



Ongoing  
Oversight and  
Evaluation

## Charter School Authorizers and Oversight: Where is the Line Between Effectively Holding Schools Accountable and Overregulation?

The basic charter school bargain—freedom in exchange for accountability—presents unique challenges to authorizers. Authorizers must walk a tightrope of sorts, respecting each charter school's independence and distinct mission, while holding every school accountable for educational results and public obligations. Overseeing charter schools is thus a delicate balancing act, which most authorizers must navigate through trial, error and improvisation.

To gain perspective on how effective charter school oversight can and should be conducted, the following question was posed to four leaders within the charter school community:

**It is a fundamental tenet that charter schools should be held accountable for performance rather than regulated for process. How should authorizers uphold this distinction when conducting charter school oversight?**

This brief provides four unique responses to this question and advice and support to authorizers feeling their way through this difficult task.

### Four Guidelines for Charter School Monitoring

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I knew the day would come. Since Chicago's first charter schools opened in 1997, it was simply a matter of time. It might take two years; it might take 20 years. In fact, it took seven. In March 2004 a charter school employee was arrested on high profile criminal charges. Even worse, the employee was a charter school principal and the charges were related to child pornography. (Fortunately, the activity occurred in his home and there

have been no accusations that the individual ever harmed any school children.) The media calls to our Charter Schools Office were fast and furious: "Had the principal passed the legally-mandated criminal background check?" "Do you know who is teaching in these schools?"

If you are a charter school authorizer, ask yourself, could you answer these questions about each and every employee of the charter schools that you oversee? At a moment's notice? Should you be able to?

Herein lies the blurred gray line that separates charter schools from traditional public schools. Charter schools are to be held

accountable for student *outcomes*, not process *inputs*. Of course it's not nearly that simple, as the example above makes clear. While freed from many regulations related to process, charter schools are still legally required to perform many functions, ranging from fire drills, to open meetings, to financial stewardship to criminal background checks.

How is an authorizer to support the spirit of charter school autonomy while enforcing a variety of legal requirements? I offer the following four guidelines for authorizers who are contemplating how to monitor charter school activities.

**Monitor only those activities that a charter school is legally required to perform.**

“Don't just stand there. Do something!” Public school administrators are experts at thinking of new things for schools to do. There is always another form to fill out and another meeting to attend. It can be tempting for authorizers to fall in the same trap. In order to look proactive and thoughtful, it is easy to think of new information that would be good to have, and to make schools provide it. But before you ask one of your schools to do something for you, first ask yourself, “Are they legally required to do this?” Sounds simple and it is.

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**Protect the public's interest.** It's easy to ask if a school activity is legally required, but sometimes the answer isn't so clear. In the example I described above, the Illinois

Charter Schools Law clearly requires charter schools to initiate criminal background checks on all of their employees, but the law says nothing about the role of the authorizer in that process. In our case, even though our law was silent, we determined that there was a compelling public interest (the safety of children) that necessitated that our office get involved. If the law is vague, you may choose to err on the side of protecting students, parents and the public.

**Monitor as often as necessary—no more, no less.** Once you decide what charter school activities your office needs to actively monitor, you must also decide how often to do so. In many cases, it may be perfectly adequate to monitor a particular school activity once each year. Other types of activities may require more frequent monitoring or even “real time” monitoring. As a general rule, in our office we monitor the schools' activity as often as necessary to protect the public from harm. For example, we check on compliance with the Open Meetings Act once each year, we monitor school finances quarterly, and we process and track criminal background checks on a daily basis.

**Reduce the burden of reporting.** It may seem minor, but the manner in which you monitor schools is quite important. The word “monitor” can be misleading because it implies that the authorizer is simply observing an activity that would be occurring anyway. In reality, the monitoring of a school almost always requires the school to take

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action to report an activity to the authorizer. The act of reporting is different than the activity itself and it places an additional burden on the school. To minimize that burden, the authorizer can allow the charter school to report information in a format that is most convenient to the school, unless there is a compelling reason to require a standardized reporting format.

In the opening example, because we closely monitor criminal background checks, we were able to inform the media that the school principal in question had passed his investigation when he was first hired. Our law does not legally require us to know this fact, but we knew it because we had looked

at our monitoring responsibilities through the four lenses above. Because we had the information, we were able to reassure the media that this was a case of *individual* misconduct that could happen anywhere. If we did not have the information, there is a good chance the media would have instead viewed this incident as a systemic failure of the charter school concept.

