of the legislation -- interdistrict choice, the authorization bill.

Education is my passion, obviously. And it is the passion of many of the people on the Education Committee and the Joint Committee. And we hope to see some very interesting things happen in the next year or so.

I thank you for the opportunity to be here.

Thank you.

ASSEMBLYWOMAN JASEY: Thank you, Assemblywoman.

And on behalf of Senator Allen, she sends her regrets. For personal reasons she's not able to be here today. And I know that Assemblyman Wolfe is here. I'm sure he'll be back.

And as Senator Rice mentioned, we do travel a lot. In fact, last week we were in Gloucester City. I have to admit, it was the first time I had ever been there. But it's useful to go to the schools and go to the districts to see what's actually happening first hand to get a sense. And I think it's clear to us, as we travel from Bergen to Gloucester, and to other areas of the state, that this is the time-- the timing is now for reform in our public schools.

We thank you all for being here. When we planned this meeting, we did not know that it was going to be education reform all the time on NBC, nationally, and everywhere else. So obviously we've hit it right, I think.

Assemblyman Wolfe has joined us. I'm going to give him a moment to greet you.

ASSEMBLYMAN WOLFE: Greetings. (laughter)

ASSEMBLYWOMAN JASEY: Brevity is always appreciated.

ASSEMBLYMAN WOLFE: I just want to say I think-- I've heard the last few moments of what the Assemblywoman has said. I think it's so important. It's like the stars are aligning. And hopefully this is the time that we will have some rather important impact on education for the future of our students.

I appreciate you being here.

Thank you.

ASSEMBLYWOMAN JASEY: Thank you.

And if those of you in the audience have difficulty hearing us, please wave your hand and we'll try to remedy that.

As the original sponsor of legislation expanding the number of authorizers of public charter schools in New Jersey, and as Chair of the Joint Committee on the Public Schools' Subcommittee on School Choice, and the National Association of Charter School Authorizers, I welcome you to today's authorizers summit.

We have a distinguished group of speakers joining us today. Before I introduce them, I want to take a moment to set the stage for today's summit and talk about some of the things that we hope to accomplish going forward.

Since the State's charter school law was signed in 1996, the New Jersey Department of Education has been the sole authorizer of charter schools. We have approximately 73 charter schools in New Jersey, serving about 25,000 students. Single-authorizer systems tend to focus on "regulatory and compliance issues," rather than fostering innovations,

mentoring schools, and growing sustainable schools. When done right, multiple-authorizing systems can promote professional practice among authorizers; choices for school developers; and checks and balances on charter approval, oversight, and renewal decisions.

According to experts, the key is having quality authorizers who understand chartering, embrace the concept of charter schools, and take their authorizing responsibilities seriously. The Legislature wants to amend current State law to meet the demand for high-quality, public school options such as charter schools and the future educational needs of our state. Expanding the number of authorizers and strengthening the State's support of high-performing charter schools is an important step toward meeting those needs.

So one of today's main objectives is to educate and inform prospective authorizers and policy makers on what authorizing entails. Some of the questions that I believe authorizer candidates must ask themselves are: One, are you committed to the charter school concept and mission? Are you prepared to make the necessary human, organizational, and financial investment in the work of being an authorizer? Are you willing to have your authorizing practices held to the same level of accountability as charter schools? Do you have the infrastructure, operational competency, and institutional capacity to be an authorizer? Will the services you provide to schools add enough value to be worth the fee charged? Do you understand chartering and have the expertise to support the schools? Do you have the expertise in both academic and operational areas? Can you be operational six months after the legislation

is enacted? And last, do you understand what might represent a conflict of interest in service as an authorizer?

Just as opening and operating a charter school is hard work, authorizing schools is a very challenging and complex endeavor. And the more I read about it, the more I know this is true. Our goal in the Legislature is to create a mechanism for establishing high-quality authorizers who, in turn, produce high-quality charter schools.

So with that opening, I would invite Doug Thaman, the NACSA Director of Professional Services, to begin.

DOUGLAS P. THAMAN: Good morning.

ASSEMBLYWOMAN JASEY: Good morning.

MR. THAMAN: Make sure the microphone is working.

ASSEMBLYWOMAN JASEY: Yes. Red is on.

MR. THAMAN: Red is on. Got it.

Thank you very much.

Thank you for the introduction. We appreciate the opportunity to present to you this morning and to spend some time in New Jersey focusing on quality authorizing.

Again, my name is Doug Thaman, and I'm the Director of Professional Services for the National Association of Charter School Authorizers. And we have several guests this morning to speak with you.

I'd like to thank Assemblywoman Jasey for organizing this opportunity. When the Assemblywoman and I spoke about this a few weeks ago, our intention was to provide you, this morning, with good information around the role of authorizing -- authorizing 101 -- and also to talk with you about the importance of embedding authorizing in quality

standards. NACSA has a real belief that if you're -- when you're looking at the idea of expanding authorizing it needs to be done in a quality manner, and that it's very important to identify quality standards in order to make sure that authorizers are meeting those standards and increasing the number of high-quality educational opportunities for kids throughout the state.

Just a little bit of information about NACSA: NACSA was founded in 2000. NACSA is a membership association, and it's derived of some of the largest charter school authorizers in the country in providing oversight to more than half of the nation's charter school students and schools.

Along with being a membership organization, NACSA is also an organization that strives to work with authorizers, helping them to improve their quality of practice and to improve the quality of policy that is across the country. Our devotion is exclusively to improving public education by improving policy and practice. And we work solely with the organizations who are responsible for authorizing charter schools.

An exciting initiative that NACSA has really been pleased to begin is the opportunity to work with the New Jersey Department of Education. The New Jersey Department of Education has been very open with NACSA, and funded by the Newark Charter School Fund around the idea of improving the quality of their authorizing practice. And so NACSA is engaged in a one-, potentially two-year partnership that we are just a few months into, working with the Department, evaluating their authorizing policies, practices, and protocols against NACSA's principles and standards,

which you'll have an opportunity to hear more about a little bit later in the presentation.

Following the authorizer evaluation, NACSA is going to be leading the New Jersey Department of Education leadership through a strategic planning process to ensure that the mission and vision of the Department is aligned with the goals and objectives of charter school work, again, all around the focus of improving authorizing policies and practices, ultimately resulting in approved accountability for the charter schools that are under the authorization of the New Jersey Department of Education.

We'll also be working with the Department on developing a comprehensive communities campaign, and then also providing sustained targeted assistance -- and so working hands-on with the New Jersey Department of Education's Charter School Office, taking a look at each piece of practice: their application process; their renewal process; the monitoring and the oversight that they play with their charter schools; and helping them to make improvements to revise and to develop as authorizers, with the ultimate goal of becoming a high-quality authorizer.

So when we talk about authorizing, we're essentially talking about three core responsibilities. The first is to ensure accountability and excellence. And it's accountability, not through micromanagement, not through overregulation, but through ensuring that the charter schools that are operating under their authorization are meeting the needs of children and are meeting high standards.

It's also about protecting school autonomy. There's a very gray line between autonomy and accountability. The idea of charter schools being a place for new initiatives, and to try and provide -- or to succeed in

providing high-quality education with less regulation. It's important to protect school autonomy. And we'll talk more about that when Alex is talking about principles and standards.

And then it's also to ensure that there is fair treatment of students and protection of the public interest. As charter schools are public schools and using public funds, it is the responsibility of the authorizer to ensure that not only is there fair treatment of the students and equal opportunity for all students, but that the public funds and the public interest is being protected in a responsible manner.

In getting to student performance, this takes us back to the many discussions that have been taking place across the state around the idea of authorizer expansion and quality practice. It takes a good law in order to result in good authorizing. It takes a law that really supports the work of the authorizers. It takes a law that really intentionally sets out to identify who has the opportunity to be an authorizer, and ensure that those authorizers have the capacity and the resources they need to carry out that work; that good authorizing, if done in the correct manner, leads to good environment; leads to good supports for the schools, for their schools' governing boards. And the results of those good schools are great student outcomes.

And so we really encourage the State to take a look at the way that expansion of authorizing is approached, and to ensure that it's done in a quality manner and embedded in quality standards so that the result can be student outcomes that are above or higher than State average.

If you look at the lifecycle of the charter school, one of, if not the most, important decision an authorizer makes is who they allow to

open, what schools they allow to open. And so that application process is the first piece. Currently, the State has just instituted a rolling application cycle with a fast-track process and the standard process that takes place through the New Jersey Department of Education. That application process is critical. It's important that the authorizer has the capacity and the resources available to truly vet applications, evaluate those applications for quality, and truly ensure that only the highest quality applicants are able to open charter schools -- and those that stand the best chance of succeeding.

The role of the authorizer then moves to working with the school on the preopening tasks, and making sure that the school is prepared to open and prepared to meet the needs of students. It then moves into oversight and operation. That monitoring piece -- it's very important that it's not just monitoring at one point during the year or every four years when the school is facing the possibility of renewal, but that it's an ongoing monitoring and oversight to ensure that the school is not only in compliance with Federal and State regulations, but that student performance goals are actually being worked toward and being met.

Performance review is another piece in making sure that the schools are performing appropriately.

And then strategy, purpose, and resources are a large piece of the lifecycle. Very often what we find across the country is that authorizers who struggle with providing quality practice -- it's not through intent, it's not through a will to do what's right, it's through a lack of resources or a lack of capacity. And so ensuring that those resources are available--

ASSEMBLYWOMAN JASEY: Could I interrupt you at this moment and just ask a question? And if it's not appropriate to answer it,

feel free to say so. But in the short time that you've been working with the Department, have you found the Department to have the resources necessary to do this, or is this an area of concern?

MR. THAMAN: I would have-- I have two responses to that: One, we are just beginning our work with the Department, and so I think there are some resources to be revealed that we look forward to helping them realign, perhaps -- some resources that are currently available to them. I will say that the Department, currently -- the Charter Schools department currently operates with a capacity, staff-wise, of four -- four to five individuals. And considering that there are 73 charter schools currently operating in the state and the number of applications that are received now not once, but twice a year, that's an extremely challenging workload for four to five individuals.

ALEX MEDLER: This is Alex Medler.

May I interrupt with an additional point? (affirmative response)

One of the things that's interesting for state departments of education that act as authorizers is that they often also administer a state version of the Federal charter school start-up grant. And so many of the resources SEAs use to administer charter schools are the resources that are supposed to be spent running a subgrant program where they give the Federal start-up grants to the individual schools. And then the SEAs use those resources to try to support their authorizing function. And some SEAs do that well, and some don't. But that's a different resource that they have that other authorizers would not.

ASSEMBLYWOMAN JASEY: Assemblyman Wolfe.

ASSEMBLYMAN WOLFE: I was going to wait until you were done, but since we've started, I'll ask a question.

Are you here in New Jersey through a Federal grant? Are you working through a Federal grant?

MR. THAMAN: No, sir. At this point, our work with the New Jersey Department of Education is funded through the Newark Charter School Fund.

SENATOR RICE: What charter school fund?

MR. THAMAN: The Newark Charter School Fund.

SENATOR RICE: The Newark Charter School Fund?

MR. THAMAN: Newark.

ASSEMBLYWOMAN JASEY: Yes. It's a private--

SENATOR RICE: We'll have some more questions when--

ASSEMBLYWOMAN JASEY: Okay, sure.

ASSEMBLYMAN WOLFE: Well, I was going to ask about that too, Senator, so-- (laughter)

ASSEMBLYWOMAN VOSS: And me too.

ASSEMBLYMAN WOLFE: Is there anybody here from the Newark Charter School who can answer some questions?

I'm glad you're here. You're educating us.

I'm in favor of charter schools. One of the first charter schools in the state was in my legislative district -- Academy Charter School. I know we're going to go full-board in this area. But if you're advising the State through a charter school fund from Newark--

ASSEMBLYWOMAN JASEY: I'm going to ask that you hold those questions until the end. I probably shouldn't have interrupted. And then we can explain the nature of the relationship and the funding.

MR. THAMAN: Right, it is a little bit-- Right.

MR. MEDLER: If I might add another point just in terms of understanding NACSA-- While the project working with the New Jersey State Department is funded by the Newark Charter Fund, the organization as a whole is funded largely -- the biggest portion of our funding comes from larger, national foundations. So foundations like the Bill and Linda Gates Foundation, the Dell Foundation, the Walton Foundation.

ASSEMBLYMAN WOLFE: Say no more. I know those foundations. Okay. Very good.

MR. THAMAN: Moving forward--

Other questions before we move on? (negative response)

In 2009, NACSA released their State of Charter School Authorizing, which was the second annual report on NACSA's authorizer survey. And you should each have a copy of that. We're not going to spend a lot of time going through this.

I know, Assemblywoman Jasey, you've spent quite a bit of time going through this. But it does speak to the types of authorizers across the country. And often a question in New Jersey has been around higher education institutions and where across the country are there higher institutions who are serving as authorizers.

And so this first graph -- I just wanted to point out that, of the 910 authorizers, there were 48 in 2009-2010 who represented institutions of higher education, which is about 5 percent of authorizers. There are

different, varying states across the country -- Missouri has institutions of higher education, New York has institutions of higher education who are serving as authorizers.

What you will find is that if you look at the percent of charter school authorizers by portfolio size, 86 percent of authorizers have five or fewer schools. They either have just a couple of schools or as few as five. The second largest groups is really only 8 percent who have 10 or more schools. So if you look at the New Jersey Department of Education within that scale, they would be considered a very large authorizer with the number of schools that they have.

You'll also find that local education agencies represent the majority of authorizers across the country: 55 percent. And that's followed by 16 percent of the state education agencies. So the New Jersey Department of Education would be one of those. Again, this breaks out to 9 percent, but it's an -- 8 percent to 9 percent of authorizers are institutions of higher education.

Again, going back to that lifecycle, regardless of whether an authorizer is an LEA, or an SEA, or an institution of higher education, we just can't emphasize enough the importance of ensuring that the capacity and resources are in place, and the standards are in place -- that they truly understand their role as an authorizer and have what they need to be able to effectively do their work. If they're not able to be effective in their work, then it's very difficult to provide oversight to the schools. And when the schools are struggling, as some schools unfortunately will do -- if the authorizer is not aware or not able to intervene in a quality manner, we've

seen across the country where the results really are not only -- can not only be damaging to a community, but also to, most importantly, the children.

So when we talk about high-quality charter school authorizing, we're talking about authorizers who review, evaluate, and approve or deny charter school applications according to very specific criteria. It's been identified, through a request for an application or a request for a petition, exactly what they're looking for, the type of school they're looking for, and what the expectations are. And the applicant actually is reviewed matched to that criteria.

There are contractual agreements with each school's local governing board that include specific performance goals and objectives. It goes beyond the charter application becoming the agreement. It's taking that charter agreement and developing a contract where very specific performance goals are indicated so that it's very clear from the start, "As a charter school, here is how I'm expected to perform. Here are the results that I am agreeing to provide, to bring about with the children." "And as an authorizer, here is exactly what I'm going to hold you accountable to." It goes beyond the charter school application which, very often, has goals and objectives that are a little broader, a little more of a visionary statement than they are an actual performance objective.

It's providing that oversight and monitoring, again, around the operational and academic performance of their schools, submitting annual performance evaluations and those reports to the State board of education -- or to the Commissioner. It's making sure that not only academically is the school performing, not only are they in compliance with Federal and State regulations, but operationally are they using sound practice. Fiscally -

- are they being fiscally responsible? It's not telling the school how to spend their funds. It's not about telling the school how to teach the children or what instructional programs to use. But it is about ensuring that the goals and objectives are met, utilizing the school's performance data to determine whether a school will be renewed.

Very often we find that authorizers who do not have the capacity to effectively monitor-- By the time they reach their fourth year, and they're beginning to consider whether to renew a school, they spend an inordinate amount of time trying to gather data from the last four years. Much of that data becomes impossible to gather because it can't be located or it's not been collected appropriately in the first place. And so it's setting up an appropriate system of monitoring and oversight that -- by the time the authorizer needs to make a renewal decision, they can look at four to five years worth of data, and look at the growth, look at the performance, and make a decision about whether that school should continue or, if the school has not been successful, if that school should close and open that space for another school choice option.

And then making decisions around nonrenewal, or revoking the charters of nonperforming schools and closing them-- And closing a school -- nobody wants to think about that. It's a highly emotional decision. It's emotionally charged, but it is a reality, and it is part of the charter school bargain -- that the highest-performing schools will continue on and the lowest-performing schools will close, opening the space for new, high-quality options. And if that's going to be managed effectively, an authorizer needs to understand the role, have the ability to close and make those decisions in

a depoliticized manner; and also needs to be able to manage that closure effectively in the best interest of the students and their families.

This graph just -- or diagram just presents a collection of evidence over a year of time. And so if I go back to my previous comment about monitoring-- In year one, we're setting the performance plan targets and establishing exactly what those accountability parameters will be. What's the relationship? In addition to an annual, independent audit -- also an annual report that speaks to the operational and academic performance of the school.

Year two, year three, year four -- it's the collection of that data. It's not the authorizer's role or responsibility to be at the school once a week or once a month, to be in classrooms micromanaging and trying to provide a lot of oversight to the instruction that's taking place. It's the collection of quality data and making sure that the performance goals are being met, the financial commitments are being met, and the operational expectations are being met.

Again, leading to that year five renewal decision, when data is available from the first four years to make an informed decision around whether that school should be renewed or whether that school needs to be closed.

ASSEMBLYWOMAN JASEY: So that by year five, there should be no surprises, basically.

MR. THAMAN: Absolutely.

ASSEMBLYWOMAN JASEY: Okay. And I would just say that if we keep students at the center of everything that we do, in terms of decision making, we should be able to stay away from the politics of it.

There should be no politics here. And it should be very clear. I mean, one of the reasons -- and I will just put it out there -- that I support public charter schools is because if schools are not working, we can close them. And regular public schools -- it's a much more difficult process. It almost never happens that we're able to close schools that are not serving children. And hence my interest -- one of my interests in this issue.

MR. THAMAN: And let me also state, you're absolutely correct. By year five there should be no surprises. And that means there should be no surprises not only for the authorizer, and the school leadership, and the governing board, but also for the parents and the students. It also means that, through careful oversight, if there are critical points of concern, intervention takes place long before year five to see if remedies can be put into action or if the school is just not going to perform and, therefore, would need to be closed.

MR. MEDLER: Madam Chair, if I might add one more point here. I'd also add, when we look at the actual schools that close, a large number of them -- the charter is surrendered by the operator. And so instead of having the authorizer even have to revoke the charter, eventually they look at the data and say, "Oh, it looks like I will be closed down. It looks like I would lose an appeal if there is one. Let's just clean this up smoothly and let families know." And so the surrender is even actually the goal -- to have schools say, "Okay. This isn't working. We'll help manage shutting it down ourselves."

MR. THAMAN: I talked a little bit at the beginning about one of the responsibilities of an authorizer is the management of the autonomy for accountability bargain. And it's a challenge for an authorizer to find

that balance, especially when an authorizer has a school where they really believe they understand what an issue is about and could help to solve that issue, but also understands, as an authorizer, that if they begin dictating to the school the changes that need to be made, the improvements that need to be made, it becomes very difficult then to turn around and close a school or make a renewal decision when the school can point to the authorizer and say, “We are doing exactly what you told us to do.” And so that autonomy for accountability bargain is a challenge, but it is an important responsibility of the authorizer to manage that bargain.

When we talk about accountability -- again, talking about that formal agreement to operate a public charter school -- it goes beyond the charter school application or petition. It’s a contract that has performance goals and operational expectations clearly outlined. It’s accountability around the defined length of time to operate the school. And then if the school does not perform, it doesn’t get to stay open: bottom line. It’s not a decision people like to make, it’s not something we like to talk about, but it is an important piece of the charter school bargain.

And then the autonomy that is transferred over to the school and to the governing board of the school is that they have the autonomy to operate the public charter school. They have control over their budget, their staffing, the configuration of students, their academic program, their schedule, their mission, their vision, on and on. Those local pieces they have the autonomy to make decisions around as long as the decisions they’re making are all in an effort to work toward those performance objectives. It’s independent governance, but it’s still being responsible for health, for safety, and for the education of the students.

And so finally, again, I want to return to the three core responsibilities of the authorizers: ensuring accountability and excellence, protecting that school autonomy, and ensuring fair treatment of the students, and protecting the public interest. And the public interest often is something that is easily forgotten in the work of charter schools as the day-to-day operation and educating is taking place. But it is critical that you have a high-quality authorizer in place who is making sure that the public's interest is being protected, as these are public school options.

