

EIGHT STATE POLICIES

FOR ACCESSIBILITY, AUTONOMY, AND ACCOUNTABILITY

Authorizer Quality Policies

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

POLICY 1: WHO AUTHORIZES

What:

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

Why:

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

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

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

POLICY 2: AUTHORIZER STANDARDS

What:

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

Why:

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

POLICY 3: AUTHORIZER EVALUATIONS

What:

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

Why:

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

POLICY 4: AUTHORIZER SANCTIONS

What:

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

Why:

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

School Accountability Policies

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

POLICY 5: REPORTS ON PERFORMANCE

What:

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

Why:

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

POLICY 6: PERFORMANCE MANAGEMENT AND REPLICATION

What:

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

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

Why:

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

POLICY 7: RENEWAL STANDARD

What:

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

Why:

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

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

POLICY 8: DEFAULT CLOSURE

What:

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

Why:

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

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