The monitoring of charter school performance can be a complex web of legal, administrative and even political issues. Hopefully, these four guidelines can help serve the interests of charter schools, their students and parents, and the general public.

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## Regulating for Process: A Response of Unequipped Authorizers

*Jim Griffin*

*Executive Director, Colorado League of Charter Schools*

What leads to regulating for process? Habit? Structure? Lack of Commitment? All of the above? This paper argues that “regulating for process” is a default response by authorizers not adequately committed or equipped to hold charters accountable for performance.

### Commitment to Chartering Role

Holding schools accountable for performance presupposes an authorizer setting clear outcomes on a school-by-school basis, combined with an evaluation system to measure each school’s performance against those expected outcomes. This is a novel role for public education and a function unique to the charter sector. Instituting that system—a “chartering infrastructure” does not happen by accident. For pre-existing entities charged (voluntarily or otherwise) with authorizing duties, this may require a

fundamental change in mindset as well as institutional/structural changes to their existing system. Newly created authorizers may not face the challenges of changing their system to charter well, but still share the challenges of developing an infrastructure from scratch.

Implementing the chartering infrastructure takes time, money, and in some cases significant changes to existing systems. Those first steps will only happen where the authorizer is clearly committed to its chartering role. All the suggestions, illustrations, or examples of best practices are irrelevant to an authorizer not committed to its chartering responsibilities.

***Authorizer Questions:*** *Has the organization adopted a mission regarding its chartering responsibilities? Does it have specific objectives related both to the public purpose of chartering and to its individual charter schools?*

If an organization’s website can be used to measure an organization’s commitment, two authorizer sites provide a telling contrast. The first authorizer is a mid-sized school district in a state with only district authorizers. There is no mention on the website of their three charter schools, overall chartering role, or how one goes about submitting a charter application. It is however, possible to purchase

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school district promotional merchandise (t-shirts) directly from their website.

The second authorizer is a statewide chartering agency established by statute for the sole purpose of chartering schools. Their website features information about its chartering purpose complete with mission statement and straightforward information about chartering through their office.

So given the challenge and expense of setting up a strong charter infrastructure, which of those two authorizers appears more likely to undertake the effort? The authorizer who apparently prioritizes many other organizational functions over chartering, or the one for whom authorizing is the sole function? Yet without the carefully designed, proactive infrastructure for good chartering, what is there to keep Authorizer 1 from falling back on old habits and regulating for process?

## Structure

Assuming the requisite commitment, authorizers face numerous challenges and questions in developing a chartering infrastructure equipped to hold schools accountable for performance. Yet again, that structure doesn't happen by accident—it's the result of proactive steps taken by the authorizer with features such as:

1. An organizational structure and staffing thoughtfully tied to its mission;
2. Organizational goals and objectives designed with school and student performance outcomes in mind;
3. Decision-making autonomy to act as free from outside influences as possible (e.g., staff decisions subject to being overturned by a board); and
4. Operational autonomy allowing the authorizer to develop its own personality and identity, while avoiding the “we've always done it this way” type dangers.

**Authorizer Questions:** *Has the authorizer explicitly developed its organizational structure to match its chartering objectives, or is the chartering function simply glued onto an existing institution? Has the authorizer*

*defined what successful chartering looks like? Are expected outcomes for school performance stated in terms of student performance? Are fundamental chartering decisions (new applications, renewals) based solely on statutory chartering criteria or do other political factors come into play? If part of a larger institution, does the charter office have its own identity and autonomy?*

Finally, the authorizer's handling of its personnel needs will determine whether or not its efforts will support an appropriate oversight role. Job descriptions should be developed to match the organization's core authorizing mission. Positions should be filled by individuals committed to sound authorizing principles, with experience and skills to match. Evaluation criteria for those individuals should be clearly tied to the goals and objectives written for the organization and its chartered schools.

Few authorizers would admit to deliberately “regulating for process,” but many would also concede that it happens all the same. So if misguided regulation is an accidental response, authorizers committed to “oversight for performance” should start with a check-up of key pieces of the chartering infrastructure.