ASSEMBLYWOMAN JASEY: Thank you, Doug.

I think I'd like to give the members of the Committee a few minutes to ask questions before we go on to Alex Medler's testimony. But I want to keep it short so that we get everybody's testimony in. And then we will take more questions at the end.

Assemblywoman Voss.

ASSEMBLYWOMAN VOSS: I have to say I'm an educator by profession. And when charter schools first came on the scene, I had a great deal of trepidation about them. And I've now had the opportunity to go around the state and see many charter schools. And I have to say I've been favorably impressed.

However, one of the things that concerns me is: How many authorizers do you envision? Because my -- pardon the cliché, but too many chefs spoil the soup. And I see the words *accountability*, and these are very ambiguous terms. And so how can we be sure that we have enough authorizers to do the job properly, but not too many so that some of the schools fall through the cracks? I know I'm long-winded, but you got the gist of it.

MR. THAMAN: That's an excellent question. I will start.

And maybe, Alex, if you want to chime in on that.

You're absolutely correct. It's not about expanding authorizing just to open a flood gate and to have too many authorizers. Our opinion and our objective in this is that it's around the quality. And so it's important that you have a process in place that if an organization that's -- an institution of higher education -- is wanting to serve as an authorizer, they have to make application through a process where they really have demonstrated the capacity, the preparation, the resources to carry forth this work.

There has been a lot of discussion across the state: Should we start with one additional authorizer? Should we start with five? Should we start with two? I think that's -- and Alex may want to chime in with his opinion on that -- whether there's not necessarily an ideal number. A lot of it has to do with the number of schools and the -- how many charter schools would actually develop across the state over a period of time. But what's most important is making sure that anybody who is coming on board as an authorizer -- whether they're only going to have one school or they're going to have 50 -- really is prepared, has the capacity and the resources, and has standards identified to them that they understand, "This is exactly what we're working toward."

MR. MEDLER: If I might--

ASSEMBLYWOMAN VOSS: I'm sorry, just one thing. Who is going to be the final judge as to who the authorizers will be? I mean, is it going to be one person? I mean, that's a big question for me.

ASSEMBLYWOMAN JASEY: Well, if I may, that is part of the legislation that's still in draft form that we're talking about. So we'll discuss that, but probably not today in this forum.

MR. THAMAN: But I will say that's an excellent question.

MR. MEDLER: And if I may add--

This is Alex Medler again. I'll introduce myself and explain a little bit more in the next part of the testimony.

But to answer your question, I think it's good to look back historically in the charter movement. Having watched it since '92, early in the charter movement, the idea was to have multiple authorizers, because people were afraid that a school district would not give a charter a fair hearing. So someone would have an excellent proposal and a school district would just refuse to hear it on its merits. And so people argued for multiple authorizers in order to get beyond a hostile authorizer who really didn't want the schools to happen.

Frequently what we have now is sort of a different form of bad authorizing in which people are not being careful enough in who they give the charter to. Once they approve them, they're not overseeing them. So we have a different set of challenges in 2010 than 1995. And so the idea is to have every charter applicant have access to someone who will hear their application on its merits, and so they have access to someone who will give it a fair shot. And once they're approved, every school will have an authorizer who will respect their autonomy but still hold them accountable. So it's not that we're trying to get -- so that everybody who wants a charter can get one, it's so that only the ones who are going to succeed make it through the process and, once they make it through the process, they're

overseen appropriately. And that's a different challenge today than it was before.

ASSEMBLYWOMAN JASEY: Assemblyman Wolfe.

ASSEMBLYMAN WOLFE: Yes, thank you.

I appreciate your testimony so far. It's been very enlightening.

I do have a question. But before I ask my question, I just want to-- You can relax.

I just want to say a few things. Since I've been in the Legislature, I've been on the Education Committee forever. I was the Chairman for a number of years. I've always supported innovative, new things that I guess the establishment does not support for a number of reasons.

School choice I was supportive of, but especially charter schools. Then Assemblyman Joseph Doria was the sponsor of the legislation. I was Chairman of the Education Committee. I'm a Republican, he's a Democrat. And all the way along the legislative process -- some of you were here at that time -- there was constant sniping, bickering, sabotaging of even the request to have charter schools considered in this state.

The moment the legislation was approved and signed by the Governor, let's say the attacks increased from a number of quarters. Fortunately, a number of folks did make application and were successful. Some did not succeed; ultimately some did.

But unexpectedly, I got drawn even further into this because there was a charter school in a legislative district that I represented. And, again, I saw, from the ground floor, the opposition to anything different by

the folks who tried to start that. They all were educators. They had a lot of financial backing. But it was almost like a constant sabotage. So that kind of solidified my belief that you have to give it a chance. And I know over the years this has succeeded in a number of areas, and in some areas it didn't.

So based on your presentation-- I was very impressed. Actually, I took notes. I didn't realize we had your testimony here. (laughter) But when you showed us that five-year cycle -- what we go through. You don't have to go into a lot of detail, but are there some indicators early on that begin to tell you -- folks like you -- that there are going to be problems? Early on can you get in there, or are there-- Like I think Assemblywoman Jasey said at the end -- this is like a big surprise? What are some of the things -- the red flags that you need to see? Maybe you're going to talk about that later on. I don't know.

MR. MEDLER: This is Alex Medler again. I'd be happy to speak to that.

I'm Alex Medler. I'm the Vice President of Policy and Research for NACSA. I direct the research agenda. But I've also served for six years as a member of a charter authorizing board in Colorado, three years as the Chair of the independent chartering authority. So I'd be happy to speak to some of what goes on in the process of a school. And Jonas will be able to speak in detail about that as well.

The schools that get off the tracks do show signs, usually, in the first couple of years. So you don't have to wait four or five years to know that a school is in trouble. The question then-- And there are multiple indicators of that, from a good authorizer, where you can still be staying out

of their way but know that something is wrong. The test scores will show up. Usually there are tests in addition to the State assessment that the schools are using that you have access to sooner. The finances are coming in. Your staff are probably visiting the governing board meetings of a school every once in a while. Certainly when people see something bad, they'll call you at night if you're on the board, immediately. So the channels are open to get that information.

The question is: what to do about it, as a good authorizer, that protects the innovation. I like to say it's like you're a doctor, but there are only three tools in your medical kit. You're an obstetrician, in that you deliver the baby when you approve it. Then you do diagnosis, and you say what the problem is, but you do not treat it. You don't give pills, you don't do treatment. You tell them what the problem is and say it needs to be fixed or it's not going to be good. And then finally, if it's not good, you euthanize it. I hate to say-- Maybe a vet is a better explanation than a doctor -- a large-animal vet.

But those are the things the authorizer does. They do not-- They know it's going south. Their challenge is to figure out what their right reaction is when it starts to do so, and to pull the plug as soon as it's obvious that that's the best thing for kids -- but to raise the alarms as loudly and clearly as they can when they need to.

ASSEMBLYMAN WOLFE: Thank you.

MR. MEDLER: Jonas.

J O N A S S . C H A R T O C K: Hi, I'm Jonas Chartock.

I'll introduce myself a bit more in a second.

But I think the best way we think about it in New York is, our job is to hold a mirror up to the school, and they need to be able to see exactly what's going on through our perspective. And that should be enough of an indicator to get at exactly what Alex is saying, which is, "Here's the problem. We're showing you, through qualitative and quantitative measures, exactly what the problem is. Now do something about it."

ASSEMBLYMAN WOLFE: Thanks a lot.

ASSEMBLYWOMAN JASEY: Thank you.

Senator Rice.

SENATOR RICE: Yes, thank you.

I'm always suspect of people who -- and organizations -- who come in with a wealth of knowledge on charter schools as a focus, rather than analysis or comparison of. So I have a couple of questions to lead into questions.

First of all, how long has your organization been in existence?

MR. THAMAN: NACSA began in 2000.

SENATOR RICE: In 2000? Who are the founders of the organizations.

MR. MEDLER: This is Alex Medler.

The organization has a variety of founders. Some of the-- The current Executive Director, Greg Richmond, who at the time was running the Charter School Office for Chicago Public Schools, was one of the primary instigators.

One of the interesting things I'd point out, that people don't usually realize, is that most of the authorizers in the country are the

education establishment. So the vast majority of them are school districts, next followed by state departments of education, and then the higher education institutions. So most of the authorizers actually also oversee and govern school systems. We have many that are different, that are outside the usual trend. But there are a lot of school districts and state departments that were involved in the founding.

I was at the U.S. Department of Education administering the charter school program from '97 to 2001 when NACSA was founded. So I provided Federal support to get them off the ground because it was such a necessary, obvious thing to do. But the founders started off as people in large school districts with significant portfolios of schools, state departments of education; the leader of Central Michigan University's authorizing (indiscernible) as a higher ed institution was one of the founders. There was some Federal support. So it was people who were dealing with charter schools at scale, many of whom who were used to running public systems, and saw how different and difficult this was, who brought in their public administration backgrounds and said, "Hey, this is a whole new, sophisticated challenge. We need help. Let's start networking." So it was people trying to problem-solve in the beginning.

SENATOR RICE: Okay. Then you should know from the research that the history of charter started with an African-American woman in Milwaukee. And the idea was to take a system and do something differently to see if, in fact, it works. If, in fact, it did work, it was supposed to be placed in all of the public schools. Most of us aren't anti-charter based on the initial intent of the sister in Milwaukee, who left the movement after the Milton Friedmans, the John Waltons -- who was one of

your funders -- I know John just died a couple of years ago, so did Milton, Rose is still around -- the Bradley Foundation and others decided to use charter as the front line to get the (indiscernible) to push through vouchers. And I keep telling charter people they need to isolate and make it clear that they are charter, not voucher. Some are a combination of both. That's the confusion. When you said the Newark Foundation -- or whatever it is -- what we do know -- and it's documented history -- Mayor Booker is voucher. He may say *charter*, but he's voucher point, nationally. I think you know that.

The question I have that is interesting -- because legislation is being prepared, the way I understand it, to look at some of the school choice stuff. I would hope if, in fact, we've taken the opportunity to bring you in, that you'd be honest with those of us -- that the majority of the charter schools nationally, as well as statewide -- because it's been documented -- really don't work. (indiscernible) aren't any better than any other public school districts. But there are success stories, just like any other side of the district. And that's fine. But people are under the impression that charter schools work and New Jersey public schools fail. If someone was to do the ratio and do the proper perspective, they would show people that across the board, it doesn't make a difference except in certain cases -- instances. The difference is the independence on the one side.

Now, I'm raising that to get to a couple of questions. Number one is--

And by the way, to my colleagues, long before some of you got here, I've had bills in that say that we need to slow this process down.

So since you're advising the State, I say we need a moratorium. But we're doing the opposite -- we're rushing. Because it became clear -- and Assemblyman Wolfe knows this -- that when we started charter, they were throwing out applications like water. It was almost like giving an application for a mental health in the community and they find out later whether you had a location.

We said, "Back up. There has to be a process in place." Half of them, or most of them didn't even open. They didn't have locations, didn't have money, didn't get inspections. That's what we were doing. We still do it haphazardly.

But the bills never got passed to get the accountability. The administration claim they're doing those things now through regulation. I don't know if they are or not, the way the applications are coming down. And some of the people I know getting approved -- I know personally -- can't run anything. So we don't have the luxury of waiting five years to find out that people I know already can't run anything aren't going to run it. Do you see? And so hopefully that's going to be your advice.

But the question is: Do you not believe that at least the charter schools -- given all the union stuff and things that they don't want to do, and the regs that we have that the regular school system is mandated to operate under -- they don't want them. Don't you at least believe they should have a certified business administrator?

MR. MEDLER: Let me address a few of the points.

SENATOR RICE: You talked about accountability.

MR. MEDLER: We believe-- It's a position of policy for NACSA that every charter school should be subject to a financial audit

every year and that that should be reported to their authorizer; that every finding in that audit should be acted on by the governing board and the school.

SENATOR RICE: Excuse me. My question--

Are you a lawyer, because you're starting to talk like one?

MR. MEDLER: No.

SENATOR RICE: The question was clear. Do you not believe that charter schools, like any other school or business, should or should not have a certified business administrator? Not be audited; have operating based on your information here about fiscal affairs and all the accountability stuff. Because if you don't believe in those things, and you're going to advise this State, I'm getting a little leery, particularly when your funding is coming from the same people who are the voucher sponsors as well.

MR. MEDLER: Let me speak to that. The reason I would not say that every charter school should have a certified business administrator is because the national context for charter schools is so different. I can take you to charter schools in Colorado that have two employees. They have a principle who also teaches and another teacher who helps, and it's a one-room schoolhouse. So the flexibility you need to work nationally makes it hard to say what's an appropriate business practice. We do say they should all meet accepted financial practices, and that they should meet the laws within their state and Federal laws for public finance.

If I could speak to your first point about whether we're here to support the public choice side, at the expense of the public responsibilities of charter schools, let me reinforce something Doug said. NACSA is

committed to good public stewardship and serving the public interest. One of the things that certainly drives my interest in the charter sector -- that's why I came to the organization and supported early -- was that it believed that charter schools were different than the voucher systems of private schools that don't have those responsibilities.

And I will say as an authorizer, then the work of creating good, public administration doesn't go away with charter schools. Yet, at the State, you can wave whatever State rules you want to. But there are no Federal rules that you wave. And so much of the regulatory process in public education is driven by Federal dollars. So all the special education laws, the Civil Rights laws, those protections -- the administration of everything under Title 1 or the other elementary and secondary education act programs -- those moneys-- That's when we say, "To preserve the public interest, you have to run those programs correctly, they have to be accountable, and you have to make sure that takes place." That's part -- that's one-third of our mission -- is to make sure that all those public things happen.

When we talk about serving the interests fairly, that's where we say, "Yes, we need to make sure that the lotteries take place, that they're fair, that they're nondiscriminatory in the expulsion and disciplinary policies of the schools." So we at NACSA are totally committed, I believe, to the interests you talk about when you say you want to make sure we're not here to promote a voucher; we're, instead, here to promote a charter. We believe that the choice takes place. It's an important part of the charter movement. It's part of what defines it, just like the public side defines it. And the task for authorizers is how to balance that. Because you can then

come in as an authorizer and spend all your time administering the Federal programs and totally step on the autonomy. That's why it takes really tricky, professional, committed work to find that middle spot where you protect all those public things and, at the same time, don't get in the way of the school.

So I respect your questions immensely. I think NACSA speaks to them in our work with authorizers all the time.

SENATOR RICE: Madam Chair, the final point -- because I want to put the folks here on notice, since they are working with the State -- they're just beginning.

You need to make sure you take a real good -- and do a real good legal analysis of the court decisions in the Abbott case. New Jersey is unique with that, number one. Number two, take a look at school construction. Contrary to what the Governor is saying, we're going to build new schools in this state. The Governor does agree that 90 percent of the population must go to the public schools. And we can't have, as we witnessed in Gloucester County, schools 118 years old, no beams there, and at the same time talk about funding charter schools. There's movement now to try to get the capital dollars for charter schools from State government -- taxpayers. We can't build that many schools and we don't need that many schools.

What a charter school is doing -- and the intent of it in Milwaukee -- is what we can do here without the "charter movement" with some tweaking within our own districts. We have blue star -- Blue Ribbon schools, just like charter has one or two. My Governor, when he comes to look at charter schools, only goes to the same school. The other ones he

doesn't go to because they're not doing as well. But he should go and see how to improve them, including the one that's run by the African-Americans.

So I just want to let you know that if you're going to be in the state, maybe it's good that you get to know my name, because I will be watching what your real intent is. I'm already suspect just by the people's name -- when you talk about the Gates, the John Waltons, Bradleys -- you're probably talking about the (indiscernible).

And the final question is: The Newark-- Can you tell us more about this Newark thing? What did you call it? The Newark -- the money from the Newark--

MR. THAMAN: The Newark Charter School Fund is an organization in Newark that essentially focuses on education reform, charter school issues, and is supporting the charter schools in the Newark area. Because the New Jersey Department of Education is the authorizer of those schools, they felt that this was a project worth supporting in trying to improve the quality of authorizing and oversight of those schools in Newark.

ASSEMBLYWOMAN JASEY: Because, Senator, to your point, one of my goals in having this hearing and in pursuing legislation is the fact that it is apparent that the Department does not really have the capacity to perform the oversight duties necessary to make sure that the schools that are not serving our kids well not continue. And so a few schools that are not doing well tarnish the whole reputation of those that are working well. And so I think that -- I would hope that when we're through this whole process, what we will have is not only accountability, but transparency, so

that we know that any school that's operating with public funds is doing the job that it's supposed to do for the benefit of our kids.

And in the interest of time, I think I would like to ask Alex Medler to give his testimony. Because we do want to get to Jonas Chartock also. And then we will open it up for more questions.

Is that all right?

SENATOR RICE: That's fine. But for the record, before they leave, I want them to hear this too: Whatever it is you're doing, I will work with you where I can. But we're not some little hick town with two people. This is not rural America for charter. And the majority of those things are being placed in the urban areas.

And we know, at local government, the politics of it -- everybody wants to run everything. In fact, the (indiscernible) the whole system. That isn't going to happen, hopefully. But my concern is for those of us in New Jersey -- given the history of accountability, investigations, etc., not to say -- and whatever legislators are coming forward -- that charter schools in New Jersey, once they are approved and go through this authorization process, are not going to have certified business administrators. And they are taking public school dollars with them. To me, that does not make any sense in New Jersey. Maybe in Michigan it's different. And I think that needs to be looked at so we don't have conflicting legislation that we'll be debating whether we're going to support it or not. We don't need 100 bills.

So I suggest to the sponsor of any choice legislation to take a real good look at legislation that's already in and see what makes sense to come together. I think there should be background checks on people

coming to charters. So it's things like that that need to be looked at. And there are things you need to look at. And you need to take a good look at the legislation I put in. I don't care about the rest of them. Because mine was for accountability. It wasn't anti, it was like, "Slow down. Let's take a look at what we're doing, and let's figure out how to get this done if we're going to do it." Then let's pay attention to what we have. Because you need a longitudinal study on that. You don't need three, or four, or five years to measure out what happened. The successful schools should be given opportunities to move forward. And then we can determine how to tweak.

I just wanted to say that for the record. This is years of experience and wisdom. That's why this will be for a lot of people.

ASSEMBLYWOMAN JASEY: Thank you, Senator.

Alex.

MR. MEDLER: Thank you very much.

Let me introduce myself, just briefly, for one of the pieces that-- With NACSA, I've been there now for a year. I was on their Board for two-and-a-half years before that, and I was a funder of the organization earlier, and have been an authorizer for six years.

I just want to say I agree completely with the interest. And I believe that NACSA is trying to pursue that public transparency in the charter movement -- trying to figure out how you make good schools happen, how you give schools the space they need to operate, but how you hold them accountable for doing the stuff they need to do as public schools. That's part of why I'm there. And I will certainly follow up with Senator

Rice to answer any questions and explain, in detail, the materials we have that drive our technical assistance.

One of those main pieces -- what I'm going to talk about briefly -- but I want to make sure to get to Jonas' testimony, so I will make this short. We have principles and standards of quality authorizing that get into the kind of details that you've been bringing up here. And one of the advantages of those principles is that they allow you to have the kind of details sort of referenced in policy without needing to put everything into state law. So we talk about how you should make sure to have the certified public accountants do the administration. And we tried to talk about it in a way that actually evolves over time to deal with emerging issues.

So I'm going to talk about those principles and standards briefly; and we can talk about it more this afternoon, for those in the audience, as well, who wanted to get into some of the detail.

So the first question-- There are four questions, really, I will try to get to: Why, what, who, and how those standards work. And they inform a lot of what NACSA does.

So the first part: Why do they matter? They really help orient new authorizers. It's a long list of things they really need to do that they may not have thought of up front. And when you start a new authorizing shop, sometimes you think, "I've got four years to work out the closure details." You don't. You need to know in the first year what you're measuring so that in the third year you can signal that closure is likely in the fourth. So you need to know up front. You need to be oriented.

It becomes an evaluation metric we use for self-improvement for authorizers. We say, "Here are 85 things you need to do that are hard.

We'll identify your strengths and weaknesses and help you improve it." It becomes a standard against which to judge practices. In Minnesota, existing authorizers work through the state department to decide if they should be allowed to continue. In Colorado, districts that endorse our principles and standards are more likely to be listened to in the state board when they come up for an appeal process -- when they've made a high-stakes decision that a charter objects to. They also become a statement of values and expectations that the Legislature can make that gets into quite a bit of detail; so speak to Senator Rice's concerns about, say, the public emphasis. And you can then communicate those public values more broadly.

