



Renewal Decisionmaking

The Authorizer and Charter School Closures: Exercising Adaptive Leadership to Protect the Public Interest

Veronica Geyer

Part and parcel of a charter school authorizer's oversight responsibility is the unenviable task of closing a school that fails to pass muster. As with most challenges that authorizers face, closing a charter school can be a complex task; executing a closure decision can entail a web of issues that the prudent authorizer must unravel carefully. And while no two charter schools' circumstances or closure processes will be identical, having a standard yet adaptable closure protocol guided by principles of effective leadership will help authorizers address the difficulties of a school closure consistently, adequately and, most importantly, in a manner that protects students and the public interest.

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Ronald Heifetz, author of *Leadership Without Easy Answers*¹ and a renowned expert on leadership theory, exhorts those in positions of authority to advance goals through **adaptive leadership** which Heifetz defines in terms of five strategic principles:

- 1) Identify the adaptive challenge;
- 2) Keep the level of distress within a tolerable range for doing adaptive work;
- 3) Focus attention on ripening issues and not on stress-reducing distractions;
- 4) Give the work back to the people, but at a rate they can stand; and
- 5) Protect voices of leadership without authority.³

While Heifetz illustrates the execution of adaptive leadership through the context of various high-profile historical events, these strategic principles are also highly instructive for authorizers in day-to-day charter school oversight and arguably are most critical to exercise during a school closure.

This Issue Brief addresses common issues that authorizers face in executing a school closure and demonstrates how adherence to Heifetz's five strategic principles of adaptive leadership can help an authorizer respond effectively to the attendant challenges. In addition, this Brief provides some salient observations and practical policy approaches that one authorizer, the New Jersey Department of Education (NJDOE), has incorporated into its charter school closure protocol and practices.

Identify the adaptive challenge.

Heifetz stresses the importance for those in authority to identify the adaptive challenge—“diagnosing the situation in light of the values at stake and unbundling the issues that come with it.”⁴ The identification of issues, in turn, unmasks the adaptive work at hand. Naturally, an authorizer initiating a school closure will want to consider the impact the closure will have on the school’s major constituencies and stakeholders, including the students, teachers, families, administration, governing board, local school district(s), and community partners, as well as various additional perspectives (such as the media and local politicians). When anticipating a school closure, the NJDOE conducts outreach to community members, local school districts, and political leaders to assess the climate in which the closure will occur and the potential effects the closure will have on both the neighboring schools and the community at large.

Authorizers must understand that such outreach may not always be well received. Certain stakeholders may ardently oppose the closure decision. The authorizer, therefore, must identify the adaptive challenge and counter perceptions or accusations that the closure decision is arbitrary or unfair. The authorizer must demonstrate that it has exercised its decision through a responsible, clearly defined accountability system that protects the public trust.

The key to maximizing the effectiveness of this pre-closure preparatory work is to bind it to the concept of accountability. From beginning to end, an authorizer’s careful analysis of the adaptive challenges, guided by a clearly established accountability system, will help clarify priorities so that all parties involved can collaborate responsibly.

Keep the level of distress within a tolerable range for doing adaptive work.

Authorizers must convey a sense of urgency to the leadership and stakeholders of any charter school facing closure in order to enlist their immediate attention and full cooperation in the closure process. At the same time, authorizers should take care not to appear insensitive or heavy-handed, which would inadvertently foster an adversarial atmosphere that might ultimately handicap the delicate adaptive work that lies ahead.

Similarly, when closing a charter school, authorizers would do well to communicate proactively with the media, making concerted efforts to inform them about the positive aspects of the charter school movement and

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the particular circumstances necessitating the imminent closure. The NJDOE’s Charter Schools Office collaborates with the Office of Public Information and other agencies in developing a media and public relations plan that is put into action in even the remote eventuality of a school closure. This plan is designed to disseminate balanced and accurate information regarding a school’s status and an impending closure against the background of numerous and significant charter school success stories. The plan also includes

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press releases expressing the Commissioner's appreciation for the efforts of charter school leaders and founders. Communicating proactively and positively with stakeholders goes a long way toward mitigating the negative elements that could hobble adaptive work.