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## Clarity, Quality and Flexibility: Necessities of the Chartering Process

Joe Nathan

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Hubert Humphrey Institute

Interviews with dozens of successful charter schools and charter authorizers around the country suggest that clarity, quality, and flexibility are vital to the chartering process. These ideas also come from a 34 year career in public education, which includes helping start and working in a nationally award winning K-12 public school option that began in 1971 and still operates, coordinating a National Governors' Association school reform project, helping write the nation's first charter law, providing invited testimony in 22 state legislatures and six Congressional Committees, and conducting research on the charter movement that has been cited in *USA Today*, the *New York Times* and various professional magazines.

### Clarity

Does a charter school's faculty, families and students understand from the school's first week, what the school's goals are, and what the school needs to do in order to have its contract renewed? Does the school have clear, explicit goals that are well known throughout the school? Volunteers of America, a Minnesota-based social service agency and charter school authorizer, makes sure that the answers to these questions are "yes." They work with the charter school board and director to get information to the

faculty, families and students about what these goals and measures are.

Wise authorizers urge charter school boards to develop an explicit, widely understood statement of who is responsible for what. *Creating Effective Governing Boards*, an excellent publication by the Charter Friends National Network, offers examples of statements that help families, faculty, charter boards and students know what the responsibilities of each group are. For example, what role does the authorizer have for reviewing and resolving complaints about the school? What is the procedure for getting concerns to the school's director, board, and (perhaps) ultimately to the authorizer? Sadly, there are some shady folks in the charter world, as in other fields. The authorizer must be clear from the beginning about what role it will play in reviewing the school. At the same time, the authorizer does NOT want to be drawn into every question or controversy that develops at a school. From academic goals to complaint procedures, effective authorizers work with schools to make sure things are clear.

### Quality

What does the school and authorizer mean by quality? The best authorizers recognize the need to use multiple measures to assess student progress in a charter school. A Center for School Change report cited the Chicago Public Schools as an example of a charter authorizer that permits and encourages multiple measures. The wisest schools and authorizers measure progress on standardized tests, pre- and post- writing, internal assessments, pre- and post- public speaking tapes, attendance and four-year graduation rates and other measures to determine what's happening in the school. The Massachusetts Board of Education, the state's sole charter school authorizer, wisely brings in outside groups to help determine if the school is making progress. (For other examples, see

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*What Should We Do: A Guide to Assessment and Accountability*—available at [www.centerforschoolchange.org](http://www.centerforschoolchange.org)).

Another study conducted by the Center for School Change found that even some charters judged “exemplary” by state officials did not have baseline data on student achievement. This seems critical. If an authorizer is to determine whether, and how much progress students have made, the school must gather information early in the year about the skills and knowledge of entering students. Simply using mid- or end-of-the-year exams does not show whether, or how much, progress students are making. Part of the quality issue is knowing how much growth is occurring in a school.

### **Flexibility**

Some will be surprised by this word. Quality, clarity and flexibility can go together. An authorizer should have some common expectations for each. This may include, for example, yearly academic progress reports, and monthly, or bi-monthly budget reports. But wise authorizers also build in flexibility. The authorizer’s staff probably will meet more frequently, for example, with the director of the board and school in its first year, than it

does with a very successful charter in its 8th year. The older school shouldn’t be ignored, though. But more oversight is certainly needed in the first year.

A second important aspect of oversight ought to be options for renewal. The St. Paul (MN) School Board has sometimes renewed a charter for three years, and sometimes renewed a contract for just a year with explicit statements about needed improvements. An authorizer should build in this kind of flexibility. Some schools have shaky starts, but improve in their third or fourth years. In a movement built on the need to provide new options for students and families, doesn’t it make sense to provide options, rather than a rigid yes or no, on a decision about whether a contract is renewed?

This is not a comprehensive guide to overseeing charters. But used wisely, quality, clarity and flexibility can help produce stronger schools, and better education for young people.

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## **A View from Within: How the District of Columbia Public Charter School Board Effectively Oversees Charter Schools**

*Jo Baker*

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The District of Columbia Public Charter School Board (DCPCSB) has developed a comprehensive approach to oversight which enables it to effectively evaluate whether individual charter schools are meeting the three overarching charter school responsibilities: 1) to be true to the charter law and to their charters, 2) manage their finances with competence, and 3) promote adequate growth in student achievement. The DCPCSB

is mindful of the autonomy of the schools throughout its oversight.