And one of the other things it helps you do is really depoliticize the process and make it so the decisions about what to do -- and these are really high-stake decisions, life and death for kids -- don't be naïve about it. But those become merit-based decisions.

What are they? They're the national industry standards for authorizers, so they are national in scope, which is why we have to figure out how to incorporate a place like rural Colorado as well as New Jersey's context. They represent the consensus of large, professional authorizers. So we work the most with the authorizers who deal with scale. Of the 900 authorizers, there's close to 700 who oversee one or two. That becomes a district office person's 0.2 FTE assignment to deal with that school. They will never put in place these kinds of principles and standards because the resources aren't there. But then their situation doesn't necessarily need it. And then they're comprehensive in talking about values of autonomy, quality, and the public interest.

Who created them? It was led by NACSA's professional staff, but we've convened advisory panels and focus groups. The first one was done in 2004, and we've updated them every year-and-a-half or two years since then for emerging issues. We get expert reviews, authorizers, other people who are interested in quality education from outside of the charter sector to weigh in -- school administrators and SEA leaders. And then they're ratified by NACSA's Board and our membership when we revise them. We're, right now, in the process of doing our next revision. It should be announced at our October conference for the next round.

How are they created? It was done first in 2004. They're updated periodically. We put out the draft and we say, "What have you learned over the last few years?" And our authorizers themselves say, "Hey, you haven't dealt with charter management organizations, or EMOs, enough. Tell us about what the best practices should be for dealing with those third parties. You haven't talked to us enough about cyber education. What's the latest state-of-the-art for how to oversee and review a cyber school?" So we get a lot of input. We put out drafts, we share them with those panels, we wrestle with how to do that well. Part of that wrestling really is that balancing of autonomy for accountability. How do we create the right space? And then they're vetted. We try, frankly, to reach a consensus so the question is not, "Is that a good practice that you should aspire to?" but how do you achieve it? So instead of having the debate over: We should hold charter schools accountable for delivering special ed, the question is: How do we make that fit into the system so we know it happens?

Doug talked a little bit about those three key values that go into the principles and standards. The next part really is specifics about those things in the lifecycle of a charter school. That's what we can talk about probably in more detail this afternoon. But, again, there are standards that deal with each of the five functional tasks that you oversee in a charter school. And there's a great deal of detail in each of these that we can get into, but there isn't really time -- or I won't take your time right now to get into it. But know that in each of those phases we've got national best practices to inform what you do.

Let me move on, on this one. These are some of the details about what happens when it happens.

Let me give you some of the advantages of crafting policy based on these standards. One of the things we've seen happen in states is that the states will endorse these standards and communicate to whomever is going to be an authorizer, "We, as a State here, believe that you should try to implement practices that meet these standards."

So here are a few advantages. One is, you can leverage national experience and best practices to design how authorizing happens in the state. It creates a mechanism to regularly pick the brains of the nation's best authorizers as new issues emerge, because we do that for the states. And then finally, you get a mechanism that designs a way to balance the demands for quality with the controls for protections of school autonomy that deals in a lot more detail than, frankly, can generally be dealt with in the legislative process. So you get other people who are like-minded trying to pursue the twin goals of accountability and autonomy. And you end up with a lot of people developing concrete materials based on that, that

people can act on. So we've seen states endorse the standards themselves. We've also seen them use those standards, say, when they decide who should become a new authorizer to say, "We'll measure the success of this authorizer based on those standards." So like any other standards, it becomes the building block for later work to say, "What's good enough?"

And then finally, one of the advantages -- two more key ones are that you can depoliticize high-stakes decisions. What you don't want is for someone to apply for a charter and have the decision based on how many people can scream at a board meeting that they deserve it. Running a public school is never an entitlement. It never should be-- It shouldn't be a matter of political organizing to make it happen. It should be based on the likelihood that schools will be better because it happened. It's the same for renewal or revocation. No charter authorizer should ever be afraid to close a school because there will be political recrimination. They should be-- They should know they have the tools to close it when it's necessary and to know that they made a good decision in doing so.

And then finally -- that gets to the key part -- is that the standards, when they're implemented -- they make those key decisions end up being based on what's right for kids. And that's what you want from the whole piece, so that it's not based on whatever other power can be brought to the process.

And I will close it there or answer your questions before turning it over to Jonas.

ASSEMBLYWOMAN JASEY: Well, I think that's actually a great segue to Jonas' testimony. So I would ask that Jonas Chartock introduce himself, give his testimony, and then we will take questions.

Thank you.

MR. CHARTOCK: Sure.

Good morning.

Again, my name is Jonas Chartock. I'm the Executive Director of the Charter Schools Institute of the State University of New York, or SUNY.

I want to thank Co-Chairs Jasey and Rice (*sic*), and the Committee, for inviting me here today on behalf of our University's system.

I want to tell you a little bit about the system before I get into our authorizing practice. We are the largest comprehensive system of public higher education in the United States, educating nearly 465,000 students in more than 7,500 degree and certificate programs on 64 campuses located throughout New York state.

SUNY is also the largest charter school authorizer in New York and the largest university-based charter school authorizer in the country. There are currently 84 SUNY-authorized schools in operation or that are approved to open. There are 63 in and around New York City, there are 11 in the capital district of New York, and 10 in western and central New York.

SUNY-authorized schools currently serve more than 21,000 families across New York, and we were just given an additional 130 charters via the latest round of legislation in New York state.

Of notable interest to you today is that SUNY is one of two statewide authorizers in New York. The other is the New York State Board of Regents, which oversees our state education department, and that's led by our commissioner of education.

There are clearly strong similarities between what has been in place in New York and what is now being proposed for the State of New Jersey. I'm pleased to share with you today, number one, an overview of the work of my organization; and number two, what our state has seen as the benefits of having multiple authorizing agencies, and specifically having both independent from one another -- one being, obviously, the university-based authorizer.

So to be clear, when the law that governs charter schools in New York state was passed in 1998, it designated that the Board of Regents and the Trustees of the State University of New York were the two statewide authorizers. The SUNY Trustees created the SUNY Charter Schools Institute, for which I am the Executive Director, to help them carry out their responsibilities as charter authorizers, and we've been doing that work now for 11 years.

The existence of the Institute, which is an organization whose sole focus is on the area and responsibility of charter school authorizing -- it brings an interesting perspective to SUNY's work as an authorizer. We conduct an independent analysis and then make recommendations to the SUNY Trustees at a variety of points throughout the life of the charter.

To be candid, the Institute's independence, and focus on data, and authorizing policy effectively insulates SUNY from the political influence that Alex was just describing. And this is, in our opinion, one of the key advantages to empowering independent, university-based authorizers.

I wanted to briefly highlight the work of SUNY as an authorizer, and explain that I do believe that we are made better by not

being the only authorizer in town or in the state. SUNY has repeatedly been recognized by the United States Department of Education as a national exemplar of innovation and excellence in authorizing for the last two Administrations. In fact, most recently, in May, 2010, the U.S. Department of Education released a series of documents outlining the research behind the Obama Administration's proposal for reauthorizing the Elementary and Secondary Education Act. Their document, entitled *Fostering Innovation and Excellence*, features SUNY's processes for reviewing new charter school applications, ongoing oversight and evaluation, and charter renewal; and also notes SUNY's willingness to hold schools accountable and close underperforming schools.

SUNY's model of charter authorizing is designed, as you heard earlier, as many across the country are: to balance a respect for school autonomy with holding schools to the highest standards of academic accountability.

I think one thing you'll hear throughout my comments today is that this is not a job that can be done in very little time, number one, or with very few resources. It takes a lot of both. And I will get into a little bit of that in a second.

So I want to look, right now, at SUNY's process for reviewing new school applications, because that's something we heard earlier. You don't want to just have a floodgate of new applications coming through the door. We have a rigorous review by our staff from an academic, legal, and fiscal perspective of every application. We have a review by external panels comprised of individuals with national education experience who we hire as consultants to independently check our work. We have two separate

interviews of lead applicants and the proposed boards of trustees for each and every charter school: first by the Institute's staff, and then by members of the SUNY Trustees themselves who sit on our Charter Schools Committee.

If a proposed charter school intends to contract with a for-profit or not-for-profit management organization, the Institute conducts what we call a *due-diligence review* to ensure the organization has a track record, the know-how, and human and fiscal resources to provide the intended services and programs. SUNY's due-diligence reviews include an in-depth questionnaire, comprehensive interviews with Institute staff, and an interview with any proposed contracted organization. We stress to charter school board members -- as I will emphasize here -- that SUNY's charter agreement is with the school's board of trustees, not its management company. Regardless of any partnership that the school may seek, we will always hold the school board accountable for whatever happens at that school.

And to speak to the question earlier about where do we see those initial cracks in the framework, a lot of it we can see straight from the governance of the school, from very early on, by looking at the way they're governing and the initial hires that they make for school leadership.

While every school in the state is required by law to identify measurable goals for student achievement, SUNY has formalized that process by requiring each school to adopt an academic accountability plan that is incorporated into its charter and spells out, in detail, what the school must accomplish in order to move forward and be renewed.

SUNY's guidelines for creating an academic accountability plan, including a list of SUNY-required measures for elementary -- they include measures for elementary, middle, and high school, specifically.

In sum, all SUNY charter schools are required to include the following quantitative metrics. One is an absolute measure related to state assessments. For example, at least 75 percent of the students in Grades 3 through 8 enrolled for at least two years at the school must demonstrate proficiency on all state assessments.

Second: We have comparative measures. For example, the Institute performs a regression analysis to see how SUNY schools perform in relation to other public schools -- statewide, charter, and noncharter -- looking specifically based on free lunch eligibility. So where are the students who are receiving free lunch performing at that school?

And then growth measures. For example, the Institute evaluates how the same cohort of students perform over time, with set goals for year-to-year growth.

SUNY schools are also required to submit annual reports on their progress in meeting their accountability plan goals. These reports are posted on the Institute's website so anyone can see whether or not a school is living up to its promises. At least one example is that SUNY has comprehensive renewal policies. I'm sorry, that's the last example -- which is that we are the only authorizer in New York state that has closed a charter based on academic underperformance.

And speaking to an earlier question, I believe from Chairman Rice, around the issue of holding schools accountable for their fiscal health, and whether or not we determine that there has to be somebody in place

with a specific certification or requirement: I'm happy to say that because our reviews are so strong, we've never had to close a school for fiscal underperformance -- which is very, unfortunately, uncommon relative to the rest of the country. But we do not require that they have a specific certification one way or the other. We're much more outcomes-focused when it comes to that. And I'm pleased about the outcomes of the schools on that front.

So as I said, SUNY has not renewed, or closed, eight schools to date. Making a recommendation for a school closure is, without question, the most difficult part of our work, certainly the most difficult thing I've had to do. Here, again, we've established a comprehensive and transparent process with multiple levels of due-process protections for the school and the school community. Ultimately, we don't believe that you can be a quality, great authorizer if you are not willing to enforce the accountability premise upon which the charter schools are based: increased flexibility in exchange for accountability, as we heard earlier. And that means closing failing schools. The Charter School Institute has a professional staff of 15, which is, frankly, not enough, but we make due. And we have a legislatively appropriated operating budget of \$2.3 million in New York.

I urge you to recognize that an investment in quality authorizing does require an actual investment. Know, however, that the potential for positive results, as a result of this investment, is quite significant. In New York, we have seen success with this model of charter authorizing. Chairman Rice, earlier, mentioned the idea that across the country there is very inconsistent performance amongst charters. That is

less so the case, dramatically, in New York state, and I believe it has a lot to do with our way of authorizing schools.

SUNY has received, as I said, the attention of the Department of Education, and from NACSA. And we are frequently asked to come present at summits like this one. In fact, looking at the evaluations of New York's Race to the Top application this last round, we took pride in knowing that New York was given points for what SUNY's strengths were, as I mentioned earlier.

And we've continued to refine our work over the course of the last 10 years and have intentionally mined important lessons from charter schools' successes and failures, and that is another positive sign. But more tangibly, of course, we see results in student achievement, which is the bread and butter of what we're doing here. Innovative school models are also there, and the replication of successful charter school programs.

In the 2008-2009 state exams in English Language Arts and mathematics, indicators the other public schools use across the state, SUNY-authorized charter schools outperformed all public schools, charter and noncharter, statewide. Eighty-one percent of students in SUNY charters scored at or above proficiency on the 2008-2009 state assessment in English Language Arts; and 92 percent of students did so in mathematics.

I also believe that SUNY's work as an authorizer is made better by the fact that there is another statewide authorizer in New York, as I said earlier. A review of the national literature on multiple authorizers yields the idea that multiple authorizers increase the quality and quantity of charters, they protect the charter movement from political pressure, and they provide operators with a choice.

In my opinion, this has certainly been the case in New York. I'll tell you that we did not come to our current state of collaboration and cooperation amongst authorizers in New York quickly or easily. We lost a lot of time over the last few years engaged in what was essentially a power struggle about whether or not anyone other than the state education department should be an authorizer and should have the authority to approve a K-12 school. And there are still a few outliers who continue to want all that authority under one roof.

I urge you to learn from our mistakes though in that regard, and applaud opportunities like today to discuss the tremendous potential value in multiple-authorizer models. There is not only a healthy competition that has now evolved in New York between SUNY and the state education department in attracting high-quality, new school applicants; but there is a commitment to share best practices with one another and truly learn from one another.

State education department staff have taken part in our application review process as active observers, and our staff has joined the state education department on their school evaluation visits. We're working to make our respective practices, which do vary, better. We're working together on grant applications and a new data project to help foster authorizer-based research on best practices that can be shared for the benefit of all public schools, not just charters, in the state.

And finally, I believe that it was our foundation at the University that ultimately helped us to succeed in fostering this collaboration. To me, it makes real sense given the fact that 40 percent of the state's high school students attend SUNY campuses. SUNY educates

30 percent of the state's certified teachers through programs at 17 campuses. And every one of SUNY's 64 campuses has outreach efforts to their local school districts serving students, teachers, school leaders, and superintendents. So there is a good fit there.

Your higher education institutions in New Jersey have a vested interest in the academic preparedness of students in K-12, as they are the college and university students of tomorrow. We have seen such synergies between charter schools and the University. Just to briefly highlight those: charter schools partnering with SUNY community colleges so that charter school seniors graduate from high school with one year of college course work already complete. We have a SUNY college with a teacher training program establishing a lab in an urban charter school to not only support its charter school's teachers, but to train the college's top teacher prep students. And then we have multiple campuses partnered with charter schools to apply for early college-high school funding. And then countless SUNY faculty are on the boards of trustees -- I'm sorry, countless SUNY faculty serve on the boards of trustees of SUNY charter schools themselves. And then there are more connections that we do not have time to discuss now, but I'm happy to afterward.

In closing, I would just want to invite you and your colleagues to visit the Charter Schools Institute website at newyorkcharters.org. I do believe that you will find a much more comprehensive resource of school information than really any other that exists, certainly in New York state, regarding public schools. And it should give you a good sense of what those benchmarks are that we use for qualitative review and quantitative review regarding renewal.

And just in closing, thank you again for having me.

ASSEMBLYWOMAN JASEY: Wow. So I knew that inviting you was a good idea, and now I'm sitting here with a hundred more questions that obviously we don't have time to go into today. But I will definitely go to the website and take a look. And I think the fact that New York state has already struggled with a number of these issues -- we would be wise to continue the conversation and perhaps share some of our questions with you going forward. So I appreciate the invitation to keep the relationship open.

The one question I have, and then I will open it to the rest of the members, has to do with funding, because that is an issue that concerns all of us. Your funding -- I think you said \$2.3 million -- comes from the state legislature's annual budget. Is that the way to go? Is that something you would recommend, or is it a battle every year.

MR. CHARTOCK: I think that there are a few people that would disagree on this one, probably even on this very panel. But I can tell you that in New York state it works for us to a degree. And so the downside, which I'll cover first, is that clearly there is a risk, because every single year we are sort of on the edge of our seat wondering if we're going to be funded to the degree we need to be in order to do this comprehensive work. I mean, it takes a ton-- It's very people intensive -- all these reviews, all this data-crunching. So we are fearful, somewhat, every year that something will happen with the budget that will affect us.

That said, I think our results have spoken for us. We have done a very good job. And I think even in this last legislative session -- we were under the gun again. But I think the fact that our schools were

performing to the degree they were was a testament to our work and ultimately held the day when it came to restoring our funding.

The flip side of it, of course, as you see in other states -- and Alex and Doug can certainly speak to this as well -- is that there are models that are based on per-pupil numbers. So the more charter school students or charter schools themselves that an authorizer has under their umbrella, the more they are basically bringing in revenue-wise. For me, that doesn't strike the healthiest cord, mostly because we are of the mindset that we really are protected -- with the exception of that budgetary piece, we are protected by the fact that there is very little political influence, number one. And number two, we are not going to be beholden to uphold our revenue when we have to make a really difficult decision to shut down a school. That kind of perverse incentive should not exist. And there are states that have managed to balance that and have gotten around that.

MR. MEDLER: If I might add, I'd agree there's range of opinions on the -- there are tradeoffs to the different approaches that you would take. NACSA's position is that there should be enough and a reliable amount of money for it to work. And also, the start-up costs should be there. If it is going to be by proportion -- based on the percent of the number of kids you have in the schools you oversee, then the first two years are going to be too lean when, in fact, you do need to build a lot of systems.

In fact, that's one of the reasons we're working in Congress to try to get start-up grants for authorizers to match the start-up grants that are there for schools. So you want money up-front. You don't want to have perverse incentives to approve schools early that shouldn't have been approved, just because they would be a source of revenue; or be reluctant to

close one because it's a source of revenue. But the investment needs to happen. And, ideally, it's not an investment that would also be subject to political recrimination or push-back later.

ASSEMBLYWOMAN JASEY: Senator Rice.

SENATOR RICE: Yes, the Institute-- Now, SUNY is the university system of higher education in New York.

MR. CHARTOCK: That's correct.

SENATOR RICE: Can you name some of the schools under the system?

MR. CHARTOCK: Sure: SUNY New Paltz, SUNY Albany, there are many community colleges -- all of the community colleges all over the state are under the SUNY umbrella. I could go on.

SENATOR RICE: And then you have CUNY.

MR. CHARTOCK: It does not include CUNY.

SENATOR RICE: The Institute itself was created by who, the SUNY--

MR. CHARTOCK: Yes, Board of--

SENATOR RICE: Board of Trustees? (affirmative response)

So how much independence do you have? The reason I'm raising that is that our State University is Rutgers. They would like to have this. The difference is, the majority of the charter schools are predominantly being placed in urban areas. I don't like the dispersion and the stuff that people say, because they're saying that 90 percent, or most, of our parents don't care about the kids, and teachers can't teach. That's simply not true. But that's their marketing tool and their defense mechanism.

But Rutgers has shown its true colors too, because they pick and choose who they're going to talk to. Now, you said (indiscernible) the politics. But I know Rutgers is going to talk to, say, a Ray Lesniak -- a Senator -- before they talk to a Ron Rice or someone else. Rutgers wants to merge everything. Rutgers wants to live off the backs of folks.

From an ethnic perspective, they got their reputation of minority participation only from the City of Newark, not statewide. My question to you is: How much say-so do you have in processes of making this thing stay kind of independent of the creator? Do you understand what I'm saying?

MR. CHARTOCK: I absolutely understand.

SENATOR RICE: Because I don't have-- Now, I'm a graduate of Rutgers. I'm also a graduate of John Jay.

But the point is that I don't have any great confidence in Rutgers's leadership -- and I'm talking about Provost Marsh, as well as President, when it comes to the politics of New Jersey and the things that they do. So I'm thinking education and charter -- maybe this thing will work if it's done this way. But then I have to look over here and see who the actors are who created the institute and determine the fate of that institute.

MR. CHARTOCK: Yes. A couple of things: I can't really speak to the specifics of New Jersey or Rutgers, in particular. But I can tell you how we preserved what I consider a really valuable level of independence at the university system in New York.

Basically, early on we established, in line with many of the principles and standards that Alex described earlier-- We put down, on

paper, in bold letters, exactly what the policies of our Board of Trustees were. So I won't bore you with all the details, but it's minutia. It really gets to the point where there is no question what you need to do when a charter school performs this way. In other words, you can't then say, "Oh, well, you know what? We like them anyway, and I really like that Board member." No, they have agreed to and have policies in place at the University that dictate the decisions that are ultimately made. Now, those decisions are made based upon recommendations from my staff. There is very little communication that takes place with the Board of Trustees, who have a few other things to worry about in the state of New York in addition to the charter schools. So we take our work very seriously. And in almost all cases, 99.5 percent of the time, the Trustees have followed our recommendations and done what, essentially, we have -- as the educational experts evaluating these schools -- have recommended.