Focus attention on ripening issues and not on stress-reducing distractions.

Naturally, a school closing is a disheartening, emotionally charged experience for many—in particular, for the families, founders and staff who pledged their trust and talents to the promise of the charter's mission. Authorizers must strive to treat the disappointed parties respectfully and sympathetically while engaging them in a focused dialogue on how best to manage the transition a school closure will ultimately force. Accordingly, authorizers and stakeholders must recognize that focusing on blame is counterproductive and only distracts from the pressing need to transfer students to suitable educational alternatives with minimal disruption.

Give the work back to the people, but at a rate they can stand.

This principle counsels authorizers to frame the adaptive challenges inherent in closing a charter school within a context of shared responsibilities. Stakeholders need ample time to digest the closure decision and to summon the resolve required of them to step up and do the right thing. No single constituent or agency completely owns the problems that brought about the school's

demise, nor owns the solutions. Therefore, the authorizer and school community alike should refrain from absorbing too much attention, ascribing blame, or striking an autocratic posture in the closure process.

For example, when NJDOE representatives met with the leadership of a particular school that had undergone a shaky

probationary period, they jointly negotiated and agreed upon three possible options. Specifically, the charter school leaders could:

- 1) Devise an adequate plan for addressing the school's deficiencies by a prescribed deadline;
- 2) Surrender the school's charter voluntarily; or
- 3) Submit to the charter's revocation by the Commissioner.

NJDOE personnel agreed not to discuss the matter with the media before school leaders chose which avenue to pursue. After a period of reflection and self-evaluation, coupled with some frank discussions, the charter school leaders realized that trying to cure all the serious deficiencies that had been identified within the allotted timeframe would only postpone the inevitable, and ultimately prove unfair to students, families and staff. Instead, patient and cooperative problem-solving, with shared ownership of the issues and adaptive work, resulted in a voluntary surrender of the charter and a smooth, consensus-based closure.

Protect voices of leadership without authority.

While the authorizer holds the final, formal authority to close a charter school, the true test of judicious authority lies in acknowledging the viewpoints and contributions of community members who possess powerful yet informal authority. These individuals may include the school's founders, political figures, parents, or other supporters whose commitment and record of service to the closing school are well-understood. Although their opinions may not necessarily represent the views of all stakeholders, the authorizer should encourage their input for its value in informing authorizing practices and processes, while keeping the best interests of students foremost in mind.

During one of its school closures, the NJDOE demonstrated a commitment to the voices of informal authority by sponsoring a public forum for all community members, including the media, to ask questions and share their

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concerns. Such forums, particularly within the unhappy context of a charter school closure, can strengthen community understanding of the charter movement in general and lead to both better schools and improved authorizer practices in the long term.

Heifetz's five strategic principles of adaptive leadership provide valuable guidance to authorizers in addressing a myriad of issues embedded in closing a charter school. Equally vital is the need for a standard yet adaptable framework of procedures and essential tasks; i.e. a **school closure protocol or dissolution plan** that identifies the critical actions to be undertaken by the school and authorizer, respectively, for an orderly school closure. The specific execution of such a plan will vary according to the particular school's circumstances, but a well-thought-out closure protocol will provide clear, practical and generally applicable guidance to pave the inevitably difficult path to closure.

Developing a Charter School Closure Protocol

A closure protocol can clarify and augment state law and regulations governing dissolution of a charter school. At a minimum, a sound closure protocol should provide direction to key stakeholders as to the requirements, logistics and procedures for handling the following essential tasks:

- Transferring student records;
- Administering personnel records;
- Fulfilling contractual obligations;
- Liquidating assets;
- Assessing and satisfying outstanding liabilities;
- Final reporting requirements;
- Final enrollment count;
- Final audit;
- Dissolving the board; and
- Transitioning students and staff.

Among other things, the NJDOE views the development and execution of a formal closure plan as imperative to ensure that all

programmatic and fiscal obligations assumed by the school's board of trustees will be discharged properly. Except in extreme cases of fiscal insolvency or programmatic inadequacy, New Jersey charter schools facing closure typically remain operational until the end of the academic year to minimize educational disruption for enrolled students.