Successful governance plays an essential role in carrying out the mandates of a school’s charter and should receive attention in the application stage. In the months between the approval of an application and opening of a school, dialogue between the leaders of a school and the DCPCSB help to establish a clear understanding of accountability. Proposed board of trustee members (BOT) must be diverse in both the skills of the members and the representation of the community. The DCPCSB does not regulate, determine the routine, or make decisions for

a school's BOT, but does develop open communication with trustees of the schools that it authorizes. The level of performance of trustees impacts heavily on the success or failure of a charter school.

A school's charter also specifies the focus of a school and the curriculum to be used. One purpose of DCPCSB's annual Program Development Review (PDR) is to determine the level of implementation of these elements of the charter. Full implementation is seldom completed in year one, but there must be evidence of a foundation and a time line toward full implementation.

Actualization of the focus and curriculum is heavily impacted by fiscal viability, which is at the very core of a charter school. The DCPCSB requires a preliminary budget as a part of the application and a budget is submitted in June of each year prior to the upcoming school year. Monthly financial reports and cash flow analyses are required, and are reviewed by an accountant. The value of this oversight can be seen in a following scenario experienced by DCPCSB: A school's December and January financial reports showed a disparity in the percent of funds being spent for staffing. An investigation determined that the school had not reduced staff when it did not reach enrollment projections. Though painful for the BOT, a cut in excess staff and trimming of expenditures enabled the school to meet its financial obligations through the end of the fiscal year. Without this constructive oversight this school could easily have been in deep financial distress which would ultimately affect the quality of the academic program.

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Financial viability has a significant impact on the ultimate goal of charter schools— student achievement.

Student achievement, in schools authorized by the DCPCSB, is measured by the school's accountability plan (AP). A school's AP begins during the application process and is fully developed, once a school opens. A school develops both academic and non-academic goals that reflect the vision and mission established in its charter. The AP states a projected growth in student achievement on an annual basis with the zenith of improvement anticipated by the completion of the fifth year. The annual PDR provides information on student progress articulated in the AP. Each year schools receive a detailed report of findings, and schools respond with a plan for meeting unmet targets. This approach monitors progress but does not impose regulations on a school. The school is responsible for developing its plan for meeting the goals set forth in its AP, and the school's autonomy is maintained.

The DCPCSB has created a Table of Remedies that addresses the areas of concerns in a school's performance. The Table increases in intensity as a school's lack of performance increases. The remedies include Notices of Concern, Deficiency and Probation and are issued when the PDR and other oversight indicate that a school has not met its targets. These notices provide a school with information from the oversight process, and give the school the autonomy to develop the solutions.

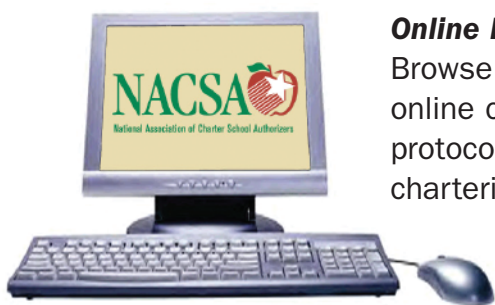
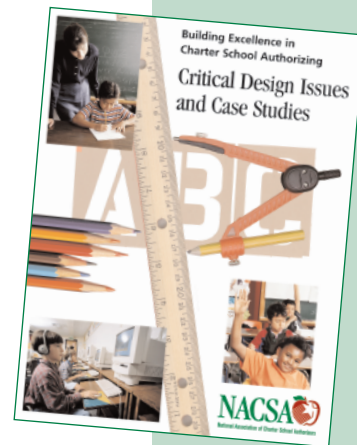
Faithfulness to the charter law and to the school's charter, appropriate management of its funds and the evidence of firm and continued academic growth of students are the foundations for both charter school autonomy and DCPCSB oversight. Thoughtful execution by both the schools and DCPCSB support the goal for which the charter school concept was first developed: improved educational opportunities and academic achievement for students served through public education.

## Your “Go To” Resource for the Charter School Authorizer Community

[www.charterauthorizers.org](http://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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