So I will say, just based on my last year -- this last year of experience, we had a school closure in Albany, New York. There were a number of politicians, there were a number of businesses, there were a number of other people who had constituents within that subset of that school community. And honestly, it all came down to the test scores, and it all came down to our evaluation of the school's program and their finances, despite a lot of pressure otherwise.

Now, the other good thing I would say about where we are in New York state is that the Board of Trustees of SUNY is made up really of a cross section, in terms of political belief systems. So in other words, there are still people on the Board of Trustees who were officially appointed originally by Governor Pataki, and then Spitzer, and then Paterson, then

down the line. So you actually have a cross section of folks on there, which actually allows for, I think, also that much more of, I suppose, a shielded political context.

I don't know if you want to add to that.

SENATOR RICE: Do you have good diversity on your Board?

MR. CHARTOCK: The Board of Trustees of SUNY?

SENATOR RICE: Yes, ethnically.

MR. CHARTOCK: Yes, very much so.

SENATOR RICE: Well, see, here our boards don't do that. Our boards put on a hundred members and maybe one African-American, maybe one Latino if we're lucky, maybe a woman or two. And it's things like that--

That's why, when we look at-- All we're saying is, if you're going to compare cities, look at apples to oranges. If you're going to compare states, it's got to be the same. Everybody wants to talk about the Newark Police Department. They compare it to Irvington when they should be looking at Oakland. They want to talk about New York's SUNY system. But the SUNY system in New York certainly is totally different than Rutgers University here in New Jersey. So we have to make sure that we get all of the elements, and variables, and factors that are similar when we take a look at whatever it is they are doing out there. Because I know this State is biased. Decision-makers don't look like me, but the decisions they make impact people who do, in the majority. They don't look like our women most of the time; or others. And that's what I'm concerned about.

But the politicians here -- they're not -- they're heavyweights here at the State level. They're real heavyweights. That's why you see subpoenas flying all the time.

MR. CHARTOCK: I'll turn it over to Alex in a second.

The only other thing I wanted to add is, there has been -- even in the last few years -- significant turnover on that Board of Trustees at SUNY. And the policies that have been in place have held through that context. So if you follow a lot of what we've heard nationally works, when it comes to strong authorizing policies, and you put those in place and they start working, then I think you're less subject to the political persuasions, or individual personalities, or other influences.

MR. MEDLER: If I may add, I'd agree wholeheartedly. That's why, in fact, I was emphasizing the principles and standards. Regardless of how different the politics are of your higher education or whomever else you might approve to become authorizers, those principles and standards become something you orient the new board member with. You say, "You and I may disagree about some important philosophical piece, but here's how we're doing our charter school oversight. This is why we know that when there's a recommendation to close a school it's the right thing to do." So that's why I say the principles and standards, as a vehicle to get to professional authorizing practices, protect you from things that may not be -- unpredictable down the-- It's hard to say who will be on which board 10 or 12 years from now. This is a long-term thing. So you can have some guarantee that you're going to have a quality process undergirding it.

ASSEMBLYMAN WISNIEWSKI: Thank you.

Thank you, Senator.

Assemblyman Wolfe.

ASSEMBLYMAN WOLFE: Yes, I want to follow up on something Senator Rice had asked.

You represent actually the state colleges, right -- the public colleges?

MR. CHARTOCK: Yes, the state higher education system.

ASSEMBLYMAN WOLFE: And the community colleges. You don't represent Syracuse or NYU? Do you represent NYU?

MR. CHARTOCK: No, public colleges and universities in the SUNY system.

ASSEMBLYMAN WOLFE: Do the private colleges have charter schools? Are they authorizers?

MR. CHARTOCK: No. There are only two statewide authorizers: just the Regents and just the SUNY Board of Trustees.

ASSEMBLYMAN WOLFE: Okay. So the Regents represent the K-12 sectors, correct?

MR. CHARTOCK: That's correct. Almost all things except for this one little--

ASSEMBLYMAN WOLFE: Okay. So I think you mentioned you have 120 new charter schools.

MR. CHARTOCK: We were just -- yes -- allotted 130 new ones over the course of the next four years.

ASSEMBLYMAN WOLFE: That's you, or that's--

MR. CHARTOCK: That's just us. And then the Board of Regents were also granted another 130 schools over the course of the next four years.

ASSEMBLYMAN WOLFE: Okay. Is there competition between what you do and what the Regents do? I know you're not part of the Regents, but do they have different criteria than your organization does for accountability and things such as that?

MR. CHARTOCK: The short answer is yes. The longer answer is: The attention and capacity of the state education department, on this particular issue of creating standards and policies that become this lasting, essential, sort of scaffolding has not been in place for many years -- or for, really, I would go so far as to say for the entire existence of their charter authorizing office. That said, they have really turned the corner now and are implementing almost -- many of the things that we have described here today as sort of specific to the SUNY system, especially things like accountability plans that they're building now. And there used to be no -- for instance, no specific expectation that students would perform at a given level in order to continue to operate. It was much more based on a variety of compliance and-- Well, I will leave it there.

ASSEMBLYMAN WOLFE: All right, I just have one more question. I appreciate your presentation.

MR. CHARTOCK: Thank you.

ASSEMBLYMAN WOLFE: What would you say the success rate is of the institutions that you've chartered in terms of continuance or elimination?

MR. CHARTOCK: Well, first of all, we've closed 8 out of the 84 -- I'm sorry, 8 out of the 92, now, schools that we have authorized.

ASSEMBLYMAN WOLFE: Okay.

MR. CHARTOCK: So that gives you a sense of sort of performance. But then of those that have stayed open, on average they're outperforming all public schools in the state, including charters. In other words, charters that were authorized either in New York City by the Chancellor, when he had that power, or by the state education department. So they're doing quite well, on average.

ASSEMBLYMAN WOLFE: Okay. I appreciate your testimony, and the other gentlemen also.

Thank you.

ASSEMBLYWOMAN VOSS: Of the eight schools that you had to close, were they in financial difficulty, or was it performance in academics for the most part? I mean, I'm sure they--

MR. CHARTOCK: Right. The rationale for closing the schools was purely academic. That said, what we have found -- and I think it's probably true across the country -- if there's a crack in the infrastructure somewhere, there's a crack in the infrastructure somewhere else. And so there have been those schools that we have closed for academic underperformance that were also fiscally mismanaged. But that was not the primary rationale for closing the school, but they closed.

ASSEMBLYWOMAN VOSS: I have another question, because having visited several charter schools, some of them are in facilities that are rather interesting, to put it mildly. And I think a lot of them have problems because they can't maintain the rent, or whatever, of the facility. Who discusses or who approves the facilities? Because as I said, I've been in some very interesting buildings.

MR. CHARTOCK: It's a shared responsibility in New York state, but primarily the authorizer is responsible for judging the health and safety regarding the building. So we go in and do a visit before any school opens and have to sign off on that space being appropriate for students. And then there are regulations -- health and safety code regulations that need to be attended to from the state level as well.

ASSEMBLYWOMAN VOSS: And just one more question. If they're renting a facility, and then the person who owns the building wants to increase the rent and they can't make it, is there any -- and the school is successful -- is there any help for them?

MR. CHARTOCK: Not through the authorizer, but there are a variety of resources. And these folks could probably speak a little bit more to what those resources are across the country. But in New York state, basically we do want to see the contracts so that we can make sure that what they're getting into is responsible from the front end. Part of their application that they show us, even before we consider giving them a charter, has to include what their facility plan is, is it appropriate; and we do have fiscal staff that looks specifically at whether or not it is a sound proposal, or if they're opening themselves up for potential danger down the road. And so we keep a real eye out for that.

ASSEMBLYWOMAN VOSS: Thank you very much.

ASSEMBLYWOMAN JASEY: As a follow-up to Assemblywoman Voss' question about the facilities: In New York state, what's the relationship between the state and charters in terms of facilities? My impression is that it's a little bit easier in New York state to gain access,

for example, to public schools facilities that are not being used, that are vacant. Is that correct or not correct?

MR. CHARTOCK: Sort of.

ASSEMBLYWOMAN JASEY: Sort of. Okay. (laughter)

MR. CHARTOCK: So here's the thing. In New York City, the Chancellor of the New York City School System has -- his buildings are under his control. He can decide, basically, who uses them as long as there is the appropriate community input. But ultimately he has discretion over the department of education's buildings. So what he has chosen to do is allow for charter schools that are located in New York City to basically use that space near rent-free, if not for a dollar or something like that. So that's possible if you have a superintendent or somebody who controls those buildings who wants to, I suppose, be benevolent that way.

Upstate, we don't see that. Charter schools really have not collocated or used public buildings. Maybe one in Buffalo before. But other than that, there's really little offer or opportunity for them to do that. So they are responsible for their own buildings and own facilities. And at the same time, there is zero facilities' money that comes from the state to the charters themselves. So they're, (a) responsible for finding their own buildings, and then (b) figuring out a way to pay for them that basically will not come from the state.

ASSEMBLYWOMAN JASEY: Okay. Thank you.

At this time, because I am very aware of the time and the fact that this afternoon -- and members are welcome to stay if you'd like -- but this afternoon we're having a workshop for groups, entities, institutions who are interested in possibly becoming authorizers or in understanding more

about the nuts and bolts of authorizer responsibility. So we need to break for lunch.

But before we do that, I'm going to give members of the Committee one last chance to ask a question. And then I would ask that the presenters -- if you'd like to say something in summary, please do so.

Panel, are you good?

ASSEMBLYWOMAN VOSS: I'm good.

ASSEMBLYWOMAN JASEY: Okay.

Senator.

SENATOR RICE: I just want to be on record with what the State of New Jersey claims they're doing, based on what you've said.

Your charter facilities -- you look at them, and you look at the plan coming in. So you look at the front end to determine whether or not they can meet the expectations of the financial resources. Is that correct?

MR. CHARTOCK: That's correct.

SENATOR RICE: And also if they can meet the expectations of the human resources, in terms of what a good educator should kind of look like, characteristic-wise, academically, of that magnitude before you move forward. Is that correct?

MR. CHARTOCK: We don't dictate, again, sort of the inputs. In other words, we don't say, "You have to have a teacher who has this much experience." But what we do is, we look at the educational plan that they've outlined, how they will find qualified teachers to fill those spots, and how they will execute that plan. And we do have to sign off on that, absolutely. But we don't say, "You must have 10 teachers with five years experience," or any other inputs for that matter.

But the key for us -- and this will eventually be my -- this can stand as my closing statement -- the key for us is outcomes. And if you're serious about outcomes, then do something about those outcomes and not worry about, as much, the inputs, as long as the school is following the law to the degree that it has to.

SENATOR RICE: Well, in New Jersey, what happens is -- at least it used to happen. I think it still does, based on locations and the people I hear speaking. We approve applications for charter schools without knowing the location. Or we'll know the location, but there's no guarantee or commitment on the lease; or there's no guarantee or commitment, once there's an inspection -- if there ever is an inspection -- that all the work is going to be done. And then we've had experiences where, in September -- when all these parents have been notified that, "We're accepting your kid," and they're paying their money -- we're told in September that 300 kids, for example, cannot go to wherever they thought they were going. And in the meantime, superintendents are running around trying to readdress that population they never expected back into the district.

You prevent that upfront. Is that what you're saying?

MR. CHARTOCK: For the most part, yes. However, it is similar in the sense that there are times in which we don't have a guaranteed space, but they show us how they are going to find it. They basically show us a plan of how they're going to implement it. And we have a very rigorous set of questions and interview tactics to understand whether or not that -- whether there's real content there that we can believe in. And then we, again, have our fiscal folks looking specifically at how viable it is.

What's their backup plan? We make sure that they have Plan B and a Plan C in place if Plan A doesn't work. And so we do want to--

So, essentially, the answer is yes, but there are times in which they don't have a specific spot locked down relative to what we're talking about.

SENATOR RICE: Through the Chair--

Madam Chair, as we look through this, it seems to me it makes more sense not to just look at a plan when it comes to education. There should be a tentative commitment on location. Landlord A would say, "Well, I agree within this timeframe, (indiscernible) happen, yes."

That's one of the problems New Jersey has been having -- is that there are people who have been running around last-- I know; they come to me looking for space. But we approved them already. And as soon as they get the approval, they're going out, Assemblywoman, telling parents, "You can sign up." The parents don't know anything else about it. They just feel, "You have the space; it's going to happen." And it does not happen.

And my point is -- and maybe your system needs to look at that too -- but in this State, we need to make sure if you don't have space, identifiable space with a conditional commitment, people we can talk to who make sense, or things have to be done, you aren't getting an application. And that's why I say a moratorium to slow this stuff down.

Thank you very much.

MR. CHARTOCK: If I may, just one quick response. Unfortunately, the way the system is set up, we sort of have a chicken and egg problem, which is that a lot of times, whether it's facilities or other

conditional pieces, will not -- or resources from foundations, if you will -- those things will not arise until there is a charter. So it becomes a real challenge. And I sympathize with some of the people we authorize, because we actually have ended up not authorizing people because they couldn't show us enough of what you're describing, Senator, in terms of the conditional relationship. We want to see at least the conditional relationship.

But it is a real problem for charters in the sense they can't access some of these things before they actually get a charter to leverage.

I don't know if you want to--

MR. MEDLER: The only thing I'd add is that that's one of the things we emphasize in that process between being approved as a charter and opening. In between, authorizers will frequently have to hold people to, sort of, trip lines and say, "By this date you need to have the lease signed, by this date you need 80 percent of your enrollment committed." And that's-- If you take not just the application process but the rest of that process seriously in your procedures, then the authorizers play a role in sort of brokering some of those later challenges. If the authorizer just -- their only job is to approve it, and then they're done for five years -- that's when real problems happen. They need to be able to say, in March, "If you don't have a lease today, we're not opening in August." So it's that sort of being hard-nosed throughout the cycle.

MR. THAMAN: I think another important piece to that is ensuring that there is enough time between approval and opening. It's not allowing charters to be approved in April that then can open in September, but making sure that these charters have the equivalent of a full planning

year and an adequate amount of time so that issues such as facilities and resources can adequately be addressed without students being placed at risk.

ASSEMBLYWOMAN JASEY: Thank you.

I think that's a very good summary and a good point to end on. Because I think, if nothing else, the hearing that we've had this morning -- and it's really just the tip of the iceberg in terms of information, questions, issues. But I think it's a very good place for us to have started this conversation. Because I agree with Senator Rice in that the last thing I want to see is a proliferation of applications and openings of charter schools that are not well-thought out, not well-supported, and therefore will not serve our kids. And that's my bottom line, and I think that's the bottom line of the Committee members.

So I want to thank Douglas Thaman, from NACSA; Alex Medler, from NACSA; Jonas Chartock, from the Charter Schools Institute in New York for giving us a really good basis for our continuing discussion and conversation on this issue.

As I mentioned at the beginning, I think it's timely because across the country this conversation is happening. And I think we want to be very deliberative, very careful about how we move forward. Because as I discussed with some members of the audience before we started, education reform is not something that happens overnight, or in a year or two. And we have to move, I think, very intelligently and cautiously as we make those changes. But change is definitely coming. I think there's no denying that. I think that train has left the station, and we want to make sure that we're laying down the right foundation for our kids.

I also want to thank Melanie Schulz, our Executive Director; Sharon Benesta; and Becky for your support. There will be a transcript of the entire proceedings. Those members who are not able to be here, and others who are interested, will certainly be able to get them.

We're going to break for lunch. And then those of you, I assume, in the audience -- many of you are interested in the workshop this afternoon. We'll be continuing this discussion.

And I would say-- Let's see, it's 12:15. Shall we say 1:15, 1:30? Does that sound good? Come back here to this room if you're interested in the break-out sessions, and we'll direct you to the rooms.

Thank you very much.

Meeting adjourned.

(MEETING CONCLUDED)

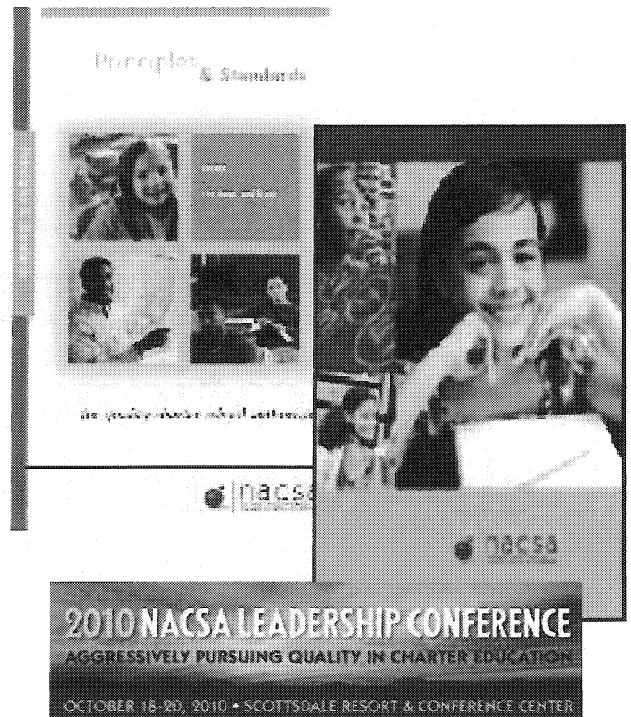
APPENDIX



**Through high quality authorizing we
increase the number of high quality
educational opportunities for
children in the State of New Jersey.**

Who is NACSA?

- Founded in 2000
- Membership is derived of some of the largest **charter school authorizers** in the country providing oversight to more than half of the nation's 5,000 charter schools.
- Devoted exclusively to improving public education by improving the policies and practices of the **organizations responsible for authorizing charter schools.**





NACSA & The NJ Department of Education

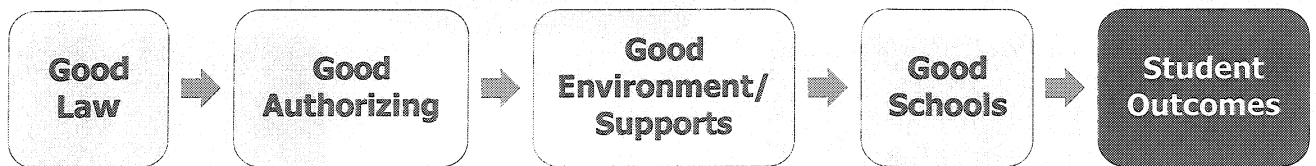
- Evaluation of authorizing policies, practices, and protocols against NACSA's *Principles & Standards for Quality Charter School Authorizing*;
- Strategic planning for NJDOE Leadership and the Charter School Office that aligns the mission and vision of the Department and the Office and outlines goals and objectives for improving authorizer policies and practices reflecting the evaluation results;
- Development of a comprehensive communications plan to support the importance of quality authorizing in the state's education reform strategies;
- Sustained, targeted guidance and assistance to the NJDOE in the improvement and/or development of key authorizing policies, practices, and protocols and provision of implementation assistance, staff training and capacity development.