As an important tool for facilitating a smooth and responsible winding-down, the NJDOE provides charter schools facing closure with a detailed **Dissolution Plan Framework** to guide them in developing their own viable closure plans (NJDOE's Framework can be viewed at: www.nj.gov/njded/chartsch/documentation/dissolution.doc). In addition, the NJDOE strongly recommends that the school's board of trustees obtain formal legal advice before approving its final closure procedures. Recognizing that the specifics of a school's closure plan may be affected by the school's unique circumstances and legal advice received, the NJDOE commits to collaborating with the board of trustees to clarify the tasks, timelines and assignment of responsibilities that will be most practical and productive.

It is worth noting that when the NJDOE has negotiated with charter school leaders on the specifics of a dissolution plan, the following actions have proven beneficial for all:

- Meeting with the board of trustees to discuss the dissolution plan and to explore the possibility of pursuing a new charter in the future;
- Deliberating with the charter school board of trustees, sending district(s) and political leaders on the possibility of keeping the existing charter school community, mission and facility intact under a district receiver-

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ship arrangement whereby the school may be able to convert back to charter status in the near future;

- Discussing and determining available options for student transfers to district schools, charter schools, or non-public schools;

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- Coordinating a public meeting with the school's parents and staff to provide information on the dissolution and transition processes and to address questions and concerns;
- Assisting soon-to-be-displaced charter school teachers and other staff in locating new job opportunities through outreach to local districts and other charter schools;
- Communicating with the media to promote well-informed, impartial reporting of events surrounding the closure;
- Collaborating with charter school personnel and district and county personnel to devise procedures for ensuring the timely transfer of student records back to the sending district(s);

- Providing guidance on liquidating and distributing financial assets in accordance with the law and approved dissolution procedures.

Conclusion

As will be acknowledged by any who have participated in the development of a charter school, each reflects the aspirations of its community and organizers. Just as the highest hopes and best intentions to serve children well drive the creation of a new charter school, so should responsible planning for all critical stages of the school's life, including its possible end. Thus, authorizers should contemplate and plan for the possibility of a charter school's dissolution, however unlikely it may seem. And should that time come, the prudent authorizer's adaptive leadership skills will help to ensure accountability, safeguard the public trust, and honor the energy and commitment that will remain that school's permanent legacy.

Additional Resources

NACSA's Online Authorizer Resource Library contains a number of resources used by authorizers across the country in implementing charter school closures. Among them are closure protocols used by Central Michigan University, Massachusetts Department of Education, and New Jersey Department of Education. To access Library resources visit: www.charterauthorizers.org/pubnacsa/library.

About the Author

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Endnotes

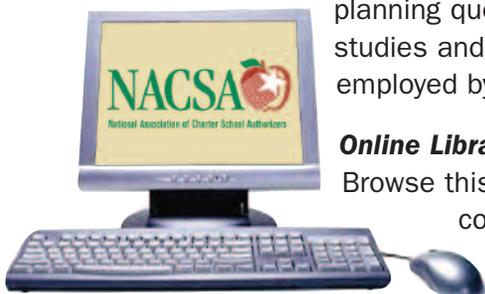
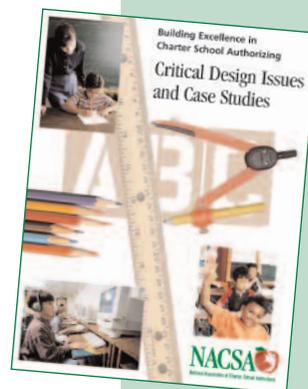
- 1 Heifetz, Ronald. *Leadership Without Easy Answers*. Cambridge, MA: The Belknap Press of Harvard University Press, 1994.
- 2 Ibid. p. 128.
- 3 Ibid.
- 4 Ibid.

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.

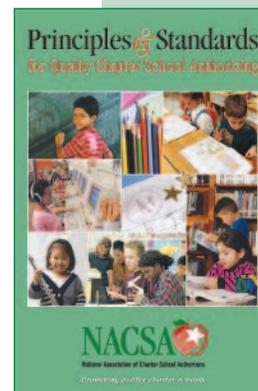


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