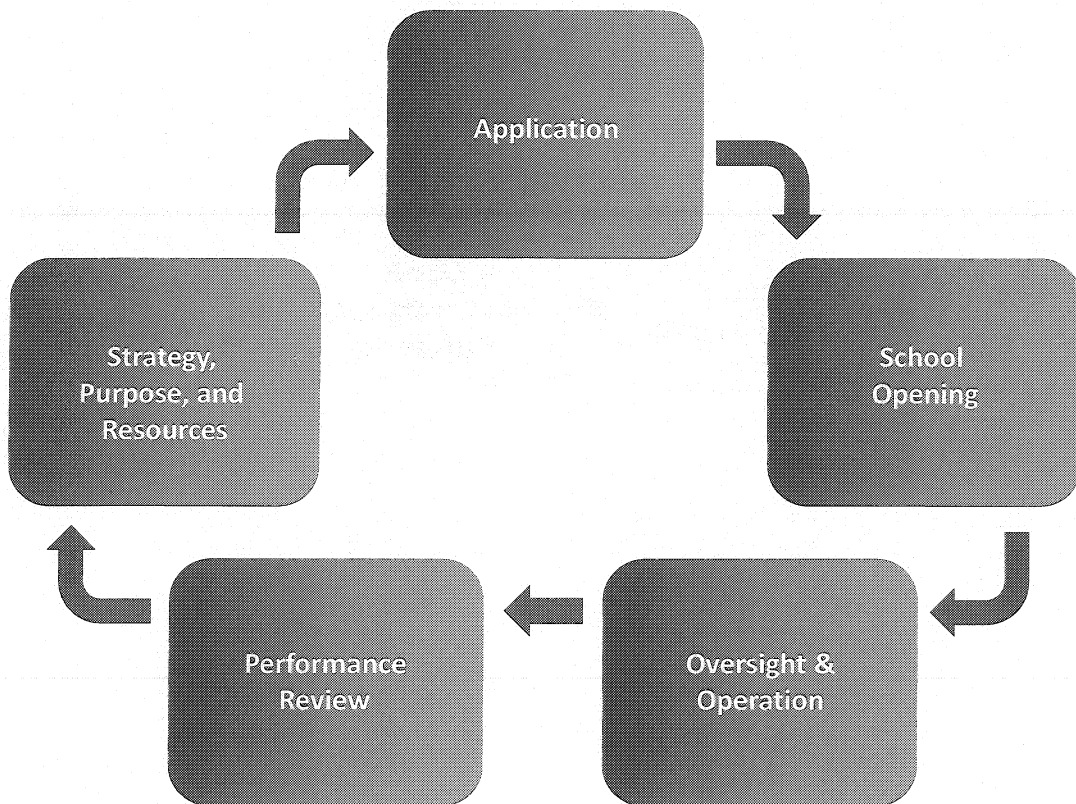
Three Core Responsibilities of Authorizers

- Ensure accountability and excellence
- Protect school autonomy
- Ensure fair treatment of students and protect the public interest

GETTING TO STUDENT PERFORMANCE

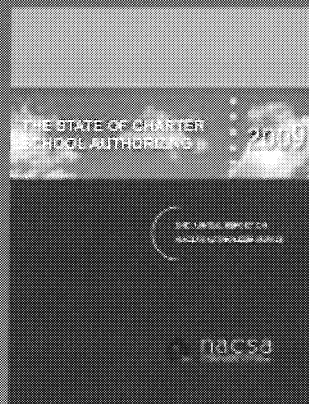


CHARTER AUTHORIZING PRACTICES: THE CHARTER SCHOOL LIFE CYCLE



Profile of Charter School Authorizers

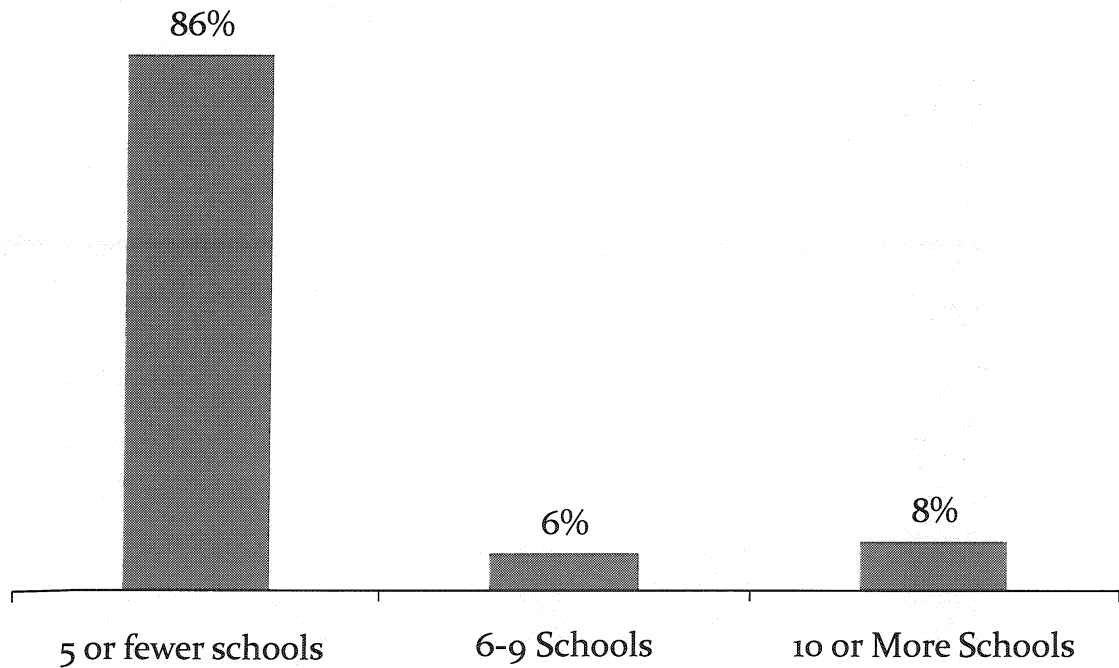
2010



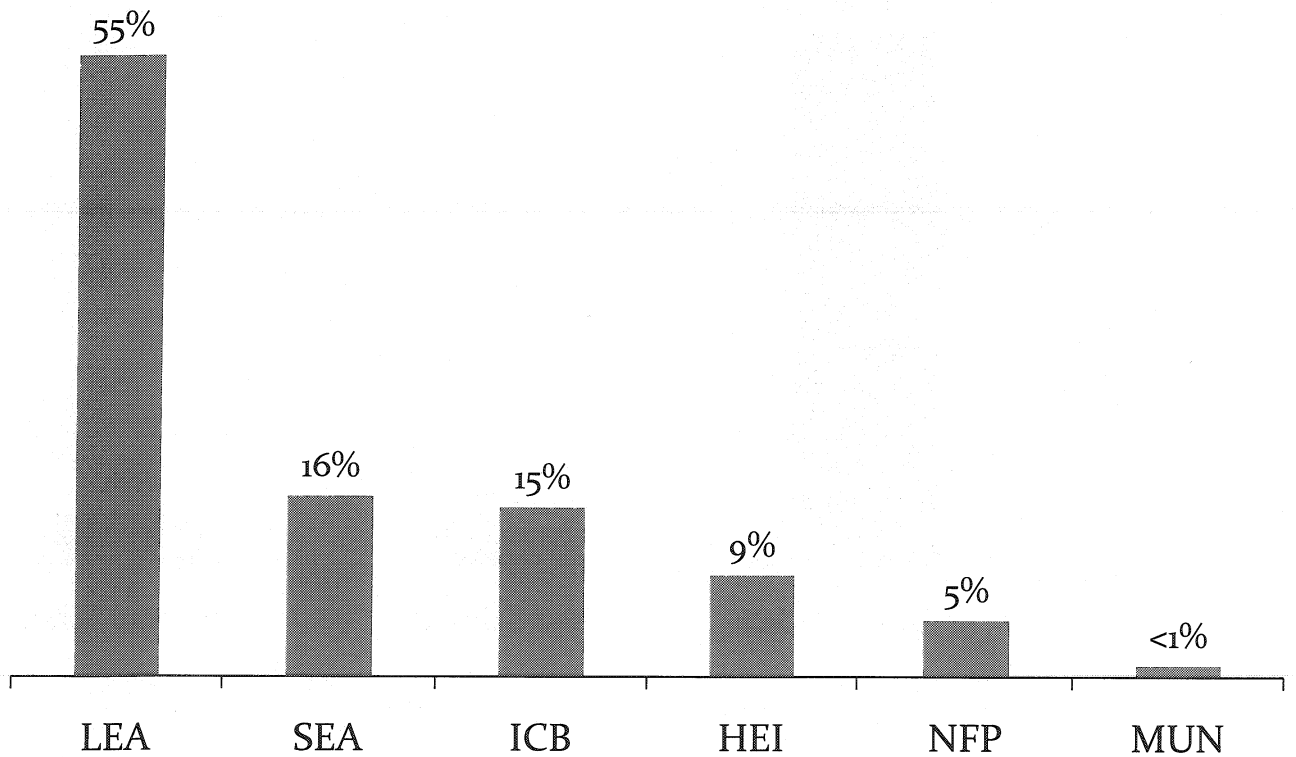
Charter School Authorizers: 2009-2010

Type	Number	%
Local Education Agencies	811	89
Higher Education Institutions	48	5
State Education Agencies	21	2
Non-Profit Organizations	21	2
Independent Chartering Boards	7	1
Mayors/Municipalities	2	<1
Total	910	100

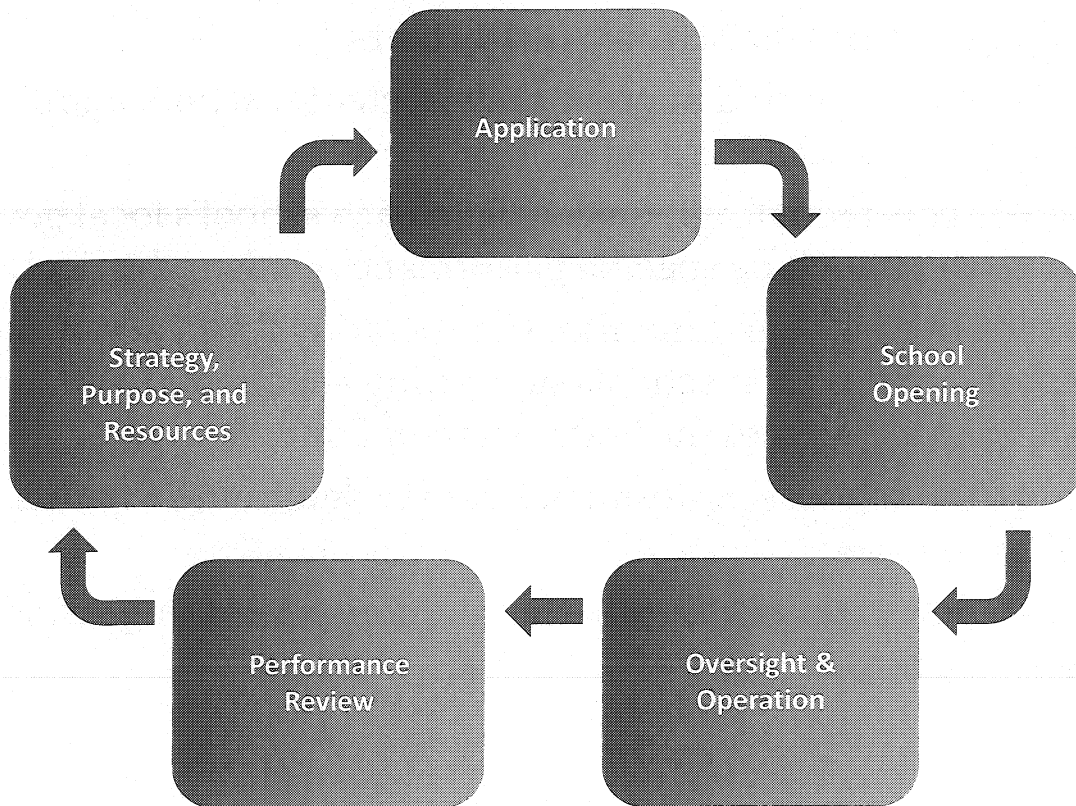
Percent of Charter School Authorizers, by Portfolio Size



Percentage of Charter Schools in the Nation, by Authorizer Type



CHARTER AUTHORIZING PRACTICES: THE CHARTER SCHOOL LIFE CYCLE

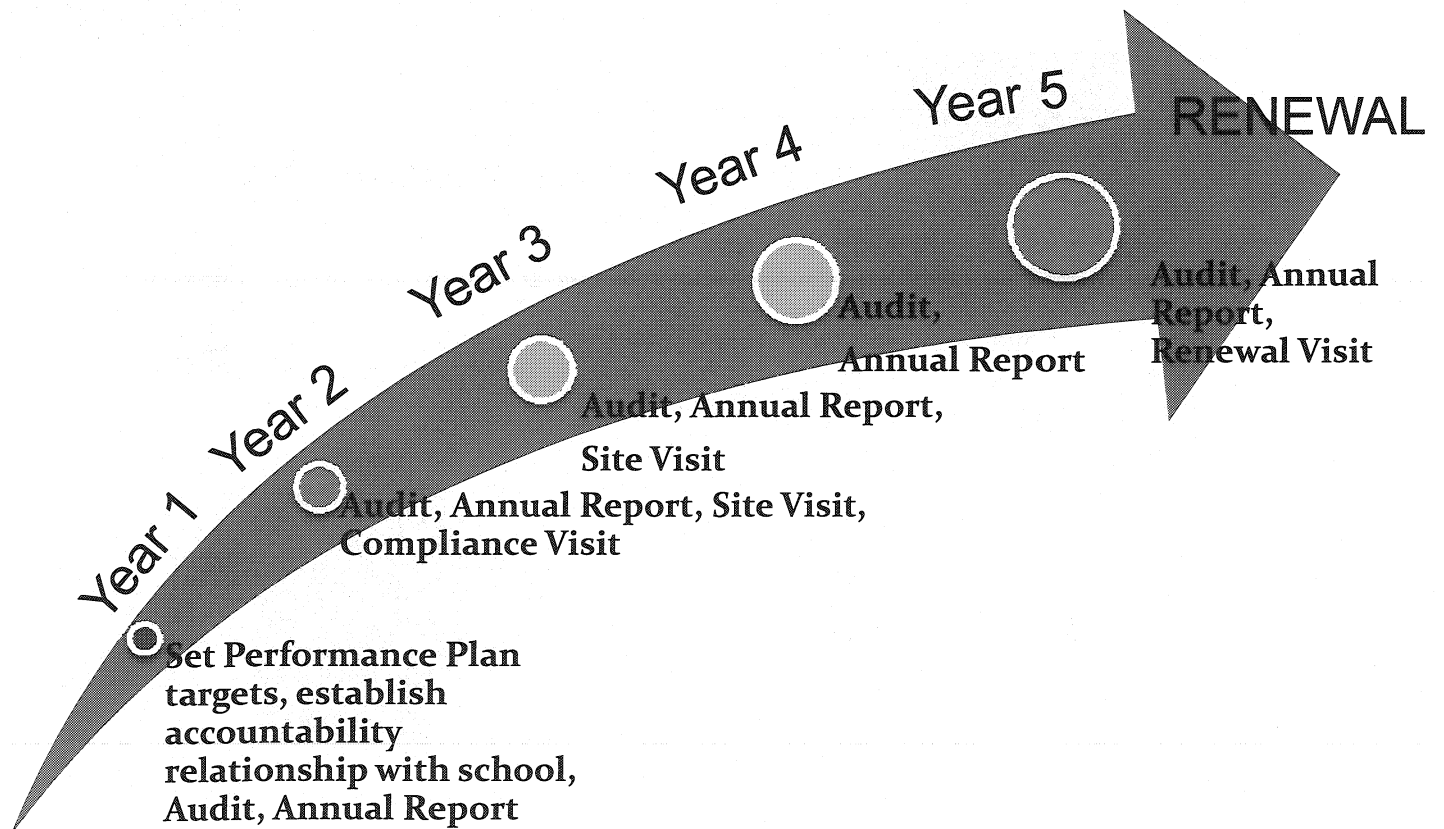




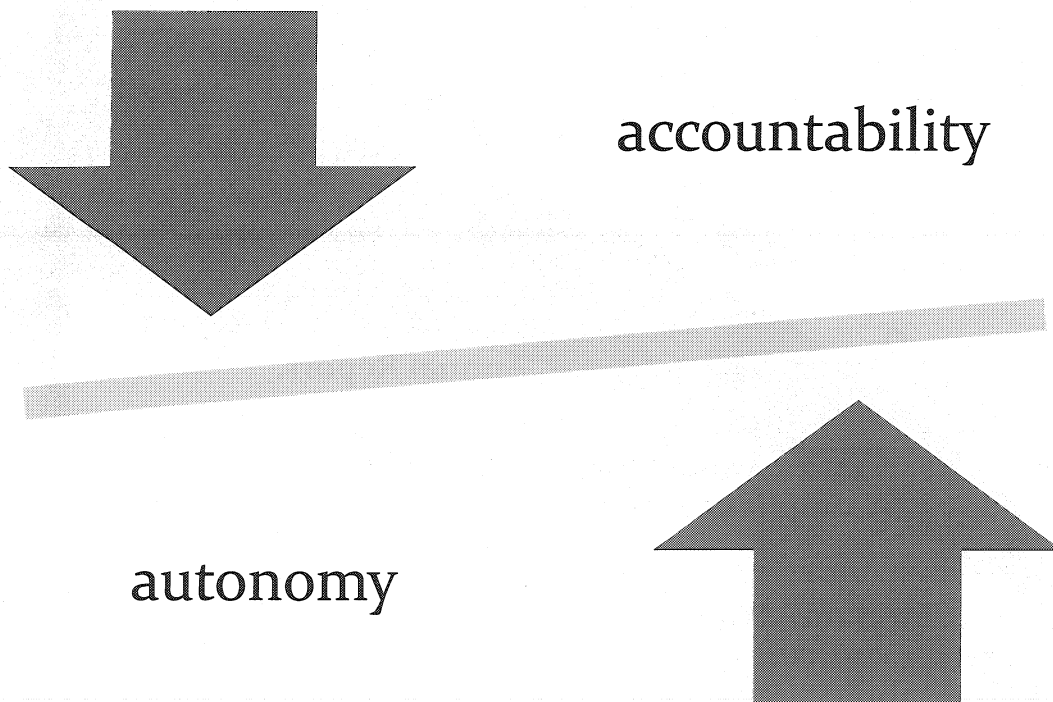
Charter School Authorizing

- **High Quality Charter School Authorizers**
 - Review, evaluate, and approve or deny charter school applications according to specific criteria;
 - Execute contractual agreements with each school's local governing board which include specific performance goals and objectives;
 - Provide oversight and monitor the operational and academic performance of their schools submitting annual performance evaluation reports to the State Board of Education;
 - Utilize the school's performance data to determine whether a school will be renewed;
 - Non-renew or revoke the charter's of non-performing schools and close them.

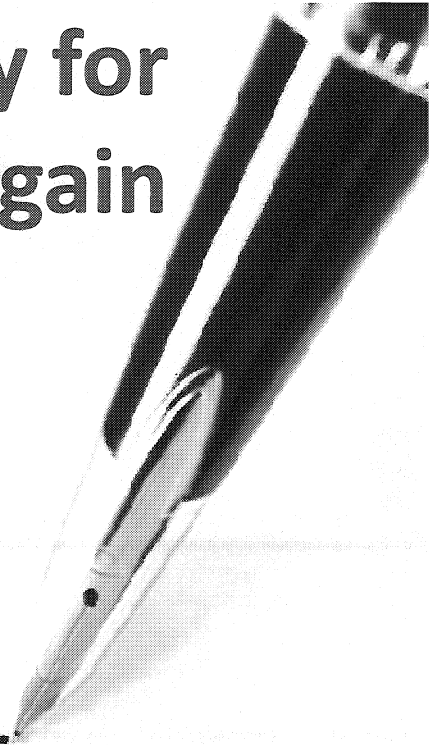
Collecting Evidence Over Time



The Autonomy for Accountability Bargain



The Autonomy for Accountability Bargain



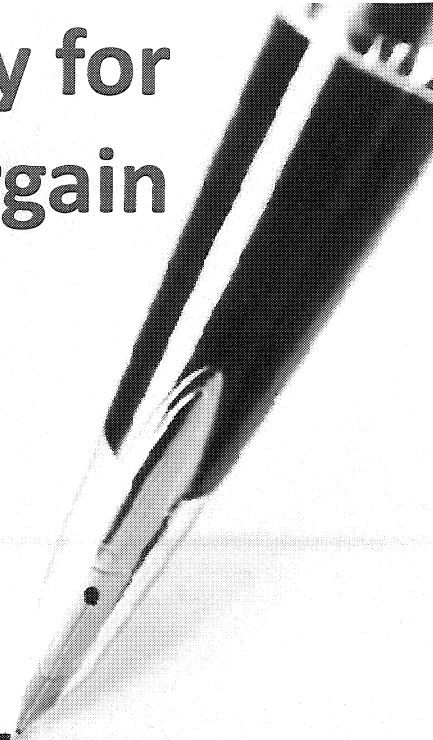
Accountability

Formal agreement to operate a public charter school

Defined length of time to operate school

If the school does not perform, it does not get to stay open

The Autonomy for Accountability Bargain



Autonomy

- Transfer the authority to operate a public charter school
- Control over budget, staffing, school configuration, academic program, schedule, mission and vision, etc.
- Independent governance
- Still responsible for health, safety and education of students



Three Core Responsibilities of Authorizers

- Ensure accountability and excellence
- Protect school autonomy
- Ensure fair treatment of students and protect the public interest



Charter Schools Institute
The State University of New York

Testimony of:
Jonas S. Chartock, Executive Director
SUNY Charter Schools Institute

9-28-10

- **My name is Jonas Chartock and I am the Executive Director of the Charter Schools Institute of the State University of New York, or SUNY.**
- **Members of the Committee, I want to thank you for inviting me to testify before you this morning.**
- **SUNY is the largest comprehensive system of public higher education in the United States, educating nearly 465,000 students in more than 7,500 degree and certificate programs on 64 campuses located across New York State.**
- **SUNY is also the largest charter school authorizer in New York and the largest University-based charter school authorizer in the country.**
- **There are currently 84 SUNY authorized charter schools in operation or approved to open:**
 - **63 in and around New York City;**
 - **11 in the Capital District; and**
 - **10 in Western and Central New York.**
- **SUNY authorized charter schools currently serve more than 21,000 families across New York and we were just given an additional 130 charters to award.**
- **Of notable interest to you today is that SUNY is one of two state-wide charter school authorizers in New York, the other is the New York Board of Regents, which oversees our State Education Department, which is led by our Commissioner of Education.**
- **There are clearly strong similarities between what has been in place in New York and what is now being proposed for New Jersey.**
- **I am pleased to share with you today 1) an overview of the work of my organization and 2) what our State has seen as the benefits of having multiple authorizers; and more specifically, of having both an independent, university-based authorizer and the state's education department as authorizers.**

- To be clear, when the law that governs charter schools in New York was passed in 1998, it designated The New York State Board of Regents and the Trustees of the State University of New York as the two statewide authorizers.
- The SUNY Trustees created the SUNY Charter Schools Institute to help them carry out their responsibilities as charter authorizers. We have been doing that work for 11 years now.
- The existence of the Institute, an organization whose sole focus and area of responsibility is charter school authorizing, brings an interesting perspective to SUNY's work as an authorizer. We conduct an independent analysis and then make recommendations to the SUNY Trustees for action.
- To be candid, the Institute's independence and focus on data and authorizing policy effectively insulates SUNY's work from political influence – one of the key advantages to empowering independent, university based authorizers.
- I wanted to briefly highlight the work of SUNY as an authorizer and explain that I do believe that we are made better by not being the lone authorizer in the state.
- SUNY has repeatedly been recognized by the United States Department of Education (USDOE) as a national exemplar of innovation and excellence in authorizing.
- Most recently, in May 2010, the USDOE released a series of documents outlining the "Research Behind the Obama Administration's Proposal for Reauthorizing the Elementary and Secondary Education Act (ESEA)."
- Their document, entitled Fostering Innovation and Excellence, features SUNY's processes for review of new charter school applications, ongoing oversight and evaluation, and charter renewal and also notes SUNY's willingness to hold schools accountable and close underperforming schools.
- SUNY's model of charter authorizing is designed to *balance* a respect for school autonomy with holding schools to the highest standards of academic accountability.
- It is time and resource intensive work.
- Let's look at SUNY's process for reviewing new school applications as an example. The process includes:
 - rigorous review by Charter Schools Institute staff from an academic, legal and fiscal perspective; AND
 - review by external review panels comprised of individuals with national education experience; AND

- **two separate interviews of lead applicants and the proposed board of trustees for the charter school – first by Institute staff and then by members of the SUNY Trustees' Charter Schools Committee.**
- **If a proposed charter school intends to contract with a for-profit or not-for-profit management organization, the Institute conducts a due diligence review to ensure the organization has the track record, know-how and human and fiscal resources to provide the intended services/programs.**
- **SUNY's due diligence reviews include an in-depth questionnaire, comprehensive interview with Institute staff, and review of any proposed contract.**
- **We stress to charter school board members, as I will emphasize here, that SUNY's charter agreement is with the school's board of trustees, not its management company. Regardless of any partnership the school may seek, we will always hold the school board accountable for the day-to-day operations of the school.**
- **To that end, part of our review of management company contracts is to ensure that the school's option to end the relationship is clearly defined.**
- **In New York, this due diligence review is unique to SUNY.**
- **Another example would be SUNY's focus on accountability.**
- **While every charter school in the state is required by law to identify measurable goals for student achievement, SUNY has formalized that process by requiring each school to adopt an academic Accountability Plan that is incorporated into its charter and spells out in detail what the school must accomplish in order to be renewed.**
- **SUNY's guidelines for creating an academic accountability plan, including a list of the SUNY required measures for elementary, middle and high schools.**
- **In sum, all SUNY charter schools are required to include:**
 - **absolute measures related to State assessments;**
for example, at least 75% of students in grades 3-8 enrolled for at least two years must demonstrate proficiency on all state assessments;
 - **comparative measures;**
for example, the Institute performs a regression analysis to see how SUNY schools perform in relation to similar public schools state-wide, charter and non-charter—based on free lunch eligibility, and
 - **growth measures;**
for example, the Institute evaluates how the same cohort of students performs over time with set goals for year to year growth.

- **SUNY schools are also required to submit annual reports on their progress in meeting their Accountability Plan goals. These reports are posted on the Institute's website so anyone can see whether or not a school is living up to its promises.**
- **And one last example is that SUNY has comprehensive renewal policies.**
- **SUNY is the only authorizer in New York State to have closed charter schools for academic underperformance.**
- **SUNY has not renewed or closed, eight schools to date.**
- **Making a recommendation for school closure is without question the most difficult aspect of our work.**
- **Here again we have established a comprehensive and transparent process with multiple levels of due process protections for the school and the school community.**
- **Ultimately, we don't believe that you can be a quality authorizer if you are not willing to enforce the accountability premise upon which charter schools are based: increased flexibility in exchange for real accountability.**
- **And that means closing failing schools.**
- **The Charter Schools Institute has a professional staff of 15 and a legislatively appropriated operating budget of 2.3 million dollars.**
- **I urge you to recognize that an investment in quality authorizing does require an actual investment. Know however, that the potential for positive results is significant.**
- **In New York, we have seen success with this model of charter authorizing.**
- **That SUNY has received national recognition from the United States Department of Education and the National Association of Charter School Authorizers, and that we are frequently sought after to advise other states on our practices gives us some assurance.**
- **In fact, in looking at the evaluations of New York's Race to the Top application, we took pride in knowing that New York was given points for what are SUNY's strengths: a rigorous application approval process; performance based contracts; and closing under-performing schools.**
- **That we have continued to refine our work over the course of the past 10 years and have intentionally mined important lessons from charter school successes and failures is another positive sign.**
- **But more tangibly, of course, we see results in student achievement, innovative school models, and the replication of successful charter school programs.**

- **On the 2008-09 state exams in English language arts and mathematics, indicators that other public schools use, SUNY authorized charter schools outperformed all public schools (charter and non-charter) state-wide.**
 - **81% percent of students in SUNY charters scored at or above proficiency on the 2008-09 state assessment in English language arts; 92% percent of students did so in mathematics.**
- **I also believe that SUNY's work as an authorizer is made better by the fact that there is another state-wide authorizer in New York.**
- **A review of the national literature on multiple authorizers yields the following:**
 - **Multiple authorizers increase the quality and quantity of charter schools;**
 - **Multiple authorizers protect the charter movement from political pressure;**
 - **Multiple authorizers provide school operators with a choice.**
- **In my opinion this has certainly been the case in New York.**
- **But I will tell you that we did not come to our current state of collaboration and cooperation quickly.**
- **We lost too much time, years, engaged in a power struggle about whether or not anyone other than the State Education Department should have the authority to approve a K-12 school. And there are still a few outliers who continue to want all of the authority for education under one roof.**
- **I urge you to learn from our mistakes in that regard and applaud opportunities like today to discuss the tremendous potential value in the multiple authorizer model.**
- **There is not only a healthy competition that has evolved between SUNY and our colleagues at the State Education Department about attracting high quality new school applicants, but there is a commitment to share best practices and truly learn from one another.**
- **State Education Department staff have taken part in our application review process as active observers and our staff has joined the state education department on their school evaluation visits.**
- **We're working to make our respective practices – which do vary – better.**
- **We are working together on grant applications and a new data project to help foster authorizer based research on best practices that can be shared for the benefit of all public schools in the state.**

- **And, finally, I believe that it was our foundation in the University that ultimately helped us to succeed in fostering this collaboration.**
- **And to me, it makes real sense given that**
 - **40% of the state's high school students attend SUNY campuses;**
 - **SUNY educates 30% of the state's certified teachers through programs at 17 campuses; and**
 - **every one of SUNY's 64 campuses has outreach efforts to their local school districts, serving students, teachers, school leaders and superintendents.**
- **Your higher education institutions have a vested interest in the academic preparedness of students in K-12 as they are the college and university students of tomorrow.**
- **We have seen such synergies between charter schools and the University:**
 - **Charter schools partnering with SUNY community colleges so that charter school seniors graduate from high school with one year of college course-work already complete;**
 - **A SUNY college with a teacher training program establishing a lab in an urban charter schools to not only support the charter school's teachers but to train the college's teacher prep students.**
 - **Multiple campuses partnered with charter schools to apply for early college high school funding.**
 - **Countless SUNY faculty serve on the board of trustees of SUNY charter schools.**
 - **And there are more connections that we do not have time to discuss now.**
- **In closing, I invite you and your colleagues to visit the Charter Schools Institute's website at newyorkcharters.org. I do not believe you will find a more comprehensive resource of school information for any other public schools in the state as you will find for SUNY authorized charter schools.**
- **Let me thank you again for inviting me here today.**



Charter Schools Institute *The State University of New York*

SUNY as a Charter School Authorizer

1. SUNY and its Charter Schools Institute have been repeatedly recognized by the USDOE as well as national charter school and education reform organizations for high-quality charter authorizing practices.
2. SUNY is the only authorizer in the state to have closed under-performing schools.
3. SUNY is the largest charter school authorizer in New York State and the largest University-based authorizer in the country.
4. SUNY authorized charter schools outperformed *all* public schools in the state on the recent state exams in math and English language arts.
5. Data from the January 2010 CREDO study yields that SUNY authorized charter schools produce greater gains in student achievement than any other public school in New York City (charter or non-charter)
6. 100% of students at 5 SUNY authorized charter schools tested at or above proficiency on the 2008-09 mathematics exam.
7. At the current rate of performance, SUNY authorized schools could close the achievement gap in both English language arts and Math in less than 2 years.
8. In October 2009, the Institute's Executive Director was unanimously appointed to the Board of Directors of the National Association of Charter School Authorizers.
9. SUNY's rigorous process for reviewing new school applications has been adopted by authorizers across the country.
10. SUNY's academic accountability standards have been regarded as a state and national model; the New York City Department of Education has recently adopted SUNY accountability standards.

DETAILS FOLLOW

The Facts:

Keeping SUNY as a Charter School Authorizer Means More and Better Opportunity for New York State Families.

How many schools does SUNY Authorize?

- SUNY is the largest charter school authorizer in New York State and the largest University-based charter school authorizer in the country.
- There are currently 175 charter schools in operation or approved to open across New York State; 84 of those schools are authorized by SUNY:
 - 63 in and around New York City - Manhattan (17); Brooklyn (23); Bronx (16); Queens (3); Staten Island (1); Wainscott (1); Roosevelt (1); and Hempstead (1)
 - 11 in the Capital District - Albany (9); Troy (2)
 - 10 in Western/Central New York - Ithaca (1); Rochester (4); Buffalo (5)
- SUNY authorized charter schools serve over 21,000 New York State families.
- SUNY has 139 additional charters left to award under the current cap on the number of charter schools allowed in the State.

Who Leads SUNY's Authorizing Effort?

- The SUNY Board of Trustees has a designated Education, College Readiness and Success Committee. The Committee is chaired by Dr. Pedro Noguera, a nationally renowned scholar in urban education.
- The SUNY Trustees created the Charter Schools Institute in 1999 to help them carry out their responsibilities as a charter school authorizer. The Institute is led by Executive Director Jonas Chartock, a recent appointee to the board of the National Association of Charter School Authorizers. The Institute maintains offices in Albany and New York City.

How is SUNY's Work in Charter Authorizing Regarded?

- SUNY and its Charter Schools Institute are nationally recognized for high-quality charter authorizing practices:
 - **SUNY's Charter Schools Institute has again been recognized by the United States Department of Education (USDOE) as a national exemplar of innovation and excellence. In May 2010, the USDOE released a series of documents outlining the "Research Behind the Obama Administration's Proposal for Reauthorizing the**

Elementary and Secondary Education Act (ESEA)." Its document, entitled *Fostering Innovation and Excellence*, features SUNY's processes for review of new charter school applications, ongoing oversight and evaluation, and charter renewal and also notes SUNY's willingness to hold schools accountable and close underperforming schools.

- According to a review of the data from the January 2010 CREDO study, SUNY authorized charter schools yield greater gains in student achievement than their public school peers in New York City (charter or non-charter).
- "There is no greater model of successful charter authorizing than SUNY. For over a decade, SUNY has developed and sustained high quality charter schools across the state of New York by setting high standards for performance and holding schools accountable for achieving results." – Greg Richmond, President National Association of Charter School Authorizers, June 2009.
- "When I travel around the country and people ask me 'what does a charter school authorizer do?' I tell them to look at SUNY. In the SUNY Charter Schools Institute you will find the best professional practice in this field, in this country." – Nelson Smith, President National Alliance for Public Charter Schools, June 2009.
- In a June 2009 conference call hosted by Education Secretary Arne Duncan and his staff, Dean Kern, Director of the Charter Schools Program for the United States Department of Education, cited SUNY as one of three authorizers in the country that are exemplars of quality authorizing: "A couple of examples of high quality authorizers that are taken seriously, closing down low-performing schools...would be your [New York's] state university system, SUNY. They have done an incredible job of holding their charter schools accountable and closing those that are not demonstrating results."
- *The Accountability Report 2009: Charter Schools*, prepared by the Center for Education Reform states, "New York's charter school success is a product of high standards and accountability that is enforced." SUNY is the only chartering entity in the state to have closed a charter school for academic underperformance." The report further notes, "Approximately 40 percent of the state's charters are sponsored by the State University of New York (SUNY) Charter Schools Institute, and these schools consistently make gains in student achievement."
- SUNY was selected from over 800 charter authorizers nationally by the United States Department of Education in 2007 as an exemplar of high quality charter authorizing, noting specifically its application review process and rigorous charter renewal policies.

How Do SUNY Authorized Charter Schools Perform?

- On the 2008-09 state exams in English language arts and mathematics, SUNY authorized charter schools outperformed all non-SUNY charter schools and all public schools (charter and non-charter) state-wide.
 - 81% percent of students in SUNY authorized charter schools scored at or above proficiency on the 2008-09 state assessment in English language arts (as compared to 74% of students in non-SUNY charter schools and 77% of students in all public schools state-wide - charter and non-charter).
 - 92% percent of students across grades 3-8 in SUNY authorized charter schools scored at or above proficiency on the 2008-09 state assessment in mathematics (as compared to 89% students in non-SUNY charter schools and 86% of students in all public schools state-wide - charter and non-charter).
- In comparison to demographically similar—like percentages of free-lunch eligible— schools statewide (charter and non-charter), SUNY charter schools perform better than expected on the state assessments in math and ELA (weighted average effect size of 0.51 and 0.33 respectively).
- On average, a greater percentage of SUNY authorized charter schools outperformed their local district on the math and ELA assessments than their charter school peers.
 - Of those that outperformed their district in ELA: 78% of SUNY charter schools outperformed their district by 10+ percentage points; 58% did so by 15+ percentage points.
 - Of those that outperformed their district in math: 73% of SUNY charter schools outperformed their district by 10+ percentage points; 60% did so by 15+ percentage points.
 - 7 of the top 10 performing charter schools on the 2008-09 English language arts exam were SUNY authorized charter schools.
 - 100% of students at 5 SUNY authorized charter schools tested at or above proficiency on the 2008-09 math exam.

Is There Value to Having More than One Charter Authorizer in a State?

- SUNY takes great pride in being one of two state-wide charter authorizers in New York alongside the New York State Board of Regents.
- New York's charter legislation also allows schools districts to authorize charter schools within their geographic boundaries; to date two have opted to do so: the New York City Department of Education and the Buffalo City School District.

Number of Charters in Operation by Authorizer			
<u>SUNY</u>	<u>Regents</u>	<u>NYCDOE</u>	<u>Buffalo CSD</u>
84	29	70	2

- Research has emerged showing that states in which multiple [distinct from one, or many] authorizing bodies exist tend to: 1) have more, higher quality charter schools and 2) can insulate charter school related decisions from political pressures.
- Studies have shown that in some instances, those given authority to authorize charter schools are not inclined to do so and/or do not have the capacity to undertake this significant responsibility.
- As an educational alternative charter schools are designed to inspire healthy competition that ultimately improves the performance of all schools.
- Charter school authorizers should also benefit from healthy competition, checks and balances of competing authorizers all held to the highest of standards.

How Would You Describe the Student Population at SUNY Authorized Charter Schools?

- SUNY authorized charter schools serve primarily students at-risk of academic failure.
 - 91% percent of the students in SUNY authorized charter schools have self-identified as students of color.
 - 76% of students in SUNY authorized charter schools qualify for free or reduced lunch.
- Despite the fact that SUNY authorized charter schools are more at risk of falling victim to the achievement gap, a greater percentage of the Black and Hispanic population in SUNY schools scored at or above proficiency on the 2008-09 ELA *and* mathematics exams as compared to their peers in the state: (ELA: 79% v. 65%) and Math: (91% v. 77%).
- The achievement gap is much smaller in SUNY-authorized schools than it is state-wide:
 - The difference in the percentage of Black and Hispanic students scoring at or above proficiency in SUNY schools on assessments as compared to their White and Asian counterparts on the 2008-09 ELA assessment is 7.1 percentage points (compared to 21.4 percentage points state-wide) and 1.5 percentage points on the 2008-09 math assessment (compared to 15.2 percentage points in math).
- SUNY-authorized schools are making more progress toward closing the achievement gap.
 - Between 2008 and 2009 SUNY schools decreased the achievement gap for Black and Hispanic students by 5.2 percentage points in English language arts and 2 points in math. At that rate, SUNY schools could close the achievement gap in both reading and math in less than two years.

Is SUNY Committed to Accountability and Transparency in Authorizing?

- SUNY's model of authorizing—balancing a respect for school autonomy with holding schools to the highest standards of academic accountability—aligns with the expectations of President Obama and Education Secretary Duncan.

- SUNY's rigorous application review process for new charter schools includes the participation of external reviewers with national education and charter school experience and has been adopted as a model by numerous authorizers across the country.
- The ongoing oversight and monitoring of SUNY authorized charter schools (conducted by the Charter Schools Institute) is done through the lens of the uniquely transparent and rigorous State University Charter Renewal Benchmarks. Focused in the areas of academic quality, organizational and fiscal soundness, and governance, SUNY's benchmarks are regarded not only for the high standard they represent but for the clarity and transparency they provide to schools.
- The Institute has set required measures of student achievement for each school via an Academic Accountability Plan including: absolute measures; comparative measures; and growth measures.
- SUNY's accountability standards have been regarded as a state and national model; the New York City Department of Education has adopted SUNY accountability standards. As noted above, SUNY is the only New York authorizer to have closed schools for academic underperformance
- SUNY is committed to transparency. Policies for approving new schools, oversight and evaluation and charter renewal are all available on the Institute's website. So too are comprehensive evaluation reports, academic accountability plan progress reports, year-end fiscal audits, and renewal recommendation reports for all SUNY authorized charter schools. Visit www.newyorkcharters.org today.

About the State University of New York

- SUNY is the largest comprehensive university system in the United States, educating nearly 465,000 students in 7,669 degree and certificate programs on 64 campuses.
- SUNY has a vested interest in the academic preparedness of students in K-12 as they are the SUNY college and university students of tomorrow.

For additional information, please contact the Charter Schools Institute by phone at: 518/433-8277, ext. 2051, via e-mail at charters@suny.edu, or visit the Institute online at: www.newyorkcharters.org.



New Jersey School Boards Association

413 West State Street • P.O. Box 909 • Trenton, NJ 08605-0909 • Telephone: 609.695.7600 • Toll-Free: 888.88NJSBA • Fax: 609.695.0413

September 28, 2010

POSITION STATEMENT ON CHARTER SCHOOL AUTHORIZERS PREPARED FOR THE JOINT COMMITTEE ON THE PUBLIC SCHOOLS

The New Jersey School Boards Association (NJSBA), a federation of 588 local school districts and 44 associate charter school members believes that, upon a roll call majority vote of its full membership, the board of education of a public school district should have the authority to establish and operate charter schools.

Currently, only the Commissioner of Education can authorize charter schools. Two recent bills, S-2198 and A-3083, would permit institutions of higher education to authorize charter schools. NJSBA is currently seeking amendments to these bills permitting local boards of education to also authorize charter schools.

When looking at charter school authorizers across the U.S, 45 percent of authorizers were local school districts, 41 percent were state educational agencies, 12 percent were higher education and 2 percent were other entities, according to a 2004 report of the Public Charter Schools Program, prepared for the U.S. Department of Education. As of 2009, local school districts accounted for 55 percent of charter school authorizers in the U.S., according to the National Association of Charter School Authorizers.

Of the 41 states, inclusive of Washington, D.C., that currently authorize charter schools, 20 states include local school districts as charter school authorizers, according to the National Alliance for Public Charter Schools. When a local school board has authority over chartering and oversight, both the design and accountability of the charter school are more likely to be responsive to the needs of the local community and the charter school students than without such involvement. Reasons that local districts choose to authorize charter schools include: the opportunity to create schools that have greater flexibility to meet high standards; meeting parent demand for greater options in the delivery of services; and importing or creating new models for better educating underserved populations.

Bills like S-2198 and A-3083 represents an important starting point in the conversation about charter school authorizers and public education. NJSBA believes that local boards of education should be permitted to be authorizers of charter schools within their district boundaries. With local districts as authorizers, charter schools can experience more wide-ranging parent and taxpayer support because it will be the local community, not the state or higher education institution, which is choosing to have a charter school in the district. By permitting local school districts to be authorizers, charter schools will essentially be authorized by the local community for the local community. Charter schools and local districts working together will create a more cooperative environment that will encourage greater innovation in all publicly funded schools, ensuring the success of all public school students.



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School Districts Choosing to Charter

Robin Lake

School district associations across the country have often opposed charter school legislation as strongly, or more strongly, than have teachers unions. They typically argue charter schools will threaten the tradition of local control of schools by elected officials, drain their financial resources, and distract them from pursuing "system-wide" reforms.

Yet many school districts across the country have embraced charter schools as an integral part of their overall strategy for school improvement. This Brief explores the reasons urban, suburban, and rural districts alike have taken an approach so different from their associations' typical political position by pursuing chartering as a school improvement strategy, and it offers suggestions for districts interested in pursuing the charter option.

Why Districts Choose to Charter

Every school district has unique needs and constraints, be they political, educational, or financial, but the common reasons districts pursue chartering include the desire to:

- **Tap new sources of leadership.**

Many districts see chartering as an opportunity to hire school administrators and staff from non-traditional backgrounds in order to infuse the district with new sources of expertise and an entrepreneurial culture. Less restrictive certification and hiring regulations common to many charter school laws make it possible to tap

leaders and staff who would not otherwise qualify for district personnel roles.

- **Create schools that have greater flexibility to meet high standards.**

Under pressure to find new solutions for closing achievement gaps and meeting state and federal accountability requirements, some districts feel hamstrung by union contracts and state laws and believe their schools need greater flexibility to make dramatic achievement gains.

Districts often see chartering as a way to remove regulatory constraints so existing schools can do better, or as a way to start semi-autonomous new schools "from scratch" rather than try to overcome ingrained habits and cultures in chronically low-performing schools.¹

- **Hold schools accountable for**

what matters. Though lack of "local control" is often cited as a reason districts oppose charter schools, many district officials have come to see chartering as a tool for gaining real performance leverage over their schools. These superintendents and board members believe the charter school application and renewal process itself provides a way to: force school developers to be clear about their intended focus and purpose, specify and commit to performance goals in a written agreement, and take away excuses for poor performance because, as a charter school, the school is in control of its own destiny.



National Association of Charter School Authorizers

Promoting quality charter schools
www.charterauthorizers.org

- **Import or create new models for better educating underserved populations.** For many district leaders, the goal of significantly narrowing the racial achievement gap, lowering dropout rates, and meeting other special needs among students is frustratingly elusive. Recognizing the urgent need to find dramatically different solutions, many superintendents and board members are looking to successful, replicable school designs, such as the smaller, more personalized high school models promoted by the Bill and Melinda Gates Foundation. At the same time, many districts are interested in locally-grown innovations, and charters represent a “blank slate” on which local teachers, principals, and community members can be encouraged to create their ideal schools.

- **Meet parent demand for options.** When districts choose to charter, it is often in response to demands from parents and community leaders for a more diverse set of public school options. Recognizing that charter schools tend to offer theme-based educational programs, such as environmental schools or schools with highly personalized instruction, district leaders have responded positively to such applications and even solicited proposals for charter schools that will expand and diversify the district's portfolio of offerings.

- **Bring new resources to the district.** Also appealing is the notion that charter schools often attract new sources of revenue to districts, including federal start-up funds and new sources of private grant and investment funds.² In addition,

districts can frequently charge charter schools for administrative and other services, creating new streams of revenue that may offset some of the cost of chartering and provide support for central office functions.

- **Create internal pressures for improved efficiency and effectiveness** Large, bureaucratic central office structures and staff are notoriously immune to reform,³ often frustrating innovative superintendents and board members. Because charter schools receive funds on a per-pupil basis when students and families choose to attend and often have the option of buying back services from the school district or buying those services elsewhere, some district leaders believe charters help motivate the central office to develop a more customer-oriented and efficient operation to meet market competition.

The next section profiles three districts across the country that have pursued aggressively the charter school option. These profiles are intended to illustrate some of the diverse reasons districts opt to charter and to provide examples of the results from these district-chartering initiatives.

Many districts are interested in locally-grown innovations, and charters represent a “blank slate” on which local teachers, principals, and community members can be encouraged to create their ideal schools.

The **Authorizer Issue Briefs** are a publication of the National Association of Charter School Authorizers, a non-profit, non-partisan membership organization that promotes the establishment and operation of quality charter schools through responsible oversight in the public interest. They are supported by and are one product of a three-year grant from the U.S. Department of Education for *Building Excellence in Charter School Authorizing: Ensuring Accountability at Scale (BECSA II)*. NACSA broadly disseminates each Issue Brief in print and electronic forms. Additional print copies are available by request.

Appleton, Wisconsin: Pursuing a New Solution to a Persistent Dropout Rate

Why Charter?

"I've been committed to alternative education for 30 years because I saw that the right educational programs can help troubled youth get back on track. Charter schools were just a natural fit."

—Dr. Tom Scullen, Superintendent of
Appleton School District

Dr. Tom Scullen has served as Superintendent of Schools in Appleton, Wisconsin for ten years. In his first year, he was interested in opening an alternative school as a way to shrink the dropout rate in

his district. He decided to open the school as a charter school (a legal arm of the district but with an advisory board and performance agreement) because he believed state laws and regulations governing traditional public schools were not designed to serve at-risk students. Specifically, Wisconsin's charter school law allowed

charter schools to: offer credit for performance (as opposed to "seat time"), take advantage of increased flexibility in staffing and scheduling, use electronic instructional delivery to reach students who couldn't physically attend classes, and set their own financial and programmatic priorities that were more in line with the needs of the students they wanted to help. Scullen believed these freedoms were critical to making schools work well for at-risk students.

"The students we wanted to reach don't care about extra-curricular activities and all the other typical high school extras. They need personalized attention," said Scullen. The superintendent saw the charter model as financially beneficial as well because it brought federal planning and implementation

grants and attracted students to Appleton from neighboring districts.

For at least two reasons there was no opposition to opening charter schools in Appleton. First, the district has a history of "progressive," "outside-the-box" public-private partnerships and charter schools fit well into this model. Second, and perhaps most important, the Appleton charter schools all use union teachers and operate under the district's union contract. The charter schools, however, do receive contract waivers for greater curriculum and scheduling flexibility and have more authority over hiring.

A total of nine charter schools now serve Appleton students. The schools range in focus from arts to engineering. They employ a variety of instructional approaches, including distance and project-based learning. The district has tried to take advantage of potential complementarities between charters and traditional schools within the district by creating "hybrid" schools where students spend part of their day at a charter school and part of the day in a traditional program. The hybrid model allows students to participate in music classes, sports, and other programs that the charter schools do not offer.

The Superintendent initiated the first charter schools in Appleton in partnership with community groups. Appleton teachers initiated most of the district's later charter school proposals. According to the superintendent, teachers in the district "started to see that there were other ways to provide education and they felt empowered."

Appleton charter schools include:

- Two alternative schools (one serving middle grades and one high school) designed to meet the needs of at-risk youth;
- A school (K-8) based on the Core Knowledge Curriculum;
- An arts-themed school that students attend in the afternoon in tandem with a "home" district school;

Appleton Charter Schools at a Glance

- Appleton School District opened its first charter school in the Fall of 1997.
- Nine charter schools presently, with five more in planning stages.
- Appleton charter schools serve 1,000 of 15,000 students (approximately 7% of the total student population in the district).

- A middle school (5-8) for gifted learners,
- A virtual K-8 school and Internet-based high school,
- An engineering high school with a focus on problem-solving and design skills, and
- Two schools (a middle school and a high school) based on project-based, individualized learning.

Schools in the pipeline include a school to serve expelled or withdrawn students; a Montessori-based elementary school; an intensive intervention school jointly run with a neighboring school district; a bilingual American Sign Language School serving grades K-6, and an environmental, hands-on learning school serving grades 3-8.

Perceived Benefits

Dr. Scullen believes charter schools in Appleton have also helped the more traditional public schools improve what they do: "I think our charter schools have made a real impact throughout our whole district. It changes the mindset of how to educate people." He explains, for example, how a large, traditional high school dealt with a student suicide: "Because we're so into charters, the counselors did a 'connect the dot' exercise to see how many staff members knew the student well. When it turned out that nobody did, the staff collaborated with the charter schools to find ways to make sure that wouldn't happen again." The district promotes this kind of interaction and learning between its charter schools and non-charter schools through teacher exchanges and combined staff development programs.

According to Scullen, the benefits of in-district chartering have run both ways. Charter schools, the superintendent reports, have benefited, for example, by being part of the district infrastructure. The district makes available to charter schools, free of charge, unused or underused buildings. "We deal with the bureaucracy that most people running a school don't want to deal with," said Scullen, referring to services such as payroll, bookkeeping, administering state

testing, and so on. Some of this district involvement means that the schools have less autonomy than they might through a non-district authorizer. For instance, the district participates in the hiring process by running reference checks and approving all school hires. Appleton charter schools also do not have full control of their funds. The district allocates general classifications and numbers of personnel positions to the school, though the charter schools can choose to do without certain positions or trade a position for a more needed one.

Most important to Scullen, Appleton's dropout rate has diminished from three percent to one-third of one percent, with only 16 dropouts total in the 2003-04 school year. Scullen believes that this improvement is in large part due to the effectiveness of Appleton's charter schools.

Besides apparent success in lowering the dropout rate, Scullen says charter schools have also brought unexpected benefits. Scullen spends less time dealing with "disgruntled parents" because he can just tell them that they chose the school and they always have the option of leaving. Parents can't reflexively call the superintendent for every complaint, because they opted to empower the teachers and principals at the school with decisions about operating the school. Scullen also sees fewer discipline problems, which he thinks may be due to smaller school size, but may also be because teachers are given more authority to solve problems rather than having to send students automatically to the principal.

What Has Been the Financial Impact?

According to Dr. Scullen, charter schools are a financial boon to the district. Charter school students bring Appleton two million dollars a year that the district would not otherwise have, partly from sources such as grants, business partnership funds, and scholarships. The charter schools also attract students from neighboring districts, bringing new revenues to the district.

San Diego, California: Cultivating Healthy Competition

Alan Bersin, a former U.S. Attorney, became Superintendent of San Diego Unified School District in the 1996-97 school year. Prior to his arrival, charters were tolerated by the district but were not a high priority. With his experience as an attorney, Bersin's initial

attitude was simple: charter schools are authorized by law; therefore, parents and students have the right to choices available through chartering.

Two years after Bersin's arrival, lawmakers expanded the charter school law, making it easier to start new charter schools and convert existing schools to charter status. As a result, between 2000 and 2003, San Diego had an influx of charter proposals and more than doubled the number of charter schools. The market demand came primarily from under-

served communities—African-American, Latino, and low-income populations.

Why Charter?

"The goal has evolved over time. It started as a 'we have to' attitude. Then it was, 'we have a responsibility to follow the law.' Then we recognized that we had an obligation to provide families with additional choices. Now, we really see the value in bringing competition, in the best sense of the word, into the public school system."

—Brian Bennett, Director of the Office of School Choice, San Diego Unified School District

San Diego has a history of being aggressive about providing choices as a response to desegregation efforts, and Bersin sought to continue that tradition through an expansive

array of options. According to Brian Bennett, "We have lots of magnet schools and flexible transportation options. One-third of our students attend non-neighborhood schools. Charter schools are the most recent addition to a series of choices."

Perceived Benefits

Bennett believes the goal of promoting "healthy competition" is paying off for the district and causing system-wide change. In San Diego, Bennett says, charter schools are modeling many characteristics the district hopes all San Diego public schools will have. As the district attempts to move all its schools to site-based budgeting, for instance, charter schools provide models for how schools can create their own budgets and manage income flows.

Another central feature of the San Diego reform effort is a move to smaller, more personalized high schools. Three of the district's large, low-performing high schools closed in June 2004 and were re-opened as fourteen smaller schools (400-500 students each) in September 2004. According to Bennett, much of the impetus for this redesign came from two San Diego charter schools: High Tech High and Preuss (operated by the University of California at San Diego). San Diego school board members frequently cited the success of these schools in debates about high school reform proposals. "These schools offer laboratory proof that smaller is better," says Bennett.

San Diego charter schools provide the district a useful tool in dealing with chronically low-performing schools. Nine San Diego schools are entering the fourth year of program improvement under the federal No Child Left Behind Act. The district has issued a Request for Proposals (RFP) to outside organizations to manage the schools under charters or charter-like arrangements. "The truth is, some schools have to get free of the union in order to improve," Bennett says. "Chartering makes that possible."

San Diego Charter Schools, at a Glance

- San Diego Unified School District authorized its first charter school in 1994.
- There are currently 24 charter schools in operation and an additional eleven applications are under district review.
- San Diego charter schools currently serve approximately 10,400 students of the district's 137,400 students (roughly 7.5% of the total district student population).
- Eighty percent of San Diego charter schools are targeted to low-achieving student populations.

Bennett also believes that charter schools in San Diego are helping to make the central office more "item-conscious." Because charter schools choose district services from a menu of offerings—from information technology to professional development—they are more likely to challenge district staff on pricing and quality issues, forcing the central office to prove its worth and become more oriented to serving school-based needs.

The presence of charter schools may also have created a mechanism for responding to parent demand that the district was not even aware existed. "We have one charter school that is a German-English dual-language program that serves 200 kids," explains Bennett. "There is no way the district ever would have thought to offer such a school, but clearly, the demand was there."

What Has Been the Financial Impact?

In California, charter schools receive differentiated funds according to grade level. According to Bennett, for K-8 schools, charter schools are "not a real hit on the district."

Because charter schools choose district services from a menu of offerings—from information technology to professional development—they are more likely to challenge district staff on pricing and quality issues, forcing the central office to prove its worth and become more oriented to serving school-based needs.

Bennett is less certain about the financial impact of high schools. The vast majority of charter schools in San Diego purchase services (such as payroll, bookkeeping, etc.) from the district, which is a revenue source for the district. Districts in California are also allowed to retain a portion of charter school funding for oversight and are also eligible for state "mandate aid" for additional oversight costs they might incur.

Chartering Policies That Work for the District and the Charter Schools

At the same time the district became more aggressive in authorizing qualified charter applications, Bersin led an effort to develop comprehensive district charter school policies that would serve both charter schools and the district well by creating transparency in the charter school application and renewal process, accountability requirements, and funding agreements. San Diego previously had very few written policies concerning charter schools, leaving these schools to negotiate individually with the district on a variety of issues. District personnel, charter school representatives, and outside experts worked together to draft the new policies.

Brian Bennett describes the main philosophy behind the new charter school policies in San Diego as requiring schools to prove their worth rather than creating barriers to opening. He explains, "AYP [under No Child Left Behind] and district performance standards should force schools to justify their existence. The goal is to create options and then hold schools accountable for high levels of performance. We give schools permission to be successful, but also permission to fail. We provide support from the district in the hope that most will be successful."

The new policies have also had district-wide impact. Discussions about charter school accountability requirements have forced the district to consider whether all district schools could meet similar accountability requirements.

Miami-Dade County, Florida: Opting for More Options, and Smaller Classes Sizes Too

Why Charter?

"In Miami-Dade we're proud to be ahead of the national trend in offering extraordinary choice options,

from magnet schools to career academies to vouchers. Charter schools are just one of the options families can choose."

—Dr. Carlo Rodriguez,
Director of Charter
School Operations
for Miami-Dade
County Schools

According to Dr. Carlo Rodriguez, charter schools in the Miami-Dade County school district have been viewed as a "win-win" situation since the time the state law passed in 1996. The "win" from the perspective of

the district was twofold. Chartering was both an opportunity to provide more educational

options to parents and students in the district and a practical way to deal with the extreme overcrowding in Miami-Dade schools. By granting charters, the district hoped to, in effect, satisfy families who wanted new options as well as reduce class size in current classrooms, all without paying for new buildings.

There was also a political element in play. Governor Jeb Bush was an ardent charter school supporter and was involved in starting the first charter school in Florida, Liberty City Charter School. It didn't hurt for Miami-Dade to demonstrate its willingness to respond positively to the new state law.

Perceived Benefits

Rodriguez believes Miami-Dade has realized specific practical benefits by partnering with charter schools, as well as broader benefits to the community.

The district has realized its goal of using charter schools to relieve overcrowding. Now that overcrowding is becoming less of a district-wide problem, the district is negotiating with charter applicants to have them

Miami-Dade Charter Schools, at a Glance

- Miami-Dade County Public Schools sponsored the first charter school in Florida in 1996, the same year the charter school law was passed by the legislature.
- 40 charters currently operating, 27 additional schools have received approval to open, and 28 applications are pending.
- Charter schools serve approximately 14,000 of 360,000 Miami-Dade students (approximately 4% of the total district student population).

I Choose

Miami-Dade's new "I Choose" program is designed to respond to the popularity of charter schools and other choice options, and to integrate the county's choice programs with Florida's A+ accountability system and the requirements of No Child Left Behind. The goal of the program is to create choice zones in the district, each with numerous high-quality choice options, by:

- Replicating high-demand, successful, themed programs such as charter and magnet schools in order to reduce declining enrollment in designated areas;
- Increasing the capacity of existing successful programs;
- Redesigning the transportation system to create an efficient way to increase significantly the number of students who have access to transportation services;
- Providing academic support teams to new choice programs and in low-performing schools; and
- Creating new avenues for teachers from charter schools and other choice schools to share teaching and achievement strategies.

locate in particular neighborhoods where overcrowding remains a problem. Rodriguez notes that chartering is simply a more efficient way to build schools. The average school in Florida costs \$14,000 per pupil to build. Charter schools cost about \$5,000 per pupil because they are free from many state public school building requirements. These facilities are often built by private organizations, which often bring substantial additional financing to the table.

More broadly, the district is seeing some evidence that minority students are doing better academically in charter schools than in other public schools,⁴ and district officials say the success and popularity of charter schools serve to catalyze system-wide improvement because traditional public schools realize they must improve.

Finally, Rodriguez sees increased parent engagement as an important outcome of the district's charter initiative: "There's something about choosing a school as opposed to being assigned that makes parents and students

say, 'I want to do this and I want to be involved.' In many cases, the curriculum mirrors other public schools, but the very act of choosing empowers the entire school community."

The demand for charter schools in Miami-Dade County is very strong, and the district has made an effort to learn why and respond. A survey of parents choosing charter schools in Miami-Dade showed that parents valued the smaller schools and class sizes, and perceived the schools to be safer and more convenient. The district has responded by expanding choice programs and by creating the district's "I-Choose" program, creating neighborhood choice zones with integrated support systems.

What Has Been the Financial Impact?

According to Carlo Rodriguez, Miami-Dade charter schools are not having a significant fiscal impact on the district: "It's pretty much a wash, financially, because the money simply follows the student."

Keys to Successful District-Charter School Partnerships

When asked to offer advice to other school districts considering charter schools as part of a larger district improvement strategy, officials in the three districts profiled here offered the following:

1. **A top-down, regulatory approach will not work. Effectively chartering public schools means creating a partnership built on effective communication and trust.**

Carlo Rodriguez (Miami-Dade): "It's all about getting the relationship right between the sponsor [authorizer] and the operators. This means putting a premium on cooperation and respect, and finding the right balance between support and accountability."

Brian Bennett (San Diego): "You have to constantly create opportunities for dialogue by including [charter school leaders] in meetings and providing other opportunities for interaction."

2. **Attitudes at the top matter. District leadership sets the tone for how central office staff and other district schools view charter schools.**

Brian Bennett (San Diego): "It helps that the Superintendent has a clear understanding that charter schools have the right to exist independently. It all starts with your mindset. In California and San Diego, charter schools are no longer in the experimental stage. They are part of the public school reality."

Tom Scullen (Appleton): "Historically, there have been lots of innovations that have been disastrous and many see this as another risky reform. Unfortunately,

"It's all about getting the relationship right between the sponsor [authorizer] and the operators. This means putting a premium on cooperation and respect, and finding the right balance between support and accountability."

there are a lot of superintendents who are fearful and risk-averse. The system just doesn't reward risk-takers."

3. Be clear what you hope to get out of the partnership.

Tom Scullen (Appleton): "Charter schools have to meet a need not currently met. Starting charter schools just for the sake of starting them is a bad idea. If your main goal is to serve at-risk students better, visit Appleton and feel free to copy what we're doing. Bring board members and teachers who are opposed."

Brian Bennett (San Diego): "If you start with an 'us vs. them' attitude, the district

will always lose because dissatisfied parents will always go somewhere else if they can. It's better to plan and see what charter schools can offer, whether it's thematic schools, schools that serve special populations, middle and high schools, etc.... Our district, like most districts in the country, is struggling to improve middle and high school education. If charter schools can help, they should be considered a plus. As district officials or staff, ask yourself, where do we need shoring up? And see if charter schools can help."

Endnotes

- 1 For a paper detailing the potential advantages of starting schools that can build their cultures, routines, systems, and staff from the ground up, see Bryan Hassel and Lucy Steiner, *Starting Fresh: A New Strategy for Responding to Chronically Low Performing Schools*, Public Impact, December 2003, <http://blueweb.qblue.com/publicimpact/high-stakes/startingfresh.pdf>.
- 2 As Jay Greene of the Manhattan Institute recently argued may be the case in Florida, new sources of revenue for capital construction from the federal government, foundations, and corporations may benefit all public schools by relieving overcrowding. See Greene, J., & Winters, M. (2004, August 6). *Charters Ease Florida Public-School Crowding*. Available online: www.manhattan-institute.org.
- 3 See, for example, Patrick J. Murphy and Michael M. DeArmond, *From the Headlines to the Frontlines: The Teacher Shortage and Its Implications for Recruitment Policy*, (July 2003), and Howard Fuller with Christine Campbell, Mary Beth Celio, James Harvey, John Immerwahr, and Abigail Winger, *An Impossible Job? The View From the Urban Superintendent's Chair* (July 2003).
- 4 The School Board of Miami-Dade County, *Monitoring the Miami-Dade County Public Schools Post-Unitary Commitments to Equity and Diversity: Baseline Diversity Factors 2002-2003 Public School Choice Programs Student Achievement Report*. Miami, Florida.

About the Author

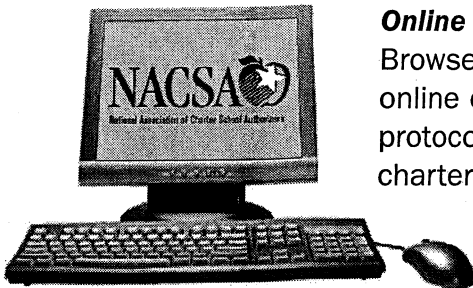
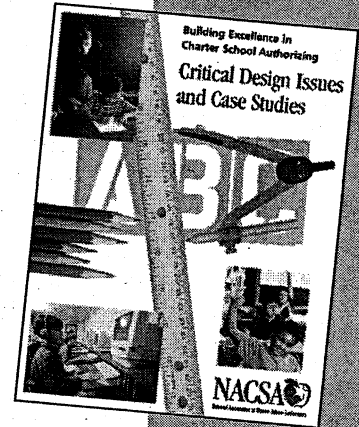
Robin Lake is Associate Director of the Center on Reinventing Public Education at the University of Washington where she conducts national and local research into elementary and secondary public school system governance reforms such as public charter schools, contracting, and standards-based school decentralization. Before joining the Center, Lake worked as a Legislative Aide for the Washington State Legislature.

Your "Go To" Resource for the Charter School Authorizer Community

www.charterauthorizers.org

Critical Design Issues for Charter School Authorizers

Check out this valuable resource, made possible through the federally-funded *Building Excellence* project. This publication highlights a core set of activities and practical choice options for developing a comprehensive charter school authorizing program. Each authorizing program component is examined through a series of planning questions accompanied by illustrations, case studies and sample resources that document the methods employed by experienced authorizers.



Online Library of Charter School Authorizer Resources

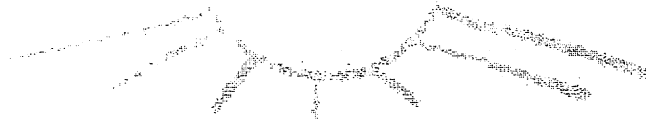
Browse this easily searchable resource offering an online compendium of authorizer-developed policies, protocols and tools for all areas and phases of chartering practice.

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(703) 683-9703 (fax)
www.charterauthorizers.org

Center for Education Reform



MULTIPLE AUTHORIZERS IN CHARTER SCHOOL LAWS

What is an Authorizer?

An authorizer is the entity or body approved by the legislature to bring into existence charter schools. Authorizers set up processes and approve charter schools and are accountable for managing and monitoring their progress in compliance with all applicable laws.

What is an Alternative or Multiple Authorizer?

Alternative or Multiple Authorizer is the term given to entities other than local school boards that have authority under state law to approve charter schools. While they are typically bodies outside of the regular education structure of a state (new public boards, universities, municipalities, etc.), sometimes state boards of education authorize charter schools with or without consent from local school boards. In addition, state boards which approve charter schools on appeal may also become an authorizer.

How Many States have Multiple Authorizers?

15 states have multiple chartering authorities. Those states are:

Arizona	Minnesota
Colorado	Missouri
District of Columbia	New Mexico
Florida	New York
Indiana	Ohio
Idaho	South Carolina
Michigan	Utah
	Wisconsin (<i>only in Milwaukee</i>)

Why are Multiple Authorizers Necessary?

All but one of the nation's 41 charter laws (New Jersey) permit school boards to authorize charter schools. Those states have opened less than one quarter of the nation's nearly 4,000 charter schools, while states with multiple authorizers are home to 80 percent of all charter schools. School boards are often unable or unwilling to have fair and impartial processes to vet charter schools, and many that do approve charter schools create friction between the schooling entities.

See *Charter Schools Today: Stories of Inspiration, Struggle & Success*, www.edreform.com/stories

How do they work?

Multiple authorizers consist of staffs and boards that create and supervise the process by which charter applications are taken, reviewed, approved and once schools are running, how they are monitored. They are accountable to state governments and to the public. Most of the time the processes for operations are written either into the law or into regulations adopted by states boards of education. The more detailed the law is, the more effective the authorizer will be. Not all are created equal, however. Those that are more likely to have high numbers of accountable, high quality charter schools tend to have more independence from conventional education bureaucracies, while still being held to high standards and needing to follow clear rules and state regulations governing other public agencies.

Are They Constitutional?

State legislatures in every state have grappled with this issue and case law now exists attesting to the constitutionality of charter schools in every state, even those where school board control is paramount. While interpretations may vary, Courts consistently ruled that wherever a state legislature is tasked with the authority to establish and fund public education, it may create systems for the establishment of other public schools without violating the Constitution. These same cases and legal analyses have also confirmed that states are obligated to provide to charter schools the same funding pools that conventional, public schools receive (i.e. federal, state and local). State legislators or state attorneys who argue otherwise often hide their disagreement with charter schools behind a constitutional cloud, when in reality their disagreements are based on politics or policy, not the intent or direction of the law.

Additional Benefits of Multiple Chartering Authorities

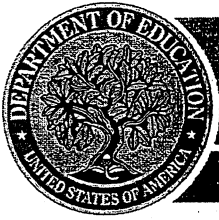
Charter Schools grow and flourish in environments that provide multiple ways for groups to obtain charters to open schools. States that grant universities the ability to charter schools tend to enjoy a robust charter school movement where the resources of higher education are brought to bear on K-12 problems through high standards of accountability, technical assistance and additional oversight. In addition, Indiana has a unique system that allows the mayor's office in Indianapolis to charter schools in the greater Indianapolis area.

As with any charter school, accountability is key. Schools that fail to perform, or do not meet the terms of their charters do not have their charters renewed.

Below are some outstanding examples of these charter school-authorizer partnerships:

- 1) The State University of New York was given the authority in 1998 to open a charter school institute, where up to 100 charter school applications could be approved. That office, housed in the Chancellor's office and paid separately by legislative appropriations, is responsible for the highest quality charter schools in New York.
- 2) Any public university in Michigan may authorize charter schools. This led seven major universities to open up charter school offices, which are now responsible for the majority of the state's 240 charter schools. These offices focus on quality applicants, and monitor state and federal accountability measures.
- 3) Indiana followed Michigan's model and authorized public universities in that state's charter law. Today Ball State University leads the pack in authorizing 17 of the state's 38 schools. The Mayor of Indianapolis also authorizes schools.
- 4) Wisconsin gave authority for three branches of the University of Milwaukee system to approve schools in the city, providing a wide degree of choices and boosting that city's appreciation of higher education.
- 5) Minnesota passed the nation's first law without universities involved, but amended it later to allow any postsecondary institution to authorize charters. Today the state is home to more than 134 healthy charter schools.
- 6) The initial Ohio charter law gave authority to the University of Toledo to charter schools in its area. Today, other state universities and nonprofit organizations can also authorize charter schools (64 of the 296 are authorized by nonprofits or universities, which is 22%).
- 7) Missouri's law limits charters to St. Louis and Kansas City, but gives authority to the public universities in both those cities, in addition to the local school boards. It is the universities that have had the most success with charter schools.
- 8) Washington, D.C. charter schools can be authorized by the Board of Education or the D.C. Public Charter School Board. The independent board has authorized 37 of the city's 67 charter schools, and 26 percent of public school students now attend a charter school.
- 9) In 2006 the Florida Schools of Excellence Commission was created to give charter schools another avenue for authorization. The Commission can authorize schools in districts that have not been granted exclusive authority over charters and may also approve cities and universities to become co-sponsors of charters.
- 10) Federal law governing the public charter school grant program gives priority to state laws, which have multiple authorizers. The states noted above get more federal grant funds than those for which there is a single authorizer.

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Authorizers are Critical to Putting New Charters on the Road to Success

During this year's Charter School Week, May 2-8, the charter school sector would be well served to adopt the posture of the Roman god Janus, simultaneously looking both to the past and the future. The past up to the present to acknowledge and celebrate the sector's growth over almost two decades; and the present to future in order to take stock of recent studies of student achievement in charter schools compared with traditional public schools and to chart a course for the future – a future with the promise of growth but the challenge to increase not only in quantity but in quality as well.

Nearly 5,000 charter schools now exist in 40 states and the District of Columbia, and represent five percent of U.S. public schools, serving three percent of public school students. Charters have been supported by Administrations of both parties since they were first created in 1992 for their promise of bringing a new source of innovation, choice, and entrepreneurial solutions toward the goal of providing all students with a quality education. Indeed, President Obama is committed to doubling the federal support for charter schools over the next four years, and is proposing to make his investment further reach that commitment by increasing funds for charter schools for Fiscal Year 2011.

The prospective role of public charters has also gained a heightened profile as the Department of Education has included new charter start-ups as one of four intervention models under the historic investment of \$3.5 billion in Title I School Improvement Grants (SIG) under the American Recovery and Reinvestment Act (ARRA). This opportunity is coupled with the potential for increases in charters in situations other than low-performing-school turnarounds as many states have relaxed caps on the number of charter schools permitted to operate or have taken other measures to level the playing field between charters and traditional public schools.

Whether new charter schools serve as turnaround interventions or as new school options, state and local leaders must ask tough questions about how to increase the likelihood of success for new charters. These questions have become increasingly urgent as recent studies have failed to show that charter schools broadly outperform their district peers. A 2009 study by the Center for Research on Education Outcomes (CREDO) at Stanford University provided sobering data concerning charter schools performance nationally, concluding that charters on the whole did not outperform district schools. Secretary of Education Arne Duncan, in his remarks at the National Alliance for Public Charter Schools (NAPCS) conference last June, acknowledged the CREDO report's findings of minimal accountability in several states.

Authorizers Play a Critical Role

Before the doors of a new charter are opened, critical "upstream" decisions must be made: How will the best-qualified applicants be screened and selected? What assistance could be given to new operators, particularly in the initial start-up year? How should a balance be struck between encouraging innovation and demanding approaches that are research-based? What accountability structures are needed to increase charter schools' student achievement and operational soundness?

These critical questions, as well as others that come "downstream," fall squarely at the feet of charter school authorizers – those organizations charged with approving the creation of new charter schools, overseeing those charters,

A complete copy of this newsletter can be accessed at <http://www2.ed.gov/news/newsletters/innovator/2010/0430.html#in1>

and determining which charters should close for having not lived up to the commitments they initially made. Each state has its own approach to authorizing. In some cases school districts are authorizers, in some cases authorizers are universities or other nonprofits. But no matter what the structure, how well authorizers carry out their oversight responsibilities can significantly impact the health and quality of the charter schools they oversee.

Recognizing this critical role, The National Association of Charter School Authorizers (NACSA) has established "Principles and Standards for Quality Charter School Authorizing." The Standards cover five areas, from defining the qualities of an authorizer's own organizational capacities to the rigor and transparency of the renewal decisions authorizers make. According to NACSA, authorizers who implement practices that meet these standards are more likely to have quality charter schools.

By not adhering to the standards, particularly those affecting accountability, the "charter movement is putting itself at risk" by allowing too many second- and third-rate charter schools to continue to exist, Secretary Duncan observed in his remarks at the NAPCS conference last year. "Charter authorizers should do a better job of holding schools accountable," the Secretary observed, and charter schools must support their authorizers – "loudly and sincerely."

In testimony before the Congress earlier this year, NACSA's president and CEO, Greg Richmond, likened authorizers to the guardrails of the charter sector. He cited a NACSA survey that pointed to challenges for the authorizing community in achieving the principles and standards. Thirteen percent of authorizers, for instance, do not conduct an in-person interview with organizations applying for a new charter. One-quarter of them reported having no present guidelines for making renewal decisions, and 20 percent do not apply consistent academic standards across the charters they oversee. Extending his metaphor, Richmond noted, "Without strong authorizer practices in place, a school drifting off course quickly becomes a disaster for its students, parents, and the public."

The entire charter schools community has come to recognize the essentialness of quality authorizing. The National Alliance of Public Charter Schools, the voice for the national charter sector, lists quality authorizing high in its Model Public Charter School Law-[PDF, 2.67MB] that it recommends states adopt. The Model Law specifically calls for all authorizers to "develop and maintain chartering policies and practices consistent with nationally recognized principles and standards for quality charter authorizing in all major areas of authorizing responsibility," ... and to carry out all their duties "in a manner consistent with such nationally recognized principles and standards."

The Type of Authorizer Can Make a Difference

The CREDO study, however, offers more than just bad news. In its look at the performance of charter schools across the nation, it found that students do better in charter schools over time. According to the study's findings, first-year charter students on average experience a decline in learning, possibly owing to "a combination of mobility effects and the experience of a charter school in its early years." In the second and third years in charter schools, however, the findings indicate "a significant reversal to positive gains."

Moreover, the CREDO study for the first time provided evidence to support what most have long believed: that charter schools differences in student performance were associated with the type of authorizers overseeing the schools. Looking at charter schools in New York City, where charters are overseen by one of three different authorizers, CREDO found that students in charters under the oversight of the State University of New York (SUNY) Charter Schools Institute (CSI) had outperformed-[PDF, 65KB] students in charters overseen by the New York City Department of Education, which in turn substantially outperformed students in charters overseen by the New York State Department of Education. On the 2008-09 state exams in English language arts, 80 percent of students in SUNY authorized charter schools scored at or above proficiency, compared to 75 percent of students in non-SUNY charters and 77 percent of students in all public schools – charter and non-charter – statewide. Similarly in mathematics for 2008-09, 92 percent of students in grades three through eight in SUNY authorized schools scored at or above proficiency on the state

mathematics assessment; the rates for non-SUNY charter schools and all public schools were 89 and 86 percent, respectively.

But despite these results, a quality authorizer such as SUNY is struggling this spring as K-12 education budgets for 2010-1011 are being formulated in state capitals. Current legislative proposals are calling for substantial reductions in SUNY's \$2.4 million operating budget. The proposed reduction would set back SUNY's plans to develop stronger tools with which its charter schools could improve their services to special education students and English language learners, according to CSI executive director Jonas Chartock.

Getting Ready for Success in Michigan

Since it became the first public body in Michigan and the first university nationally to charter a public school, Central Michigan University (CMU) has not only grown to currently oversee 58 schools in Michigan, but to be highly regarded throughout the country for its policies and procedures. "CMU's relentless pursuit of excellence," according to NACSA's Greg Richmond, "is helping raise the quality bar for the entire charter movement."

One of the significant ways that CMU assists new charters is to begin "upstream," providing the schools' administrators and teachers with an assessment tool, the Scantron® Performance Series™, an online, computer-adaptive test that evaluates how much growth each student is achieving in a school year and compares students against a national pool. Teachers can log in and see student scores the minute the tests are completed, providing them with immediate guidance to make real data-driven decisions about how to help their students. It also empowers the school's leaders to be able to decide where to direct resources and support within the building.

On an on-going basis for all of its schools, CMU has pioneered several systems designed to reduce red tape and ease the administrative burdens of compliance with state and federal regulations. The challenge for CMU was to not only develop sound oversight practices, but to allow and account for future growth in the number of schools it would oversee. Since its start in 2001, CMU's Web-based Authorizer Oversight Information System (AOIS) has streamlined and automated the regulatory reporting process for CMU's charter schools. The goal, then and now, was to provide school leaders with more time to spend with students, putting "the regulatory reporting on auto pilot," according to Goenner. AOIS has been adopted not only by other charter authorizers but by traditional public schools nationwide.

Efforts by CMU to strike the needed balance between helping the charter schools it oversees and respecting their needed autonomy have had and continue to produce success. In the latest ranking of the top 25 school districts in Michigan, based on the 2009 Michigan Educational Assessment Program, five charters authorized by CMU were in the top 10, ***including the school in the No. 1*** position in the ranking.

CMU has also pioneered strategies and methods, such as the Scantron testing series, that have been adopted by other authorizers both in and outside of Michigan. Its institute provides training sessions nationally and publishes its research and best practices. CMU staff has written two nationally acclaimed books on universities as charter authorizers and on strategic planning for charter schools. Recently the Michigan Department of Education referred to CMU as ***"the gold standard*** in public school academy accountability."

Looking to the Future

As states plan for a new era of charter school growth, and as they consider working with charters on their school turnarounds, it is critical that they study lessons learned from research about achievement and the factors that contribute to it in the relationships between authorizers and charters.

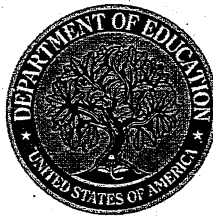
Key Resources

National Association of Charter School Authorizers (NACSA)
www.qualitycharters.org

NACSA's Principles and Standards for Quality Charter School Authorizing (2009)
The State of Charter School Authorizing 2008: A Report on NACSA's Authorizer Survey
Charter School Authorizer Funding Policy Guide
Supporting Charter School Excellence Through Quality Authorizing
Finding a Balance: How Application and Authorization Policies Impact School Supply
Holding Charter Authorizers Accountable: Why It Is Important and How It Might Be Done
A Framework for Operational Quality: A Report from the National Consensus Panel on Charter School Operational Quality

The Center for Charter Schools at Central Michigan University
www.thecenterforcharters.org

15 Years of Transforming Public Education: Celebrating 15 Years of the Center for Charter Schools
at Central Michigan University
Proving the Promise (2008)
Transforming Public Education (2009)



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U.S. Department of Education
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